

**AGENDA
REGULAR MEETING
CITY OF BANNING
BANNING, CALIFORNIA**

August 25, 2015
5:00 p.m.

Banning Civic Center
Council Chambers
99 E. Ramsey St.

Per City Council Resolution No. 2010-38 matters taken up by the Council before 9:00 p.m. may be concluded, but no new matters shall be taken up after 9:00 p.m. except upon a unanimous vote of the council members present and voting, but such extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.

I. CALL TO ORDER

- Invocation
- Pledge of Allegiance
- Roll Call – Councilmembers Miller, Moyer, Peterson, Welch, Mayor Franklin

II. REPORT ON CLOSED SESSION

III. PUBLIC COMMENTS/CORRESPONDENCE/APPOINTMENTS

PUBLIC COMMENTS – On Items Not on the Agenda

A five-minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. A thirty-minute time limit is placed on this section. No member of the public shall be permitted to "share" his/her five minutes with any other member of the public. (Usually, any items received under this heading are referred to staff or future study, research, completion and/or future Council Action.) (See last page. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

CORRESPONDENCE: Items received under this category may be received and filed or referred to staff for future research or a future agenda.

The City of Banning promotes and supports a high quality of life that ensures a safe and friendly environment, fosters new opportunities and provides responsive, fair treatment to all and is the pride of its citizens.

PRESENTATIONS:

1.	Proclamation – Childhood Cancer Awareness Month – September 2015	1
2.	Proclamation – Ollin (Ole) Tendeland	2
3.	Proclamation – Rev. Esther De La Cruz.	3

IV. CONSENT ITEMS

(The following items have been recommended for approval and will be acted upon simultaneously, unless a member of the City Council wishes to remove an item for separate consideration.)

Motion: That the City Council approve Consent Item 1 through 9

Items to be pulled _____, _____, _____ for discussion.

(Resolutions require a recorded majority vote of the total membership of the City Council)

1.	Approval of Minutes – Special Meeting – 07/14/15 <i>(Closed Session)</i>	5
2.	Approval of Minutes – Regular Meeting – 07/14/15.	7
3.	Report of Investments for June 2015.	29
4.	Approval of Accounts Payable and Payroll Warrants for Month of May 2015.	37
5.	Approval of Accounts Payable and Payroll Warrants for Month of June 2015.	41
6.	Designation of Signature Events.	45
7.	Resolution No. 2015-75, Amending the Classification & Compensation Plan for the City of Banning.	47
8.	Resolution No. 2015-76, Approving a Sick Leave Policy Pursuant to AB 1522 for Part-Time Employees of the City of Banning	63
9.	Resolution No. 2015-80, Approving the Maximum Compensation and Benefits in Certain City Department Director Employment Contracts, Pursuant to Section 2.08.090(C) of the Banning Municipal Code	71

- Open for Public Comments
- Make Motion

V. PUBLIC HEARINGS

(The Mayor will ask for the staff report from the appropriate staff member. The City Council will comment, if necessary on the item. The Mayor will open the public hearing for comments from the public. The Mayor will close the public hearing. The matter will then be discussed by members of the City Council prior to taking action on the item.)

1.	Consideration of Ordinance No. 1490, Approving the Categorical Exemption and the Addition of Section 15.12.100 to Chapter 15 of the Banning Municipal Code Relating to the Expedited Permitting Procedures for Small Residential Rooftop Solar Systems. Staff Report	99
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Recommendation: That the City Council introduce Ordinance No. 1490 to Approve the Categorical Exemption and the addition of Section 15.12 to Chapter 15 of the Banning Municipal Code Relating to the Expedited Permitting Procedures for Small Residential Rooftop Solar Systems.

Mayor asks the City Clerk to read the title of Ordinance No. 1490

“An Ordinance of the City of Banning Approving a Categorical Exemption Adding Section 15.12.100 to Chapter 15 of the Banning Municipal Code Relating to the Expedited Permitting Procedures for Small Residential Rooftop Solar Systems.”

Motion: I move to waive further reading of Ordinance No. 1490.
(Requires a majority vote of Council)

Motion: I move that Ordinance No. 1490 pass its first reading.

VI. REPORTS OF OFFICERS

1. Status Report Regarding Village at Paseo San Gorgonio Project and Suggested Alternatives—Possible Further Extension of Design Review.
Staff Report. 111
Recommendation: **Extend the existing Design Review expiration date Contingent upon City Attorney’s office negotiating an Assignment and Assumption Agreement of the Project entitlements on or before October 1, 2015 (or some other date set by the Council).**
2. Resolution No. 2015-77, Approving the Local Resource Adequacy Capacity Purchase Agreement with Shell Energy North America (US), LP, for Calendar Year 2016.
Staff Report. 191
Recommendation: **That the City Council adopt Resolution No. 2015-77.**
3. Resolution No. 2015-79 - Request by the Banning Police Department to join the Riverside County Public Safety Enterprise Communication (PSEC) Radio System
Staff Report. 211
Recommendations: **That the City Council adopt Resolution No. 2015-79, Approving the Banning Police Department’s Request to Join the Riverside County Public Safety Enterprise Communication (PSEC) Radio System, the Sole Source Lease Purchase from Motorola, Inc. for Motorola MCC7500 Consoles and Equipment to Interface with the PSEC Radio System in the Amount of \$395,667.00, and Approving City Staff to Enter Into a PSEC Use Agreement with the County of Riverside with a One-Time Cost, Not to Exceed \$37,000.00, for Integrating the Banning Police Department into the PSEC System.**

4. Resolution No. 2015-81, Approving the Amendment to the Western Riverside Council of Governments Adding the Morongo Band of Mission Indians to the WRCOG Governing Board.
Staff Report. 227
Recommendations: That the City Council 1) adopt Resolution No. 2015-81, approving the amendment to the Joint Powers Agreement of the WRCOG adding the Morongo Band of Mission Indians to the WRCOG Governing Board; and 2) authorize the Mayor to execute the Amendment to the Joint Powers Agreement.

5. Resolution No. 2015-82, Awarding a Professional Services Agreement to Willdan Financial Services for the City's Cost Allocation Plan, User Fee Study, and Development Impact Fee Study.
Staff Report. 241
Recommendations: That the City Council: 1) adopt Resolution No. 2015-82, Awarding a Professional Services Agreement to Willdan Financial Services for the City of Banning's Overhead Cost Allocation Study, User Fee Study and Development Impact Fee Study; 2) Authorize the Mayor to execute the Agreement with Willdan Financial Services to complete a Cost Allocation Plan, a User Fee Study, and a Development Impact Fee Study for an amount not to exceed \$119,658 (\$108,780 plus a ten percent contingency of \$10,878); and 3) Authorizing the Interim Administrative Services Director to appropriate \$119,658.00 from reserves to Account No. 001-1900-412.33-11 and to make any necessary budget adjustments.

SCHEDULED MEETINGS

Recess Regular City Council Meeting to SCHEDULED MEETINGS of the City of Banning Utility Authority and Banning Financing Authority.

VII. BANNING UTILITY AUTHORITY (BUA)

Call to Order: Chairperson Deborah Franklin

Roll Call: Boardmembers Miller, Moyer, Peterson, Welch, Chairperson Franklin

REPORTS OF OFFICERS

1. Resolution No. 2015-13 UA, Approving a Professional Services Agreement with BESST, Inc. for the Dynamic Mass Profiling of 7 Production Wells.
Staff Report. 471

Recommendation: **That the Banning Utility Authority: 1) adopt Resolution No. 2015-13UA, Approving a Professional Services Agreement with BESST, Inc. of San Rafael, CA in the amount of \$248,238.00 for the Dynamic Mass Profiling of 7 Production Wells; 2) Authorizing the Interim Administrative Services Director to make necessary budget adjustments and appropriations and transfers related to the project; and 3) Authorizing the Interim City Manager to execute the Professional Services Agreement with BESST, Inc.**

BUA ADJOURNMENT - Next regular meeting: Tuesday, September 8, 2015 at 5:00 p.m., Banning City Hall Council Chambers.

BANNING FINANCING AUTHORITY (BFA) – no meeting.

RECONVENE BANNING CITY COUNCIL REGULAR MEETING

VIII. ANNOUNCEMENTS/REPORTS *(Upcoming Events/Other Items if any)*

- City Council
- City Committee Reports
- Report by City Attorney
- Report by City Manager

IX. ITEMS FOR FUTURE AGENDAS

New Items –

Pending Items – City Council

1. Discussion regarding City's ordinance dealing with sex offenders and child offenders. (9/8/15)
2. Fee Study
3. Discussion of vacant properties where people are discarding furniture.
4. Report on Banning Chamber of Commerce Utility Bill Issue
5. Workshop on legal issues (whistleblowers, harassment, personnel issues, consent calendar policy).

(Note: Dates attached to pending items are the dates anticipated when it will be on an agenda. The item(s) will be removed when completed.)

X. ADJOURNMENT

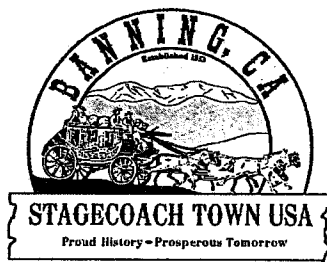
Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Thursday, 7 a.m. to 5 p.m.

NOTICE: Any member of the public may address this meeting of the Mayor and Council on any item appearing on the agenda by approaching the microphone in the Council Chambers and asking to be recognized, either before the item about which the member desires to speak is called, or at any time during consideration of the item. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to "share" his/her five minutes with any other member of the public.

Any member of the public may address this meeting of the Mayor and Council on any item which does not appear on the agenda, but is of interest to the general public and is an item upon which the Mayor and Council may act. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to "share" his/her five minutes with any other member of the public. The Mayor and Council will in most instances refer items of discussion which do not appear on the agenda to staff for appropriate action or direct that the item be placed on a future agenda of the Mayor and Council. However, no other action shall be taken, nor discussion held by the Mayor and Council on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of Section 54954.2 of the Government Code.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office (951) 922-3102. **Notification 48 hours prior to the meeting** will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II]

Recommendations: That the City Council 1) adopt Resolution No. 2015-81 approving the amendment to the Joint Powers Agreement of the WRCOG adding the Morongo Band of Mission Indians to the WRCOG Governing Board; and 2) authorize the Mayor to execute the Amendment to the Joint Powers Agreement.



PROCLAMATION

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in more than 15,000 of our country's young people each and every year; and

WHEREAS, one in five of our nation's children loses his or her battle with cancer and many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Loma Linda University Children's Hospital, The City of Hope, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor Courageous Kid Recognition Award ceremonies, community get well cards and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

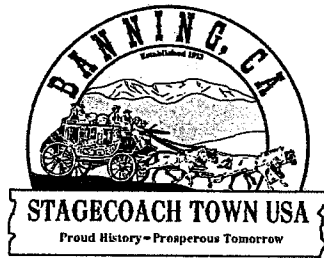
NOW, THEREFORE, BE IT RESOLVED, that I, Deborah Franklin, Mayor of the City of Banning along with the City Council do hereby proclaim the month of September, 2015 as "CHILDHOOD CANCER AWARENESS MONTH" in the City of Banning.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Banning, California to be affixed this 25th day of August, 2015.

ATTEST:

Marie A. Calderon, City Clerk

Deborah Franklin, Mayor



PROCLAMATION

WHEREAS, a few individuals stand out for their caring contributions which have made Banning a fine place to live and one such individual was Ollin (Ole) Tendeland who passed away of natural causes on August 3, 2015; and

WHEREAS, he was born in Nielsville, Minnesota on Feb. 21, 1925 to Tenny and Grettie Tendeland and graduated from Climax High School in 1943 and enlisted in the United States Marine Corp in 1944; and

WHEREAS, he served in WWII at Okinawa and the Ryukus Islands and during the Occupation of China. He was always a dedicated Marine, dignifiedly greeting fellow Marines with a stiff "Semper Fi" salute and a sharp heel click. He was granted the Good Conduct Medal and was honorable discharge in 1946; and

WHEREAS, he attended Bricklaying College in Wahpeton, North Dakota in 1948 and completed classes with straight A's; and

WHEREAS, on Sept. 15, 1951 he married Doris (Berg) in Cummings, North Dakota and they lived in Moorhead, Minnesota; Fargo and Jamestown, North Dakota; Phoenix and Yuma, Arizona; and El Centro, California before settling in Banning in 1958. On August 30, 1957 they welcomed the birth of their daughter Melody Joy Tendeland; and

WHEREAS, Ole Tendeland was a founding member and on the Board of Director for Gateway Western Bank and served as Director in 1987. His passion and talent however, was for masonry architecture and he owned and operated Ollin Tendeland Masonry for over 50 years and was a member of the Bricklayers Union for 50 years. His distinguished stone, block and brick craftsmanship is recognized throughout southern California including the stunning face of Our Saviors Lutheran Church in Banning; and

WHEREAS our community is grateful for his many contributions and his work on other buildings such as the snack bar at the football field, batting cages at the old baseball field, the snack bar at Lions Park, the Banning cemetery and other projects too numerous to list; and

WHEREAS, he was a devoted and active member of Our Saviors Lutheran Church over 50 years and was a loyal loving patriarch who leaned on his trust in the Lord to help him guide and care for his family.

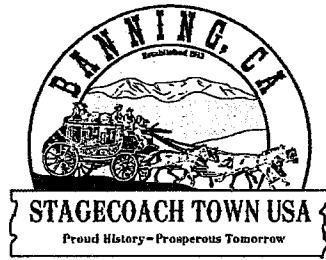
NOW, THEREFORE, BE IT RESOLVED, that I, Deborah Franklin, Mayor of the City of Banning along with the City Council do hereby express our deep appreciation for Ollin Tendeland's service to our community and extend to his family our sincere sympathy upon his passing.

*IN WITNESS WHEREOF, I have set my hand
and caused the seal of the City of Banning,
California to be affixed this
25th day of August, 2015.*

ATTEST:

Marie A. Calderon, City Clerk

Deborah Franklin, Mayor



PROCLAMATION

WHEREAS, the people of Banning mourn the loss of Rev. Esther De La Cruz who passed away on August 10, 2015; and

WHEREAS, Rev. Esther De La Cruz was born on May 11, 1938 in Azusa, California, and was raised in San Pedro, California; and

WHEREAS, she married, Ernesto De La Cruz on October 7, 1955, and lived in Azusa where they raised five children; and

WHEREAS, she was a working mother who enjoyed singing in the church choir and helping wherever she could; and

WHEREAS, she and her husband moved to Banning in 1976 to start a rehab home for men who struggled with drug and alcohol additions and not long afterward, they found themselves pastoring Canaan Spanish Assemblies of God, which would later be more commonly known as Canaan Church; and

WHEREAS, after her husband was killed in car accident she knew God called her to continue the work her husband started and became the Senior Pastor of the church and remained as pastor for 35 consecutive years; and

WHEREAS, she faithfully served the Pass Area cities of Banning Beaumont, Cabazon and Cherry Valley with unconditional love, caring, and compassion for the people of those communities; and

WHEREAS, she was known for her encouragement, support and acceptance, and was a mentor to many and a mother-figure to all; and

WHEREAS, Rev. Esther De La Cruz leaves a great legacy of love in all of her family and in everyone she touched.

NOW THEREFORE, I, Deborah Franklin, Mayor of the City of Banning, along with the City Council, do hereby express our deep appreciation for her service to our community and extend to her family our sincere sympathy upon her passing.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Banning, California to be affixed this 25th day of August, 2015.

ATTEST:

Marie A. Calderon, City Clerk

Deborah Franklin, Mayor

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MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

07/14/15
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Franklin on July 14, 2015 at 3:00 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Miller
Councilmember Moyer
Councilmember Peterson
Councilmember Welch
Mayor Franklin

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Dean Martin, Interim City Manager/Interim Administrative Services Dir.
David J. Aleshire, City Attorney
Colin Tanner, Attorney – Aleshire & Wynder, LLC
Rita Chapparosa, Deputy Human Resources Director
Brian Guillot, Acting Community Development Director
Marie A. Calderon, City Clerk

CLOSED SESSION

City Attorney Aleshire announced the closed session items as follows: one case of significant exposure to litigation pursuant to Government Code Section 54956.9 (d)(2); one case of potential initiation of litigation matter pursuant to Government Code Section 54956.9 (d)(4); Existing Litigation pursuant to Government Code Section 54956.9 (d)(1): (a) Robertson's Ready Mix, Lt.; Real Property Negotiations pursuant to Government Code Section 54956.8 involving 1.38 acres of land 300 S. Highland Springs Ave., b) Proposed Verizon Wireless Installation-Repplier Park 201 W. George St., and c) Banning Chamber of Commerce – 60 E. Ramsey; Labor Negotiations with the bargaining units pursuant to the provisions of Government Code Section 54957.6: a) Banning Police Officers Association (BPOA) and Banning Police Management Association (BPMA), and b) Executive Salary & Benefits); and Personnel Matters pursuant to Government Code Section 54957 with regards to: a) Recruitment of City Manager, and b) City Attorney Evaluation.

Mayor Franklin opened the closed session items for public comments; there were none.

City Attorney Aleshire said that there is also the Addendum to the Closed Session regarding real property negotiations pursuant to Government Code § 54956.8 with Dr. David M. Birman concerning "Jensen Canyon".

Mayor Franklin re-opened the closed session item for public comments; there were none.

Meeting went into closed session at 3:02 p.m. and recessed at 5:05 p.m.

ADJOURNMENT

By common consent the meeting adjourned at 5:05 p.m.

Marie A. Calderon, City Clerk

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

07/14/15
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Franklin on July 14, 2015, at 5:15 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Miller
Councilmember Moyer
Councilmember Peterson
Councilmember Welch
Mayor Franklin

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Dean Martin, Interim City Manager, Interim Administrative Services Dir.
David J. Aleshire, City Attorney
Alex Diaz, Police Chief
Arturo Vela, Acting Public Works Director
Fred Mason, Electric Utility Director
Brian Guillot, Acting Community Development Director
Heidi Meraz, Community Services Director
Rita Chapparosa, Deputy Human Resources Director
Stacey Baval, Utility Financial Analyst
Tim Chavez, Battalion Chief
John McQuown, City Treasurer
Leila Lopez, Office Specialist
Marie A. Calderon, City Clerk

The invocation was given by Suffragan Bishop Preston Norman Jr., Praise Tabernacle Community Church. Councilmember Welch led the audience in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION

City Attorney Aleshire said that the Council met in closed session and in regards to the item of significant exposure to litigation a status report was given with no reportable action taken. In regards to potential initiation of litigation a report was given and there was no reportable action taken. The Robertson's Ready Mix, Lt., v. City of Banning item was not discussed. There were three items in regards to real property negotiations: a) Letter of Interest to Purchase 1.38 acres of land 300 S. Highland Springs Ave.; b) Proposed Verizon Wireless Installation-Repplier Park 201 W. George St.; and c) Banning Chamber of Commerce – 60 E. Ramsey and a report was given on each of those items and direction was given for continued negotiations. In regards to labor negotiations there was discussion concerning the Banning Police Officers Association (BPOA) and also the

Banning Police Management Association (BPMA) and direction was given for further negotiations. In regards to the negotiations with the department heads there was discussion and direction for negotiations and no reportable action was taken. In regards to personnel matters concerning the recruitment of the City Manager there was discussion and no reportable action was taken and in regards to the City Attorney evaluation there was a discussion with no reportable action taken. In regards to the addendum item concerning negotiations with Dr. David M. Birman, HydroResolve, regarding that certain real property commonly known as "Jensen Canyon" at the base of the San Jacinto Mountains, near Cabazon, California a status report was given with no reportable action taken.

PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS

PUBLIC COMMENTS – *On Items Not on the Agenda*

Vera Macias, 380 W. Wilson voiced a problem in her neighborhood regarding fireworks that has been going on since the second week in June. It occurs every single night at 11:30 p.m. On the 4th of July she called the Banning and Beaumont police department asking what to do to get it stopped. She knows which houses are doing it and there are pine trees in her neighborhood that could catch on fire. She suggested that there should be signs posted in the city that say "absolutely no fireworks allowed". The only thing she saw was a small article in the newspaper. She said that they were also shooting a gun. She asked what can be done because it has been miserable.

Yvonne DeRoule resident read a letter which was distributed to the Council (Exhibit A attached). She stated that she lived in west Banning and expressed her concerns about an abandoned trashed home located next door to her home. She has reported this home many times to the City.

Inge Schuler resident said in regards to the fireworks she found at least one of those illegal rockets in her front yard after the 4th of July so it had to come from somewhere in the neighborhood. About two-weeks ago a huge pile of junk was deposited on the north side of Westward Ave. west of Eighth Street and she called it into Code Enforcement and was told it would be taken care. That was two weeks ago tomorrow and the pile is still there. Now pieces of broken-up cement that have joined the pile and she is sure this will attract more people to deposit their junk there. She attended a hospital meeting on Tuesday afternoon and it now seems that a non-profit hospital district can establish development impact fees and it was approved and now they can collect this fee from any new residents or commercial development within their district. The residential fee is approximately \$2,500 for 1000 sq. ft. She asked if it was legal for some entity that is not a government entity to establish developer impact fees. Also, who is going to collect it? Are we going to spend citizens/taxpayer money on staff to collect this? Is this a precedent? Is this going to open the door that now the library district, the school district can establish their own development impact fees and we get to collect them. What happens when our Council waives a developer fee since the hospital district fee is not ours but we are collecting it, do we still collect the hospital district development impact fee. She said that notification was very limited and people were notified on July 2nd for a July 7th meeting. She also reviewed the Preliminary Endangerment Assessment for the new school that they are going to build in Beaumont and it was just a geological study for soil contamination. She asked if they had to do a regular EIR because it certainly would be warranted where they put the school.

Susan Savolainen member of the Banning Community Advisory Committee announced that the Committee is looking for new members so if you are a community member and you are interested in making Banning a better place she invited them to go to the City of Banning website and on the left hand side there is a tab that says "Banning Community Advisory Committee" where an application is available for you to apply. The Advisory Committee has a mission statement to, "actively facilitate communication in the Banning community to mutually develop and promote a sense of community pride and vision, to promote a training forum to develop city leaders." Their next meeting is the fourth Wednesday of September at 6:30 p.m. at the Banning Police Station. They are also planning on August 29th from 8 to 11 a.m. a community cleanup. The purpose of this cleanup is to try to spruce up the downtown area prior to the Stagecoach Days Parade so if you want people to have a positive outlook of Banning bring your gloves and any tools you think will be helpful and join them. She also asked about the agenda item in regards to donations to the City. Sometimes people want to donate plant material to the parks, for example, and as far as she knows there has been no policy created to do that but if it has happened she would like to be able to tell people what to do if they would like to donate items to the City.

Maria DeRoule addressed the Council stating that she has started to walk and she can't go up the hill on McGovern north because there is no sidewalk. There are some pine trees with debris behind the Alzheimer's home so she wishes that the Council could get someone to pay attention to that area.

Henry DeRoule, Founder and CEO of the Science Experience (formerly Banning Science and Technology Center) addressed the Council that they have reached over 3,500 children so far using outreach. They are having trouble finding a location. They can use anything from 20,000 to 65,000 sq. ft. There was a possibility with the Banning Business Center but it was in the D Zone of the airport which does not allow children in that location. They have just completed a cooperative effort on a grant with Cal State called STEM (Science, Technology, Engineering and Mathematics) Certificate for Educators that will allow both after school and accredited teachers to earn a degree in teaching STEM programs to kids. They will offer them ways to use interactive experiments and exhibits so that the kids can relate to these areas where they have had trouble in the past. They helped Cal State develop the grant and taught the pilot program and they will be teaching the program when it comes out in the fall. He said that they have been busy and by the end of this year they will have reached about 6,000 kids but they could do a lot more if they had a location.

Mayor Franklin asked if they were looking for an actual building or just property.

Mr. DeRoule said that they don't need to purchase a building and leasing is fine or donation would be even better. They also are in need of volunteers and need someone to take minutes at their board meetings and could also use a bookkeeper.

Yvonne DeRoule commended Officers Kelly and Hernandez that came to their aid in their yard to pull out a 500 to 800 lb. generator that some kid had dragged down west Nicolet and around the corner and left it in their yard.

Frank Burgess, P. O. Box 54 addressed the Council stating that he had three items to bring up: 1) The Public Benefit Program - 2.85% that is on our electric bill each and every month. In 2014 you collected \$728,000.00 and it showed \$92,000 as salary, \$51,000 as benefits and he couldn't make out what it is and it calls as an expenditure BEAR \$275,000. He needs to know and where does he find that the 2.85% for a Benefit Program was even authorized by the City Council. 2) in regards to the Banning Business Center a week ago Friday he had all of his office windows broken out and the young lady that broke them out told the police department that he authorized her to. The police did catch her and are taking action but she has been housing in the vacant Banning Business Center. He said that one person has complied and board up one of the buildings but with the other two buildings nothing has been done. He said in 2009 the City Council, City Manager, department head or some authorized \$77,000 of the police and fire money not to be collected and he is saying it that way because that is what was not collected through the building permit, if you check your records. 3) He is very disappointed in the Council Members not taking any action on behalf of the citizens of Banning in regards to the library. Your attorney in her report said that was not any part of the City Council. It was neither in the Supervisor's or the Council's responsibility but the Supervisors did in fact jump in and passed a resolution and took \$243,000 out of the Banning Library District to set up a new district in Cabazon so the entire shopping center in Cabazon is in that District. He is checking but has not come to a conclusion yet but it sounds to him like somewhere in the County and LAFCO have done something illegal. The agenda for the library last week was to get an opinion. They requested the County Counsel to request an opinion from the Attorney General's office. He said the County Counsel is the one that set this up and that is like the fox guarding the hen house so he knows what the answer will be. In this proposal they are asking that Mrs. Harrington be appointed under the 19426 Education Code and if you have all read the material he has sent they appointed two people under that code and Mrs. Harrington truly was appointed under the proper code but they want to change that so they don't have egg on their face over the other two appointments, number one; and number 2, they had no right to appoint anyone. It says in that law of 1780 and the City Attorney and any attorney that has taken the oath of the State of California to uphold the laws of the State of California and the report that his assistant gave last week shows no indications that she or the law firm is going to do anything about it.

Eddy Geer addressed the Council stating that he wanted to second the one lady's notion about the town kind of deteriorating. Almost any store you go into you get panhandled, there are shopping carts all over the streets. Isn't there a law or something we can do to kind of clean up this area? He is tired of being hit up on for money. His main concern is the conserving of the water. He said that he and his wife bought a home in west Banning last year and it pretty much has all gravel around it and has a pretty drought resistant yard and they bought it in 2014 and the house was empty prior to that probably for about 2 to 4 years. He said that he is worried about penalties. In 2013 the house was empty so if you are trying to get him to drop to a 2013 level, he is losing the battle from the beginning and so he is just concerned on how this is going to roll out and where we go with it.

Mayor Franklin closed public comments.

Mayor Franklin said maybe the City Attorney could help to address some of the questions in regards to the hospital development impact fees. She said that the City is addressing the shopping cart issue and an ordinance was adopted. In regards to deterioration of the city everyone needs to help out.

Councilmember Moyer said that in regards to the legality of the development impact fees established by the hospital district that obviously is in the air. The BIA (Building Industry Association) letter clearly states they don't believe it is legal that they don't have that authority. He said that the Council has not asked the City Attorney to look into it because the BIA has more funding to look into matters like that but the City will follow it closely. In regards to who collects the impact fee the developer of the properties will go directly to the hospital to pay those fees and the hospital will give them a certificate to bring to the City showing that those impact fees have been paid and that is exactly what was said at the meeting and the way it is set up.

Councilmember Miller said he thinks that there is a lot of misunderstanding about the drought regulations and he has had many people ask him the same question. The City is required to reduce its use of water by 32% and as a result we require people to irrigate on Monday, Wednesday, Friday or Tuesday, Thursday, Sunday and there are various other requirements. But there is no requirement, because it is too difficult to maintain, that individual homeowners reduce their amount by 32%. We do not check that amount. That is not a legal requirement. So for the person that said he doesn't have any data for 2013 we do not compare your usage now to 2013. We just ask that that you conserve water and use water responsibly.

Councilmember Peterson said that the other complaint was that every place you go in town you are being hit up and that he sees more and more of what appears to be crime. He said that AB 109 has impacted our city immensely and then as of last year we had Prop 47. He was reading in the Times last week that in the first time in 12 years the city of Los Angeles has had a spike in crime and Chief Beck says that there is no sign that it is going to go down. He said that he has looked at our stats from our own Chief that he supplied to the Council last week and he is continuing to see an increase on a monthly basis of crime in the city as well. So as long as we have AB 109 and Prop 47 and these types of issues with over-crowding of the jails and early releases of prisoners he thinks this is exactly what the communities are going to see. The only thing he can tell the public to do is to write your State Representatives because they are the ones that vote on these things and put pressure on the State and talk to lobbyist to get Prop 47 and some of these other things repealed because until then the average citizen is going to be the one to take the hit.

City Attorney Aleshire said in regards to the library they did talk to County Counsel's office again today and they do agree that there is some lack of clarity. They have been in a discussion with the district to resolve it. The intent is to request an opinion of the Attorney General's office. He knows that there was a comment about the fox guarding the hen house but the Attorney's General's office does issue opinions. They have a regular opinion division and it is cheaper than going to court. They deal with issues of governmental organization so it is an appropriate place to go and a court would defer to an opinion of the Attorney General. So it would seem that is a fairly cost-effective place to try to get an answer to this. As near as he can determine the County cares about this and is taking the right moves to try to get an independent, appropriate opinion on

the process that was utilized and the district itself is entering into that dialogue also so he thinks that until we get that opinion things would be on hold and will evaluate once the opinion comes out.

CORRESPONDENCE – None

APPOINTMENTS

1. Designation of Voting Delegates and Alternates to the League of California Cities Annual Conf. – Sept. 30 – Oct. 2, 2015, San Jose

Councilmember Peterson nominated George Moyer. Councilmember Moyer nominated Deborah Franklin. Mayor Franklin closed the nominations. She suggested that George Moyer be the primary voting member and she will be the alternate. **There was Council consensus to this action.**

CONSENT ITEMS

Mayor Franklin said that there was a request to pull Consent Items 6 for discussion.

1. Approval of Minutes – Special Meeting – 06/16/15 (*Closed Session*)

Recommendation: That the minutes of the Special Meeting of June 16, 2015 be approved.

2. Approval of Minutes – Special Meeting – 06/16/15 (*Workshop*)

Recommendation: That the minutes of the Special Meeting of June 16, 2015 be approved.

3. Approval of Minutes – Special Meeting – 06/23/15 (*Closed Session*)

Recommendation: That the minutes of the Special Meeting of June 23, 2015 be approved.

4. Approval of Minutes – Regular Meeting – 06/23/15

Recommendation: That the minutes of the Regular Meeting of June 23, 2015 be approved.

5. Authorization to Enter Into an Enterprise Licensing Agreement with Microsoft and authorizing the Interim City Manager to Execute the Related Enrollment Agreement for a three-year agreement total of \$144,690.24

Recommendation: That the City Council authorizes entering into an Enterprise Licensing Agreement with Microsoft and authorizes the Interim City Manager to execute the related enrollment agreement.

7. Resolution No. 2015-66, Approving an Agreement with the Riverside County Airport Land Use Commission (ALUC) for the Amendment of the Banning Municipal Airport

Land Use Compatibility Plan in an amount not to exceed \$25,000.00.

Recommendation: That the City Council adopt Resolution No. 2015-66.

8. Resolution No. 2015-69, Approving the Cooperative Agreement with the Riverside County Flood Control and Water Conservation District for Storm Drain Line "D-2" Stage 1 and Stage 2

Motion Moyer/Welch to approve Consent Items 1 through 5, 7 and 8. Mayor Franklin opened the item for public comments; there were none. **Motion carried, all in favor.**

6. Resolution No. 2015-25, Approving Amendments to the Professional Services Agreement with LSA Associates, Inc. for Services Related to the Banning Circulation Element and for the Update of the Traffic Fee Component of the Development Fee Program in an amount of \$48,000 for a total contact amount of \$286,000.00.

Acting Public Works Director Vela gave the staff report on this item as contained in the agenda packet.

There was discussion between Council and staff in regards to what has been complied to-date, the circulation questions that were asked, and the Joshua Palmer movement and re-circulation of that roadway.

Motion Peterson/Miller to approve Consent Item 6 to adopt Resolution No. 2015-25. Mayor Franklin opened the item for public comments; there were none. **Motion carried, all in favor.**

REPORTS OF OFFICERS

1. Classification Plan Amendments
(Staff Report – Rita Chapparosa, Deputy Human Resources Director)

Deputy Director Chapparosa gave the staff report on this item as contained in the agenda packet.

Motion Moyer/Peterson that the City Council adopt Resolution No. 2015-70, Amending the Classification and compensation plan and the amending of Part-Time Resolution No. 2015-71 to include new classifications and changes to salary ranges and job descriptions. Mayor Franklin opened the item for public comments; there were none. **Motion carried, all in favor.**

2. Animal Control Services Contract
(Staff Report – Alex Diaz, Police Chief)

Chief Diaz gave the staff report on this item as contained in the agenda packet.

There was discussion between Council and staff in regards to the contract being month to month, options to provide better service, cost included in our current budget, what is included in the per call service, collection of fees, negotiation of the fees, and the need to have more specifics in the contract.

Mayor Franklin opened the item for public comments.

Bill Dickson expressed concerns in regards to costs in getting your animal back if it is picked up.

Vera Macias said that she volunteered for 13 years at the Banning animal control facility and stated that we had a perfectly good shelter until the rescue people took over and the County ruined the place.

Mayor Franklin closed the item for public comment seeing no one else coming forward.

Chief Diaz said in regards to the high cost of fees paid in regards to retrieval of your animal he believes that it was June of 2015 that Beaumont increase their fees and he will have this posted on the police and City's websites. The list also provides information on spay, neuter and shots.

Motion Peterson/Welch that the City Council approve the Agreement to Provide Animal Control Field Services Contract for FY 16 (July 1, 2015 through June 30, 2016). Motion carried, all in favor.

3. City Manager Signing Authority
(Staff Report – Dean Martin, Interim City Manager/Interim Administrative Services Dir.)

Interim City Manager Martin gave the staff report on this item as contained in the agenda packet.

City Attorney Aleshire said that in regards to the contracts this is their boilerplate document that is used in 20 different cities and they actually haven't had a problem with it. The way that it is set up it, for instance, if you had a \$50,000 dollar contract and over the course of the performance of the contract there was a need to change the amount, what it says is that a change of the lesser of \$25,000 dollars or 10% of the contract amount can be approved by the contract officer, the City Manager. So for a \$50,000 dollar contract 10% is only \$5,000 so there is \$5,000 dollars of authority that could be approved by the City Manager where it wouldn't have to come back to the City Council. If it was \$6,000, then the amendment would have to come back to the City Council. Banning could have a special rule and if you tell us that you don't want any change authority and any change in the amount has to come back to the City Council. They can put this into the agreement but they haven't had to do that in terms of their other cities giving a little latitude as long as it is not significant compared to the overall contract.

Councilmember Miller said he appreciates the improvements in the transparency that this will provide. He thinks that they are excellent and the more that the Council has to do with evaluating the spending of money the better off the City is. He said these changes will go into the municipal code and he was a little surprised not to see the wording that you were going to have it in the municipal code and asked if the wording would be put in later.

Interim Director Martin said that it would require an ordinance so if the Council wants it to be codified into the municipal code, staff would come back with an ordinance to accomplish that. Councilmember Miller thinks that they should be put into the municipal code.

Councilmember Moyer said that Interim City Manager did an excellent job in kind of clarifying some of the issues that we run into just since he has been on the Council.

Councilmember Peterson said that he thinks the monthly report is fine but it is after the fact. A lot of things can happen in a month before Council would get the report and the Council has seen this recently where there has been a multiple issuance of contracts of \$25,000, \$10,000, etc. going out like Halloween candy and there was nothing the Council could do about it. He doesn't necessary know if he likes the monthly report. We know that there has been abuse and we have seen splitting of contracts, contracts issued for \$25,000 and then come back for to Council for larger amounts and approval with a request for proposals. So there is multiple ways and innovative ways that Council has seen staff approach contracts. After the last experience with contracts he, personally, doesn't know if he is willing to give the City Manager a \$25,000 dollar spending limit. In a matter of a flash of a pen we see \$100,000 dollars going out to friends, family or whatever and he doesn't know if he is willing to go there. He would like to see the amount reduced or just see the amount come back to Council. When you talk about "for transparency" that would really be transparent.

Councilmember Welch complimented Interim City Manager on his work on this item. One of his concerns is that we tie the hands of the City Manager in a need to do business to the benefit of the City. He doesn't think it really matters much on the amount of dollars but personally he really wants to see the City Manager have the ability to make decisions that allows the City to move forward without a delay on some projects or some kind of an issue with the City that would end up costing us more. If we get this thing squeezed down to far, he is not in favor of any elected body being micro-managers. He has a real concern about that and interrupting the ability of the City Manager to do the City's business on a daily basis.

Councilmember Miller said the question as to what the limit of the City Manager should be is an interesting question as it is the conflict between micro-managing and being the elected officials who responsibility it is to make sure that the City's money is well spent. But our City has had the \$25,000 dollar limit for quite a while and as Councilmember Peterson said there has been problems in the past but hopefully those problems are gone. The recommendations by Interim City Manager Martin are excellent improvements in the system. The statement that we have a monthly report will bring out in the open if there are any other problems.

Councilmember Peterson said no one is trying to micro-manage the staff. As any elected official we are elected as the keeper of the people's money and to monitor of the people's money and it doesn't have anything to do with micro-managing his duties except for creating a behavioral pattern with spending and particularly based upon fact and not fiction one could say or on hypothesis that it would happen because it has happen. He suggested the possibility that along with the City Manager's signature that one Councilmember's signature be added like a counter-signer so at least you have somebody from the Council that is overseeing the expenditure of \$25,000. He doesn't consider that micro-managing; he considers that good business. But again, it is up to the Council.

Interim City Manager Martin noted that all of the contracts do also have to be signed by the City Attorney and he realizes that it is not a Councilmember but there is a second set of eyes that at least sees it.

There was further discussion in regards to the City Manager issuing contracts or what deals he is making. Also there is a need to have safeguards in place to protect the people's money and a second set of eyes to review the contracts and then sign off on them. Maybe there should be a weekly report because the Council does get a weekly report from the City Manager. Many issues that come up in a City of any size are going to be \$15,000 to \$25,000 and if it is an emergency somebody has to have the authority to get that fixed now.

Mayor Franklin said she was in agreement with a lot of what has been said and is concerned about micro-management in the sense that we do hire somebody as a City Manager to oversee what happens in the City and if we reduce that authority that they have to be able to do that, then we are not able to actually see if they are able to do the job. She would like to be able to have a City Manager that they can hold accountable based on their actions according to the regulations that the Council has set up and then we can judge whether or not they are doing it.

Mayor Franklin opened the item for public comment; there was none.

Motion Welch/Miller to move staff's recommendation regarding the City Manager signing authority as follows: 1) Require a monthly written report to the City Council of the contracts signed under the sole authority of the City Manager; 2) Eliminate the provision within the City's standard professional service Contracts that allow for exceedance of the Council approved contract amounts; 3) Require City Council approval for contracts that are renewed on an annual basis which in the aggregate will exceed \$25,000.

Councilmember Miller said that Councilmember Peterson expressed concerns based upon past experience but in the past a lot of the problems were the fact that we did not have any knowledge of what was happening and Interim City Manager Martin has very nicely indicated that we are going to have a monthly report and he thinks then we can see very clearly whether or not there are going to be any problems. So with the monthly report the Council has its authority, its responsibility and it has the data so what is proposed here is an excellent improvement on what we have now.

Motion carried with Councilmember Peterson voting no.

4. Resolution No. 2015-64, Authorizing the Purchase of Two (2) El Dorado National CNG Powered EZ-Rider II Buses from Creative Bus Sales Utilizing the California Association for Coordinated Transportation (CALACT) Competitive Bid Award for a Total of \$888,681.06.

(Staff Report – Heidi Meraz, Community Services Director)

Director Meraz gave the staff report on this item as contained in the agenda packet.

Councilmember Welch asked what is done with the buses that are being replaced.

Director Meraz said the larger buses that are being replaced will go out for auction. The smaller buses, the Paratransit Vehicles, a lot of times the churches can use these and are offered to the churches in our community first and if no one wants to acquire them, then they are put out to auction.

Mayor Franklin opened the item for public comment; there was none.

Motion Welch/Miller that the City Council adopt Resolution No. 2015-64. Motion carried, all in favor.

5. Resolution No. 2015-67, Approving the Increase of Hangar Rents and Access Fees at the Banning Municipal Airport and Amending Resolution No. 2005-44 and Resolution No. 2006-114.
(Staff Report – Art Vela, Acting Public Works Director)

Director Vela gave the staff report on this item as contained in the agenda packet.

Mayor Franklin asked the monies that would come in would go back out as part of maintaining the airport. Director Vela said yes it would go directly into the Airport fund and used for repairs and maintenance.

Mayor Franklin opened the item for public comment; there was none.

Motion Welch/Moyer that the City Council adopt Resolution No. 2015-67. Motion carried, all in favor.

6. Resolution No. 2015-68, Approving a Professional Services Agreement with Aspen Environmental Group to Provide Environmental and Permitting Services Related to the Flume.
(Staff Report – Art Vela, Acting Public Works Director)

Director Vela gave the staff report on this item as contained in the agenda packet.

Mayor Franklin opened the item for public comment; there was none.

Motion Miller/Welch that the City Council: 1) adopt Resolution No. 2015-68, Approving a Professional Services Agreement with Aspen Environmental Group of Agoura Hills, CA in the amount of \$82,098.00 to Provide Environmental and Permitting Services Related to the Flume; 2) Authorizing the Interim Administrative Services Director to make necessary budget adjustments and appropriations and transfers related to the project; and 3) Authorizing the Interim City Manager to Execute the Professional Services Agreement with Aspen Environmental Group. Motion carried, all in favor.

7. Resolution No. 2015-65, Approving the Exit from the San Juan Generating Station.
Staff Report – Fred Mason, Electric Utility Director)

Director Mason gave the staff report on this item as contained in the agenda packet and also gave a power-point presentation (see Exhibit "B" attached) and explained in more detail the items he presented in regards to: 1) Why Divest?; 2) Settlement with the EPA (Environmental Protection Agency); 3) San Juan – Owner Negotiations; 4) Restructuring Agreement; 5) Mine Reclamation Agreement; 6) Decommissioning Agreement; and 7) Fiscal Data.

There were many questions and much dialogue between the Council and staff in regards to the documents for exiting the San Juan generating station.

Mayor Franklin opened the item for public comment; there was none.

Motion Miller/Moyer that the City Council adopt Resolution No. 2015-65, Approving the Exit from the San Juan Generating Station and authorizing the Electric Utility Director to work with the Southern California Public Power authority ("SCPPA") to execute and complete any and all required obligations to effect said divestiture. Motion carried, all in favor.

8. Resolution No. 2015-72, Declaring that there is a Need for a Parking Authority to Function in the City, Declaring that the City Council Shall Be the Parking Authority, and Designating an Interim Chairman of the Parking Authority.
(Staff Report – Dean Martin, Interim City Manager/Interim Administrative Services Dir.)

Interim City Manager Martin stated that this is the first of a series of items to approve essentially the issuance of the refunding debt for the Electric Utility and the Water Revenue Bonds. Present today is a representative from our underwriter, Senior Underwriter, Guerrimo Garcia, of Stifel, Nicholas & Company and Williams Capital Group; also present Marshall Linn, Financial Advisor from Urban Futures; and Don Hunt, Bond Counsel from Norton Rose Fulbright.

Mr. Hunt addressed the Council stating that currently the City has two joint powers financing authorities that you have used for issuing bonds in the past. One is the Banning Financing Authority and the other is the Banning Utility Authority. A Financing Authority is required to have two public agencies as members and the City and the former Redevelopment Agency were the parties to those two joint power authorities. As you know with the wind down of redevelopment at some point the Successor Agency will no longer continue to exist when all of the debts are paid off so the intent here is to create a Parking Authority that can be a member of your two financing authorities. Under California law a Parking Authority exists in each and every city if you active it so the purpose here would be to active it to be able to use the Parking Authority as the second public agency for the financing authorities. And while currently the Successor Agency is a valid member of those agencies they have had two lawsuits in Southern California by groups trying to get money, basically challenging bond issues by financing authorities where there was a Successor Agency as a member. So it was their recommendation to create the Parking Authority and then substitute it into these two financing authorities so there can be no legal issue raised with respect to the Successor Agency and that is what the first several actions that are before the Council would do. They are recommending this because they think it will eliminate any potential litigation that would be a nuisance and could slow down your ability to do your refunding and achieve the savings on the water and electric funding bonds.

There were questions and dialogue between the Council and Mr. Hunt in regards to creating the Parking Authority and fast tracking of the bonds.

Councilmember Peterson asked Mr. Hunt what his fee was in regards to this item. Mr. Hunt said that their fee is entirely contingent on being able to issue the bonds and deliver the refunding bonds to the City. Their contract was approved back in June and he doesn't remember the exact numbers but was approximately \$75,000.00 each for the two bond issues and that is as both bond counsel and disclosure counsel for preparing all of the legal documents, as well as, the disclosure documents, and the official statement that goes to the market to potential bond buyers.

Councilmember Peterson asked the City Attorney for his opinion on this item.

City Attorney Aleshire said unfortunately their office has not been involved in this in any manner. He did speak with the City Manager and they did talk to someone in Mr. Hunts office concerning whether any other established entities could be used in the joint powers authority and they indicated that they could which was his opinion also. He thinks there are reasons that you might decide which entities to use to create your joint powers authority, you are required to have at least two entities, but they are on a tight time schedule and there is nothing legally wrong as Councilmember Welch indicated with using this Parking entity which we have not previously had and this is the road they have taken and because your Finance Committee has looked at this and feels that you are on a very tight tract and he feels that all these points have been previously made.

Mayor Franklin opened the item for public comments; there were none.

Motion Welch/Miller that the City Council adopt Resolution No. 2015-72.

Councilmember Peterson said he is uncomfortable with this and to all of a sudden we have never discussed this Parking Authority and we have other entities and he is a little disturbed that the City Attorney was not involved and none of this paperwork went to their office. He is not one to create new entities and particularly to set up new veils, new screens or new ways of doing things and particularly when he doesn't know what they are and for that reason he is really opposed to doing this.

Councilmember Miller said he is very comfortable doing this. It is so standard to have an agency or some entity developed to do something that it is primarily not supposed to do. It is a legal fiction and you see that all of the time.

Mayor Franklin said that we are just activating it and it could be used for other things in the future.

Motion carried with Councilmember Peterson voting no.

Mayor Franklin recessed the regular City Council Meeting and called to order a Joint Meeting of the Banning City Council and the Banning Parking Authority.

CONSENT ITEM

1. Resolution No. 2015-01 PA, Authorizing the Execution and Delivery of Two Separate Amendments to Joint Exercise of Powers Agreements and Taking Certain Other Actions In Connection Therewith.

Mayor Franklin opened the item for public comment; there were none.

**Motion Miller/Welch to approve Consent Item 1 to adopt Resolution No. 2015-01 PA.
Motion carried all in favor.**

Mayor Franklin adjourned the joint meeting of the Banning City Council and the Banning Parking Authority and called to order a Joint Meeting of the Banning City Council and the City Council Sitting in its Capacity of a Successor Agency.

CONSENT ITEM

1. Resolution No. 2015-05 SA, Authorizing the Execution and Delivery of Two Separate Amendments to Joint Exercise of Powers Agreement and Taking Certain Other Actions In Connection Therewith.

Mayor Franklin opened the item for public comment; there were none.

**Motion Moyer/Welch to approve Consent Item 1 to adopt Resolution No. 2015-05 SA.
Motion carried with Boardmember Peterson voting no.**

Mayor Franklin adjourned the joint meeting of the Banning City Council and the City Council Sitting in its Capacity of a Successor Agency and called reconvened the Regular City Council Meeting.

CONSENT ITEM

1. Resolution No. 2015-73, Authorizing the Execution and Delivery of Two Separate Amendments to Joint Exercise of Powers Agreements and Taking Certain Other Actions In Connection Therewith.

Mayor Franklin opened the item for public comment; there were none.

Motion Welch/Miller to approve Consent Item 1 to adopt Resolution No. 2015-73.

Councilmember Miller commented that in regards to what Councilmember Peterson said if we use the Housing Authority instead of the Parking Authority that would essentially be the same thing. It would be an agency that is not invented for helping sell these bonds and it would just be the same legal fiction as having a Parking Authority do it.

7/10/15

Redd CC Mtg. 7-14-15 mac

3423 TARRANT VIEW



7/10/15

3423 TARRANT VIEW



Exhibit "A"
22
reg.mtg.-07/14/15

7/10/15

3423 Incento View



7/10/15

3423 Incento View



Exhibit "A"
23
reg.mtg.-07/14/15

7/10/15

3423 JACOINE VIEW



7/10/15



Exhibit "A"
24
reg.mtg.-07/14/15

Banning Electric Utility

San Juan Generating Unit - Divestiture

Presented by
Fred Mason, Electric Utility Director

Why Divest?

- Legislative Mandates
- Regulatory Requirements
- Environmental Concerns
- Political Pressure

2

Settlement with the EPA

- San Juan Generating Station was exceeding allowed emissions levels per EPA standards
- EPA originally requested SCR technology for all four units at the San Juan Generating Station
 - Estimated cost to install on all four units was \$1Billion
- EPA agreed to allow much less expensive SNCR technology in exchange for shutdown of two units (Units 2 & 3)
- Two units to be shut down on or before 12/31/2017

3

San Juan - Owner Negotiations

- Negotiations between the nine official owners took two years to complete
- Resulted in three separate agreements
 - The San Juan Project Restructuring Agreement
 - Amended and Restated Mine Reclamation and Trust Funds Agreement
 - The San Juan Decommissioning and Trust Funds Agreement

4

Restructuring Agreement

- Restructuring Fee: Banning's share \$400k
- Sale of Coal: Banning's share \$1.3M
 - Purchase coal as required for \$50/ton (no minimum)
- No Common O&M expense beginning 1/1/2015
 - Estimated savings to Banning of \$3.4 Million
- No Common Capital beginning 1/1/2015
 - Pay Demand Charge of \$17k for use of new capital
- Ownership is transferred on 12/31/2017

5

Mine Reclamation Agreement

- Defines obligations related to reclamation of the on-site coal plant
- Exiting Participants will only be responsible for coal mining activity prior to 12/31/2017
- Requires all Participants to maintain a Reclamation Trust Fund
 - Banning's share estimated at \$1.8M
 - Collected through the monthly operating payments to SCPA with no increase, due to coal sale revenue and debt service savings

6

Decommissioning Agreement

- Defines obligations related to the eventual decommissioning of the power plant
- Establishes a "time based" sliding scale
 - Banning's financial obligation decreases the longer the plant stays in operation after 12/31/2017
- Requires Participants to maintain a minimum Decommissioning Trust Fund
 - Banning's share estimated at \$380k
- Requires a "retirement in place" fund
 - Banning's share estimated at \$15k

7

Fiscal Data

- Total net costs related to the San Juan divestiture are \$1,312,000
 - Total direct revenue is \$1,300,000
 - Total direct expense is \$2,612,000
 - Hard costs related to the divestiture will be Collected through the monthly operating payments to SCPA with no increase, due to coal sale revenue and debt service savings
- O&M savings from early termination of the San Juan Participation Agreement are estimated at \$3,400,000

8

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CITY COUNCIL AGENDA

Date: August 25, 2015
TO: City Council
FROM: Dean Martin, Interim City Manager
SUBJECT: Report of Investments for June 2015

RECOMMENDATION: The City Council receive and file the monthly *Report of Investments*.

JUSTIFICATION: State law requires that a monthly report of investments be submitted to the Governing Legislative Body.

BACKGROUND/ANALYSIS: This report includes investments on hand at the end of June 2015. As of June 30, 2015, the City's operating funds totaled \$79,522,939. Included in Successor Agency operating funds is \$845,972 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Summary Schedule.

As of June 30, 2015 approximately 42% of the City's unrestricted cash balances were invested in investments other than LAIF.

The June Investment Report includes the following documents:

- Summary Schedule of Cash and Investments
- Operational Portfolio Individual Investments
- Individual Investments with Fiscal Agent
- Investment Report Supplemental Information

The attached Summary Schedule of Cash and Investments has been updated to show the rate of earnings allowance received from Wells Fargo Bank. The amount earned reduces the total amount of bank fees charged.

FISCAL DATA: The latest reports from the State indicate that the average interest achieved by the Local Agency Investment Fund (LAIF) was increased to 0.299% in June. The average rate for all investments in June was 0.285%.

RECOMMENDED AND APPROVED BY:



Dean Martin
Interim City Manager

Summary Schedule of Cash and Investments

Operating Funds				Amount
<u>Petty Cash</u>				3,705
<u>Bank Accounts</u>		Interest		
		Rate	Amount	
Wells Fargo Bank		0.180% *	6,101,266	
Bank of America-Airport		0.020%	3,848	
Bank of America-Parking Citations		0.020%	3,013	
Bank of America-CNG Station		0.020%	3,492	
<i>Money Market and Bank Account Sub-Total</i>				6,111,618
<u>Government Pools</u>				
Account #1 Operating Amount	44,565,806			
Account #1 CRA Bond Cash Bal.	845,972			
Local Agency Investment Fund: Account #1		0.299%	45,411,778	
Account #2 Sucessor Agency Cash Bal	0			
Local Agency Investment Fund: Account #2		0.299%	0	
<i>Government Pool Sub-Total</i>				45,411,778
Operating Cash Balance				51,527,101
<u>Restricted Operating Funds</u>				
Riverside Public Utilities- Highmark U.S. Government Money Market Fund		0.010%		192,887
California ISO Corp- Union Bank				109,512
Worker's Compensation Program- (PERMA)				1,696,671
<u>Other Investments</u>				
Investments-US Bank/Piper Jaffray - See Page 2		0.285%		25,996,768
Operating Funds Total				79,522,939
Fiscal Agent				
US Bank				Amount
				33,329,265
Fiscal Agent Total				33,329,265

* Rate of earnings allowance received, offsets analyzed bank charges.

Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Date	Discount or (Premium) Amortization	Market Value
<u>Bank Accounts</u>								
6,101,266	Wells Fargo Bank-Operating	n/a	0.18%	daily	varies	6,101,266	n/a	6,101,266
3,848	Bank of America-Airport	n/a	0.02%	daily	varies	3,848	n/a	3,848
3,013	Bank of America-Parking Citations	n/a	0.02%	daily	varies	3,013	n/a	3,013
3,492	Bank of America-Parking Citations	n/a	0.02%	daily	varies	3,492	n/a	3,492
Sub-total								
								6,111,618
<u>Government Pools</u>								
45,411,778	L.A.I.F. account #1	n/a	0.299%	daily	varies	45,411,778	n/a	45,411,778
0	L.A.I.F. account #2	n/a	0.299%	daily	varies	0	n/a	0
								45,411,778
<u>Investments-US Bank/Piper Jaffray</u>								
2,000,000	Federal Home Loan Bks	n/a	0.700%	12/27/2016	3/27/2014	2,000,000		2,002,480
2,000,000	Federal Home Loan Bks	n/a	0.500%	7/15/2016	4/15/2014	2,000,000		2,001,540
1,700,000	FHLMC Mtn	n/a	0.700%	12/30/2016	6/30/2014	1,700,000		1,700,663
2,000,000	Federal Home Loan Bks	n/a	1.200%	5/24/2018	11/6/2014	2,000,000		1,993,440
1,000,000	FNMA	n/a	1.250%	11/27/2018	5/27/2015	1,000,000		999,810
17,298,835	Money Market	n/a	0.010%	daily	varies	17,298,835	0	17,298,835
US Bank/Piper Jaffray Average Rate=								
			0.285%					25,996,768

Average Rate All= 0.285%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on January 13, 2015. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 80 days and does not include Bond Reserve Fund Investments.

City of Banning Investment Report
Individual Investments with Fiscal Agent

June 30, 2015

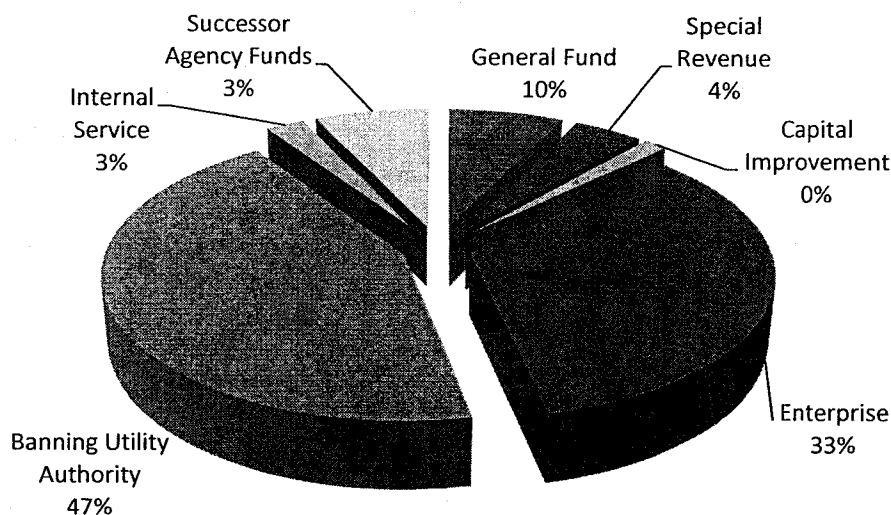
Bond Issue Description	Bond Maturity Date	Investment Description	Current Yield	Bond Reserve	Bond Maturity Date	Minimum Reserve Requirement	Jun-15	6/30/2015 Market Value
COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A								
2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 5-Ct	0.020%	daily		188,024	3.78	223,068
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003								
2003 CRA Tax Allocation Bonds	2028	U S Treasury Bill	4.61%	1/29/2015		971,250		991,079
		US Bank Mmkt 5-Ct	0.020%	daily			0.35	20,792
		US Bank Mmkt 5-Ct	0.000%	daily			4.25	21
		US Bank Mmkt 5-Ct	0.000%	daily				12
Surplus Fund								
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007								
Redevelop Fund	2037	US Bank Mmkt 5-Ct	0.020%	daily			141.56	8,333,911
		US Bank Mmkt 5-Ct	0.000%	daily				0
		US Bank Mmkt 5-Ct	0.200%	daily			6.37	375,019
Reserve Fund		US Bank Mmkt 5-Ct	0.020%	daily		1,875,100	31.85	1,875,287
Special Fund		US Bank Mmkt 5-Ct	0.000%	daily				10
Surplus Fund		US Bank Mmkt 5-Ct	0.000%	daily				11
BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES								
Interest Account		US Bank Mmkt 5-Ct	0.000%	daily				2
Principal Account		US Bank Mmkt 5-Ct	0.020%	daily			1.36	80,005
		US Bank Mmkt 5-Ct	0.020%	daily			55.48	3,266,420
BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES								
Interest Account		US Bank Mmkt 5-Ct	0.000%	daily				10
Principal Account		US Bank Mmkt 5-Ct	0.020%	daily				420,007
Reserve Fund		US Bank Mmkt 5-Ct	0.020%	daily		2,310,738	39.25	2,310,817
Project Fund		US Bank Mmkt 5-Ct	0.020%	daily			27.22	1,602,443
BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES								
		US Bank Mmkt 5-Ct	0.000%	daily				17
		US Bank Mmkt 5-Ct	0.020%	daily		2,672,050	45.39	2,672,139
Acquisition & Construction		US Bank Mmkt 5-Ct	0.020%	daily			216.13	11,158,193
*Paid Semi-Annually-Deposited into Money Mkt Account							Total	33,329,265

City of Banning

Investment Report Supplemental Information

Pooled Cash Distribution

Investment reports for cities typically do not include the cash balance of the individual funds that make up the total pooled cash. This is primarily due to timing differences between when investment reports are prepared and when month end accounting entries are posted. Investment reports are usually prepared first. However, the pie chart below provides an understanding of the percentage distribution of the investments by fund type. The percentages were calculated using the average cash balances from the twelve month period of April 2014 to March 2015. *(The percentages will be updated quarterly.)*



The Table below describes the funds that are included within the Fund Types used for the pie chart.

Fund Type	Description of Funds
Governmental	General Fund
Special Revenue	Restricted Funds (i.e. CFDs, grants)
Capital Improvement	Development Impact Fee funds
Enterprise	Airport, Transit, Refuse, Electric
Banning Utility Authority	Water, Wastewater, Reclaimed water
Internal Service	Risk Management, Fleet, IT, Utility Services
Successor Agency Funds	Previously called Redevelopment Agency

Summary Schedule – Line item descriptions

Petty Cash –

The City maintains petty cash in various departments for incidental purchases. This line item includes the cash drawers for cashiering in utility billing.

Bank Accounts –

When reviewing the *Report of Investments*, please keep in mind that the balances shown on the *Summary Schedule of Cash and Investments* for bank accounts are “statement” balances. They reflect what the financial institution has on hand as of particular date and lists on their statement. They are not “general ledger” balances. General ledger balances reflect all activity through a particular date (i.e. all checks that have been written and all deposits that have been made) and is what we show on our books (the general ledger). The general ledger balance more accurately reflects the amount of cash we have available.

It should be noted that statement balances and general ledger balances can differ significantly. For example – on June 30th the statement balance for Wells Fargo Bank could show \$1,000,000, however, staff may have prepared a check run in the amount of \$750,000 on the same day. Our general ledger balance would show \$250,000, as the Wells Fargo statement does not recognize the checks that have been issued until they clear the bank.

For investment decisions and cash handling purposes staff relies on the balance in the general ledger. Staff does not invest funds that are not available. Sufficient funds must be kept in the bank accounts to cover all checks issued.

- Wells Fargo Bank – This is the City checking account. All cash receipts, payroll and accounts payables checks are processed through this account. Balances fluctuate based on activity and cash flow needs. As excess funds accumulate, they are transferred to LAIF to increase earnings. The Summary Schedule of Cash and Investments shows the rate of earnings allowance received from the bank. The amount earned reduces the total amount of bank fees charged.
- Bank of America – Airport – The City maintains a Trust account for credit card purchases made at the airport. When the account balance exceeds \$3000, excess funds are transferred to the Wells Fargo Bank account.
- Bank of America – Parking Citations – The City maintains a Trust account for the processing of parking citations through Turbo Data. When the account balance exceeds \$3000, excess funds are transferred to the Wells Fargo Bank account.
- Bank of America – CNG – The City maintains a Trust account for credit card purchases of CNG fuel made at the City yards. When the account balance exceeds \$3000, excess funds are transferred to the Wells Fargo Bank account.

Summary Schedule – Line item descriptions – Cont.

Government Pools –

- Local Agency investment Fund – Account #1
 - This account includes both City pooled funds and a restricted cash balance related to the CRA bonds. Investments in LAIF are limited to \$50M.
- Local Agency investment Fund – Account #2
 - There is currently no balance in this account.
 - Note: When the State established the cutoff date of January 31, 2012 for the elimination of the Redevelopment Agency, LAIF staff recommended a transfer of the available balance from the CRA account to the City account to protect the funds from a rumored State raid or freezing of the funds.

Restricted Operating Funds at Riverside Public Utilities –

The City Electric operation has an agreement with Riverside Public Utilities (RPU) to purchase power for the City. Part of the agreement requires that the City maintain a balance in the trust account used by RPU. The City does not control the investments or earnings of the trust account.

Restricted Operating Funds at California ISO-

The California ISO facilitates the purchase and sale of the City's electricity. The City participates in periodic Congestion Revenue Rights (CRR) auctions to acquire financial hedges for transmission congestion. In order to participate in the CRR auctions the City was required to have a secured form of financial security. A cash deposit in the amount of \$100,000 was placed with Union bank in March, 2012 to meet the requirements. An additional \$9,297 was deposited In May 2015 to meet revised requirements. The account is an interest bearing collateral account.

Restricted Operating Funds at PERMA-

The City participates in a JPA with the Public Entity Risk Management Authority (PERMA), who provides administration for the City's worker's compensation insurance program. PERMA requires the City to deposit funds into an account used by PERMA for the payment of worker's compensation claims. The City does not control the investments or earnings of this account.

Other Investments –

Currently the City works with a Piper Jaffray broker to make various investments per the City policy and in accordance with State guidelines. The Broker is not on retainer, nor do they receive a City paid fee with each investment. Funds in the Money Market fluctuate as securities mature or get called. Staff is in the process of investing the Money Market funds over several months. We will be adding an additional broker to provide more investment options.

Fiscal Agent / US Bank –

Unspent bond proceeds and required bond reserves are invested by the Fiscal Agent in accordance with the bond documents.

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CITY COUNCIL AGENDA

Date: August 25, 2015

TO: City Council

FROM: Dean Martin, Interim City Manager

SUBJECT: Approval of Accounts Payable and Payroll Warrants for Month of May 2015

RECOMMENDATION: The City Council review and ratify the following reports per the California Government Code.

FISCAL DATA: The reports in your agenda packet cover "Expenditure Disbursements" and "Payroll Expenses" for the month of May 2015.

The reports are:

Expenditure approval lists

May 7, 2015	358,546.63
May 14, 2015	524,747.80
May 21, 2015	215,352.07
May 28, 2015	97,644.82
July 13, 2015	4,310,056.21 (May Month End)

Payroll check registers

May 1, 2015	3,204.97
May 15, 2015	3,271.21
May 29, 2015	3,381.32
May 29, 2015	39,370.74 ¹
May 29, 2015	79,686.69 ¹
May 29, 2015	124,183.03 ¹

Payroll direct deposits*

May 1, 2015	271,523.43
May 15, 2015	256,121.13
May 29, 2015	399,659.74

*Included in Month End total

As you review the reports, if you have any questions please contact the Finance Department so that we can gather the information from the source documents and provide a response.

(1) Due to positive pay reporting, manual checks must be reported in the accounting system separately from the weekly check register.

Report Prepared by: Jenna Harrell, Accounts Payable

APPROVED BY:

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Dean Martin
Interim City Manager

CITY of BANNING

Fund/Department Legend

Fund/Department Legend

001 General Fund Departments

0001 – General
 1000 – City Council
 1200 – City Manager
 1300 – Human Resources
 1400 – City Clerk
 1500 – Elections
 1800 – City Attorney
 1900 – Fiscal Services
 1910 – Purchasing & A/P
 2060 – TV Government Access
 2200 – Police
 2210 – Dispatch
 2279 – TASIN – SB621 (Police)
 2300 – Animal Control
 2400 – Fire
 2479 – TASIN – SB621 (Fire)
 2700 – Building Safety
 2740 – Code Enforcement
 2800 – Planning
 3000 – Engineering
 3200 – Building Maintenance
 3600 – Parks
 4000 – Recreation
 4010 – Aquatics
 4050 – Senior Center
 4060 – Sr. Center Advisory Board
 4500 – Central Services
 4800 – Debt Service
 5400 – Community Enhancement

All Other Funds

002 – Developer Deposit Fund
 003 – Riverside County MOU
 100 – Gas Tax Street Fund
 101 – Measure A Street Fund
 103 – SB 300 Street Fund
 104 – Article 3 Sidewalk Fund
 110 – CDBG Fund
 111 – Landscape Maintenance
 132 – Air Quality Improvement Fund
 140 – Asset Forfeiture/Police Fund
 148 – Supplemental Law Enforcement
 149 – Public Safety Sales Tax Fund
 150 – State Park Bond Fund
 190 – Housing Authority Fund
 200 – Special Donation Fund
 201 – Sr. Center Activities Fund
 202 – Animal Control Reserve Fund

203 – Police Volunteer Fund
 204 – D.A.R.E. Donation Fund
 300 – City Administration COP Debt Service
 360 – Sun Lakes CFD #86-1
 365 – Wilson Street #91-1 Assessment Debt
 370 – Area Police Computer Fund
 375 – Fair Oaks #2004-01 Assessment Debt
 376 – Cameo Homes
 400 – Police Facilities Development
 410 – Fire Facilities Development
 420 – Traffic Control Facility Fund
 421 – Ramsey/Highland Home Road Signal
 430 – General Facilities Fund
 441 – Sunset Grade Separation Fund
 444 – Wilson Median Fund
 451 – Park Development Fund
 470 – Capital Improvement Fund
 475 – Fair Oaks #2004-01 Assessment District
 600 – Airport Fund
 610 – Transit Fund
 660 – Water Fund
 661 – Water Capital Facilities
 662 – Irrigation Water Fund
 663 – BUA Water Capital Project Fund
 669 – BUA Water Debt Service Fund
 670 – Electric Fund
 672 – Rate Stability Fund
 673 – Electric Improvement Fund
 674 – '07 Electric Revenue Bond Project Fund
 675 – Public Benefit Fund
 678 – '07 Electric Revenue Bond Debt Service Fund
 680 – Wastewater Fund
 681 – Wastewater Capital Facility Fund
 682 – Wastewater Tertiary
 683 – BUA Wastewater Capital Project Fund
 685 – State Revolving Loan Fund
 689 – BUA Wastewater Debt Service Fund
 690 – Refuse Fund
 700 – Risk Management Fund
 702 – Fleet Maintenance
 703 – Information Systems Services
 761 – Utility Billing Administration
 805 – Redevelopment Obligation Retirement Fund
 810 – Successor Housing Agency
 830 – Debt Service Fund
 850 – Successor Agency
 855 – 2007 TABS Bond Proceeds
 856 – 2003 TABS Bond Proceeds
 857 – 2003 TABS Bond Proceeds Low/Mod

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CITY COUNCIL AGENDA

Date: August 25, 2015

TO: City Council

FROM: Dean Martin, Interim City Manager

SUBJECT: Approval of Accounts Payable and Payroll Warrants for Month of June 2015

RECOMMENDATION: The City Council review and ratify the following reports per the California Government Code.

FISCAL DATA: The reports in your agenda packet cover "Expenditure Disbursements" and "Payroll Expenses" for the month of June 2015.

The reports are:

Expenditure approval lists

June 4, 2015	310,042.02
June 11, 2015	1,018,720.30
June 18, 2015	321,843.57
June 26, 2015	195,998.98
July 29, 2015	1,727,948.07 (June Month End)

Payroll check registers

June 12, 2015	6,150.22
June 26, 2015	9,677.64

Payroll direct deposits*

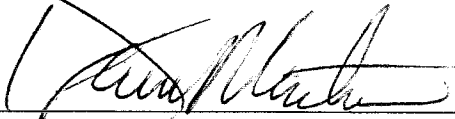
June 12, 2015	269,961.66
June 26, 2015	285,971.45

*Included in Month End total

As you review the reports, if you have any questions please contact the Finance Department so that we can gather the information from the source documents and provide a response.

Report Prepared by: Jenna Harrell, Accounts Payable

APPROVED BY:

A handwritten signature in dark ink, appearing to read "Dean Martin", is written over a horizontal line.

Dean Martin

Interim City Manager

CITY of BANNING

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 682 – Wastewater Tertiary
 683 – BUA Wastewater Capital Project Fund
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 805 – Redevelopment Obligation Retirement Fund
 810 – Successor Housing Agency
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 855 – 2007 TABS Bond Proceeds
 856 – 2003 TABS Bond Proceeds
 857 – 2003 TABS Bond Proceeds Low/Mod

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CITY COUNCIL AGENDA

DATE: August 28, 2015
TO: City Council
FROM: Heidi Meraz, Community Services Director
SUBJECT: Designation of Signature Events

RECOMMENDATION: That the Council approve both Stagecoach Days and the annual Playhouse Bowl "*Evenings in the Park*" Summer Concert Series as "Signature Events" for the City of Banning.

BACKGROUND: There are two annual events in the City of Banning that can be considered "signature events"; Banning Stagecoach Days and the Playhouse Bowl "*Evenings in the Park*" Summer Concert Series.

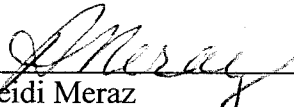
For over 50 years, Stagecoach Days has been an annual citywide celebration of Banning's history as a stagecoach stop on the Colorado Stage and Express Line. Stagecoach Days is a three-day event that includes a parade, rodeo, and a carnival that are held at A.C. Dysart Park. In addition to this annual event, the Stagecoach Days Association holds various fundraising events throughout the year.

The Playhouse Bowl Association has been producing entertainment in Banning for 63 years. Concerts are held at the Repplier Park Bowl every Thursday in August, providing musical programs free of charge with donations being accepted.

Stagecoach Days and the Playhouse Bowl have existed as long as they have due to the commitment of many unnamed volunteers and the support that has been given by the city. These events require a significant amount planning and time spent implementing the numerous details that allow these annual events to occur. Without the continued efforts of volunteers, these events would not be held. Both events serve as community-building tools, bringing citizens together; and as an economic driver, assisting with City name recognition and drawing people to our city.

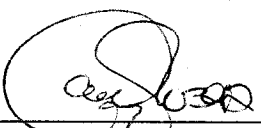
FISCAL DATA: Both Stagecoach Days and The Playhouse Bowl will be eligible to receive funds greater than the limit that is outlined in the Event Sponsorship Policy, which was approved by council on April 18, 2015. Both events would be excluded with respect to cash contributions and in-kind services, as they will be officially designated as "signature events."

RECOMMENDED BY:



Heidi Meraz
Community Services Director

REVIEWED AND APPROVED BY:



Dean Martin
Interim City Manager

**CITY COUNCIL AGENDA
REPORT OF OFFICERS**

DATE: August 25, 2015

TO: Mayor and City Council

FROM: Rita Chapparosa, Deputy Human Resources Director

SUBJECT: Classification Plan Amendments

RECOMMENDATION: Adopt Resolution No. 2015-75 amending the classification and compensation plan and the amending the Part-Time Resolution No. 2015-71 to include a new classification and changes to existing job descriptions.

JUSTIFICATION: The City Council initially approved the City of Banning Classification and Compensation Plan on January 25, 2005. Periodically the plan is amended to reflect changes in the organizational structure. Maintenance of the plan is a dynamic process in which Human Resources works with operating departments to develop classifications which reflect the current needs of the department in their efforts to deliver quality services to residents. City Personnel Rules require that the City Council approve all changes to the City's Classification Plan.

The amendment of the Classification Plan and Part-Time Classification Plan changes are part of the recently approved fiscal year 2016 mid-cycle budget and staff's request through their Program Worksheets and reorganizational changes reflected on the June 23, 2015 Council Agenda and through the Budget Committee meetings.

Staff recommends approval on the following classifications:

1. Senior Civil Engineer - changes to the job description to include public work type duties and to assume some of the duties of the City Engineer position.
2. Water Service Worker - revised to include a requirement for a Class "A" Commercial driver's license that was accepted through the meet & confer process with the City employees union.
3. Utility Engineering Services Assistant - new classification under the Electric Utilities Department and part of the succession plan for the department.

FISCAL DATA: The fiscal impact is reflected in the recently adopted fiscal year 2016 mid-cycle budget.

Recommended By:



Rita Chapparosa
Deputy Human Resources Director

Approved By



Dean Martin
Interim City Manager

Attachments: Resolution No. 2015-75, Classification Plan Amendment for City Employees

RESOLUTION 2015-75

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING
AMENDING THE CLASSIFICATION & COMPENSATION PLAN FOR THE
CITY OF BANNING**

WHEREAS, it is necessary to amend the City's Classification Plan from time to time to maintain a current plan which reflects the nature of work, organizational structure, or otherwise;

WHEREAS, the classification and compensation plan has been updated to reflect changes in salary ranges per the recently approved fiscal year 2016 mid-cycle budget;

WHEREAS, changes to job descriptions, job titles and/or pay ranges require Council approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning, California as follows:

SECTION 1: That the City Council approve the following classifications and salary ranges as incorporated in the attached classification and compensation plan – Schedule "A" (Exhibit "A"):

Senior Civil Engineer– Salary Range 82

Utility Engineering Services Assistant – Salary Range 48

Water Service Worker – Salary Range 52

SECTION 2: That the City Council approve the job description for Senior Civil Engineer (Job Code 4350), Utility Engineering Services Assistant (Job Code 5053), and Water Service Worker (Job Code 4140) as attached in Exhibit "B".

PASSED, APPROVED, AND ADOPTED this 25th day of August, 2015.

Deborah Franklin, Mayor
City of Banning, California

ATTEST:

Marie A. Calderon, City Clerk
City of Banning, California

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2015-75 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25th day of August, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning, California

EXHIBIT “A”

CITY OF BANNING
 CLASSIFICATION & COMPENSATION PLAN
 REVISED AUGUST 25, 2015
 RESOLUTION NO. 2015-75 (AMENDING RESOLUTION NO. 2015-70)

MATRIX BY CLASS SERIES/JOB CODE

Class Series/Occupational Job Group	Job Code	Classification/Position	Salary Range	Bargaining Unit
1000 – CITY ADMINISTRATION SERIES				
City Administration Group	1010	City Manager	113	Council Contract
	1020	City Clerk/Executive Assistant	57	Elected
	1606	Executive Assistant/Deputy City Clerk	57	Conf/Gen
Financial Services Group	1105	Administrative Services Director/Deputy City Manager	101	Contract
	1115	Deputy Finance Director	87	Mgmt/Conf
	1160	Purchasing Manager	77	SBPEA
	5028	Utility Financial Analyst	76	SBPEA
	1125	Accountant II	59	IBEW-G
	1140	Accountant	54	IBEW-G
	1136	Accounting Specialist	53	IBEW-G
	1130	Financial Services Specialist	47	IBEW-G
Human Resources Group	1215	Deputy Human Resources Director	83	Mgmt/Conf
	1230	Human Resources Technician	54	Conf/Gen
Utility Billing Group	1340	Senior Utility Billing Rep	48	IBEW-G
	1350	Utility Billing Representative	43	IBEW-G
	1340	Lead Field Service Representative	55	IBEW-U
	1325	Field Service Representative	51	IBEW-U
Information/Cable Systems Group	1410	Information Technology Coordinator	59	IBEW-G
	1416	Police Information Technology Technician	59	IBEW-G
	1415	Information Technology/Media Technician	57	IBEW-G
	1510	Cable Services Specialist	44	IBEW-G

Schedule "A"

Office Support Group	1610	Executive Secretary	53	IBEW-G	
	1601	Management Analyst	68	SBPEA	
	1620	Office Specialist	44	IBEW-G	
	1630	Receptionist	31	IBEW-G	

2000 - POLICE SERIES

Police Group	2010	Police Chief	100	Contract	
	2025	Police Lieutenant	87	Police Mgmt	
	2030A	Police Staff/Master Sergeant	78	POA	
	2040	Police Corporal	71	POA	
	2050	Police Officer	67	POA	
	2060	Police Recruit/Trainee	N/A	At-Will	
Police Support Group	2143	Lead Public Safety Dispatcher	56	IBEW-G	
	2110	Public Safety Dispatcher	52	IBEW-G	
	2151	Police Assistant II	48	IBEW-G	
	2152	Police Assistant I	44	IBEW-G	

3000-COMMUNITY DEVELOPMENT SERIES

Community Development Group	3010	Community Development Director	92	Contract	
	3026	Development Project Coordinator	58	IBEW-G	
	3050	Senior Planner	79	SBPEA	
	3020	Associate Planner	68	SBPEA	
	3015	Assistant Planner	63	SBPEA	
Economic Development Group	3110	Economic Development Director	92	Contract	
Development Services Group	3210	Development Services Manager (Building Official)	84	SBPEA	
	3215	Senior Building Inspector	67	IBEW-G	
	3230	Code Compliance Officer	58	IBEW-G	
	3240	Building Permit Specialist	55	IBEW-G	

3300-COMMUNITY SERVICES GROUP

Community Services Group	3310	Community Services Director	86	Contract	
	3360	Transit Field Supervisor	59	IBEW-G	
	3325	Recreation Coordinator	51	IBEW-G	
	3328	Program Coordinator	43	IBEW-G	
	3350	Lead Bus Driver/Trainer	55	IBEW-G	
	3340	Bus Driver	47	IBEW-G	

4000-PUBLIC WORKS SERIES

Public Works Management Group	4400	Public Works Director/City Engineer	100	Contract
Streets/Parks Group	4210	Public Works Superintendent	78	SBPEA
	4230	Work Release Crew Leader	47	IBEW-G
	4240	Senior Maintenance Worker	50	IBEW-G
	4250	Maintenance Worker	45	IBEW-G
	4260	Motor Sweeper Operator	50	IBEW-G
Engineering Group	4300	City Engineer	85	SBPEA
	4350	Senior Civil Engineer	82	SBPEA
	4320	Associate Civil Engineer	76	SBPEA
	4325	Assistant Civil Engineer	68	SBPEA
	4330	Public Works Inspector	62	IBEW-G
	4340	Engineering Services Assistant	48	IBEW-G
General Maintenance and Support Group	4420	Fleet Maintenance Mechanic	53	IBEW-G
	4430	Building Maintenance Specialist	49	IBEW-G
	4441	Community Center Caretaker	36	IBEW-G
	4450	Warehouse Services Specialist	52	IBEW-G
Water/Wastewater Group	4115	Water/Wastewater Superintendent	78	SBPEA
	4130	Water Crew Supervisor	60	IBEW-U
	4140	Water Services Worker	52	IBEW-U
	4155	Wastewater Collection System Supervisor	60	IBEW-U
	4145	Wastewater Collection System Technician	52	IBEW-U
	4132	Water Valve Flushing Crew Lead	56	IBEW-U
	4133	Water Construction Crew Lead	56	IBEW-U
	4131	Water Meter Crew Lead	56	IBEW-U

5000 ELECTRIC UTILITIES SERIES

Electric Services & Operations Group	5001	Electric Utility Director	100	Contract
	5021	Power Resource & Revenue Administrator	85	SBPEA
	5025	Associate Electrical Engineer	76	SBPEA
	5028	Utility Financial Analyst	76	SBPEA
	5029	Senior Electric Service Planner	79	IBEW-U7
	5030	Electric Service Planner	77	IBEW-U
	5050	Public Benefits Coordinator	55	IBEW-U

Schedule "A"

5055	Utility Services Assistant	48	IBEW-U
5053	Utility Engineering Services Assistant	48	IBEW-U
5110	Electric Operations & Maintenance Manager	85	SBPEA
5120	Powerline Crew Supervisor	79	IBEW-U
5130	Powerline Technician	75	IBEW-U
5140	Powerline Apprentice	67/ 73	IBEW-U
5150	Electric Services Worker	52	IBEW-U
5161	Substation Test Technician	75	IBEW-U
5160	Electric Meter Test Technician	75	IBEW-U
5170	Apprentice Electric Meter Test Technician	67 / 73	IBEW-U

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EXHIBIT “B”



CITY OF BANNING, CALIFORNIA

Senior Civil Engineer

Job Code: 4350

FLSA

☒ Exempt

☐ Non-Exempt

JOB DEFINITION: Under general direction of the Public Works Director, performs complex professional engineering work related to the planning, design and construction phases of capital improvement projects, including water and wastewater.

ESSENTIAL FUNCTIONS: *The following duties ARE NOT intended to serve as a comprehensive list of all duties performed by all employees in this classification. Shown are duties intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.*

REPRESENTATIVE DUTIES (Depending on Area of Assignment): Lead, supervise, plan, coordinate, and manage the Engineering Division; review and recommend for approval all subdivision maps, grading and erosion control plans, and developer public improvement plans; issue encroachment permits for construction work within the City's public right-of-way; administer the National Flood Insurance program, and Capital Improvement Projects (Water, Wastewater, Streets, Storm Drains, Parks, Airport and Public Buildings), Community Facilities and Landscape Maintenance Districts; maintain utility plats showing water, sewer, recycled water, and storm drain facilities; provide public access for all City drawings, deeds, maps assessment district diagrams, aerial photos, and utility drawings, and manage GIS mapping updates and maintenance; perform special studies; meet and confer with developers, contractors, engineers and the general public relative to City policies, regulations, and engineering standards and procedures; coordinate discrepancies and resolve problem situations with outside parties, oversee land and easement acquisition activities; supervise the preparation, updating and maintenance of maps and records, and prepare and/or review improvement agreements; interpret, apply, and prepare revisions as appropriate for relevant codes, ordinances, rules and regulations; develop and administer assigned division budget, administer and/or oversee consultant and other contracts, provide technical review and approval of all payments and billing for contracted services, and track division costs; coordinate engineering activities with other City departments and divisions as appropriate; serve as staff to a variety of City and outside commissions, boards and committees as assigned; supervise, train, and evaluate assigned professional, technical, and clerical staff; conduct special engineering studies relative to assigned area of responsibility; prepare appropriate reports and analyses and ensure adherence to codes, applicable laws, regulations and guidelines relating to engineering activities.

Administer Department operations and maintenance contracts, such as the wastewater treatment plant operation; manage the review and plans for inspection of water and wastewater related public improvements constructed by private developments; confer with developers and others to resolve issues relating to public improvement requirements for residential, industrial, and commercial developments; direct the preparation of a variety of studies and reports relating to current and long-range City water and wastewater capital improvement needs and develop specific proposals to meet them; prepare Requests for Proposals involving water and wastewater projects; provide input for the preparation and administration of the Department's budget and monitor the production of the groundwater basins and the operations of the water wells.

Performs other duties as assigned or required.

CITY OF BANNING, CALIFORNIA

Senior Civil Engineer

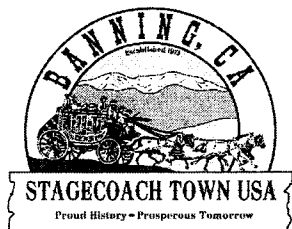
Job Code: 4350

KNOWLEDGE and ABILITIES:

- Knowledge of applicable City, County, State and Federal statutes, rules, regulations, ordinances, codes, administrative orders and other operational guidelines and directives.
- Knowledge of the City's and the Department's policies and procedures.
- Knowledge of management and/or supervision principles.
- Knowledge of bookkeeping and/or accounting principles.
- Knowledge of research methods and procedures.
- Knowledge of engineering principles and methods and trends.
- Knowledge of practices in public improvement projects.
- Skill in reading, understanding, interpreting and applying relevant City, County, State and Federal statutes, rules, regulations, ordinances, codes, administrative orders, policies and procedures and other operational guidelines and directives.
- Skill in assessing and prioritizing multiple tasks, projects and/or demands.
- Skill in working within deadlines to complete projects and assignments.
- Skill in assessing, analyzing, identifying and implementing solutions to complex problems.
- Skill in operating a personal computer, utilizing a variety of software applications.
- Skill in establishing and maintaining effective working relations with co-workers, staff, vendors, contractors, visitors, the general public and others having business with the City of Banning.

MINIMUM QUALIFICATIONS: A Bachelor's degree in Civil Engineering, or related field with Certification as a Professional Engineer **AND** five (5) years of civil engineering experience. A Master's Degree is desirable.

ADDITIONAL REQUIREMENTS: Must have at the time of application and must maintain registration as a Professional Engineer. Must possess and maintain a valid California driver's license. May occasionally be exposed to extreme weather conditions, potential physical harm, infectious diseases, hazardous chemicals and/or dangerous machinery. May be required to work outside the traditional work schedule. May be subject to call out and/or call-back.



CITY OF BANNING, CALIFORNIA

Utility Engineering Services Assistant

Job Code: 5053

FLSA

☐ Exempt

☒ Non-Exempt

JOB DEFINITION: Under general supervision, performs a variety of duties associated with providing customer service relating to the delivery of engineering, utility, and electric service planning assistance.

ESSENTIAL FUNCTIONS: The following duties ARE NOT intended to serve as a comprehensive list of all duties performed by all employees in this classification. Shown are duties intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.

REPRESENTATIVE DUTIES: Assists the public and Electric Operations personnel regarding engineering and utility related issues. Receives and processes a variety of documents, including work orders, engineering plans, easement documents, and development applications. Conducts preliminary plans review to ensure compliance with appropriate standards and regulations. Tracks and monitors status of work orders and plans and coordinates the flow of plans and applications with engineers and outside consultants and developers. Issues approved utility service contracts for a variety of activities. Assist the Electric Service Planner with inspections of electrical construction. Updates and maintains official maps, drawings and master plans.

Researches and references material for the public and staff use. Provides responsible staff assistance to Electric Operations and utility planning staff on special projects as assigned. Prepares graphic displays for meetings and presentations. Attend meetings with other City departments to coordinate development activities.

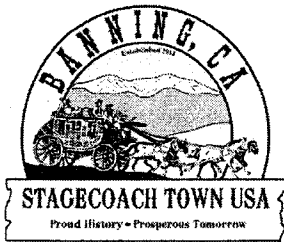
Performs other duties as assigned or required.

KNOWLEDGE and SKILLS:

- Knowledge of applicable city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders and other operational guidelines and directives.
- Knowledge of the City's and the Department's policies and procedures.
- Knowledge of file and records management principles.
- Knowledge of customer service techniques and concepts.
- Knowledge of basic mathematical computations.
- Skill in reading, understanding, interpreting and applying relevant city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders, policies and procedures and other operational guidelines and directives.
- Skill in assessing and prioritizing multiple tasks, projects and/or demands.
- Skill in working within deadlines to complete projects and assignments.
- Skill in establishing and maintaining effective working relations with co-workers, staff, vendors, contractors, visitors, the general public and others having business with the City of Banning.
- Skill in operating a personal computer utilizing a variety of software applications.

MINIMUM QUALIFICATIONS: A high school diploma or GED AND two (2) years of customer service, utility or plans review experience.

ADDITIONAL REQUIREMENTS: None.



CITY OF BANNING, CALIFORNIA

Water Services Worker

Job Code: 4140

FLSA ☐ Exempt ☒ Non-Exempt

JOB DEFINITION: Under close supervision, performs a variety of duties associated with providing construction maintenance, installation, service and repair to the City's water system.

ESSENTIAL FUNCTIONS: *The following duties **ARE NOT** intended to serve as a comprehensive list of all duties performed by all employees in this classification. Shown are duties intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.*

REPRESENTATIVE DUTIES: Provides construction maintenance, installation, service and repair to the City's water system. Performs water sampling and testing. Collects water system samples from the source water and distribution system, sends samples to lab for testing and determines water quality. Responds to customer complaints regarding water quality. Monitors and makes operational changes from SCADA system. Performs routine maintenance and emergency repairs to existing City water wells, reservoirs control valves, chlorine injectors, pumps, meters, vents, air coolers and chlorine analyzers. Installs water lines, fire hydrants, and related infrastructure.

Monitors water quality, water pressure, tank levels, pump stations and chemical levels. Locates water lines and valves by use of maps and specialized equipment. Flushes and cleans water lines and reservoirs. Installs flow meters and performs flow adjustments. Samples new waterlines prior to system tie-ins to ensure waterlines meet health department standards and regulations. Conducts field tests. Operates heavy equipment in the maintenance, installation, service and repair of water treatment, production and distribution.

Locates and participates in the repair of water leaks in the system. Replaces and repairs concrete and asphalt after service of water system. Maintains and cleans water system facilities, shop and equipment.

Performs other duties as assigned or required.

KNOWLEDGE and SKILLS:

- Knowledge of applicable City, County, State and Federal statutes, rules, regulations, ordinances, codes, administrative orders and other operational guidelines and directives.
- Knowledge of the City's and the Department's policies and procedures.
- Knowledge of water treatment operation methods and techniques
- Knowledge of water production, distribution, maintenance and repair practices and procedures
- Knowledge of customer service methods and techniques.
- Knowledge of the use in water system operation equipment and tools.
- Knowledge of basic safety practices.
- Skill in reading, understanding, interpreting and applying relevant city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders, policies and procedures and other operational guidelines and directives.
- Skill in assessing and prioritizing multiple tasks, projects and/or demands.
- Skill in working within deadlines to complete projects and assignments.
- Skill in establishing and maintaining effective working relations with co-workers, staff, vendors, contractors, visitors, the general public and others having business with the City of Banning.

(continued on reverse side)

CITY OF BANNING, CALIFORNIA

Water Services Worker

Job Code: 4140

MINIMUM QUALIFICATIONS: A high school diploma or GED. Experience in general construction industry or experience installing, maintaining and/or repairing water systems is desirable, but not mandatory.

ADDITIONAL REQUIREMENTS: Within one year of employment, must obtain and maintain a California State Department of Health Services license in Water Treatment Grade T-1 or Distribution D-1 and a Class A California Commercial Driver License. May be exposed to extreme weather conditions, potential physical harm, infectious diseases, hazardous chemicals and/or dangerous machinery. Depending on the needs of the City, incumbents in this classification will be required to obtain and maintain additional licenses or certifications and C.E.U. May be required to work outside the traditional work schedule. May be subject to call out and/or call-back or stand-by schedule.

**CITY COUNCIL AGENDA
CONSENT CALENDAR**

DATE: August 25, 2015

TO: City Council

FROM: Rita Chapparosa, Deputy Human Resources Director

SUBJECT: Adopt Resolution 2015-76 Approving a Paid Sick Leave Policy Pursuant to AB 1522 for Part-Time Employees

RECOMMENDATION: Adopt Resolution No. 2015-76 approving a sick leave policy pursuant to AB 1522 for part-time employees of the City of Banning.

JUSTIFICATION: The State of California has enacted the Healthy Workplaces, Health Families Act of 2014 (AB1522). Beginning July 1, 2015, employers must provide paid sick leave for employees covered under AB 1522. Under the provisions of AB 1522, The City may establish the accrual method and the minimum usage increment for paid sick leave.

Under the proposed method of implementing this benefit, part-time employees will begin to accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on July 1, 2015 or the first day of employment, whichever is later. An employee is not eligible to begin using any accrued paid sick leave until the 90th day of employment with the Agency. Any unused sick leave will carry over into a new fiscal year to a maximum cap of 6 days or 24 hours, whichever is greater. Employees who have not worked in a 12 month period shall be considered a new employee for purposes of sick leave accrual and usage. An employee is only allowed to use up to a maximum of 3 days or 24 hours, whichever is greater, of paid leave in a 12-month period.

BACKGROUND: On September 10, 2014, Governor Brown signed into law the Healthy Workplaces, Healthy Families Act of 2014 that provides three (3) days of paid sick leave for eligible employees beginning July 1, 2015. Effective January 1, 2015, employers were required to post information about AB 1522 but the paid sick leave provisions that went into effect until July 1, 2015. AB 1522 sets forth the conditions and purposes for which paid sick leave is to be paid. AB 1522 allows the employer to choose between two accrual methods, and sets a minimum usage increment for paid sick leave that does not exceed two (2) hours.

City part-time employees are not covered by any collective bargaining agreement, benefits resolution or any other benefits policy. As such, these employees are subject to the provisions of AB 1522. All other employees of the City are covered under a collective bargaining

agreement or a benefits resolution that meet or exceed the minimum requirements for AB 1522 paid sick leave and are, therefore, not subject to AB 1522.

The proposed policy, attached as Exhibit "A" to Resolution No. 2015-76 would provide specific guidelines on the accrual of the paid sick leave and the procedures for usage of the leave.

FISCAL DATA: The financial impact of implementing AB 1522 is unknown at this time; however, any additional costs would be limited to covering services performed by part-time staff during sick leave absences.

RECOMMENDED BY:



Rita Chapparosa
Deputy Human Resources Director

APPROVED BY:



Dean Martin
Interim City Manager

Attachments: Resolution No. 2015-76
Exhibit "A" - Administrative Policy No. AP-01

RESOLUTION NO. 2015-76

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING ADOPTING
A PAID SICK LEAVE POLICY PURSUANT TO AB 1522 FOR PART-TIME
EMPLOYEES ESTABLISHING THE ACCRUAL METHOD AND THE MINIMUM
PAID SICK LEAVE USAGE INCREMENT**

WHEREAS, on September 10, 2014 the Governor of the State of California signed the Healthy Workplaces, Healthy Families Act of 2014 (AB1522) providing paid sick leave for covered employees effective January 1, 2015; and

WHEREAS, the AB 1522 paid sick leave provisions take effect July 1, 2015; and

WHEREAS, the City of Banning wishes to establish a paid sick leave policy pursuant to AB 1522 for part-time employees; and

WHEREAS, part-time employees are not covered by an existing collective bargaining agreement, benefits resolution nor any other benefits policy; and

WHEREAS, AB 1522 allows the City to establish the accrual method and the minimum usage increment for paid sick leave;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning, California, as follows:

SECTION 1. That the City Council hereby adopts as the attached the Policy attached hereto as Exhibit "A", and incorporated herein by this reference, as it fully set forth, entitled "Paid Sick Leave-Part Time Employees".

SECTION 2. Paid sick leave benefits shall be effective July 1, 2015 and shall remain in effect until modified, terminated, or rescinded by subsequent resolution of the City Council, or by changes to applicable State or Federal Law.

PASSED, APPROVED AND ADOPTED this 25th day of August, 2015 at Banning, California.

Deborah Franklin, Mayor
City of Banning, California

ATTEST:

Marie A. Calderon
City Clerk of the City of Banning

APPROVED AS TO FORM AND
LEGAL CONTENT

David Aleshire, Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2015-76 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25th day of August, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning, California

CITY OF BANNING		
ADMINISTRATIVE POLICY		
Subject: PAID SICK LEAVE – PART TIME EMPLOYEES		Policy No. AP 01-Supplemental
Reference: Approved by Resolution No. 2015-76 on August 25, 2015	Effective: July 1, 2015	Page No. 1 of 3

Effective July 1, 2015, California law ("AB 1522") requires that all employees who have worked for more than 30 days for an employer be provided paid sick leave at the accrual rate of one hour of sick leave for every 30 hours worked, up to a minimum of 3 days or 24 hours of paid sick leave to be provided in a 12-month period. Certain use, accrual, and carryover provisions apply. Traditional sick leave policies that go beyond these minimum requirements can also be used, so long as they provide the minimum requirements.

The following policy applies only to part-time, temporary, and seasonal employees.

Effective July 1, 2015, California's Paid Sick Leave law requires the City of Banning to provide paid sick leave to employees under the following conditions:

- An employee who works 30 or more days in a twelve month period is entitled to paid sick leave.
- An employee begins to accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on July 1, 2015 or the first day of employment, whichever is later. An employee is not eligible to begin using any accrued paid sick leave until the 90th day of employment with the Agency.
- An employee is only allowed to use up to a maximum of 3 days or 24 hours, whichever is greater, of paid leave in a 12-month period.
- An employee can only accrue paid sick leave up to a cap of 6 days or 48 hours, whichever is greater, ongoing. Sick leave does not accrue once the cap is reached, but accrual begins again when accrued sick leave drops below the cap. Any unused accrued sick leave carries over year to year while continuously employed.
- **In accordance with California's Paid Sick Leave law, an employee may use 3 days or 24 hours of accrued paid sick leave in a 12-month period for one of the following reasons:**

For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.

CITY OF BANNING		
ADMINISTRATIVE POLICY		
Subject: PAID SICK LEAVE – PART TIME EMPLOYEES		Policy No. AP-01 Supplemental
Reference: Approved by Resolution No. 2015-76 on August 25, 2015	Effective: July 1, 2015	Page No. 2 of 3

- **For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:**

Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.)

Spouse or Registered Domestic Partner

Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.)

Grandparent

Grandchild.

Sibling.

- **To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:**

A temporary restraining order or restraining order.

Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.

To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.

To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.

To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.

To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

CITY OF BANNING		
ADMINISTRATIVE POLICY		
Subject: PAID SICK LEAVE – PART TIME EMPLOYEES		Policy No. AP 01 - Supplemental
Reference: Approved by Resolution No. 2015-76 on August 25, 2015	Effective: July 1, 2015	Page No. 3 of 3

- An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.

- An employee who uses paid sick leave must do so with a minimum increment of two hours of sick leave.

- Paid sick leave will not be considered hours worked for purposes of overtime calculation. An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment from the Agency.

- If an employee separates from Agency employment and is re-hired by the Agency within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law. However, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the Agency before any paid sick leave can be used.

If you have any questions about this policy, please contact Human Resources.

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**CITY COUNCIL AGENDA
CONSENT ITEM**

DATE: August 25, 2015

TO: City Council

FROM: Dean Martin, Interim City Manager

SUBJECT: Resolution No. 2015-80 Approving the Maximum Compensation and Benefits in Certain City Department Director Employment Contracts, Pursuant to Section 2.08.090 (C) of the Banning Municipal Code.

RECOMMENDATION: Adopt Resolution No. 2015-80 establishing the maximum compensation and benefits allowed in City department head/director employment contracts, pursuant to Section 2.080.090 (C) of the Banning Municipal Code. The City is requesting approval to grant certain department directors a one-time, 2% lump sum payment and a 3% increase in compensation to department directors, a copy of which is attached hereto as Exhibit "A".

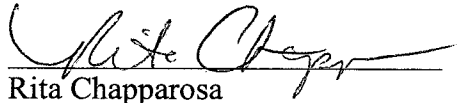
BACKGROUND: Banning Municipal Code 2.080.090 (C) requires that the City Council approve, by ordinance or resolution, the maximum compensation and benefits expressly or impliedly included in the Contracts prior to their taking effect. The last time City Council approved the Maximum Compensation and Benefits was through Resolution No. 2013-20, a copy of which is attached hereto as Exhibit "B".

On May 14, 2013, Resolution No. 2013-2 was adopted, which the City Department Directors paid 8% toward their employee contribution to CalPERS and gave up the 4% Management Incentive for a total of 12% loss in compensation. In return, the Directors received a 9% salary increase and 4 range salary adjustment. Salary range adjustments were necessary to conform to the compensation table format. The net resulted in a 3% savings to the City.

Resolution No. 2015-80 recommends that the City Council approve a 3% increase in compensation to City Department Directors and a 2% lump sum payment to the Community Services Director and Electric Utility Director.

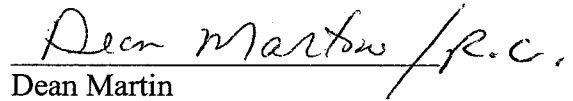
FISCAL IMPACT: The fiscal impact will result in a \$7,348 budget increase for the 2% one-time lump sum payment. Due to the minimal financial impact of the lump sum payments, no appropriation is being requested at this time. The 3% salary increase is reflected in the recently adopted fiscal year 2016 mid-cycle budget.

PREPARED BY:



Rita Chapparosa
Deputy Human Resources Director

APPROVED BY:



Dean Martin
Interim City Manager

Attach: Exhibit "A" - Resolution No. 2015-80
Exhibit "B" - Resolution No. 2013-20

EXHIBIT “A”

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RESOLUTION NO. 2015-80

A RESOLUTION OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE MAXIMUM COMPENSATION AND BENEFITS IN CERTAIN CITY DEPARTMENT DIRECTOR EMPLOYMENT CONTRACTS, PURSUANT TO SECTION 2.08.090(C) OF THE BANNING MUNICIPAL CODE.

WHEREAS, the City of Banning ("City") currently has Department Directors that include but are not limited to the Administrative Services Director/Deputy City Manager, Police Chief, Community Development Director, Public Works Director, Electric Utility Director, Economic Development Director and Community Services Director (hereinafter collectively referred to as "Directors"); and

WHEREAS, the Banning City Manager has authority to enter into Contracts with the Directors on behalf of the City, pursuant to Banning Municipal Code § 2.08.090; and

WHEREAS, Banning Municipal Code § 2.08.090(C) requires that the City Council approve, by ordinance or resolution, the maximum compensation and benefits expressly or impliedly included in the Contracts prior to their taking effect; and

WHEREAS, on or about June 23, 2009, the City Council approved Resolution 2009-51 changing the maximum level of benefits and other compensation to be included in the Contracts and provided that the salary for the Contracts shall not exceed the maximum salary for each Director in the most recent Classification and Compensation Resolution approved by the City Council at any given time; and

WHEREAS, on or about May 14, 2013 the City Council of the City of Banning passed Resolution No 2013-20, replacing Resolution No. 2009-51 and changing the maximum level of benefits and other compensation for Directors; and

WHEREAS, the City developed a new Salary Schedule dated July 1, 2015 which implements a 3% increase to the Steps in each Salary Grade; and

WHEREAS, the City Council wishes to apply the new Salary Schedule to Directors, giving Directors a 3% increase in compensation; and

WHEREAS, the City Council wishes to give a one-time, 2% lump sum payment to the Community Services Director and Electric Utility Director; and

WHEREAS, the City Council now desires to adopt an amended and restated resolution of salaries, compensation and benefits for Directors, which restates and replaces any and all pre-existing salary and compensation resolutions for the Directors, including, but not limited to, Council Resolution No. 2013-20.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

Section I. The City Council hereby approves the Director Compensation Table attached as **Exhibit A**.

Section II. The City Council hereby adopts the Salary Schedule dated July 1, 2015 as applied to the Director Compensation Table. The Salary Schedule dated July 1, 2015 is attached hereto as **Exhibit B**.

Section III. The City Council hereby approves the maximum level of benefits and other compensation, not including salary, expressly or implied set forth in the Contracts, provided that such level of benefits and other compensation for each Director shall not exceed the following levels:

- A. Professional Development. Training as determined appropriate by the City Manager.
- B. Paid Leave. Implementation of accrual caps will not result in loss of existing or vested leave balances as of the date of adoption of this resolution.
 - i. Sick Leave: 96 hours accrued annually with maximum accrual cap of 480 hours.
 - ii. Vacation Leave. 160 hours accrued annually with maximum accrual cap of 480 hours.
 - iii. Holiday Leave. Effective July 1st, 2013, Directors shall be entitled to the following holidays and paid 10 hours for each holiday:

New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving, Day after Thanksgiving, Christmas, and One (1) floating holiday;
 - iv. Executive Leave. 98 hours annual accrual with maximum accrual cap of 200 hours.
 - v. Bereavement Leave. 30 hours annually with no accrual or carryover.
 - vi. Promotional Payouts of Leave. Prior to implementation of a promotion to a higher ranking position, the City shall be entitled to cash out, at the Director's current pay rate at the time of said promotion, all vacation, holiday, comp time and executive leave in excess of 100 hours respectively.
- C. Cafeteria/Health & Welfare Benefits. Effective the first pay period after July 1st, 2013, this benefit for Director's shall be capped at \$20,000 annually. However, the City Manager may increase the benefit annually using CPI or the average of all City health insurance premium increases. Directors may use funds for any of the City's medical plans or, upon proof of coverage under spouse's plan, this amount may be taken as taxable income or converted to a 457 Plan or City sponsored Medical Savings Account.
- D. Retirement.

- Miscellaneous and safety employees hired prior to December, 2012, remain at 2.5% @55 and 3% @ 50 CalPERS formulas respectively, with single highest year benefit.
 - Beginning December 2012, the City implemented the 2% @ 60 formula for miscellaneous new hires and 2% @ 50 formula for safety new hires with average three years for calculation of final retirement benefit, which after January 1, 2013 shall only apply to new hires defined and determined by CalPERS to be "classic members."
 - Beginning January 1, 2013, new hires defined by CalPERS as "new members" shall receive the newly created 2% @ 62 formula for miscellaneous employees and 2.7% @ 57 for safety employees, with average of three years for calculation of final retirement benefit. (Mandated by the Public Employees' Pension Reform Act of 2013.)
 - The Directors shall pay their full member contribution for their CalPERS retirement plan, currently at either eight percent (8%) for miscellaneous members or nine percent (9%) for safety members, from employee's pre-tax compensation.
- E. Management Incentive. There shall be no salary management incentive.
- F. Automobile Allowance. Directors shall receive \$250.00 per month or the use of a take home City Vehicle as determined by the City Manager.
- G. City Flexible Spending Plan. Directors may participate in same program made available to other employees.
- H. Life Insurance. Directors shall be entitled to a \$150,000.00 life insurance policy.
- I. Uniforms. \$0. The Police Chief shall receive \$110 per month uniform allowance.
- J. Business Equipment. The City hereby agrees to finance at no interest the purchase of any job-related tools or equipment that serve the professional development of the Director. Such tools and equipment shall be approved in advance by the City Manager. Repayment to the City by the Director shall be made by payroll deductions until the amount loaned is completely repaid. The maximum period for repayment shall be two (2 years). The amount shall be capped at the value of one month's salary. Should the Director terminate employment, then the remaining loan amount repayment shall be accelerated and become fully due and owing as of the termination date.
- J. Bonding. The City shall bear the full cost of any fidelity or other bonds required for an employee under any law or ordinance.
- K. Education Incentives. Directors may receive \$275.00 maximum per month. The Police Chief may receive \$450.00 per month.

- L. Eyewear/Eyecare Reimbursement. Directors may receive 250.00 maximum every two years.
- M. Disability Insurance. Directors shall pay the cost of membership in the short term and long term disability insurance programs selected by the City and Insurance/Benefits Advisory Committee.
- N. FICA. Directors shall pay the employee's portion of the Federal Insurance Contributions Act tax and the City shall be responsible for payment of the employer's portion.
- O. Other benefits. Directors shall be eligible to participate in employee paid benefit programs that may be offered from time to time.
- P. Lump Sum Payment. The Community Services Director and Electric Utility Director shall be granted a one-time, lump sum 2% payment in Fiscal Year 2015.

Section IV. Directors are entitled only to the level of salary and benefits contained in their respective Contract.

Section V. The position of Police Chief remains entitled to all protections and rights afforded under California law, including but not limited to those set forth in the Public Safety Officers Procedural Bill of Rights Act (Gov't Code 3300-3313)

Section VI. The Administrative Services Director is authorized to make the necessary budget adjustments, appropriations and transfers as applicable.

PASSED, APPROVED, and ADOPTED this 25th day of August, 2015.

Deborah Franklin, Mayor
City of Banning

**APPROVED AS TO FORM AND
LEGAL CONTENT:**

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

ATTEST:

Marie A. Calderon, City Clerk
City of Banning

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Resolution No. 2015-80 was adopted by the City Council of the City of Banning at the regular meeting thereof held on the 25th day of August, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning

Exhibit "A"
Compensation Table

Position	Current Range
Administrative Services Director/Deputy City Manager	101
Community Development Director	92
Community Services Director	86
Electric Utility Director	100
Police Chief	100
Public Works Director	100
Economic Development Director	92

City of Banning
Salary Schedule
 2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
01 Hourly	5,304.3	5,439.6	5,574	5,720.6	5,866	6,016.2	6,169	6,327.0	6,484	6,653.9	6,823.6	6,997.6	7,176.1
Biweekly	424.35	435.17	446.27	457.65	469.32	481.29	493.57	506.16	519.07	532.31	545.89	559.81	574.09
Annual	11,033.00	11,314.41	11,602.99	11,898.94	12,202.43	12,513.67	12,832.84	13,160.16	13,495.82	13,840.04	14,193.05	14,555.06	14,926.30
02 Hourly	5,437.0	5,575.7	5,717.9	5,863.8	6,013.3	6,166.7	6,324.0	6,485.3	6,650.7	6,820.3	6,994.3	7,172.7	7,355.6
Biweekly	434.96	446.06	457.43	469.10	481.06	493.33	505.92	518.82	532.05	545.63	559.54	573.81	588.45
Annual	11,309.00	11,597.45	11,893.25	12,196.60	12,507.69	12,826.71	13,153.87	13,489.37	13,833.43	14,186.26	14,548.10	14,919.16	15,299.69
03 Hourly	5,573.1	5,715.2	5,861.0	6,010.5	6,163.8	6,321.0	6,482.2	6,647.6	6,817.1	6,991.0	7,169.3	7,352.2	7,539.7
Biweekly	445.85	457.22	468.88	480.84	493.10	505.68	518.58	531.81	545.37	559.28	573.54	588.17	603.18
Annual	11,592.00	11,887.67	12,190.87	12,501.81	12,820.68	13,147.69	13,483.03	13,826.93	14,179.60	14,541.27	14,912.16	15,292.51	15,682.56
04 Hourly	5,712.0	5,857.7	6,007.1	6,160.3	6,317.5	6,478.6	6,643.8	6,813.3	6,987.1	7,165.3	7,348.0	7,535.5	7,727.7
Biweekly	456.96	468.62	480.57	492.83	505.40	518.29	531.51	545.06	558.97	573.22	587.84	602.84	618.21
Annual	11,881.00	12,184.04	12,494.80	12,813.50	13,140.32	13,475.47	13,819.18	14,171.65	14,533.11	14,903.79	15,283.93	15,673.76	16,073.54
05 Hourly	5,854.8	6,004.1	6,157.3	6,314.3	6,475.4	6,640.5	6,809.9	6,983.6	7,161.7	7,344.4	7,531.7	7,723.8	7,920.8
Biweekly	468.38	480.33	492.58	505.15	518.03	531.24	544.79	558.69	572.94	587.55	602.54	617.91	633.67
Annual	12,178.00	12,488.61	12,807.15	13,133.81	13,468.80	13,812.33	14,164.63	14,525.91	14,896.41	15,276.36	15,666.00	16,065.57	16,475.34
06 Hourly	6,001.4	6,154.5	6,311.5	6,472.5	6,637.6	6,806.9	6,980.5	7,158.5	7,341.1	7,528.3	7,720.4	7,917.3	8,119.2
Biweekly	480.12	492.36	504.92	517.80	531.00	544.55	558.44	572.68	587.29	602.27	617.63	633.38	649.54
Annual	12,483.00	12,801.39	13,127.90	13,462.74	13,806.12	14,158.26	14,519.38	14,889.72	15,269.49	15,658.96	16,058.35	16,467.94	16,887.97
07 Hourly	6,151.4	6,308.3	6,469.2	6,634.2	6,803.5	6,977.0	7,154.9	7,337.4	7,524.6	7,716.5	7,913.3	8,115.2	8,322.1
Biweekly	492.12	504.67	517.54	530.74	544.28	558.16	572.40	586.99	601.97	617.32	633.07	649.21	665.77
Annual	12,795.00	13,121.35	13,456.02	13,799.23	14,151.19	14,512.14	14,882.28	15,261.87	15,651.14	16,050.34	16,459.72	16,879.54	17,310.07
08 Hourly	6,305.3	6,466.1	6,631.0	6,800.2	6,973.6	7,151.5	7,333.9	7,520.9	7,712.8	7,909.5	8,111.2	8,318.1	8,530.3
Biweekly	504.42	517.29	530.48	544.01	557.89	572.12	586.71	601.68	617.02	632.76	648.90	665.45	682.42
Annual	13,115.00	13,449.51	13,792.55	14,144.35	14,505.11	14,875.08	15,254.48	15,643.57	16,042.57	16,451.75	16,871.37	17,301.69	17,742.99
09 Hourly	6,463.0	6,627.8	6,796.9	6,970.2	7,148.0	7,330.3	7,517.3	7,709.0	7,905.7	8,107.3	8,314.1	8,526.2	8,743.6
Biweekly	517.04	530.23	543.75	557.62	571.84	586.43	601.38	616.72	632.45	648.58	665.13	682.09	699.49
Annual	13,443.00	13,785.88	14,137.50	14,498.09	14,867.88	15,247.10	15,635.99	16,034.80	16,443.79	16,863.20	17,293.32	17,734.40	18,186.73
10 Hourly	6,624.5	6,793.5	6,966.8	7,144.5	7,326.7	7,513.6	7,705.2	7,901.7	8,103.3	8,309.9	8,521.9	8,739.3	8,962.2
Biweekly	529.96	543.48	557.34	571.56	586.13	601.08	616.42	632.14	648.26	664.80	681.75	699.14	716.97
Annual	13,779.00	14,130.45	14,490.86	14,860.46	15,239.49	15,628.19	16,026.80	16,435.58	16,854.79	17,284.69	17,725.55	18,177.66	18,641.30
11 Hourly	6,789.9	6,963.1	7,140.7	7,322.8	7,509.6	7,701.1	7,897.6	8,099.0	8,305.6	8,517.4	8,734.7	8,957.4	9,185.9
Biweekly	543.19	557.05	571.26	585.83	600.77	616.09	631.80	647.92	664.45	681.39	698.77	716.60	734.87
Annual	14,123.00	14,483.22	14,852.63	15,231.46	15,619.96	16,018.36	16,426.92	16,845.91	17,275.58	17,716.21	18,168.08	18,631.47	19,106.69
12 Hourly	6,959.6	7,137.1	7,319.2	7,505.8	7,697.3	7,893.6	8,095.0	8,301.4	8,513.2	8,730.3	8,953.0	9,181.3	9,415.5
Biweekly	556.77	570.97	585.53	600.47	615.78	631.49	647.60	664.11	681.05	698.42	716.24	734.51	753.24
Annual	14,476.00	14,845.22	15,223.87	15,612.17	16,010.37	16,418.73	16,837.51	17,266.97	17,707.38	18,159.02	18,622.18	19,097.16	19,584.25

City of Banning
Salary Schedule
2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
13	Hourly	7,1337	7,3156	7,5022	7,6935	7,8898	8,0910	8,2974	8,5090	8,7260	8,9486	9,1769	9,4109
	Biweekly	570.69	585.25	600.18	615.48	631.18	647.28	663.79	680.72	698.08	715.89	734.15	752.87
	Annual	14,838.00	15,216.46	15,604.57	16,002.58	16,410.74	16,829.31	17,258.56	17,698.76	18,150.18	18,613.12	19,087.87	19,574.72
14	Hourly	7,3120	7,4985	7,6898	7,8859	8,0871	8,2933	8,5048	8,7218	8,9442	9,1724	9,4063	9,8923
	Biweekly	584.96	599.88	615.18	630.87	646.96	663.47	680.39	697.74	715.54	733.79	752.50	771.70
	Annual	15,209.00	15,596.92	15,994.74	16,402.70	16,821.06	17,250.10	17,690.08	18,141.29	18,604.00	19,078.51	19,565.13	20,064.16
15	Hourly	7,4947	7,6859	7,8819	8,0829	8,2891	8,5005	8,7173	8,9397	9,1677	9,4015	9,6413	9,8872
	Biweekly	599.58	614.87	630.55	646.64	663.13	680.04	697.39	715.18	733.42	752.12	771.31	790.98
	Annual	15,589.00	15,986.61	16,394.37	16,812.52	17,241.34	17,681.10	18,132.07	18,594.55	19,068.82	19,555.19	20,053.97	20,565.46
16	Hourly	7,6822	7,8782	8,0791	8,2852	8,4965	8,7132	8,9354	9,1633	9,3971	9,6367	9,8825	10,1346
	Biweekly	614.58	630.25	646.33	662.81	679.72	697.06	714.83	733.07	751.76	770.94	790.60	810.77
	Annual	15,979.00	16,386.56	16,804.52	17,233.13	17,672.68	18,123.44	18,585.70	19,059.74	19,545.88	20,044.42	20,555.67	21,079.96
17	Hourly	7,8745	8,0754	8,2813	8,4926	8,7092	8,9313	9,1591	9,3927	9,6323	9,8780	10,1299	10,3883
	Biweekly	629.96	646.03	662.51	679.40	696.73	714.50	732.73	751.42	770.58	790.24	810.39	831.06
	Annual	16,379.00	16,796.76	17,225.18	17,664.53	18,115.08	18,577.12	19,050.95	19,536.86	20,035.17	20,546.19	21,070.24	21,607.66
18	Hourly	8,0712	8,2770	8,4881	8,7046	8,9266	9,1543	9,3878	9,6273	9,8728	10,1246	10,3829	10,6477
	Biweekly	645.69	662.16	679.05	696.37	714.13	732.35	751.03	770.18	789.83	809.97	830.63	851.82
	Annual	16,788.00	17,216.19	17,655.31	18,105.63	18,567.43	19,041.01	19,526.67	20,024.72	20,535.47	21,059.25	21,596.38	22,147.22
19	Hourly	8,2731	8,4841	8,7005	8,9224	9,1500	9,3834	9,6227	9,8681	10,1198	10,3779	10,6426	10,9141
	Biweekly	661.85	678.73	696.04	713.79	732.00	750.67	769.81	789.45	809.59	830.23	851.41	873.13
	Annual	17,208.00	17,646.91	18,097.01	18,558.59	19,031.95	19,517.38	20,015.19	20,525.69	21,049.22	21,586.10	22,136.68	22,701.30
20	Hourly	8,4798	8,6961	8,9179	9,1454	9,3786	9,6178	9,8631	10,1147	10,3727	10,6373	10,9086	11,1868
	Biweekly	678.38	695.69	713.43	731.63	750.29	769.43	789.05	809.18	829.82	850.98	872.69	894.94
	Annual	17,638.00	18,087.87	18,549.22	19,022.34	19,507.52	20,005.08	20,515.33	21,038.60	21,575.21	22,125.50	22,689.84	23,268.56
21	Hourly	8,6918	8,9135	9,1409	9,3740	9,6131	9,8583	10,1097	10,3676	10,6320	10,9032	11,1813	11,4665
	Biweekly	695.35	713.08	731.27	749.92	769.05	788.66	808.78	829.41	850.56	872.26	894.51	917.32
	Annual	18,079.00	18,540.12	19,013.01	19,497.95	19,995.27	20,505.27	21,028.27	21,564.62	22,114.65	22,678.71	23,257.15	23,850.35
22	Hourly	8,9091	9,1364	9,3694	9,6084	9,8535	10,1048	10,3625	10,6268	10,8979	11,1758	11,4609	11,7532
	Biweekly	712.73	730.91	749.55	768.67	788.28	808.38	829.00	850.14	871.83	894.07	916.87	940.26
	Annual	18,531.00	19,003.65	19,488.36	19,985.43	20,495.18	21,017.93	21,554.01	22,103.77	22,667.55	23,245.70	23,838.61	24,446.64
23	Hourly	9,1317	9,3646	9,6035	9,8484	10,0996	10,3572	10,6214	10,8923	11,1701	11,4550	11,7472	12,0468
	Biweekly	730.54	749.17	768.28	787.88	807.97	828.58	849.71	871.39	893.61	916.40	939.78	963.75
	Annual	18,994.00	19,478.46	19,975.28	20,484.77	21,007.25	21,543.06	22,092.54	22,656.03	23,233.90	23,826.50	24,434.22	25,057.44
24	Hourly	9,3601	9,5988	9,8437	10,0947	10,3522	10,6163	10,8870	11,1647	11,4495	11,7415	12,0410	12,3481
	Biweekly	748.81	767.91	787.49	807.58	828.18	849.30	870.96	893.18	915.96	939.32	963.28	987.85
	Annual	19,469.00	19,965.58	20,474.82	20,997.05	21,532.60	22,081.81	22,645.03	23,222.61	23,814.93	24,422.35	25,045.27	25,684.07

City of Banning
Salary Schedule
2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
25 Hourly	9,594.2	9,839.9	10,089.9	10,347.2	10,611.2	10,881.8	11,159.4	11,440.0	11,735.9	12,035.2	12,342.2	12,657.0	12,979.8
Biweekly	767.54	787.12	807.19	827.78	848.89	870.54	892.75	915.52	938.87	962.82	987.38	1,012.56	1,038.39
Annual	19,956.00	20,465.00	20,986.98	21,522.27	22,071.22	22,634.17	23,211.47	23,803.51	24,410.64	25,033.26	25,671.75	26,326.54	26,998.02
26 Hourly	9,834.1	10,085.0	10,342.2	10,606.0	10,876.5	11,153.9	11,438.4	11,730.2	12,029.3	12,336.2	12,650.8	12,973.5	13,304.4
Biweekly	786.73	806.80	827.38	848.48	870.12	892.31	915.07	938.41	962.35	986.89	1,012.06	1,037.88	1,064.35
Annual	20,455.00	20,976.73	21,511.76	22,060.44	22,623.11	23,200.14	23,791.88	24,398.71	25,021.03	25,659.21	26,313.68	26,984.83	27,673.11
27 Hourly	10,079.8	10,336.9	10,600.6	10,870.9	11,148.2	11,432.6	11,724.2	12,023.2	12,329.9	12,644.3	12,966.8	13,297.6	13,636.7
Biweekly	806.38	826.95	848.04	869.67	891.86	914.60	937.93	961.86	986.39	1,011.55	1,037.35	1,063.81	1,090.94
Annual	20,966.00	21,500.76	22,049.16	22,611.54	23,188.27	23,779.71	24,386.24	25,008.23	25,646.09	26,300.22	26,971.04	27,658.96	28,364.43
28 Hourly	10,331.7	10,593.3	10,865.5	11,142.6	11,426.8	11,718.3	12,017.2	12,323.7	12,638.0	12,960.4	13,290.9	13,629.9	13,977.6
Biweekly	826.54	847.62	869.24	891.41	914.15	937.46	961.37	985.89	1,011.04	1,036.83	1,063.27	1,090.39	1,118.21
Annual	21,490.00	22,038.12	22,600.23	23,176.67	23,767.81	24,374.04	24,995.72	25,633.26	26,287.06	26,957.54	27,645.12	28,350.24	29,073.34
29 Hourly	10,589.9	10,860.0	11,137.0	11,421.1	11,712.4	12,011.1	12,317.5	12,631.6	12,953.8	13,284.2	13,623.0	13,970.5	14,326.8
Biweekly	847.19	868.80	890.96	913.69	936.99	960.89	985.40	1,010.53	1,036.31	1,062.74	1,089.84	1,117.64	1,146.15
Annual	22,027.00	22,588.82	23,164.97	23,755.82	24,361.73	24,983.10	25,620.32	26,273.79	26,943.93	27,631.17	28,335.93	29,058.66	29,799.83
30 Hourly	10,854.8	11,131.7	11,415.6	11,706.8	12,005.4	12,311.6	12,625.6	12,947.6	13,277.9	13,616.5	13,963.8	14,320.0	14,685.2
Biweekly	868.38	890.53	913.25	936.54	960.43	984.92	1,010.05	1,035.81	1,062.23	1,089.32	1,117.11	1,145.60	1,174.82
Annual	22,578.00	23,153.87	23,744.44	24,350.06	24,971.14	25,608.05	26,261.21	26,931.03	27,617.93	28,322.35	29,044.74	29,785.56	30,545.27
31 Hourly	11,126.4	11,410.2	11,701.3	11,999.7	12,305.8	12,619.7	12,941.5	13,271.6	13,610.1	13,957.3	14,313.3	14,678.3	15,052.7
Biweekly	890.12	912.82	936.10	959.98	984.46	1,009.57	1,035.32	1,061.73	1,088.81	1,116.58	1,145.06	1,174.27	1,204.22
Annual	23,143.00	23,733.29	24,338.63	24,959.41	25,596.02	26,248.87	26,918.38	27,604.96	28,309.05	29,031.10	29,771.57	30,530.92	31,309.64
32 Hourly	11,404.3	11,695.2	11,993.5	12,299.4	12,613.1	12,934.8	13,264.7	13,603.1	13,950.0	14,305.8	14,670.7	15,044.9	15,428.7
Biweekly	912.35	935.62	959.48	983.95	1,009.05	1,034.79	1,061.18	1,088.25	1,116.00	1,144.47	1,173.66	1,203.59	1,234.29
Annual	23,721.00	24,326.03	24,946.49	25,582.77	26,235.29	26,904.44	27,590.67	28,294.40	29,016.07	29,756.16	30,515.12	31,293.44	32,091.61
33 Hourly	11,689.4	11,987.6	12,293.3	12,606.9	12,928.4	13,258.2	13,596.3	13,943.1	14,298.8	14,663.5	15,037.5	15,421.0	15,814.4
Biweekly	935.15	959.01	983.47	1,008.55	1,034.27	1,060.65	1,087.71	1,115.45	1,143.90	1,173.08	1,203.00	1,233.68	1,265.15
Annual	24,314.00	24,934.15	25,570.12	26,222.31	26,891.14	27,577.03	28,280.41	29,001.73	29,741.44	30,500.03	31,277.96	32,075.74	32,893.86
34 Hourly	11,981.7	12,287.3	12,600.7	12,922.1	13,251.7	13,589.7	13,936.3	14,291.8	14,656.3	15,030.2	15,413.5	15,806.6	16,209.8
Biweekly	958.54	982.99	1,008.06	1,033.77	1,060.14	1,087.18	1,114.91	1,143.34	1,172.51	1,202.41	1,233.08	1,264.53	1,296.79
Annual	24,922.00	25,557.66	26,209.53	26,878.03	27,563.59	28,266.62	28,987.59	29,726.95	30,485.16	31,262.72	32,060.11	32,877.83	33,716.41
35 Hourly	12,281.3	12,594.5	12,915.7	13,245.2	13,583.0	13,929.4	14,284.7	14,649.1	15,022.7	15,405.9	15,798.8	16,201.8	16,615.0
Biweekly	982.50	1,007.56	1,033.26	1,059.61	1,086.64	1,114.36	1,142.78	1,171.93	1,201.82	1,232.47	1,263.91	1,296.14	1,329.20
Annual	25,545.00	26,196.55	26,864.72	27,549.93	28,252.62	28,973.23	29,712.22	30,470.06	31,247.23	32,044.22	32,861.54	33,699.71	34,559.26
36 Hourly	12,588.5	12,909.5	13,238.8	13,576.5	13,922.8	14,277.9	14,642.1	15,015.5	15,398.5	15,791.2	16,194.0	16,607.1	17,030.6
Biweekly	1,007.08	1,032.76	1,059.11	1,086.12	1,113.82	1,142.23	1,171.36	1,201.24	1,231.88	1,263.30	1,295.52	1,328.57	1,362.45
Annual	26,184.00	26,851.85	27,536.73	28,239.08	28,959.35	29,697.99	30,455.46	31,232.26	32,028.87	32,845.80	33,683.56	34,542.70	35,423.74

City of Banning
Salary Schedule
2.5506% Between Steps

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
37 Hourly	12,902.9	13,232.0	13,569.5	13,915.6	14,270.5	14,634.5	15,007.8	15,390.6	15,783.1	16,185.7	16,598.5	17,021.9	17,456.0
Biweekly	1,032.23	1,058.56	1,085.56	1,113.25	1,141.64	1,170.76	1,200.62	1,231.24	1,262.65	1,294.85	1,327.88	1,361.75	1,396.48
Annual	26,838.00	27,522.53	28,224.52	28,944.41	29,682.67	30,439.76	31,216.15	32,012.35	32,828.86	33,666.19	34,524.88	35,405.47	36,308.53
38 Hourly	13,225.5	13,562.8	13,908.7	14,263.5	14,627.3	15,000.4	15,383.0	15,775.3	16,177.7	16,590.3	17,013.5	17,447.4	17,892.5
Biweekly	1,058.04	1,085.02	1,112.70	1,141.08	1,170.18	1,200.03	1,230.64	1,262.03	1,294.22	1,327.23	1,361.08	1,395.80	1,431.40
Annual	27,509.00	28,210.64	28,930.19	29,668.08	30,424.79	31,200.81	31,996.62	32,812.72	33,649.64	34,507.91	35,388.07	36,290.68	37,216.31
39 Hourly	13,556.3	13,902.0	14,256.6	14,620.2	14,993.1	15,375.5	15,767.7	16,169.9	16,582.3	17,005.3	17,439.0	17,883.8	18,339.9
Biweekly	1,084.50	1,112.16	1,140.53	1,169.62	1,199.45	1,230.04	1,261.42	1,293.59	1,326.59	1,360.42	1,395.12	1,430.70	1,467.20
Annual	28,197.00	28,916.19	29,653.73	30,410.08	31,185.72	31,981.14	32,796.85	33,633.37	34,491.22	35,370.95	36,273.12	37,198.31	38,147.09
40 Hourly	13,895.2	14,249.6	14,613.1	14,985.8	15,368.0	15,760.0	16,162.0	16,574.2	16,996.9	17,430.4	17,875.0	18,330.9	18,798.5
Biweekly	1,111.62	1,139.97	1,169.04	1,198.86	1,229.44	1,260.80	1,292.96	1,325.93	1,359.75	1,394.44	1,430.00	1,466.48	1,503.88
Annual	28,902.00	29,639.17	30,395.15	31,170.41	31,965.44	32,780.75	33,616.86	34,474.29	35,353.59	36,255.32	37,180.05	38,128.36	39,100.86
41 Hourly	14,242.3	14,605.6	14,978.1	15,360.1	15,751.9	16,153.7	16,565.7	16,988.2	17,421.5	17,865.9	18,321.6	18,788.9	19,268.1
Biweekly	1,139.38	1,168.45	1,198.25	1,228.81	1,260.15	1,292.29	1,325.26	1,359.06	1,393.72	1,429.27	1,465.72	1,503.11	1,541.45
Annual	29,624.00	30,379.59	31,154.45	31,949.08	32,763.97	33,599.65	34,456.64	35,335.49	36,236.76	37,161.01	38,108.84	39,080.85	40,077.64
42 Hourly	14,598.6	14,970.9	15,352.8	15,744.3	16,145.9	16,557.7	16,980.1	17,413.2	17,857.3	18,312.8	18,779.8	19,258.8	19,750.1
Biweekly	1,167.88	1,197.67	1,228.22	1,259.55	1,291.67	1,324.62	1,358.40	1,393.05	1,428.58	1,465.02	1,502.39	1,540.71	1,580.00
Annual	30,365.00	31,139.49	31,933.73	32,748.24	33,583.51	34,440.09	35,318.52	36,219.36	37,143.17	38,090.54	39,062.08	40,058.40	41,080.12
43 Hourly	14,963.5	15,345.1	15,736.5	16,137.9	16,549.5	16,971.6	17,404.5	17,848.4	18,303.7	18,770.5	19,249.3	19,740.2	20,243.7
Biweekly	1,197.08	1,227.61	1,258.92	1,291.03	1,323.96	1,357.73	1,392.36	1,427.87	1,464.29	1,501.64	1,539.94	1,579.22	1,619.50
Annual	31,124.00	31,917.85	32,731.95	33,566.81	34,422.96	35,300.95	36,201.34	37,124.69	38,071.59	39,042.65	40,038.47	41,059.69	42,106.96
44 Hourly	15,337.5	15,728.7	16,129.9	16,541.3	16,963.2	17,395.8	17,839.5	18,294.6	18,761.2	19,239.7	19,730.4	20,233.7	20,749.8
Biweekly	1,227.00	1,258.30	1,290.39	1,323.30	1,357.05	1,391.67	1,427.16	1,463.56	1,500.89	1,539.18	1,578.43	1,618.69	1,659.98
Annual	31,902.00	32,715.69	33,550.14	34,405.87	35,283.42	36,183.36	37,106.26	38,052.69	39,023.26	40,018.59	41,039.30	42,086.05	43,159.50
45 Hourly	15,721.2	16,122.1	16,533.3	16,955.0	17,387.5	17,831.0	18,285.8	18,752.2	19,230.5	19,721.0	20,224.0	20,739.8	21,268.8
Biweekly	1,257.69	1,289.77	1,322.67	1,356.40	1,391.00	1,426.48	1,462.86	1,500.17	1,538.44	1,577.68	1,617.92	1,659.18	1,701.50
Annual	32,700.00	33,534.05	34,389.37	35,266.50	36,166.01	37,088.46	38,034.44	39,004.54	39,999.39	41,019.62	42,065.86	43,138.80	44,239.09
46 Hourly	16,113.9	16,524.9	16,946.4	17,378.7	17,821.9	18,276.5	18,742.7	19,220.7	19,710.9	20,213.7	20,729.3	21,258.0	21,800.2
Biweekly	1,289.12	1,322.00	1,355.71	1,390.29	1,425.75	1,462.12	1,499.41	1,537.66	1,576.88	1,617.10	1,658.34	1,700.64	1,744.02
Annual	33,517.00	34,371.88	35,248.57	36,147.62	37,069.61	38,015.10	38,984.72	39,979.06	40,998.77	42,044.48	43,116.87	44,216.61	45,344.39
47 Hourly	16,516.8	16,938.1	17,370.1	17,813.2	18,267.5	18,733.4	19,211.3	19,701.3	20,203.8	20,719.1	21,247.5	21,789.5	22,345.2
Biweekly	1,321.35	1,355.05	1,389.61	1,425.05	1,461.40	1,498.68	1,536.90	1,576.10	1,616.30	1,657.53	1,699.80	1,743.16	1,787.62
Annual	34,355.00	35,231.26	36,129.87	37,051.40	37,996.43	38,965.57	39,959.42	40,978.63	42,023.83	43,095.69	44,194.89	45,322.12	46,478.11
48 Hourly	16,929.8	17,361.6	17,804.4	18,258.6	18,724.3	19,201.8	19,691.6	20,193.9	20,708.9	21,237.1	21,778.8	22,334.3	22,904.0
Biweekly	1,354.38	1,388.93	1,424.36	1,460.69	1,497.94	1,536.15	1,575.33	1,615.51	1,656.71	1,698.97	1,742.30	1,786.74	1,832.32
Annual	35,214.00	36,112.17	37,033.25	37,977.82	38,946.48	39,939.85	40,958.55	42,003.24	43,074.58	44,173.24	45,299.92	46,455.34	47,640.23

City of Banning
Salary Schedule
2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
49 Hourly	17,353.4	17,796.0	18,249.9	18,715.4	19,192.7	19,682.2	20,184.3	20,699.1	21,227.0	21,768.5	22,323.7	22,893.1	23,477.0
Biweekly	1,388.27	1,423.68	1,459.99	1,497.23	1,535.42	1,574.58	1,614.74	1,655.93	1,698.16	1,741.48	1,785.89	1,831.45	1,878.16
Annual	36,095.00	37,015.84	37,959.76	38,927.96	39,920.86	40,939.08	41,983.27	43,054.10	44,152.23	45,278.38	46,433.25	47,617.58	48,832.11
50 Hourly	17,787.0	18,240.7	18,705.9	19,183.1	19,672.3	20,174.1	20,688.7	21,216.3	21,757.5	22,312.4	22,881.5	23,465.2	24,063.7
Biweekly	1,422.96	1,459.26	1,496.48	1,534.64	1,573.79	1,613.93	1,655.09	1,697.31	1,740.60	1,785.00	1,830.52	1,877.21	1,925.09
Annual	36,997.00	37,940.65	38,908.36	39,900.76	40,918.46	41,962.13	43,032.42	44,130.00	45,255.58	46,409.87	47,593.60	48,807.52	50,052.41
51 Hourly	18,231.7	18,696.7	19,173.6	19,662.7	20,164.2	20,678.5	21,205.9	21,746.8	22,301.5	22,870.3	23,453.6	24,051.8	24,665.3
Biweekly	1,458.54	1,495.74	1,533.89	1,573.01	1,613.13	1,654.28	1,696.47	1,739.74	1,784.12	1,829.62	1,876.29	1,924.15	1,973.22
Annual	37,922.00	38,889.24	39,881.15	40,898.36	41,941.51	43,011.27	44,108.32	45,233.34	46,387.06	47,570.21	48,783.54	50,027.81	51,303.82
52 Hourly	18,687.5	19,164.1	19,652.9	20,154.2	20,668.3	21,195.4	21,736.0	22,290.4	22,859.0	23,442.0	24,039.9	24,653.1	25,281.9
Biweekly	1,495.00	1,533.13	1,572.24	1,612.34	1,653.46	1,695.63	1,738.88	1,783.24	1,828.72	1,875.36	1,923.19	1,972.25	2,022.55
Annual	38,870.00	39,861.42	40,878.12	41,920.76	42,989.99	44,086.49	45,210.96	46,364.12	47,546.68	48,759.40	50,003.06	51,278.44	52,586.35
53 Hourly	19,154.8	19,643.4	20,144.4	20,658.2	21,185.1	21,725.5	22,279.6	22,847.8	23,430.6	24,028.2	24,641.1	25,269.6	25,914.1
Biweekly	1,532.38	1,571.47	1,611.55	1,652.66	1,694.81	1,738.04	1,782.37	1,827.83	1,874.45	1,922.26	1,971.29	2,021.57	2,073.13
Annual	39,842.00	40,858.21	41,900.34	42,969.05	44,065.02	45,188.94	46,341.53	47,523.52	48,735.65	49,978.70	51,253.46	52,560.73	53,901.34
54 Hourly	19,633.7	20,134.4	20,648.0	21,174.6	21,714.7	22,268.6	22,836.5	23,419.0	24,016.3	24,628.9	25,257.1	25,901.3	26,561.9
Biweekly	1,570.69	1,610.75	1,651.84	1,693.97	1,737.18	1,781.48	1,826.92	1,873.52	1,921.31	1,970.31	2,020.57	2,072.10	2,124.95
Annual	40,838.00	41,879.61	42,947.80	44,043.22	45,166.59	46,318.61	47,500.01	48,711.55	49,953.98	51,228.11	52,534.73	53,874.68	55,248.81
55 Hourly	20,124.5	20,637.8	21,164.2	21,704.0	22,257.6	22,825.3	23,407.5	24,004.5	24,616.8	25,244.7	25,888.5	26,548.9	27,226.0
Biweekly	1,609.96	1,651.03	1,693.14	1,736.32	1,780.61	1,826.02	1,872.60	1,920.36	1,969.34	2,019.57	2,071.08	2,123.91	2,178.08
Annual	41,859.00	42,926.66	44,021.54	45,144.36	46,295.81	47,476.63	48,687.57	49,929.39	51,202.89	52,508.87	53,848.16	55,221.62	56,630.10
56 Hourly	20,627.4	21,153.5	21,693.1	22,246.4	22,813.8	23,395.7	23,982.4	24,604.4	25,231.9	25,875.5	26,535.5	27,212.3	27,906.4
Biweekly	1,650.19	1,692.28	1,735.45	1,779.71	1,825.10	1,871.65	1,919.39	1,968.35	2,018.55	2,070.04	2,122.84	2,176.98	2,232.51
Annual	42,905.00	43,999.33	45,121.58	46,272.45	47,452.68	48,663.01	49,904.20	51,177.06	52,482.38	53,821.00	55,193.76	56,601.53	58,045.21
57 Hourly	21,143.3	21,682.5	22,235.6	22,802.7	23,384.3	23,980.8	24,592.4	25,219.7	25,862.9	26,522.6	27,199.1	27,892.8	28,604.3
Biweekly	1,691.46	1,734.60	1,778.85	1,824.22	1,870.75	1,918.46	1,967.39	2,017.57	2,069.03	2,121.81	2,175.93	2,231.43	2,288.34
Annual	43,978.00	45,099.70	46,250.02	47,429.67	48,639.41	49,880.01	51,152.25	52,456.94	53,794.90	55,166.99	56,574.08	58,017.06	59,496.85
58 Hourly	21,671.6	22,244.4	22,791.2	23,372.6	23,968.7	24,580.0	25,207.0	25,849.9	26,509.2	27,185.4	27,878.8	28,589.9	29,319.1
Biweekly	1,733.73	1,777.95	1,823.30	1,869.80	1,917.50	1,966.40	2,016.56	2,067.99	2,120.74	2,174.83	2,230.30	2,287.19	2,345.53
Annual	45,077.00	46,226.73	47,405.79	48,614.93	49,854.90	51,126.50	52,430.53	53,767.82	55,139.22	56,545.61	57,987.86	59,466.90	60,983.66
59 Hourly	22,213.5	22,780.0	23,361.1	23,956.9	24,568.0	25,194.6	25,837.2	26,496.2	27,172.0	27,865.1	28,575.8	29,304.6	30,052.1
Biweekly	1,777.08	1,822.40	1,868.89	1,916.55	1,965.44	2,015.57	2,066.98	2,119.70	2,173.76	2,229.21	2,286.06	2,344.37	2,404.17
Annual	46,204.00	47,382.48	48,591.02	49,830.38	51,101.35	52,404.74	53,741.38	55,112.11	56,517.80	57,959.34	59,437.65	60,953.67	62,508.35
60 Hourly	22,768.8	23,349.5	23,945.0	24,555.8	25,182.1	25,824.4	26,483.1	27,158.6	27,851.3	28,561.6	29,290.1	30,037.2	30,803.3
Biweekly	1,821.50	1,867.96	1,915.60	1,964.46	2,014.57	2,065.95	2,118.65	2,172.68	2,228.10	2,284.93	2,343.21	2,402.98	2,464.27
Annual	47,359.00	48,566.94	49,805.69	51,076.03	52,378.78	53,714.75	55,084.80	56,489.79	57,930.62	59,408.20	60,923.46	62,477.38	64,070.92

City of Banning
Salary Schedule
2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
61 Hourly	23,338.00	23,932.00	24,543.7	25,169.7	25,811.7	26,470.0	27,145.2	27,837.5	28,547.6	29,275.7	30,022.4	30,788.1	31,573.4
Biweekly	1,867.04	1,914.66	1,963.49	2,013.58	2,064.93	2,117.60	2,171.61	2,227.06	2,283.80	2,342.06	2,401.79	2,463.05	2,525.87
Annual	48,543.00	49,781.14	51,050.86	52,352.96	53,688.27	55,057.65	56,461.95	57,902.06	59,378.92	60,893.43	62,446.58	64,039.34	65,672.73
62 Hourly	23,921.6	24,531.8	25,157.5	25,799.2	26,457.2	27,132.0	27,824.0	28,533.7	29,261.5	30,007.8	30,773.2	31,558.1	32,363.0
Biweekly	1,913.73	1,962.54	2,012.60	2,063.93	2,116.58	2,170.56	2,225.92	2,282.70	2,340.92	2,400.63	2,461.86	2,524.65	2,589.04
Annual	49,757.00	51,026.10	52,327.57	53,662.24	55,030.95	56,434.57	57,873.99	59,350.12	60,863.91	62,416.30	64,008.29	65,640.89	67,315.12
63 Hourly	24,519.7	25,145.1	25,786.5	26,444.2	27,118.7	27,810.3	28,519.7	29,247.1	29,993.1	30,758.1	31,542.6	32,347.1	33,172.2
Biweekly	1,961.58	2,011.61	2,062.92	2,115.53	2,169.49	2,224.83	2,281.57	2,339.77	2,399.45	2,460.65	2,523.41	2,587.77	2,653.77
Annual	51,001.00	52,301.83	53,635.84	55,003.88	56,406.81	57,845.52	59,320.93	60,833.97	62,385.60	63,976.80	65,608.60	67,282.01	68,998.10
64 Hourly	25,132.7	25,773.7	26,431.1	27,105.3	27,796.6	28,505.6	29,232.7	29,978.3	30,742.9	31,527.0	32,331.1	33,155.8	34,001.5
Biweekly	2,010.62	2,061.90	2,114.49	2,168.42	2,223.73	2,280.45	2,338.61	2,398.26	2,459.43	2,522.16	2,586.49	2,652.46	2,720.12
Annual	52,276.00	53,609.35	54,976.71	56,378.95	57,816.95	59,291.63	60,803.92	62,354.79	63,945.21	65,576.19	67,248.78	68,964.03	70,723.02
65 Hourly	25,761.1	26,418.1	27,091.9	27,782.9	28,491.6	29,218.3	29,963.5	30,727.8	31,511.5	32,315.3	33,139.5	33,984.7	34,851.6
Biweekly	2,060.88	2,113.45	2,167.36	2,222.64	2,279.33	2,337.46	2,397.08	2,458.22	2,520.92	2,585.22	2,651.16	2,718.78	2,788.12
Annual	53,583.00	54,949.69	56,351.23	57,788.53	59,262.48	60,774.03	62,324.13	63,913.77	65,543.96	67,215.72	68,930.13	70,688.26	72,491.23
66 Hourly	26,404.8	27,078.3	27,768.9	28,477.2	29,203.6	29,948.4	30,712.3	31,495.6	32,299.0	33,122.8	33,967.6	34,834.0	35,722.5
Biweekly	2,112.38	2,166.26	2,221.52	2,278.18	2,336.28	2,395.87	2,456.98	2,519.65	2,583.92	2,649.82	2,717.41	2,786.72	2,857.80
Annual	54,922.00	56,322.84	57,759.41	59,232.62	60,743.41	62,292.73	63,881.57	65,510.93	67,181.85	68,895.40	70,652.64	72,454.71	74,302.74
67 Hourly	27,064.9	27,755.2	28,463.1	29,189.1	29,933.6	30,697.1	31,480.1	32,283.0	33,106.4	33,950.8	34,816.8	35,704.8	36,615.5
Biweekly	2,165.19	2,220.42	2,277.05	2,335.13	2,394.69	2,455.77	2,518.41	2,582.64	2,648.51	2,716.07	2,785.34	2,856.38	2,929.24
Annual	56,295.00	57,730.86	59,203.34	60,713.38	62,261.94	63,849.99	65,478.55	67,148.65	68,861.34	70,617.72	72,418.89	74,266.01	76,160.24
68 Hourly	27,741.3	28,448.9	29,174.5	29,918.7	30,681.8	31,464.3	32,266.9	33,089.9	33,933.9	34,799.4	35,687.0	36,597.2	37,530.6
Biweekly	2,219.31	2,275.91	2,333.96	2,393.49	2,454.54	2,517.15	2,581.35	2,647.19	2,714.71	2,783.95	2,854.96	2,927.78	3,002.45
Annual	57,702.00	59,173.75	60,683.03	62,230.81	63,818.07	65,445.82	67,115.08	68,826.92	70,582.41	72,382.69	74,228.88	76,122.16	78,063.74
69 Hourly	28,435.1	29,160.4	29,904.1	30,666.9	31,449.0	32,251.2	33,073.8	33,917.4	34,782.5	35,669.6	36,579.4	37,512.4	38,469.2
Biweekly	2,274.81	2,332.83	2,392.33	2,453.35	2,515.92	2,580.10	2,645.90	2,713.39	2,782.60	2,853.57	2,926.35	3,000.99	3,077.54
Annual	59,145.00	60,653.55	62,200.58	63,787.07	65,414.02	67,082.47	68,793.48	70,548.13	72,347.53	74,192.82	76,085.18	78,025.81	80,015.94
70 Hourly	29,146.2	29,896.6	30,651.9	31,433.7	32,235.5	33,057.7	33,900.8	34,765.5	35,652.2	36,561.6	37,494.1	38,450.5	39,431.2
Biweekly	2,331.69	2,391.16	2,452.15	2,514.70	2,578.84	2,644.61	2,712.07	2,781.24	2,852.18	2,924.93	2,999.53	3,076.04	3,154.49
Annual	60,624.00	62,170.28	63,755.99	65,382.15	67,049.79	68,759.96	70,513.75	72,312.28	74,156.67	76,048.11	77,987.80	79,976.95	82,016.84
71 Hourly	29,874.5	30,636.5	31,417.9	32,219.3	33,041.0	33,883.8	34,748.0	35,634.3	36,543.2	37,475.3	38,431.1	39,411.3	40,416.6
Biweekly	2,389.96	2,450.92	2,513.43	2,577.54	2,643.28	2,710.70	2,779.84	2,850.74	2,923.46	2,998.02	3,074.49	3,152.91	3,233.33
Annual	62,139.00	63,723.92	65,349.26	67,016.06	68,725.37	70,478.28	72,275.90	74,119.37	76,009.86	77,948.56	79,936.72	81,975.58	84,066.45
72 Hourly	30,621.6	31,402.7	32,203.6	33,025.0	33,867.3	34,731.2	35,617.0	36,525.5	37,457.1	38,412.5	39,392.2	40,397.0	41,427.3
Biweekly	2,449.73	2,512.21	2,576.29	2,642.00	2,709.39	2,778.49	2,849.36	2,922.04	2,996.57	3,073.00	3,151.38	3,231.76	3,314.19
Annual	63,693.00	65,317.55	66,983.54	68,692.03	70,444.08	72,240.83	74,083.41	75,972.98	77,910.74	79,897.94	81,935.81	84,025.67	86,168.83

City of Banning
Salary Schedule
2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
73 Hourly	31,387.0	32,187.6	33,008.6	33,850.5	34,713.9	35,599.3	36,507.3	37,438.4	38,393.3	39,372.6	40,376.8	41,406.7	42,462.8
Biweekly	2,510.96	2,575.01	2,640.68	2,708.04	2,777.11	2,847.94	2,920.58	2,995.07	3,071.47	3,149.81	3,230.15	3,312.53	3,397.02
Annual	65,285.00	66,950.16	68,657.79	70,408.98	72,204.83	74,046.48	75,935.11	77,871.91	79,858.11	81,894.98	83,983.79	86,125.88	88,322.61
74 Hourly	32,171.6	32,992.2	33,833.7	34,696.7	35,581.6	36,489.2	37,419.9	38,374.3	39,353.1	40,356.8	41,386.2	42,441.8	43,524.3
Biweekly	2,573.73	2,639.38	2,706.70	2,775.73	2,846.53	2,919.13	2,993.59	3,069.94	3,148.25	3,228.55	3,310.89	3,395.34	3,481.94
Annual	66,917.00	68,623.79	70,374.10	72,169.07	74,009.81	75,897.50	77,833.35	79,818.56	81,854.41	83,942.19	86,083.22	88,278.86	90,530.50
75 Hourly	32,976.0	33,817.0	34,679.6	35,564.1	36,471.2	37,401.5	38,355.4	39,333.7	40,337.0	41,365.8	42,420.9	43,502.9	44,612.4
Biweekly	2,638.08	2,705.36	2,774.37	2,845.13	2,917.70	2,992.12	3,068.43	3,146.70	3,226.96	3,309.26	3,393.67	3,480.23	3,568.99
Annual	68,590.00	70,339.46	72,133.53	73,973.37	75,860.14	77,795.03	79,779.27	81,814.12	83,900.87	86,040.84	88,235.40	90,485.93	92,793.87
76 Hourly	33,800.5	34,662.6	35,546.7	36,453.4	37,383.1	38,336.6	39,314.4	40,317.2	41,345.5	42,400.1	43,481.5	44,590.6	45,727.9
Biweekly	2,704.04	2,773.01	2,843.74	2,916.27	2,990.65	3,066.93	3,145.16	3,225.38	3,307.64	3,392.01	3,478.52	3,567.25	3,658.23
Annual	70,305.00	72,098.20	73,937.14	75,822.98	77,756.92	79,740.19	81,774.04	83,859.77	85,998.69	88,192.18	90,441.61	92,748.41	95,114.05
77 Hourly	34,645.7	35,529.3	36,435.6	37,364.9	38,317.9	39,295.2	40,297.5	41,325.3	42,379.4	43,460.3	44,568.8	45,705.6	46,871.4
Biweekly	2,771.65	2,842.35	2,914.84	2,989.19	3,065.43	3,143.62	3,223.80	3,306.03	3,390.35	3,476.83	3,565.50	3,656.45	3,749.71
Annual	72,063.00	73,901.04	75,785.96	77,718.96	79,701.26	81,734.12	83,818.83	85,956.71	88,149.12	90,397.45	92,703.13	95,067.62	97,492.41
78 Hourly	35,511.5	36,417.3	37,346.2	38,298.7	39,275.6	40,277.3	41,304.6	42,358.1	43,438.5	44,546.5	45,682.7	46,847.9	48,042.8
Biweekly	2,840.92	2,913.38	2,987.69	3,063.90	3,142.04	3,222.19	3,304.37	3,388.65	3,475.08	3,563.72	3,654.61	3,747.83	3,843.42
Annual	73,864.00	75,747.98	77,680.00	79,661.31	81,693.15	83,776.82	85,913.63	88,104.94	90,352.15	92,656.67	95,019.97	97,443.55	99,928.94
79 Hourly	36,399.5	37,327.9	38,280.0	39,256.4	40,257.7	41,284.5	42,337.5	43,417.3	44,524.7	45,660.4	46,825.0	48,019.3	49,244.1
Biweekly	2,911.96	2,986.23	3,062.40	3,140.51	3,220.61	3,302.76	3,387.00	3,473.39	3,561.98	3,652.83	3,746.00	3,841.54	3,939.53
Annual	75,711.00	77,642.08	79,622.42	81,653.27	83,735.92	85,871.69	88,061.93	90,308.04	92,611.44	94,973.59	97,395.98	99,880.16	102,427.71
80 Hourly	37,309.1	38,260.7	39,236.6	40,237.4	41,263.7	42,316.2	43,395.5	44,502.3	45,637.4	46,801.4	47,995.1	49,219.3	50,474.7
Biweekly	2,984.73	3,060.86	3,138.93	3,218.99	3,301.09	3,385.29	3,471.64	3,560.19	3,650.99	3,744.11	3,839.61	3,937.54	4,037.98
Annual	77,603.00	79,582.34	81,612.17	83,693.77	85,828.46	88,017.60	90,262.58	92,564.82	94,925.78	97,346.95	99,829.88	102,376.15	104,987.35
81 Hourly	38,242.3	39,217.7	40,218.0	41,243.8	42,295.8	43,374.6	44,480.9	45,615.4	46,778.9	47,972.0	49,195.6	50,450.4	51,737.2
Biweekly	3,059.38	3,137.42	3,217.44	3,299.50	3,383.66	3,469.97	3,558.47	3,649.23	3,742.31	3,837.76	3,935.65	4,036.03	4,138.97
Annual	79,544.00	81,572.85	83,653.45	85,787.11	87,975.20	90,219.09	92,520.22	94,880.04	97,300.05	99,781.79	102,326.82	104,936.77	107,613.29
82 Hourly	39,198.1	40,197.9	41,223.1	42,274.6	43,352.8	44,458.6	45,592.6	46,755.4	47,948.0	49,171.0	50,425.1	51,711.2	53,030.2
Biweekly	3,135.85	3,215.83	3,297.85	3,381.97	3,468.23	3,556.69	3,647.40	3,740.44	3,835.84	3,933.68	4,034.01	4,136.90	4,242.42
Annual	81,532.00	83,611.56	85,744.15	87,931.14	90,173.91	92,473.89	94,832.53	97,251.33	99,731.82	102,275.58	104,884.22	107,559.40	110,302.81
83 Hourly	40,177.9	41,202.7	42,253.6	43,331.3	44,436.5	45,569.9	46,732.2	47,924.2	49,146.5	50,400.0	51,685.5	53,003.8	54,355.8
Biweekly	3,214.23	3,296.21	3,380.29	3,466.50	3,554.92	3,645.59	3,738.58	3,833.93	3,931.72	4,032.00	4,134.84	4,240.31	4,348.46
Annual	83,570.00	85,701.54	87,887.44	90,129.10	92,427.93	94,785.40	97,202.99	99,682.25	102,224.75	104,832.09	107,505.94	110,247.99	113,059.97
84 Hourly	41,182.7	42,233.1	43,310.3	44,415.0	45,547.8	46,709.6	47,900.9	49,122.7	50,375.6	51,660.5	52,978.2	54,329.4	55,715.1
Biweekly	3,294.62	3,378.65	3,464.82	3,553.20	3,643.83	3,736.76	3,832.07	3,929.82	4,030.05	4,132.84	4,238.25	4,346.35	4,457.21
Annual	85,660.00	87,844.84	90,085.41	92,383.13	94,739.46	97,155.88	99,633.94	102,175.20	104,781.28	107,453.84	110,194.55	113,005.18	115,887.49

City of Banning
Salary Schedule
2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
85	Hourly	42,212.00	43,288.7	44,392.8	45,525.1	46,686.2	47,877.0	49,098.2	50,350.5	51,634.7	52,951.7	54,302.3	55,687.3
	Biweekly	3,376.96	3,463.09	3,551.42	3,642.01	3,734.90	3,830.16	3,927.85	4,028.04	4,130.78	4,236.14	4,344.18	4,454.99
	Annual	87,801.00	90,040.45	92,337.02	94,692.17	97,107.39	99,584.21	102,124.21	104,728.99	107,400.20	110,139.55	112,948.77	115,829.64
86	Hourly	43,267.3	44,370.9	45,502.6	46,663.2	47,853.4	49,073.9	50,325.6	51,609.2	52,925.6	54,275.5	55,659.8	57,079.5
	Biweekly	3,461.38	3,549.67	3,640.21	3,733.06	3,828.27	3,925.91	4,026.05	4,128.74	4,234.05	4,342.04	4,452.79	4,566.36
	Annual	89,996.00	92,291.44	94,645.42	97,059.45	99,535.05	102,073.79	104,677.28	107,347.18	110,085.18	112,893.01	115,772.46	118,725.35
87	Hourly	44,349.0	45,480.2	46,640.2	47,829.8	49,049.8	50,300.8	51,583.8	52,899.5	54,248.8	55,632.4	57,051.4	58,506.5
	Biweekly	3,547.92	3,638.42	3,731.22	3,826.39	3,923.98	4,024.07	4,126.71	4,231.96	4,339.90	4,450.59	4,564.11	4,680.52
	Annual	92,246.00	94,598.83	97,011.66	99,486.04	102,023.53	104,625.75	107,294.33	110,030.98	112,837.43	115,715.46	118,666.90	121,693.62
88	Hourly	45,457.7	46,617.1	47,806.2	49,025.5	50,275.9	51,558.3	52,873.3	54,221.9	55,604.9	57,023.2	58,477.6	59,969.1
	Biweekly	3,636.62	3,729.37	3,824.49	3,922.04	4,022.08	4,124.66	4,229.87	4,337.75	4,448.39	4,561.85	4,678.21	4,797.53
	Annual	94,552.00	96,963.64	99,436.80	101,973.03	104,573.96	107,241.22	109,976.52	112,781.58	115,658.18	118,608.16	121,633.38	124,735.76
89	Hourly	46,594.2	47,782.7	49,001.4	50,251.2	51,532.9	52,847.3	54,195.3	55,577.6	56,995.1	58,448.9	59,939.7	61,468.5
	Biweekly	3,727.54	3,822.61	3,920.11	4,020.10	4,122.64	4,227.79	4,336.62	4,446.21	4,559.61	4,675.91	4,795.17	4,917.48
	Annual	96,916.00	99,387.94	101,922.93	104,522.57	107,188.53	109,922.48	112,726.16	115,601.35	118,549.88	121,573.62	124,674.47	127,854.42
90	Hourly	47,759.1	48,977.3	50,226.5	51,507.6	52,821.3	54,168.6	55,550.2	56,967.1	58,420.1	59,910.1	61,438.2	63,005.2
	Biweekly	3,820.73	3,918.18	4,018.12	4,120.61	4,225.71	4,334.49	4,444.02	4,557.37	4,673.61	4,792.81	4,915.06	5,040.42
	Annual	99,339.00	101,872.74	104,471.11	107,135.75	109,868.35	112,670.65	115,544.43	118,491.51	121,513.75	124,613.08	127,791.46	131,050.91
91	Hourly	48,952.9	50,201.5	51,481.9	52,795.0	54,141.6	55,522.5	56,938.7	58,391.0	59,880.3	61,407.6	62,973.9	64,580.1
	Biweekly	3,916.23	4,016.12	4,118.55	4,223.60	4,331.33	4,441.80	4,555.10	4,671.28	4,790.42	4,912.61	5,037.91	5,166.41
	Annual	101,822.00	104,419.07	107,082.38	109,813.63	112,614.53	115,486.88	118,432.49	121,453.23	124,551.01	127,727.81	130,985.64	134,326.56
92	Hourly	50,176.9	51,456.7	52,769.2	54,115.1	55,495.4	56,910.8	58,362.4	59,851.0	61,377.6	62,943.1	64,548.5	66,194.9
	Biweekly	4,014.15	4,116.54	4,221.54	4,329.21	4,439.63	4,552.87	4,668.99	4,788.08	4,910.21	5,035.45	5,163.88	5,295.59
	Annual	104,368.00	107,030.01	109,759.92	112,559.45	115,430.40	118,374.56	121,393.82	124,490.10	127,665.34	130,921.57	134,260.86	137,685.32
93	Hourly	51,431.3	52,743.1	54,088.3	55,467.9	56,882.7	58,333.5	59,821.4	61,347.2	62,911.9	64,516.5	66,162.1	67,849.6
	Biweekly	4,114.50	4,219.44	4,327.07	4,437.43	4,550.61	4,666.68	4,785.71	4,907.77	5,032.95	5,161.32	5,292.97	5,427.97
	Annual	106,977.00	109,705.56	112,503.71	115,373.22	118,315.93	121,333.70	124,428.44	127,602.11	130,856.73	134,194.36	137,617.12	141,127.18
94	Hourly	52,717.3	54,061.9	55,440.8	56,854.9	58,305.0	59,792.2	61,317.2	62,881.2	64,485.0	66,129.8	67,816.5	69,546.2
	Biweekly	4,217.38	4,324.95	4,435.27	4,548.39	4,664.40	4,783.37	4,905.38	5,030.49	5,158.80	5,290.38	5,425.32	5,563.70
	Annual	109,652.00	112,448.78	115,316.90	118,258.18	121,274.47	124,367.70	127,539.82	130,792.85	134,128.85	137,549.94	141,058.29	144,656.12
95	Hourly	54,035.1	55,413.3	56,826.7	58,276.1	59,762.5	61,286.8	62,850.0	64,453.0	66,097.0	67,782.8	69,511.7	71,284.7
	Biweekly	4,322.81	4,433.07	4,546.13	4,662.09	4,781.00	4,902.94	5,028.00	5,156.24	5,287.76	5,422.63	5,560.94	5,702.77
	Annual	112,393.00	115,259.70	118,199.51	121,214.31	124,306.00	127,476.55	130,727.96	134,062.31	137,481.70	140,988.33	144,584.36	148,272.13
96	Hourly	55,386.1	56,798.7	58,247.4	59,733.1	61,256.7	62,819.1	64,421.3	66,064.5	67,749.5	69,477.5	71,249.6	73,066.9
	Biweekly	4,430.88	4,543.90	4,659.80	4,778.65	4,900.53	5,025.53	5,153.71	5,285.16	5,419.96	5,558.20	5,699.97	5,845.35
	Annual	115,203.00	118,141.37	121,154.68	124,244.85	127,413.84	130,663.66	133,996.37	137,414.08	140,918.96	144,513.24	148,199.20	151,979.16

City of Banning
Salary Schedule
2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
97	Hourly	56,770.7	58,218.7	59,703.6	61,228.4	62,788.0	64,389.5	66,031.8	67,716.0	69,443.2	71,214.4	73,030.8	74,893.5
	Biweekly	4,541.65	4,657.49	4,776.29	4,898.11	5,023.04	5,151.16	5,282.55	5,417.28	5,555.46	5,697.15	5,842.46	5,991.48
	Annual	118,083.00	121,094.82	124,183.47	127,350.89	130,599.11	133,930.17	137,346.19	140,849.34	144,441.84	148,125.98	151,904.08	155,778.54
98	Hourly	58,189.9	59,674.1	61,196.1	62,757.0	64,357.7	65,999.2	67,682.6	69,408.9	71,179.2	72,994.7	74,856.5	76,765.8
	Biweekly	4,655.19	4,773.93	4,895.69	5,020.56	5,148.62	5,279.94	5,414.61	5,552.71	5,694.34	5,839.58	5,988.52	6,141.27
	Annual	121,035.00	124,122.12	127,287.98	130,534.58	133,864.00	137,276.33	140,779.76	144,370.48	148,052.80	151,829.03	155,701.58	159,672.91
99	Hourly	59,644.7	61,166.0	62,726.1	64,326.0	65,966.7	67,649.2	69,374.7	71,144.2	72,958.8	74,819.7	76,728.0	78,685.0
	Biweekly	4,771.58	4,893.28	5,018.09	5,146.08	5,277.34	5,411.94	5,549.98	5,691.53	5,836.70	5,985.57	6,138.24	6,294.80
	Annual	124,061.00	127,225.30	130,470.31	133,798.08	137,210.74	140,710.44	144,299.40	147,979.90	151,754.27	155,624.92	159,594.28	163,664.90
100	Hourly	61,135.6	62,694.9	64,294.0	65,933.9	67,615.6	69,340.2	71,108.8	72,922.5	74,782.4	76,689.8	78,645.9	80,651.8
	Biweekly	4,890.85	5,015.59	5,143.52	5,274.71	5,409.25	5,547.22	5,688.70	5,833.80	5,982.60	6,135.19	6,291.67	6,452.15
	Annual	127,162.00	130,405.39	133,731.51	137,142.47	140,640.43	144,227.60	147,906.27	151,678.77	155,547.49	159,514.88	163,583.47	167,755.83
101	Hourly	62,663.9	64,262.2	65,901.3	67,582.2	69,306.0	71,073.7	72,886.5	74,745.5	76,652.0	78,607.1	80,612.0	82,668.1
	Biweekly	5,013.12	5,140.98	5,272.11	5,406.58	5,544.48	5,685.89	5,830.92	5,979.64	6,132.16	6,288.56	6,448.96	6,613.45
	Annual	130,341.00	133,665.48	137,074.75	140,570.98	144,156.38	147,833.23	151,603.87	155,470.68	159,436.11	163,502.69	167,672.99	171,949.66
102	Hourly	64,230.8	65,869.0	67,549.1	69,272.0	71,038.9	72,850.8	74,708.9	76,614.4	78,568.6	80,572.5	82,627.6	84,735.1
	Biweekly	5,138.46	5,269.52	5,403.93	5,541.76	5,683.11	5,828.06	5,976.71	6,129.15	6,285.48	6,445.80	6,610.21	6,778.81
	Annual	133,600.00	137,007.60	140,502.12	144,085.76	147,760.82	151,529.60	155,394.52	159,358.01	163,422.60	167,590.85	171,865.42	176,249.02
103	Hourly	65,836.5	67,515.8	69,237.8	71,003.8	72,814.8	74,672.0	76,576.6	78,529.8	80,532.8	82,586.8	84,693.3	86,853.5
	Biweekly	5,266.92	5,401.26	5,539.03	5,680.30	5,825.19	5,973.76	6,126.13	6,282.38	6,442.62	6,606.95	6,775.46	6,948.28
	Annual	136,940.00	140,432.79	144,014.67	147,687.91	151,454.84	155,317.84	159,279.38	163,341.96	167,508.16	171,780.62	176,162.06	180,655.25
104	Hourly	67,482.2	69,203.4	70,968.5	72,778.6	74,634.9	76,538.6	78,490.8	80,492.7	82,545.8	84,651.2	86,810.3	89,024.5
	Biweekly	5,398.58	5,536.27	5,677.48	5,822.29	5,970.79	6,123.09	6,279.26	6,439.42	6,603.66	6,772.10	6,944.83	7,121.96
	Annual	140,363.00	143,943.10	147,614.51	151,379.57	155,240.65	159,200.22	163,260.78	167,424.91	171,695.25	176,074.51	180,565.47	185,170.97
105	Hourly	69,169.2	70,933.5	72,742.7	74,598.1	76,500.8	78,452.0	80,453.0	82,505.0	84,609.4	86,767.4	88,980.5	91,250.1
	Biweekly	5,533.54	5,674.68	5,819.42	5,967.85	6,120.06	6,276.16	6,436.24	6,600.40	6,768.75	6,941.40	7,118.44	7,300.01
	Annual	143,872.00	147,541.60	151,304.80	155,163.98	159,121.59	163,180.14	167,342.22	171,610.45	175,987.54	180,476.28	185,079.51	189,800.15
106	Hourly	70,898.6	72,706.9	74,561.4	76,463.1	78,413.4	80,413.4	82,464.4	84,567.8	86,724.7	88,936.7	91,205.2	93,531.4
	Biweekly	5,671.88	5,816.55	5,964.91	6,117.05	6,273.07	6,433.07	6,597.15	6,765.42	6,937.98	7,114.94	7,296.41	7,482.52
	Annual	147,469.00	151,230.34	155,087.63	159,043.29	163,099.85	167,259.87	171,526.00	175,900.95	180,387.48	184,988.44	189,706.75	194,545.41
107	Hourly	72,671.2	74,524.7	76,425.5	78,374.8	80,373.9	82,423.9	84,526.2	86,682.1	88,893.0	91,160.3	93,485.5	95,869.9
	Biweekly	5,813.69	5,961.98	6,114.04	6,269.99	6,429.91	6,593.91	6,762.10	6,934.57	7,111.44	7,292.83	7,478.84	7,669.59
	Annual	151,156.00	155,011.38	158,965.11	163,019.67	167,177.65	171,441.68	175,814.47	180,298.80	184,897.50	189,613.49	194,449.78	199,409.41
108	Hourly	74,488.0	76,387.9	78,336.2	80,334.3	82,383.3	84,484.5	86,639.4	88,849.2	91,115.4	93,439.4	95,822.7	98,266.7
	Biweekly	5,959.04	6,111.03	6,266.90	6,426.74	6,590.66	6,758.76	6,931.15	7,107.94	7,289.23	7,475.15	7,665.81	7,861.34
	Annual	154,935.00	158,886.77	162,939.34	167,095.27	171,357.20	175,727.84	180,209.95	184,806.39	189,520.06	194,353.96	199,311.15	204,394.78

City of Banning
Salary Schedule
2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
109 Hourly	76,3500	78,2974	80,2944	82,3424	84,4427	86,5964	88,8052	91,0702	93,3931	95,7752	98,2180	100,7232	103,2922
Biweekly	6,108.00	6,263.79	6,423.55	6,587.39	6,756.41	6,927.72	7,104.41	7,285.62	7,471.45	7,662.01	7,857.44	8,057.85	8,263.38
Annual	158,808.00	162,858.56	167,012.43	171,272.25	175,640.72	180,120.61	184,714.76	189,426.10	194,257.60	199,212.34	204,293.45	209,504.15	214,847.77
110 Hourly	80,2547	82,3017	84,4009	86,5536	88,7612	91,0252	93,3469	95,7278	98,1694	100,6733	103,2411	105,8744	
Biweekly	6,260.69	6,420.38	6,584.14	6,752.07	6,924.29	7,100.90	7,282.02	7,467.75	7,658.22	7,853.55	8,053.87	8,259.29	8,469.95
Annual	162,778.00	166,929.82	171,187.53	175,553.84	180,031.51	184,623.40	189,332.40	194,161.51	199,113.80	204,192.39	209,400.52	214,741.49	220,218.69
111 Hourly	80,2154	82,2614	84,3595	86,5112	88,7177	90,9806	93,3011	95,6809	98,1213	100,6240	103,1905	105,8225	108,5216
Biweekly	6,417.23	6,580.91	6,748.76	6,920.90	7,097.42	7,278.45	7,464.09	7,654.47	7,849.70	8,049.92	8,255.24	8,465.80	8,681.73
Annual	166,848.00	171,103.63	175,467.79	179,943.28	184,532.91	189,239.61	194,066.35	199,016.21	204,092.31	209,297.89	214,636.24	220,110.76	225,724.90
112 Hourly	82,2207	84,3178	86,4684	88,6739	90,9356	93,2550	95,6335	98,0728	100,5742	103,1395	105,7701	108,4679	111,2345
Biweekly	6,577.65	6,745.42	6,917.47	7,093.91	7,274.85	7,460.40	7,650.68	7,845.82	8,045.94	8,251.16	8,461.61	8,677.43	8,898.76
Annual	171,019.00	175,381.01	179,854.28	184,441.64	189,146.01	193,970.37	198,917.78	203,991.37	209,194.38	214,530.09	220,001.89	225,613.26	231,367.75
113 Hourly	84,2764	86,4260	88,6304	90,8910	93,2093	95,5866	98,0247	100,5249	103,0889	105,7183	108,4147	111,1799	114,0157
Biweekly	6,742.12	6,914.08	7,090.43	7,271.28	7,456.74	7,646.93	7,841.97	8,041.99	8,247.11	8,457.46	8,673.18	8,894.40	9,121.26
Annual	175,295.00	179,766.07	184,351.19	189,053.25	193,875.24	198,820.22	203,891.33	209,091.78	214,424.88	219,894.00	225,502.62	231,254.29	237,152.66
114 Hourly	86,3832	88,5865	90,8459	93,1631	95,5393	97,9761	100,4751	103,0378	105,6659	108,3610	111,1249	113,9592	116,8658
Biweekly	6,910.65	7,086.92	7,267.68	7,453.05	7,643.14	7,838.09	8,038.01	8,243.02	8,453.27	8,668.88	8,889.99	9,116.74	9,349.27
Annual	179,677.00	184,259.84	188,959.57	193,779.18	198,721.71	203,790.30	208,988.18	214,318.63	219,785.04	225,390.88	231,139.70	237,035.15	243,080.97
115 Hourly	88,5428	90,8012	93,1171	95,4922	97,9278	100,4256	102,9870	105,6138	108,3076	111,0701	113,9030	116,8082	119,7875
Biweekly	7,083.42	7,264.09	7,449.37	7,639.37	7,834.22	8,034.04	8,238.96	8,449.10	8,664.61	8,885.61	9,112.24	9,344.66	9,583.00
Annual	184,169.00	188,866.41	193,683.64	198,623.74	203,689.83	208,885.15	214,212.97	219,676.69	225,279.76	231,025.75	236,918.29	242,961.13	249,158.09
116 Hourly	90,7563	93,0711	95,4449	97,8794	100,3759	102,9361	105,5616	108,2540	111,0151	113,8467	116,7505	119,7283	122,7821
Biweekly	7,260.50	7,445.69	7,635.60	7,830.35	8,030.07	8,234.89	8,444.92	8,660.32	8,881.21	9,107.73	9,340.04	9,578.26	9,822.57
Annual	188,773.00	193,587.84	198,525.50	203,589.09	208,781.83	214,107.02	219,568.03	225,168.34	230,911.48	236,801.11	242,840.96	249,034.86	255,386.74

EXHIBIT “B”

RESOLUTION NO. 2013-20

A RESOLUTION OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE MAXIMUM COMPENSATION AND BENEFITS IN CERTAIN CITY DEPARTMENT DIRECTOR EMPLOYMENT CONTRACTS, PURSUANT TO SECTION 2.08.090(C) OF THE BANNING MUNICIPAL CODE.

WHEREAS, the Banning City Council approved new contract format and language for certain City Department Directors, including the Finance Director, Community Development Director, Public Works Director, Public Utility Director, and Recreation Director, that took effect July 1, 2009 (the "Contracts"); and

WHEREAS, the City of Banning ("City") currently has Department Directors that include but are not limited to the Administrative Services Director/Deputy City Manager, Police Chief, Community Development Director, Public Works Director, Electric Utility Director, Economic Development Director and Community Services Director (hereinafter collectively referred to as "Directors"); and

WHEREAS, the Banning City Manager has authority to enter into Contracts with the Directors on behalf of the City, pursuant to Banning Municipal Code § 2.08.090; and

WHEREAS, Banning Municipal Code § 2.08.090(C) requires that the City Council approve, by ordinance or resolution, the maximum compensation and benefits expressly or impliedly included in the Contracts prior to their taking effect; and

WHEREAS, the City Council last approved Resolution 2009-51 changing the maximum level of benefits and other compensation to be included in the Contracts and provided that the salary for the Contracts shall not exceed the maximum salary for each Director in the most recent Classification and Compensation Resolution approved by the City Council at any given time; and

WHEREAS, the City Council now desires to adopt an amended and restated resolution of salaries, compensation and benefits for Directors, which restates and replaces any and all pre-existing salary and compensation resolutions for the Directors, including, but not limited to, Council Resolution No. 2009-51.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council hereby approves that effective the first full pay period after adoption of this resolution and concurrently with and contingent upon the City ceasing all Employer Paid Member Contributions on behalf of each Director and eliminating the four percent (4%) incentive pay for each Director, the Directors will receive a nine percent (9%) raise within the four (4) pay range salary adjustment per attached Exhibit A, which Exhibit is also hereby adopted and approved by this reference.

Section II. The City Council hereby approves the maximum level of benefits and other compensation, not including salary, expressly or implied set forth in the Contracts, provided that such level of benefits and other compensation for each Director shall not exceed the following levels:

- A. Professional Development. Training as determined appropriate by the City Manager
- B. Paid Leave. Implementation of accrual caps will not result in loss of existing or vested leave balances as of the date of adoption of this resolution.

- i. Sick Leave: 96 hours accrued annually with maximum accrual cap up to 480 hours.

- ii. Vacation Leave. 160 hours accrued annually with maximum accrual cap up to 480 hours.

- iii. Holiday Leave. Effective July 1st, 2013, Directors shall be granted to the following holidays:

New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving, Day after Thanksgiving, Christmas, and One (1) floating holiday;

- iv. Executive Leave. 98 hours annual accrual with maximum accrual cap of 200 hours.

- v. Bereavement Leave. 30 hours with no accrual or carryover.

- vi. Promotional Payouts of Leave. Prior to implementation of a promotion to a higher ranking position, the City shall be entitled to cash out, at the Director's current pay rate at the time of said promotion, all vacation, holiday, comp time and executive leave in excess of 100 hours respectively.

C Cafeteria/Health & Welfare Benefits. Effective the first pay period after July 1st, 2013, this benefit for Director's shall be capped at \$20,000 annually. However, the City Manager may increase the benefit annually using CPI or the average of all City health insurance premium increases. Director's may use funds for any of the City's medical plans or, upon proof of coverage under spouse's plan, this amount may be taken as taxable income or converted to a 457 Plan or City sponsored Medical Savings Account.

D. Retirement.

- o Miscellaneous and safety employees hired prior to December, 2012, remain at 2.5% @55 and 3% @ 50 CalPERS formulas respectively, with single highest year benefit.

- Beginning December 2012, the City implemented the 2% @ 60 formula for miscellaneous new hires and 2% @ 50 formula for safety new hires with average three years for calculation of final retirement benefit, which after January 1, 2013 shall only apply to new hires defined and determined by CalPERS to be "classic members."
 - Beginning January 1, 2013, new hires defined by CalPERS as "new members" shall receive the newly created 2% @ 62 formula for miscellaneous employees and 2.7% @ 57 for safety employees, with average of three years for calculation of final retirement benefit. (Mandated by the Public Employees' Pension Reform Act of 2013.)
 - The Directors shall pay their full member contribution for their CalPERS retirement plan, currently at either eight percent (8%) for miscellaneous members or nine percent (9%) for safety members, from employee's pre-tax compensation.
- E. Management Incentive. The previous salary management incentive of four percent (4%) of pay shall be eliminated concurrently with the nine percent (9%) salary adjustment referenced in Section I.
- F. Automobile Allowance. Director's shall receive \$250.00 per month or the use of a take home City Vehicle as determined by the City Manager.
- G. City Flexible Spending Plan. Director's may participate in same program made available to other employees.
- H. Life Insurance. Directors shall be entitled to a \$150,000.00 life insurance policy.
- I. Uniforms. \$0. The Police Chief shall receive \$110 per month uniform allowance.
- J. Business Equipment. The City hereby agrees to finance at no interest the purchase of any job-related tools or equipment that serve the professional development of the Director. Such tools and equipment shall be approved in advance by the City Manager. Repayment to the City by the Director shall be made by payroll deductions until the amount loaned is completely repaid. The maximum period for repayment shall be two (2 years). The amount shall be capped at the value of one month's salary. Should the Director terminate employment, then the remaining loan amount repayment shall be accelerated and become fully due and owing as of the termination date.
- J. Bonding. The City shall bear the full cost of any fidelity or other bonds required for an employee under any law or ordinance.
- K. Education Incentives. Directors may receive \$275.00 maximum per month. The Police Chief may receive \$450.00 per month.

- L. Eyewear/Eyecare Reimbursement. Directors may receive 250.00 maximum every two years.
- M. Disability Insurance. Directors shall pay the cost of membership in the short term and long term disability insurance programs selected by the City and Insurance/Benefits Advisory Committee.
- N. FICA. Directors shall pay the employee's portion of the Federal Insurance Contributions Act tax and the City shall be responsible for payment of the employer's portion.
- O. Other benefits. Directors shall be eligible to participate in employee paid benefit programs that may be offered from time to time.

SECTION 3. Directors are entitled only to the level of salary and benefits contained in their respective Contract.

SECTION 4. The position of Police Chief remains entitled to all protections and rights afforded under California law, including but not limited to those set forth in the Public Safety Officers Procedural Bill of Rights Act (Gov't Code 3300-3313)

SECTION 5. The Administrative Services Director is authorized to make the necessary budget adjustments as applicable.

PASSED, APPROVED AND ADOPTED this 14th day of May, 2013.



Deborah Franklin, Mayor
City of Banning

ATTEST:



Marie A. Calderon, City Clerk
City of Banning

**APPROVED AS TO FORM AND
LEGAL CONTENT:**



David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2013-20 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 14th day of May, 2013, by the following vote, to wit:

AYES: Councilmembers Botts, Miller, Welch, Mayor Franklin

NOES. Councilmember Peterson

ABSENT: None

ABSTAIN: None

A handwritten signature in cursive script, reading "Marie A. Calderon", written in black ink over a horizontal line.

Marie A. Calderon, City Clerk
City of Banning, California

Exhibit A

Compensation Table

Position	Current Range	New Range
Administrative Services Director/Deputy City Manager	97	101
Community Development Director	88	92
Community Services Director	82	86
Electric Utility Director	96	100
Police Chief	96	100
Public Works Director	96	100
Economic Development Director	88	92

Note: The City uses a Salary Table with defined ranges. In order to reflect the proposed salary adjustments that are being made in lieu of the employee paying the full CalPERS employee rate, the compensation range is being changed. The net impact to the City is a 3% savings in CalPERS costs. Table shows a 4 range adjustment due to the elimination of 4% management incentive pay and implementation of employee paying CalPERS employee rate of 8% for pension benefits.

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**CITY COUNCIL MEETING
PUBLIC HEARING**

DATE: August 25, 2015

TO: City Council

FROM: Brian Guillot, Acting Community Development Director

SUBJECT: Consideration of Ordinance No. 1490 Approving the Categorical Exemption and the addition of Section 15.12.100 to Chapter 15 of the Banning Municipal Code Relating to the Expedited Permitting Procedures for Small Residential Rooftop Solar Systems

RECOMMENDATION:

Staff recommends that the City Council:

1. Conduct a public hearing;
2. Introduce Ordinance No. 1490 (Attachment 1) to approve the Categorical Exemption and the addition of Section 15.12.100 to Chapter 15 of the Banning Municipal Code Relating to the Expedited Permitting Procedures for Small Residential Rooftop Solar Systems.

JUSTIFICATION:

Assembly Bill No. 2188 (Muratsuchi, 2014), which became effective on January 1, 2015, amended sections 714 of the California Civil Code and 65850.5 of the California Government Code to require local governments to adopt an ordinance on or before September 30, 2015 that creates an expedited, streamlined permitting process for small rooftop solar system installations consistent with the intent and goals of subdivision (a) of Section 65850.5.

By improving the efficiency of solar permitting statewide, AB 2188 will help lower the cost of solar installations and further expand the accessibility of solar to more California homeowners who want to control their electricity bills and generate their own clean energy. In addition, making solar energy more affordable will help the state reach its renewable energy and greenhouse gas reduction goals, and create more local jobs.

BACKGROUND:

The attached ordinance is intended to satisfy that requirements of AB 2188. The ordinance codifies the requirements of Section 65850.5(g)(1), such as accepting and approving applications electronically, directing the City's Building Official to develop a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, and authorizing the Building Official to administratively approve such applications.

The City currently expedites the review of such applications by reviewing applications and issuing permits. Any application for the installation of solar panels is typically processed within 5 working days. This allows for staffs time to perform a pre-construction site inspection to verify existing conditions. The City also currently can accept and approve such applications at the building counter and/or electronically through the City's fax or email. The City, then by current practice, already expedites the review of such applications.

A copy of the proposed Ordinance was forwarded to the Electric Utility and Fire Services (Calfire) departments for review and comment.

ENVIRONMENTAL:

California Environmental Quality Act (CEQA)

This ordinance is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment, the activity is not subject to CEQA. The proposed amendments to the Banning Municipal Code are consistent with the requirements of state law, particularly California Civil Code 714 and Government Code Section 65850.5, do not relate to any single physical project, and will not result in any physical change to the environment. Therefore, Ordinance No. 1490 will not have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP)

The amendments to the Banning Municipal Code do not relate to any one physical project and are not subject to the MSHCP.

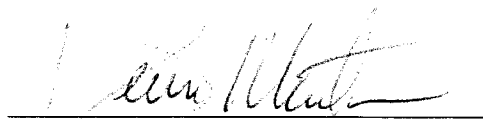
PUBLIC COMMUNICATION:

The proposed ordinance was advertised in the Record Gazette newspaper on August 14, 2015. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

FISCAL IMPACT:

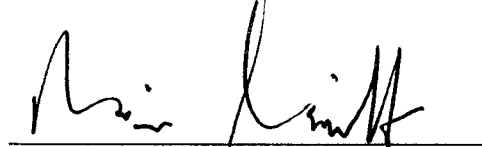
There are no anticipated direct fiscal impacts as the costs associated with expedited processing of small residential rooftop solar building permits and inspections is recovered through existing fees. As noted, the Building & Safety Division currently provides expedited review and electronic submittal for these types of permits.

APPROVED BY:



Dean Martin
Interim City Manager

RECOMMENDED BY:



Brian Guillot
Acting Community Development Director

PREPARED BY:



Jim Barrett
Building Official

ATTACHMENTS:

1. Ordinance No. 1490

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Attachment 1

(Ordinance No. 1490)

ORDINANCE NO. 1490

AN ORDINANCE OF THE CITY OF BANNING APPROVING A CATEGORICAL EXEMPTION AND ADDING SECTION 15.12.100 TO CHAPTER 15 OF THE BANNING MUNICIPAL CODE RELATING TO THE EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

WHEREAS, Subsection (a) of Section 65850.5 of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems; and

WHEREAS, improving the efficiency of solar permitting will help lower the cost of solar installations and further expand the accessibility of solar to more homeowners who want to control their electricity bills and generate their own clean energy; and

WHEREAS, making solar energy more affordable will help the state reach its renewable energy and greenhouse gas reduction goals, and create more local jobs; and

WHEREAS, Assembly Bill No. 2188 (Muratsuchi, 2014), which became effective on January 1, 2015, amended sections 714 of the California Civil Code and 65850.5 of the California Government Code to require local governments to adopt an ordinance on or before September 30, 2015 that creates an expedited, streamlined permitting process for small rooftop solar system installations consistent with the intent and goals of subdivision (a) of Section 65850.5.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING DOES ORDAIN AS FOLLOWS:

SECTION 1. ENVIRONMENTAL

California Environmental Quality Act (CEQA)

This ordinance is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment, the activity is not subject to CEQA. The proposed amendments to the Banning Municipal Code are consistent with the requirements of state law, particularly California Civil Code 714 and Government Code Section 65850.5, do not relate to any single physical project, and will not result in any physical change to the environment. Therefore, Ordinance No. 1490 will not have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Multiple Species Habitat Conservation Plan (MSHCP)

The amendments to the Banning Municipal Code do not relate to any one physical project and are not subject to the MSHCP.

SECTION 2. CITY COUNCIL ACTION

Section 15.12.100 entitled "Expedited Permit Process for Small Residential Rooftop Solar Systems" is added to the Banning Municipal Code to read in full as follows:

"15.12.100 – Permitting procedures for small rooftop solar energy systems.

The purpose of the section is to provide an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014, amending California Civil Code Section 714 and California Government Code Section 65850.5) in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This section encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the city and expanding the ability of property owners to install solar energy systems. This section allows the city to achieve these goals while protecting public health and safety.

A. Definitions as used in this section.

Solar Energy System means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

Small residential rooftop solar energy system means all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, and all state and city health and safety standards.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the city.

Electronic submittal means the utilization of electronic e-mail, facsimile, or submittal via the internet.

Specific, adverse impact means a significant, quantifiable, direct, unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Reasonable restrictions on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance means:

1. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.
 2. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.
- B. Applicability. This chapter applies to the permitting of all small residential rooftop solar energy systems in the city.
- C. Effective date, maintenance. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Ordinance are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting.
- D. Historic resources. A use permit and/or design review may be required for properties on the City's list of historic resources as deemed necessary by the Community Development Director.
- E. Solar Energy System Requirements.
1. All solar energy systems shall meet applicable state and city health and safety standards and requirements, including the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, and California Fire Code, which are incorporated by reference into the Banning Municipal Code by Sections 15.08.010 and 8.16.010. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
 2. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of

Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

F. Applications and Documents.

1. All documents required for the submission of an expedited solar energy system application shall be made available on the city's website. Electronic submittal of the required permit application and documents by email, facsimile, or via the internet shall be made available to all small residential rooftop solar energy system permit applicants. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
2. The city's Building and Safety Division shall adopt a standard plan(s) and checklist(s) of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.
3. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

G. Permit Review and Inspection Requirements.

1. The Director of the Banning Community Development Department shall implement an administrative, nondiscretionary review process for the Building Division to expedite approval of small residential rooftop solar energy systems. The Building and Safety Division shall issue a building permit, the issuance of which is nondiscretionary, within one (1) to three (3) business days for electronic applications upon receipt of a complete application that meets the requirements of the approved checklist(s) and standard plan(s). The Chief Building Official may require an applicant to apply for a Conditional Use Permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Planning Commission pursuant to the appeal procedures in Chapter 17.68 of the Banning Municipal Code.
2. Review of the application shall be limited to the Chief Building Official and his or her designee's review of whether the application meets local, state, and federal health and safety requirements, including the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, and California Fire Code, which are incorporated by reference into the Banning Municipal Code by Sections 15.08.010 and 8.16.010.
3. Conditions may be imposed on an application if the building official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. A condition may only be imposed on an application in order to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

4. A feasible method to satisfactorily mitigate or avoid the specific, adverse impact includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit. The city shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.
5. The city may deny an application if it makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the Planning Commission in accordance with the procedures set forth in the Banning Municipal Code Chapter 17.68. For purposes of this Section, "specific, adverse impact" means a significant, quantifiable direct, and unavoidable impact, based on objective, identified, and written public health and safety standards, policies, or conditions as they existed on the date the application was deemed complete.
6. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
7. Only one inspection shall be required and performed by the Building and Safety Division for small residential rooftop solar energy systems eligible for expedited review under this Section. A separate fire inspection may be performed if an agreement with Riverside County Fire does not exist to perform safety inspections on behalf of Riverside County Fire.
8. The inspection shall be done in a timely manner and should include consolidated inspections.
9. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized that need not conform to the requirements of Government Code 65850.5.
10. The city shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code."

SECTION 3. SEVERABILITY

If any section, subsection, sentence, clause, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council of the City of Banning hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. PUBLICATION, EFFECTIVE DATE

The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) calendar days after its final passage, the City Clerk shall cause a summary of this Ordinance to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California. The City Clerk shall cause the Ordinance to be printed, published, and circulated in the City and a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

PASSED, APPROVED, AND ADOPTED this _____ day of August, 2015.

Deborah Franklin, Mayor
City of Banning

ATTEST:

Marie A. Calderon, City Clerk
City of Banning, California

**APPROVED AS TO FORM AND
LEGAL CONTENT:**

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1490 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 25th day of August, 2015, and was duly adopted at a regular meeting of said City Council on the 8th day of September, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning, California

CITY COUNCIL AGENDA

DATE: August 25, 2015

TO: Honorable Mayor & Banning City Council

FROM: David Aleshire, City Attorney

SUBJECT: Village at Paseo San Gorgonio Project and Suggested Alternatives—
Possible Further Extension of Design Review

INTRODUCTION:

At its last Council meeting, the Council determined to extend the Village at Paseo San Gorgonio Project's (the "Project") Design Review approvals to August 31, 2015, contingent upon a start of vertical construction by that date. The efforts to secure an August 31 construction start date with the original developer have been unsuccessful, and in fact, it has been proposed to transfer the project to a new developer who has been associated with the Project. In light of this new development, the Council should consider whether a further extension of the Project's Design Review is warranted pending the City Attorney's negotiations with the Project's possible new developer.

The current developer, JMA Village, LLC ("JMA") has informed staff that it is not in a position to proceed and is no longer responding. The Council Subcommittee has met with Vanir who may be willing to proceed under an assignment agreement. That assignment is not on the agenda and this report is not dealing with all the issues which would arise with the assignment. The sole issue is whether to keep the design approvals in place while we explore how Vanir would proceed. Vanir evidently still has County approval of the leases.

Vanir requests an extension until March 15, 2016.

RECOMMENDATION:

Extend the existing Design Review expiration date contingent upon City Attorney's office negotiating an Assignment and Assumption Agreement of the Project entitlements on or before October 1, 2015 (or some other date set by the Council).

BACKGROUND:

On May 24, 2011, the City Council adopted Resolution No. 2011-44 adopting an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving Design Review No. 10-702 and Tentative Parcel Map No. 36285 to construct a mixed-use commercial development, known as the "Village at Paseo San Gorgonio" project ("Project").

On January 24, 2012, the City entered into that certain Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions dated January 24, 2012 ("Original PSA") to sell the property described therein ("Property") to JMA Village, LLC ("JMA") which included

detailed specified post-closing obligations respecting the development of the Property. On June 10, 2014, the City Council approved the First Amendment to the Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions with JMA Village, LLC ("PSA Amendment"). The Original PSA as amended by the PSA Amendment is hereinafter referred to as the "Amended PSA".

On May 1, 2013 the Planning Commission adopted Resolution No. 2013-07 approving a two (2) year time extension for Design Review No. 10-702 until May 24, 2015 so that the discretionary land use entitlement approval would correspond with the Amended PSA.

The entire purchase price for the Property (\$1,020,000) was paid by that certain Promissory Note from Developer to the City in the principal sum of \$1,020,000 ("Note") which was secured by a deed of trust against the Property ("Deed of Trust"). Pursuant to the terms of the Note, the maturity date was December 14, 2014. However, JMA previously asserted through its legal counsel that, although not formally documented by an amendment to the Note, it was the intention of the parties that the First Amendment also extend the maturity date of the Note which would be August 31, 2015.

JMA previously entered into an agreement with Vanir Group of Companies, Inc. ("Vanir") to form Banning Office Venture LLC whereby JMA owned 49% and Vanir owned 51% ("Banning Office LLC"). JMA committed to contribute Parcel 1 to Banning Office LLC which would develop the office building on Parcel 1. To date, fee title to Parcel 1 has not been transferred to Banning Office LLC. Banning Office LLC has entered into two (2) leases with the County of Riverside ("County") for portions of the office building to be constructed on Parcel 1: (a) one for the probation department, and (b) one for the district attorney's office ("County Leases").

At the City Council meeting on June 23, 2015, the City Council adopted Resolution 2015-47 (a copy of which is attached as Attachment 1), which:

(i) Authorized the extension of the current Design Review No. 10-702 to August 31, 2015 upon the condition that definitive documentation satisfactory to the City Attorney is executed and delivered by Developer to the City Attorney on or before July 15, 2015 which confirms (i) commencement of construction on or before August 31, 2015 and (ii) confirms other construction dates under the Amended PSA and confirms the maturity date of the Note as August 31, 2015, and (iii) related requirements; If the Promissory Note is not paid in full on or before August 31, 2015, the City Attorney is authorized to commence foreclosure proceedings under the deed of trust securing same; AND

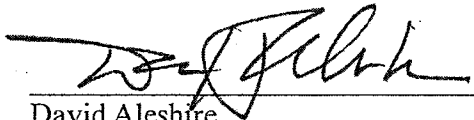
(ii) If the Promissory Note is not paid in full on or before August 31, 2015, the City Attorney is authorized to commence foreclosure proceedings under the deed of trust securing same.

To date, JMA has not provided the documentation required by the timeframes specified in Resolution 2015-47. JMA has not responded to numerous and repeated emails and telephone calls from the Staff and the City Attorney's office.

The City's Ad Hoc Committee appointed to this Project did meet with Vanir on August 17, 2015. The Ad Hoc Committee may have further comments with regard to this matter. At this time, the City Attorney's Office is willing and able to pursue negotiations with Vanir for them to "take over" the Project. The main question now before the Council, however, is whether the Project's Design Review approval should be extended pending negotiations with Vanir, and if so, for how long.

FISCAL DATA: None foreseeable at this time.

SUBMITTED BY:



David Aleshire
City Attorney

APPROVED BY:

Dean Martin
Interim City Manager/Interim Administrative Services Director

ATTACHMENTS

1. Copy of Resolution 2015-47

ATTACHMENT 1

COPY OF RESOLUTION 2015-47

RESOLUTION NO. 2015-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, (A) APPROVING AN EXTENSION TO AUGUST 31, 2015 FOR DESIGN REVIEW NO. 10-702 FOR THE VILLAGE AT PASEO SAN GORGONIO PROJECT SUBJECT TO THE ORIGINAL CONDITIONS THERETO AND FURTHER SUBJECT TO CITY ATTORNEY'S APPROVAL OF DOCUMENTATION EXECUTED AND DELIVERED BY JMA VILLAGE LLC TO THE CITY ATTORNEY ON OR BEFORE JULY 15, 2015 (I) CONFIRMING COMMENCEMENT OF CONSTRUCTION ON OR BEFORE AUGUST 31, 2015, AND (II) MODIFYING THE COMMENCEMENT DATES OF THE CONSTRUCTION OBLIGATIONS UNDER THE AMENDED PSA, CONFIRMING THE MATURITY DATE OF THE NOTE AS AUGUST 31, 2015, AND RELATED REQUIREMENTS; AND (B) IF JMA VILLAGE FAILS TO MEET THE TIMEFRAMES STATED HEREIN, AUTHORIZING THE CITY ATTORNEY TO COMMENCE FORECLOSURE PROCEEDINGS AND/OR SEEK ANY OTHER APPLICABLE REMEDIES UNDER THE DEED OF TRUST, OTHER PROJECT INSTRUMENTS, OR AS OTHERWISE AVAILABLE BY LAW.

WHEREAS, an application to extend the expiration date of Design Review No. 10-702 previously approved to construct a mixed use commercial development has been duly filed by:

Applicant/Owner: JMA Village, LLC
Authorized Agent: Mark Frost – The Frost Company
Project Location: South of Ramsey Street, east of San Gorgonio Avenue
APN Number: 541-181-009, 010, 011, 012, 014, 023-028; 541-183-001, 002-004
Lot Area: 5.25 Acres

WHEREAS, on May 24, 2011, the City Council adopted Resolution No. 2011-44 adopting an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving Design Review No. 10-702 and Tentative Parcel Map No. 36285 to construct a mixed-use commercial development, known as the Village at Paseo San Gorgonio project; and

WHEREAS, on January 24, 2012, the City Council entered into an Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions with JMA Village, LLC ("Developer") for the acquisition and development of the property ("Original PSA"), and subsequently, on June 10, 2014, the City Council approved the First Amendment to the Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions with Developer ("First Amendment") (collectively the "Amended PSA"); and

WHEREAS, on May 1, 2013, the Planning Commission adopted Resolution No. 2013-07 approving a two (2) year time extension for Design Review No. 10-702 until May 24, 2015 so that the discretionary land use entitlement approval; would correspond with the Amended PSA; and

WHEREAS, Developer has asserted that the maturity date of Developer's Promissory Note in the sum of \$1,020,000 payable to the City under the Original PSA ("Note") was extended by implication under the First Amendment; and

01102.0040/256590.5

WHEREAS, the City Council has determined that there is a need to further extend Design Review No. 10-702 so that the discretionary land use entitlement approval subject to the original conditions and furthermore **subject to** the City Attorney's approval of documentation executed and delivered by Developer to the City Attorney on or before July 15, 2015 (i) confirming construction to commence on or before August 31, 2015, and (ii) modifying the Amended PSA with respect to the commencement dates of construction obligations, confirming the maturity date of the Note as August 31, 2015, and related requirements; and

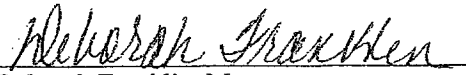
WHEREAS, if the Promissory Note is not paid in full on or before August 31, 2015, the City Attorney is authorized to commence foreclosure proceedings under the deed of trust securing same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

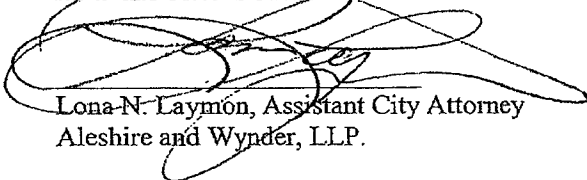
SECTION 1. An extension to August 31, 2015 for Design Review No. 10-702 is hereby approved, subject to the original conditions of approval, and furthermore **subject to** the City Attorney's approval of documentation executed and delivered by JMA Village LLC to the City Attorney on or before July 15, 2015 (i) confirming commencement of construction on or before August 31, 2015, and (ii) modifying the Amended PSA with respect to the commencement dates of construction obligations, confirming the maturity date of the Note as August 31, 2015, and related requirements.

SECTION 2. If the Promissory Note is not paid in full on or before August 31, 2015, the City Attorney is hereby authorized to commence foreclosure proceedings and/or seek any other applicable remedies under the deed of trust, other project instruments, or as otherwise available by law.

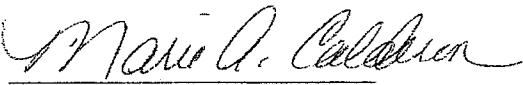
PASSED, APPROVED AND ADOPTED this 23rd day of June, 2015.


Deborah Franklin, Mayor
City of Banning

APPROVED AS TO FORM
AND LEGAL CONTENT:


Lona N. Laymon, Assistant City Attorney
Aleshire and Wynder, LLP.

ATTEST:


Marie A. Calderon, City Clerk
City of Banning, California
01102.0040/256590.5

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2015-47 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 23rd day of June, 2015, by the following vote:
to wit:

AYES: Councilmembers Miller, Moyer, Welch, Mayor Franklin

NOES: None

ABSENT: None

ABSTAIN: None

*Note: Councilmember Peterson did not vote
on this item because of a conflict of interest.*



Marie A. Calderon, City Clerk
City of Banning, California

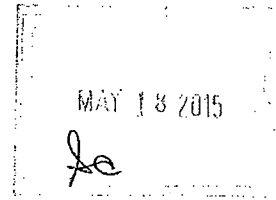
Attachment 2
Letter from JMA Village, LLC, dated May 18, 2015

01102.0040/256590.5

JMA VILLAGE, LLC

300001 Golden Lantern

Laguna Niguel, CA 92677



City Of Banning

99 E. Ramsey Street

Banning, CA 92220

Attn: Brian Guillot

Re: Time Extension Design Review #10-702

The Village At Paseo San Geronio

Mr. Guillot,

JMA Village, LLC hereby requests an extension of the above referenced Design Review by the City Council.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Mark Frost'.

Mark Frost,

Member

Attachment 3
City Council Resolution No. 2011-44

01102:0040/256590.5

RESOLUTION NO. 2011-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING DESIGN REVIEW (DR) #10-702 AND TENTATIVE PARCEL MAP #36285 TO CONSTRUCT A MIXED USE COMMERCIAL DEVELOPMENT ON A 5.25 ACRE PARCEL IN THE DOWNTOWN COMMERCIAL (DC) ZONE.

WHEREAS, an application for a Design Review and Tentative Parcel Map to construct a mixed use commercial development has been duly filed by:

Applicant/Owner: JMA Village, LLC/various
Authorized Agent: Mark Frost – The Frost Company
Project Location: South of Ramsey Street, east of San Geronio Avenue
APN Number: 541-181-009, 010, 011, 012, 014, 023-028; 541-183-001, 002-004
Lot Area: 5.25 Acres

WHEREAS, the City Council has the authority per Chapter 17.56 of the Banning Municipal Code to take action on Design Review #10-702 Tentative Parcel Map #36285 to construct a mixed use commercial development on a 5.25 acre parcel in the Downtown Commercial (DC) zone located South of Ramsey Street, east of San Geronio Avenue; and

WHEREAS, the on May 4, 2011, the Planning Commission approved Resolution No. 2011-02 recommending approval to City Council of the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and, DR #10-702 and TPM #36285 per Chapter 17.44 of the Banning Municipal Code in connection with the subject Design Review; and

WHEREAS, Section 17.44.020 of the Banning Municipal Code provides that the highest level of review authority approve multiple applications, which requires City Council approval; and

WHEREAS, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was prepared in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City of Banning Environmental Review Guidelines. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was made available for a 30-day public review from March 25, 2011, through April 25, 2011, and was adopted by City Council on May 10, 2011; and

WHEREAS, on May 24, 2011, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Design Review #10-702 and Tentative Parcel Map #36285; and

WHEREAS, at this public hearing on May 24, 2011, the City Council considered and heard public comments on the project and the proposed approval of Design Review #10-702 and Tentative Parcel Map #36285;

NOW THEREFORE, the City Council of the City of Banning does hereby resolve, determine, find, and order as follows:

SECTION 1 ENVIRONMENTAL FINDINGS.

The City Council, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the adopted Mitigated Negative Declaration and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring and Reporting Program and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

- a) **Review Period:** That the City has provided the public review period for the Mitigated Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.
- b) **Compliance with Law:** That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.
- c) **Independent Judgment:** That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.
- d) **Mitigation Monitoring and Reporting Program:** That the Mitigation Monitoring and Reporting Program is designed to ensure compliance during project implementation in that change to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.
- e) **No Significant Effect:** That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the City Council finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the

environment. Therefore, the City Council concludes that the project will not have a significant effect on the environment.

2. Wildlife Resources.

Pursuant to Title 14, California Code of Regulations § 753.5(c), the City Council has determined, based on consideration of the whole record before it, that there is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. Furthermore, on the basis of substantial evidence, the City Council hereby finds that any presumption of adverse impact has adequately been rebutted. Therefore, pursuant to Fish and Game Code § 711.4(c)(2)(B) and Title 14, California Code of Regulations, § 753.5(a)(3), the project is not required to pay Fish and Game Department filing fees.

3. Multiple Species Habitat Conservation Plan (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2 REQUIRED FINDINGS FOR DESIGN REVIEW.

The Zoning Code requires that each Design Review (BMC §17.56.050) application meet certain findings in order to be approved by the City Council. The following findings are findings for Design Review:

Finding No. 1: The proposed project is consistent with the General Plan.

Findings of Fact: The project is consistent with the General Plan Land Use Element Policy which states: "The land-use map shall provide for sufficient lands to provide a large range of products and services to the City and the region while carefully considering compatibility with adjacent residential lands". The land-use designation of Downtown Commercial (DC) allows a mixed use commercial development as a permitted use. The proposed project will provide 13,500 square feet of office space; 29,955 square feet of hotel/office space; 13,500 square feet of retail space; and, 12,000 square feet of restaurant space for the community.

Further, the project is consistent with General Plan Economic Development Policy which states: "The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues". The proposed project will generate an estimated 145 jobs for the office alternative and 126 jobs for the hotel alternative, and generate sales tax from retail sales.

Finding No. 2: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact: The proposed project is consistent with the Zoning Ordinance and the development standards of the DC zone, including setbacks, building height, building coverage on the lot. The project is proposed on property that was previously developed consisting of several parcels. The Tentative Parcel Map proposes to combine the existing parcels and make four commercial parcels suitable for the proposed development and in compliance with the Zoning Ordinance. The proposed parcels are in compliance with the commercial development standards for the DC zone as it pertains to lot size, width, and depth.

The Zoning Ordinance requires 341 total parking spaces for the hotel alternative and 378 total parking spaces for the office alternative. The proposed project provides 360 parking spaces for the hotel alternative and 378 parking spaces for the office alternative utilizing shared parking and limited street parking as allowed by the Zoning Ordinance. The project provides 25,258 square feet (or 15%) of landscaping in the parking area as required by the Zoning Ordinance.

Finding No. 3: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards.

Findings of Fact: The proposed project has provided site and circulation layout design in such a way that the project will not interfere with the use and enjoyment of existing and future development. The developer shall coordinate/design pedestrian and vehicle access with the existing adjacent buildings located immediately west of the project. The proposed project provides three vehicle access driveways, one fronting San Geronio Avenue, one fronting Ramsey Street, and the third via Martin Street providing sufficient and secondary vehicle access for the commercial development. The proposed project provides pedestrian walks around the individual buildings. Additionally, the project has been reviewed by the City Engineer and Fire Department with regard to site circulation for pedestrian and motor vehicles and emergency access, which will not result in vehicular and/or pedestrian hazards.

Finding No. 4: The design of the proposed project is compatible with the character of the surrounding neighborhood.

Finding of Fact: The proposed use will not impair the integrity and character of the DC land use district in which it is to be located because it is surrounded by existing developments and on Ramsey Street corridor which is a long-established commercial corridor. Government offices are located to the north and across Ramsey Street that includes City Hall and the recently constructed Police Station. To the west are located the historic era buildings known as the Coplin House (12 S. San Geronio Avenue) and the Reid Building (54 S. San Geronio Avenue); across San Geronio Avenue is the Odd Fellows Building (25 S. San Geronio Avenue). East of the Project site is a self-storage

facility and a small retail store. The building architecture and site circulation and landscaping has been designed in a way that the project is compatible with the character of the surrounding neighborhood.

SECTION 3 REQUIRED FINDINGS FOR TENTATIVE PARCEL MAP

In accordance with Banning Municipal Code Chapter 16.08 and §17.44.010 and Government Code §66463, §66473.1, §66473.5 and §66474, the City Council, in light of the whole record before it, including but not limited to the Community Development Department's staff report and all documents incorporated by reference therein, the City's General Plan, Subdivision Ordinance, Zoning Ordinance, standards for public streets and facilities, and the City's commercial design guidelines and any other evidence within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

Finding No. 1: Tentative Parcel Map #36285 is consistent and compatible with the objectives, policies, general land uses, and programs specified the City's General Plan.

Finding of Fact: The General Plan land use designation for the site is Downtown Commercial (DC), which allows commercial development. The Tentative Parcel Map proposes to combine the existing parcels and make four commercial parcels suitable for the proposed development and in compliance with the Zoning Ordinance. The proposed parcels are in compliance with the commercial development standards for the DC zone as it pertains to lot size, width, and depth. Considering all of these aspects, the proposed Map furthers the objectives and policies of the General Plan and is compatible with the general land uses specific in the General Plan.

Finding No. 2: The design and improvement of the subdivision proposed under Tentative Parcel Map #36285 is consistent with the City's General Plan.

Finding of Fact: The proposed subdivision has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards.

Finding No. 3: The site is physically suitable for the type of development proposed under Tentative Parcel Map #36285.

Finding of Fact: The site is generally rectangular and sloping to the southeast and consists of 5.25 acres. The site is located within a shallow flood plane; however, this condition is mitigated through the requirements of the Grading Ordinance and preparation of a grading plan in connection with the site development. No major geologic hazards have been reported on the site or other limited conditions that would render it unsuitable for commercial development.

Finding No. 4: The design of the subdivision and improvements proposed under Tentative Parcel Map #36285, is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Finding of Fact: The project site is located within an urbanized area of the City of Banning. The site contains buildings and pavement. Vegetation on the site is limited to planted landscape trees. The site is developed and disturbed regularly by activities related to the existing businesses and events using the paved parking area. There are no areas of the site where the land is depressed and water is retained to support wetlands. There is no evidence that any endangered, threatened or listed species of plant or animal, or its habitat, is located on the site. In addition, this project has been conditioned to comply with the environmental policies and regulations of the City of Banning and those of all local and regional governmental agencies having jurisdiction over the site.

Finding No. 5: The design of the subdivision and improvements proposed under Tentative Parcel Map #36285 is not likely to cause serious public health problems.

Finding of Fact: The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all buildings on the site has been conditioned to comply with all applicable City of Banning ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to Stormwater runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been conditioned to be in conformance with adopted City street and public works standards. The City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety and welfare. Finally, the street system fronting the subdivision will provide emergency vehicular access to the development.

Finding No. 6: The design of the subdivision and improvements proposed under Tentative Parcel Map #36285, will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Finding of Fact: An easement for public access across the site (Livingston Street) has been disclosed in a search of the title records for the property. The subdivision has been designed to replace the previously existing easements (Livingston Street) with alternative access easements that provide reasonable access to the public across the site in a manner substantially equivalent to the previously existing easements. Additionally, public utility easements shall be reserved for all utilities.

Finding No. 7: The design of the subdivision proposed Tentative Parcel Map #36285, adequately provides for future passive or natural heating and cooling opportunities in the subdivision.

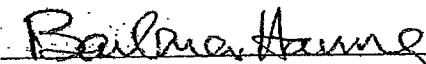
Finding of Fact: Taking into consideration local climate and the existing contour and configuration of the site and its surroundings, the size and configuration of lots within the proposed subdivision have been arranged, to the greatest extent feasible, to permit orientation of structures in an east-west alignment for southern exposure, or to take advantage of natural shade, or to take advantage of prevailing breezes.

SECTION 4 CITY COUNCIL ACTIONS.

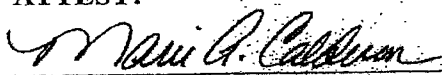
The City Council hereby takes the following actions:

1. In accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15063(b) (2) the City Council hereby adopts the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and directs the Community Development Director to prepare and file with the Clerk for the County of Riverside a notice of determination as provided under Public Resources Code Section 21152(a) and CEQA Guidelines Section 15094.
2. Adopt City Council Resolution No. 2011-44 approving Design Review (DR) #10-702 and Tentative Parcel Map (TPM) #36285 subject to Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A.

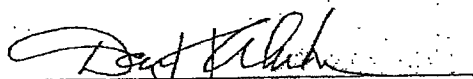
PASSED, APPROVED AND ADOPTED this 24th day of May, 2011.


Barbara Hanna, Mayor
City of Banning

ATTEST:


Marie A. Calderon, City Clerk
City of Banning, California

**APPROVED AS TO FORM AND
LEGAL CONTENT:**


David A. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

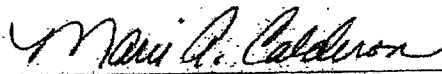
I, Marie A. Calderon, City Clerk of the City Council of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2011-44, was duly adopted by the City Council of the City of Banning, California, at a joint meeting thereof held on the 24th day of May, 2011, by the following vote, to wit:

AYES: Councilmembers Botts, Franklin, Machisic, Robinson, Mayor Hanna

NOES: None

ABSENT: None

ABSTAIN: None



Marie A. Calderon, City Clerk
City of Banning, California



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COMMUNITY DEVELOPMENT
DEPARTMENT

EXHIBIT A

PROJECT #: Design Review (DR) #10-702 / Tentative Parcel Map #36285
SUBJECT: Conditions of Approval*
APPLICANT: JMA Village, LLC - The Frost Company
LOCATION: Ramsey Street east of San Geronio Avenue

I. General/On-Going.

* All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.

Community Development Department

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

2. These conditions of approval are subject to and may be revised, added to, or amended by the Disposition and Development Agreement to be approved by City Council.
3. The issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.
4. Construction shall commence within two (2) years from the date of project approval, or the Design Review shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Design Review shall become null and void. Projects may be built in phases if pre-approved by the review authority. The Community Development Director may, upon a written application being filed 30 days prior to expiration and for good cause, grant a onetime extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current Ordinance provisions.
5. A copy of the signed resolution of approval or Community Development Director's letter of approval and all conditions of approval (with conditions from Banning Fire Services attached) and any applicable mitigation measures shall be reproduced in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for review and approval as required by the reviewing department.
6. The applicant shall comply with all conditions of approval as stipulated by the Airport Land Use Commission (ALUC) project review held on April 14, 2011, and any amendments; including any requirements stipulated by the Federal Aviation Administration (FAA) Aeronautical Study.
7. The site shall be developed and maintained in accordance with the plans stamped approved by the City dated May 4, 2011, which include site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division; the conditions contained herein; and, municipal code regulations.
8. Approval of this entitlement shall not waive compliance with any sections of the Development Code, other applicable City Ordinances, in effect at the time of building permit issuance.
9. If human remains are encountered during grading and other construction excavation, the developer/owner shall stop/cease work in the immediate vicinity and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5.
10. In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity of the find shall cease and a qualified archeologist meeting the Secretary of Interior Standards shall be hired to access the find. Work on the overall project may continue during this assessment period. If

significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or his archeologist shall contact the Morongo Band of Mission Indians ("Tribe"). If requested by the Tribe, the developer of the project archeologist shall, in good faith, consult on the discovery and its disposition.

11. Trash collection shall occur between the hours of 8:00 a.m. and 6:00 p.m. only.
12. All graffiti shall be removed immediately or within 24 hours of notice from the City.
13. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.
14. The property owner shall permanently maintain all parking lot signs and markings in a clear and visible manner.
15. Exterior wall mounted lighting shall be decorative fixtures in a prefinished color to match the building. Wall fixtures shall be consistent with any pole mounted fixtures required to maintain minimum lighting levels.
16. The buildings used in the development for office use shall designate one preferred parking space for carpool vehicles.
17. The developer shall provide a bicycle parking spot including a rack to secure bicycles.
18. The office buildings shall be designed to accommodate telecommuting facilities.
19. If the 29,955 square foot building is developed as an office, the developer shall prepare a trip reduction program for the office building. This will include an information center for transportation alternatives.
20. There shall be no light spillover onto the adjacent properties from the parking lot lighting and/or exterior building lighting, including outdoor security lighting. All lighting fixtures shall not have a visible light source, must be shielded and directed downward and away from adjoining properties and public rights-of-way.
21. Trash enclosure shall be provided with three, decorative walls with enhanced wall cap and a gate, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.
22. All roof-mounted equipment or utility equipment on the side of the structure, or on the ground, shall not be visible from adjacent properties, the public rights-of-way or the parking lot. Any architectural screening that is proposed to shield the roof-mounted equipment shall be compatible in terms of colors and materials of the building. Landscape screening for ground mounted equipment shall be of sufficient size and quantity to fully screen the equipment.

23. There shall be no visible storage of any items including garbage, building, or manufacturing materials or junk, in any portion of the project.
24. Comply with all environmental mitigation measures, as detailed in the Environmental Impact Report (EIR) San Geronio Inn Demolition and the Mitigation Monitoring and Reporting Plan, as adopted by the City of Banning Community Redevelopment Agency.
25. Comply with all environmental mitigation measures, as detailed in the Mitigated Negative Declaration or the Mitigation Monitoring and Reporting Plan, as approved by the Planning Commission at their regularly scheduled meeting held on May 4, 2011.
26. The project shall at all times comply with all Federal, State, County and City laws, codes, regulations and standards including those that relate to hazardous materials.

Public Works Department

27. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class "A" State Contractor's License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.
28. Driveway grades shall not exceed eight percent unless approved by the City Engineer.
29. Parking areas shall be designed and improved with grades not to exceed five percent slope.
30. The developer shall make provision for a pull-out bus bay fronting Ramsey Steet.
31. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.
32. The following improvement plans shall be prepared by a Civil Engineer licensed by the State of California; and, submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized in writing by the City Engineer, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar film. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors).

Rough Grading Plans	1" = 40' horizontal
Precise Grading Plans	1" = 40' horizontal
(All conditions of approval shall be reproduced on last sheet of set)	
Haul Route Plans	1" = 40' horizontal
Clearing Plans	1" = 50' horizontal

(Include fuel modifications zones)	
(Include construction fencing plan)	
Erosion Control & Storm Water	
Pollution Prevention Plan (SWPPP)	1" = 40' horizontal
(Note: a, b, c & d shall be reviewed and approved concurrently)	
Storm Drain Plans	1" = 40' horizontal
Street Improvement Plans	1" = 40' horizontal
	1" = 4' vertical
Traffic Signal Plans (Caltrans Standard)	1" = 20' horizontal
Signing & Striping Plans	1" = 40' Horizontal
Construction Traffic Control Plan	1" = 40' Horizontal
(Major or arterial highways only)	
Landscaping Plans-Streets	1"=20' Horizontal
Water and Sewer Improvement Plans	1" = 40' horizontal
	1" = 4' vertical
On-site Utility Plans	1" = 40' horizontal

33. Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.
34. All off-site plan and profile street improvement plans and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.
35. All on-site signing and striping plans shall show the following at a minimum: stop signs, limit lines and legends, no parking signs, raised pavement markers (including blue raised pavement markers at fire hydrants) and street name signs per Public Works standard plans and/or as approved by the City Engineer.
36. A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.
37. The applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer of dedication to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFCF. Prior to granting any of said easements, the applicant shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.
38. The project shall provide two separate and approved access points to the public right-of-way (secondary access).
39. All street improvement design shall provide pavement and lane transitions per Caltrans standards for transition to existing street sections.

40. The developer shall participate in the City's recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure. The trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.
41. The applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways, and median islands constructed in connection with the project in accordance with the approved landscape and irrigation plan. This includes providing irrigation and the clearing of debris and weed removal.
42. The onsite driveway accessing Parcel 1 and Parcel 2 that serves the 3-story building shall be 28 feet wide minimum.
43. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City's franchised solid waste hauler, Waste Management of the Inland Valley at 1-800-423-9986, for disposal of construction debris.
44. Plan check fees for professional report review (geotechnical, drainage, etc.), and all improvement plans review, shall be paid prior to submittal of said documents for review and approval in accordance with the fee schedule in effect at the time of submittal.
45. The CC & R's shall contain provisions which prohibit dissolution of the property owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the property owners' association. The CC & R's shall contain provisions that prohibit the developer and his/her successors-in-interest from amending said covenants, conditions and restrictions to conflict with these conditions of approval, City codes and/or standards. The CC & R's shall be subject to prior review and approval of the City Attorney. The applicant or developer shall bear the cost of the review.

Electric Utility Department

46. The Electric Utility shall be notified of any changes to the site plans, & load calculations.

II. Prior to Issuance of Grading Permits.

Community Development Department

47. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency such as grading, tree removal, encroachments, building location, etc. or prior to final map approval in the case of a subdivision, or approved use has commenced, whichever comes first.
48. The developer shall coordinate/design pedestrian and vehicle access with the existing adjacent buildings located immediately west of the project. This may include removing and/or replacing portions of the pedestrian walks and vehicle drives in order to comply with current design standards.

49. A tree removal and replacement plan shall be required for the removal and replacement of all trees in excess of 50 years of age, unless their removal is required to protect the public health and safety.
50. The developer shall submit a construction access plan and schedule for the development of the project for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.
51. The following notation shall be placed on the grading plan: "No more than three days prior to removing trees, shrubs or tall herbaceous vegetation during the breeding season for migratory birds (February 15 to August 31) a qualified biologist shall conduct a nesting bird survey."

Public Works Department

52. Grading of the subject property shall be in accordance with the City of Banning grading standards, and accepted grading practices as reviewed and approved by the City Engineer. The final grading plan shall be in substantial conformance with the approved conceptual grading plan.
53. The applicant shall execute a Stormwater Management Facilities Agreement guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be subject to prior review and approval by the City Attorney. The applicant or developer shall bear the cost of the review. Said approved agreement shall be recorded with the Riverside County Recorder and run with the land.
54. A preconstruction meeting shall be held for all participating field personnel, including all appropriate City staff, prior to the commencement of construction activities.
55. A soils report and geological report shall be prepared by a qualified engineer and geologist, respectively, licensed by the State of California to perform such work. Said report shall be reviewed and approved by the City Engineer. The applicant or developer shall be required to comply with all recommendations of said report.
56. The applicant shall obtain any necessary clearances and/or permits from the following agencies:

Fire Marshal
Public Works Department (Grading Permit, Improvement Permit)
Community Development Department
Riverside County Environmental Health Department
California Regional Water Quality Control Board Colorado River Basin (RWQCB)
South Coast Air Quality Management District (SCAQMD)
Riverside County Flood Control District (RCFCD)

57. The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.
58. All utility systems including gas, electric, telephone, water, sewer, storm drain, and cable TV shall be provided underground, with easements provided as required, designed and submitted for review and approval. Said items shall be constructed in accordance with City codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired.
59. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to grading plan approval.
60. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFCD), RCFCD Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.
61. If the site is located in a Flood Area as identified in the current Flood Insurance Rate Map the developer is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
62. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent property to the west.
63. The applicant shall comply with Chapter 13.24 "Stormwater Management and Discharge Controls" of the Banning Municipal Code (BMC); California Building Code related to excavation and grading; and, the State Water Resources Control Board's orders, rules and regulations.
64. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the

applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.

65. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs"):

- Temporary Soil Stabilization (erosion control).
- Temporary Sediment Control.
- Wind Erosion Control.
- Tracking Control.
- Non-Storm Water Management.
- Waste Management and Materials Pollution Control.

66. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
67. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California. A grading permit shall be obtained prior to commencement of any grading activity.
68. Prior to issuance of any grading or building permit a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2008-0001.
69. The applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access roads, drives, streets, and alleys. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable covenant, conditions or restrictions or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

Electric Utility Department

70. Protect in place any existing electric utility infrastructure vaults, power poles etc.

III. Prior to Filing of Final Map.

Public Works Department

71. The City and Developer are to enter into a Development Agreement (DA) to guarantee the construction of the public improvements as listed in the Conditions of Approval and as shown on the approved plans. Security for the construction of public improvements including grading may be submitted in accordance with Government Code Section 66499 and shall be as follows:

Faithful Performance Bond - 100% of estimated cost
Labor and Material Bond - 100% of estimated cost
Monumentation Bond - \$7,500.00

Securities for the public improvements shall be on file with the City Clerk prior to scheduling the final map for approval by City Council. Unit prices for bonding estimates shall be those specified or approved by the City Engineer.

72. All public improvement plans shall be reviewed and approved by the City Engineer.
73. Offer to dedicate to the City of Banning for public purposes the right-of-way for Ramsey Street fronting the site as an Arterial Highway; 46 feet one-half width. Offers of dedication shall include the corner cut-off at intersections.
74. Offer to dedicate to the City of Banning for public purposes the access and utility easements along the vacated Livingston Street.
75. Offer to dedicate to the City of Banning easements to maintain any slopes supporting public right-of-ways. Maintenance easements shall extend 10 feet beyond the toe of slope.
76. Prepare plans for full half street improvements in accordance with City standards along Ramsey Street from San Geronimo Avenue to a point easterly of Martin Street. The improvements plans shall also include street lighting, curb and gutter, sidewalk, asphalt concrete paving, traffic signs and striping, and any transitions. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. Applicant shall pay fair share of said improvements based on the approved plans.
77. Design and construct the following water lines;
- There is an existing 12" D.I.P. Water line on Ramsey Street, a 10" CML&W (Steel) line on Alessandro Road and a 10" CML&W (Steel) on Livingston Street. Buildings will not be allowed to be constructed over these water lines. Currently the existing lines are within existing streets, if said streets are to be vacated a 20' easement shall be reserved.

- ii. Design and construct an 8" D.I.P. water line on Martin Street from Ramsey Street to Livingston Street. Submit Water Improvement Plans to the Public Works Department, Engineering Division for review and approval.
 - iii. A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.
 - iv. Construct an 8" D.I.P. on Martin Street from Ramsey Street to Livingston Street.
 - v. Fire Services will require a Double Detector Check or RPP Device.
 - vi. Install necessary blowoff and airvac assemblies at the low and high points, respectfully.
 - vii. Pay all applicable water connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.
78. Design and construct the following sewer lines and facilities:
- i. There are two existing 8" VCP sewer lines that run parallel with San Gorgonio Avenue approximately 150' and 347' east of the centerline of San Gorgonio Avenue, a 15" VCP sewer line on Livingston Street and an 8" VCP sewer line on Alessandro Road. Buildings will not be allowed to be constructed over these sewer lines without the construction of new sewer mains. The existing easements shall remain for these facilities unless relocated.
 - ii. Submit Sewer Improvement Plans to the Public Works Department, Engineering Division for review and approval.
 - iii. Properly sized grease interceptors shall be required of restaurant facilities.
 - iv. Pay all applicable sewer connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.
79. A sewer check valve shall be provided for each lot with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.
80. Public Works Inspection fees shall be paid in accordance with the fee schedule in effect at time of time of scheduling; water and sewer connection fees including frontage fees and water meter installation charges shall be paid on a per lot basis at the time of building permit issuance in accordance with the fee schedule in effect at that time; a plan storage fee shall be paid for any engineering plans that may be required in accordance with the fee schedule in effect at the time the fee is paid; a Traffic Control mitigation fee shall be paid; a fee shall be paid to Riverside County Flood Control and Water Conservation

District in the amount specified by them to perform plan checking for drainage purposes if necessary for the proposed project.

81. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer.
82. A map of the proposed subdivision drawn at 1"=200' scale showing the outline of the streets including street names shall be submitted to the City to update the city atlas map.
83. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.
84. A record of all street centerline monument ties shall be submitted to the Engineering Division upon completion of improvements or prior to release of Monumentation Bond.
85. Right of way or easement acquisitions necessary to implement any portion of this map, including public improvements, shall be obtained by the developer at its sole expense prior to the City's consideration of the final map which encompasses the particular improvement. The developer shall notify the City in writing no more than 120 days and no less than 60 days in advance of filing the final map related to the acquisition if City assistance is needed to complete the acquisition pursuant to Government Code Section 66462.5. Funds in an amount of 100% of the estimated acquisition costs shall be deposited with the City to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property.

Electric Utility Department

86. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2010. Plans should consist of a plot plan, site plan, one-line diagram of proposed electrical main service panel, and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request. An area(s) is will be required for on site electric distribution equipment, pad mounted transformer(s), vault(s) & service equipment etc. The area must be sufficient for safe operation and maintenance.

IV. Prior to the Issuance of Building Permit.

Community Development Department

87. The project shall implement, at a minimum, and require an increase in building energy efficiency of 15 percent beyond Title 24, and reduce indoor water use by 25 percent. All requirements will be documented through a checklist to be submitted prior to issuance of any building permits with building plans and calculations.

88. Any building placed within 84 feet of Interstate 10 (70 dBA noise contour) will require that a noise study be performed and that noise insulation features be incorporated into the design to reduce the noise impact to acceptable levels.
89. Construct the Roadway Improvements and place the traffic striping improvements in accordance with the traffic impact analysis prepared by Albert A. Webb Associates dated March 1, 2011.
90. The applicant shall cause the final map to be recorded.
91. Provide a reciprocal parking plan/agreement for the proposed parcels based on the required parking for the project.
92. The developer shall obtain Design Review approval from the Planning Commission regarding the requirement for Art in Public Places (see BMC §17.12.020.H.3).
93. The developer shall obtain Design Review approval from the Planning Commission regarding the requirement for a sign program for the overall development.
94. Obtain clearance and/or permits from the Banning Unified School District
95. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties in accordance with the Zoning Code. Lighting fixtures shall be shielded or recessed to prevent spillage to the adjacent properties. The lighting fixture design shall compliment the architecture of the site. Additionally, all lighting plans and installations shall conform to the requirements of the conditions stipulated by the Airport Land Use Commission (ALUC) and Federal Aviation Administration (FAA) review.
96. Plans for any security gates to secure the building premises shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval. Security gates will not be allowed to block any public street.
97. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:
 - i. Water conservation concept statement.
 - ii. Calculation of maximum applied water allowance.
 - iii. Calculation of estimated total water use.
 - iv. Landscape design plan.
 - v. Irrigation design plan.
 - vi. Grading design plan.
 - vii. Soil analysis.
 - viii. Certificate of substantial completion.

98. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan, which may be required by the Engineering Division.
99. All landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape in accordance with Zoning Ordinance requirements.
100. Building and Safety plans shall be submitted for plan check and approval. All plans shall be marked with the project number (i.e., DR #10-702). The applicant shall comply with 2010 California Building Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application including but not limited to those regulations that relate to ground movement.
101. The applicant shall pay development impact fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division.
102. Projects subject to flood hazards shall implement standards for flood hazard reduction in accordance with Banning Municipal Code Section 15.64 including, but not limited to, anchoring, construction materials and methods, elevation and floodproofing, and utilities.

Public Works Department

103. The developer shall provide for the relocation of any sewer or water mains that interfere with the proposed project.
104. A precise grading plan shall be submitted to the City Engineer for review and approval. Precise grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.
105. The applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.
106. In accordance with the approved plans, the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

107. The developer shall prepare a water conservation plan to reduce water consumption in the landscape environment using xeriscape principles. "Xeriscape" shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non-living ground-cover, a low percentage of turf coverage (limited to 25% of the planted area), permeable paving and water conserving irrigation techniques and systems. A low water-using drought tolerant plant includes species suited to our climate, requiring less water in order to grow well.
108. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, and/or as approved by the Fire Department.
109. Provide fire flow calculations for the project and construct the necessary facilities to meet those flows for the project.
110. The site is located within an airport safety zone as designated in the Riverside County Airport Land Use Compatibility Plan. The project shall be submitted to the Riverside Airport Land Use Commission for a consistency determination.
111. A property owners' association shall be established promptly following grading permit issuance and the applicable Conditions, Covenants & Restrictions (CC & R's), shall be prepared for review and approval of the City Engineer providing for maintenance of the parkway, slopes adjacent to public right-of-ways, any debris basins and median island landscaping. The developer shall appoint the members of the Board of Directors of the property owners' association, or take such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC & R's.

Electric Utility Department

112. Pay required fees-Engineering, Planning, Inspection and the cost of electric apparatus for completing the primary electric service lateral and Street lighting. The City of Banning Electric Utility commercial service costs are not fixed, but are based on actual cost to install the new service. The cost of each service varies based on project location, service size, and electrical distribution equipment and material needed to service the project.

V. Prior to the Issuance of Certificate of Occupancy.

Community Development Department

113. In order to reduce energy consumption from the proposed project development, applicable plans (e.g., electrical plans, improvement maps, etc.) submitted to the City shall include the installation of energy efficient street lighting throughout the project site. These plans shall be reviewed and approved by the Electric Utility, Public Works Department and Building and Safety Division.

114. Place a small monument plaque dedicated to several of the town founders at or near the spot where the Bryant House/Banning Hotel once stood. The monument shall be at least 5 feet tall with a metal plaque set in stone and exhibit etched pictures of the San Geronio Inn, the Bryant House/Banning Hotel, and a short discussion of the City of Banning founders and the significance of the Hotel Block. The monument shall be protected in place from any future development.
115. The developer shall install the Art in Public Places as required by the Zoning Ordinance prior to the occupancy of any unit within the development. Any proposed art shall be approved by the Planning Commission through the Design Review process.
116. Prior to any use of the project site, or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.
117. All ground-mounted utility appurtenances such as transformers and AC condensers shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director.
118. All building numbers and individual units shall be identified in a clear and concise manner, including proper illumination.
119. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:
 1. Architecturally integrated into the design of the project.
 2. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.
 3. Large enough to accommodate two trash bins (see Public Works Dept for details).
 4. Trash bins with counter-weighted lids.
 5. Architecturally treated overhead shade trellis, or cover.
 6. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.
120. The buildings shall be constructed in substantial compliance with the design elements as depicted in Attachment 5 of the staff report approved by the City Council at their regularly scheduled meeting held on May 24, 2011; and, in accordance with Zoning Code regulations.
121. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building construction plans.

122. All parking spaces shall be 9 feet wide by 19 feet long minimum. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.
123. A 25 foot parking setback from the curb face shall be maintained at the driveway fronting all public streets.
124. All parking lot landscape islands shall have a minimum interior dimension of 6 feet in width and shall contain a 12-inch walk adjacent to any parking stall (including curb width).
125. Decorative paving shall be required at all driveway entrances in accordance with the requirements of the Zoning Code and City Engineer and Community Development Director.
126. All parking spaces shall be striped per City standards and all loading zones, driveway aisles, entrances, and exits shall be striped per City standards. Each exit from a parking area shall be clearly marked with a "Stop" sign.
127. A minimum of 20% of trees planted shall be 36 inch box or larger specimens; and, a minimum of 50% trees planted shall be 24 inch box or larger specimens.
128. Within parking lots, trees shall be planted at a rate of at least one 24 inch box tree for every four parking spaces. The maximum spacing between trees in parking areas shall compliment the architecture of the existing buildings.
129. All parking areas shall provide at least 30% permanent landscape shading for parked vehicles within two years of occupancy.
130. Trees shall be planted in areas of public view adjacent to and along structures at a rate of at least one tree per 30 linear feet of building.
131. The slopes within any detention basin shall be irrigated and landscaped with appropriate ground cover for erosion control. Slope planting shall include a permanent irrigation system.

Public Works Department

132. The applicant shall furnish the City with reproducible record drawings on Mylar of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files submitted to the City, revised to reflect the "As-Built" conditions.

133. All fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.
134. Offer to dedicate to the City of Banning an aviation easement for the airspace related to the operation of Banning Municipal Airport.
135. Construct full street improvements in accordance with City standards fronting Martin Street including street lighting, curb and gutter, commercial style drive approaches, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. Street lights shall be installed offset of the existing street lights. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.
136. Construct necessary street improvements to obtain 38 feet minimum pavement width in accordance with City standards along Ramsey Street fronting the property including street lighting, curb and gutter, sidewalk, asphalt concrete paving, traffic signs and striping, and any transitions. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.
137. An automatic sprinkler system and landscaping shall be installed, prior to occupancy of the first unit of the development, within the parkway fronting Ramsey Street, Martin Street and San Geronio Avenue, and any interior public spaces. The system shall include a landscape controller, a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.
138. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.
139. Landscape improvements shall be certified by a licensed landscape architect or licensed landscape contractor as having been installed in accordance with the approved detailed plans and specifications. The applicant shall furnish said certification, including an irrigation management report, for each landscape irrigation system and any other required implementation report determined applicable, to the City Engineer for review and approval.
140. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with Caltrans Standards and as shown on the approved plans, and/or as directed by the City Engineer.
141. Monuments and center line ties shall be certified and submitted to the City Engineer for review and approval.

Electric Utility Department

142. Grant easements for electric facilities installation / maintenance, etc. Building & Safety will need to sign a release before any new service is energized. Power cannot be released until the service conductor is pulled in and terminated at the new service panel. The customer must apply for a new electric service account with the C.O.B. Utility Billing Department located at City Hall (99 E. Ramsey St.) Utility Billing will fax a Meter Release Form to the Electric Utility. The Electric Utility will coordinate the meter set with the customer.
143. Provide for the undergrounding of the overhead utility facilities located along Alessandro Road along with the overhead utility facilities located along the frontage of Livingston Street.
144. The developer shall provide all conduits, vaults, and other materials associated with electric facility installations (except cables and their terminations).
145. The developer shall install streetlight poles, fixtures, pullbox, and conduits along the project frontage, and as directed by the City Engineer.
146. Secondary service entrance conductors to be provided and installed by the developer.

POLICE DEPARTMENT

147. Prior to occupancy of the first unit the developer shall provide for a Police Department radio repeater to be placed on the roof of the development. The developer shall submit specifications for review and approval of the Police Department prior to installation.
148. The developer shall install a video surveillance system to view the public areas of the development that may be viewed by police dispatchers. The developer shall submit specifications for review and approval of the Police Department prior to installation.

FIRE DEPARTMENT

The following codes and standards quoted in this review response are selected from the various regulations that apply to this development. Other regulations that are not included on this review response may also apply after additional information is provided.

10. General Conditions

10. FIRE

With respect to the conditions of approval for the referenced project, the Fire Department recommends the following fire protection measures be provided in accordance with Riverside County Ordinances and/or recognize fire protection standards:

10. FIRE

SHELL BUILDINGS

THESE CONDITIONS ARE FOR A SHELL BUILDING ONLY.

Shell building will receive a shell final only. No certificate of Occupancy (human occupant and/or materials) will be issued until the building occupants Has been identified with their occupancy classification and have been Conditioned by Riverside County Fire Department. Occupant or tenant Identification is imperative for orderly and prompts processing.

Upon identification of the occupant or tenant a Fire Protection Analysis report Maybe required prior to establishing the requirements for the occupancy permit. Failure to provide comprehensive data analysis and/or technical information Acceptable to the Fire Department may result in project delays.

A complete commodity listing disclosing type, quantity, level of hazard and potential For "Reactivity" must be provided within 15 days. The forgoing is necessary to properly occupancy classify the building (s). Failure to provide comprehensive Data and/or highly technical information will result in project delay and Requirement for a complete Fire Protection Study for review.

10. FIRE

RESPONSIBILITY

It is the responsibility of the recipient of these Fire Department conditions to Forward them to all interested parties. The building permit number is required on all correspondence: (i.e. general contractor, superintendent, owner, subcontractors, etc).

10. FIRE

APPROVED SYSTEM

All of the following conditions titled "Prior to Final Inspection", and/ or any type of fire suppression systems, must be approved, inspected and finaled by the Riverside County Fire Department, prior to Building and Safety's Final inspection. the Fire Department letter of conditions, job card and approved plans must be at the job site for all inspections.

10. FIRE

HIGH PILE/RACK STORAGE

A separate permit may be required for high-pile storage and/or racks. Sprinkler Plans and/or sprinkler review must be submitted by a licensed sprinkler contractor with storage and/or rack plans to Riverside County Fire Department for review and approval of the 2007 CFC Chapters 24 and 34 compliance. Complete Chapters 24 and 34 information re: all commodities stored, rack dimensions, placement in building, sprinkler densities, etc. must be provided with suppression system for racks and/or high-pile storage review. A complete listing of commodities, Classified using CFC Article 81, 2007 Edition and NFPA 13, 2007 Edition guidelines by a licensed Fire Protection Engineer (or other consultant approved by this jurisdiction).

10. FIRE ROOFING MATERIAL

All buildings shall be constructed with Class B roofing materials as per the California Building Code.

10. FIRE BLUE DOT REFLECTOR

Blue retro reflective pavement markers shall be mounted on private street, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by Riverside County Fire Department.

10. FIRE SUPER FIRE HYDRANT

Super fire hydrant (s) (6' x 4" x 2 1/2") shall be located not less than 25 feet or More than 165 feet from any portion of the building as measured along approved vehicular travel ways.

10. FIRE ABOVE/UNDERGROUND TANK PERMITS

Applicant/developer shall be responsible for obtaining under/aboveground fuel, Propane, chemical and mixing liquid storage tank permits from the Riverside County Fire Department. Underground and chemical tank plans must be approved by the Environmental Health Department prior to submitting plans to the Fire Department. (Fire Department needs to review the Environmental Health Approved Set) Plans must be in triplicate and submitted with the current fee for review and Approval prior to installation. Aboveground fuel/mixed liquid tank(s) shall meet the following standard: Tank must be tested and labeled to UL 2085 Protection Tank Standard or SwRI 93-01. The test must include the Projectile Penetration Test and the Heavy Vehicle Impact Test. A sample copy of the tank's label from an independent test laboratory must be included with your Plans. (TANK PLANS CANNOT BE SUBMITTED TO THE FIRE DEPARTMENT UNTIL A BUILDING PERMIT HAS BEEN ISSUED, CONTACT FIRE DEPARTMENT FOR GUIDELINE HANDOUT)

10. FIRE RAPID HAZMAT BOX

Rapid entry Hazardous Material data and key storage cabinet shall be installed on outside of the building. Plans shall be submitted to the Riverside County Fire Department for approval prior to installation.

10. FIRE HIGH PILE/RACK STORAGE

A separate permit is required for high pile storage and/or racks. Sprinkler Plans and/or sprinkler review must be submitted by a licensed sprinkler Contractor with storage and/or rack plans to Riverside County Fire Department.

for review and approval of the 2007 CFC Chapters 24 and 34 compliance. Complete Chapters 24 and 34 information re: all commodities stored, rack dimensions, placement in building, etc. must be provided with suppression system for racks and/or high-pile storage review. A complete listing of commodities classified using UFC Chapters 24 and 34, 2007 Edition, and NFPA 13, 2007 Edition guidelines by a licensed Fire protection Engineer (or other consultant to approve by this jurisdiction.)

10. FIRE

GATE ENTRANCES

Gate entrances shall be at least two feet wider than the width of the traffic lane (s) serving that gate. Any gate providing access from a road to a driveway shall be located at least 35 feet from the roadway and shall open to allow vehicle to stop with out obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, 40 foot turning radius shall be used.

10. FIRE

ADDRESS AT CONSTRUCTION

During the construction of this project, the site address shall be clearly posted at the job site entrance. This will enable incoming emergency equipment and the inspectors to locate the job-site from the assigned street location. Number shall be a minimum of 24 inches in height.

10. FIRE

PROHIBITED H MATERIALS

It is prohibited to use/process or store any material in this occupancy that Would classify it as "H" occupancy per the 2007 Uniform Building Code.

60. PRIOR TO GRADING PERMIT ISSUANCE

60. FIRE

WATER PLANS

The applicant or developer shall separately submit two copies of the water system plans to the Fire Department for review. Plans shall conform to the fire hydrant types, location and spacing, and the system shall meet the fire flow requirements. Plans shall be signed/approved by a registered civil engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."

80. PRIOR TO BUILDING PERMIT ISSUANCE

80. FIRE

ACCESS ROADS

All fire department access roads shall be as Banning Engineering standards, item #21 of the Building Department Street Conditions.

Fire apparatus access roads and water supplies for fire protection are required to be in service prior to and during the time of construction. (C.F.C., sec. 501.4)

Fire vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Temporary vehicle access shall be maintained until permanent fire apparatus access roads are available. (C.F.C., sec. 1410.1)

CFC D102.1, shall be able to support at least 75,000 pounds.

All fire department access roads shall have a 28' radius minimum, larger radiuses may exist when detailed building drawings are submitted. [CFC Appendix D]

80. FIRE WATER CERTIFICATION

The applicant or developer shall be responsible to submit written certification from the water company noting the location of the existing fire hydrant and that the existing water system is capable of delivering 2,750 GPM fire flow for a 2 hours duration at 20 PSI residual operating pressure. If a water system currently does not exist, the applicant or developer shall be responsible to provide written certification that financial arrangements have been made to provide them.

80. FIRE WATER PLANS

The applicants or developer shall separately submit two copies of the water system plans to the Fire Department for review and approval. Calculated velocities shall not exceed 100 feet per second. Plans shall conform to the fire hydrant types, location and spacing, and the system shall meet the fire flow requirements. Plans shall be signed and approved by a registered civil engineer and the local Water Company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."

90. FIRE DESIGNATED AREAS

Existing fire lanes shall be maintained, additional fire lanes may be required. Contact Fire Department for guideline handout.

90. FIRE EXTINGUISHERS

Install portable fire extinguishers with a minimum rating of 2A-10BC one per 3000 sq. ft. or 75 feet of travel distance. Fire extinguishers located in the public Areas shall be in recess cabinets mounted 48 inches to the center above floor level with maximum 4 inch projection from the wall. (extinguishers must have current CSFM service tag affixed)

90. FIRE

SUPER FH/FLOW

Approved super fire hydrants (6" x 4" x 2 1/2") with a fire flow of 2,750 GPM, shall be installed within 165 feet of all public use type buildings and any recreational vehicle type storage area.

90 FIRE

SPRINKLER SYSTEM

Install a complete fire sprinkler system per NFPA 13 2010 edition (13D and 13R system are not allowed) in all buildings requiring a fire flow of 1500 GPM or greater sprinkler system (s) with pipe size in excess of 4" inch diameter will require the project structural engineer to certify (wet signature) the stability of the building system for seismic and gravity loads to support the sprinkler system. All fire sprinkler risers shall be protected from any physical damage. The post indicator valve and fire department connection shall be located to the front, within 50 feet of a hydrant, and the minimum of 25 feet from the building (s). A statement that the building (s) will be automatically fire sprinkled must be included on the title page of the building plans.

Applicant or developer shall be responsible to install a Central Station Monitored Fire Alarm System. Monitoring System shall monitor the fire Sprinkler system (s) water flow, P.I.V.'s and all control valves. Plans must be submitted to the Fire Department for approval prior to installation. Contact Fire Department for guideline handout.

90. FIRE

AUTO/MAN FIRE ALARM

Applicant or developer shall be responsible to install a manual and automatic Fire Alarm System. Plans must be submitted to the Fire Department for approval prior to installation. Standard for this project will be NFPA 72, 2010 edition.

90. FIRE.

HOOD DUCT EXTIG SYSTEM

A U.L. 300 hood duct fire extinguishing system must be installed over cooking Equipment. Wet chemical extinguishing system must provide automatic Shutdown of all electrical components and outlets under the hood upon activation System must be installed by a licensed c-16 contractor. Plans must be submitted With current fee to the Fire Department for review and approval prior to installation

Note: A dedicated alarm system is not required to be installed for the exclusive Purpose of monitoring this suppression system. However, a new or pre existing Alarm system must be connected to the extinguishing system. (*separate fire Alarm plans must be submitted for connection)

Attachment 4
Planning Commission Resolution No. 2013-07

01102.0040/256590.5

RESOLUTION NO. 2013-07

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF BANNING, CALIFORNIA EXTENDING
THE EXPIRATION DATE OF DESIGN REVIEW (DR) #10-
702 TO CORRESPOND WITH THE PURCHASE AND SALE
AGREEMENT WITH JMA VILLAGE, LLC**

WHEREAS, an application to extend the expiration date of Design Review #10-702 previously approved to construct a mixed use commercial development has been duly filed by:

Applicant/Owner: JMA Village, LLC
Authorized Agent: Mark Frost – The Frost Company
Project Location: South of Ramsey Street, east of San Geronio Avenue
APN Number: 541-181-009, 010, 011, 012, 014, 023-028; 541-183-001, 002-004
Lot Area: 5.25 Acres

WHEREAS, on May 24, 2011, the City Council approved Design Review #10-702, along with a Mitigated Negative Declaration and Mitigation Monitoring Plan in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City of Banning Environmental Review Guidelines; and

WHEREAS, the Planning Commission has the authority per Section 17.56.070 of the Banning Municipal Code to take action on, or modify Design Review (DR) #10-702 that approved the construction of a mixed use commercial development on a 5.25 acre parcel in the Downtown Commercial (DC) zone located South of Ramsey Street, east of San Geronio Avenue; and

WHEREAS, on April 19, 2013, the City gave public notice by advertisement in the Record Gazette newspaper and mailed notice to property owners within 300 feet of the site of the holding of a public hearing at which the extension of DR #10-702 would be considered; and,

WHEREAS, on May 1, 2013, the Planning Commission held the noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the extension of DR #10-702 at which the Planning Commission considered the request to extend the subject design review approval; and

WHEREAS, at this public hearing on May 1, 2013, the Planning Commission considered and heard public comments on the request to extend the subject design review approval.

NOW THEREFORE, the Planning Commission of the City of Banning does hereby resolve, determine, find, and order as follows:

SECTION 1 PLANNING COMMISSION ACTIONS.

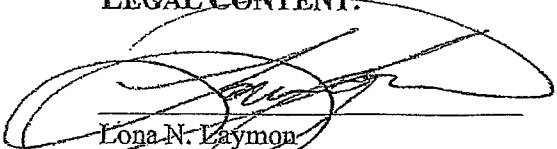
The Planning Commission hereby takes the following actions:

1. Adopt Planning Commission Resolution No. 2013-07 approving a two-year time extension for Design Review (DR) #10-702 subject to revised Conditions of Approval attached hereto and incorporated herein by reference as Exhibit A to May 24, 2015.

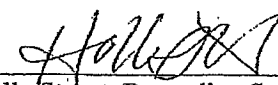
PASSED, APPROVED AND ADOPTED this 1th day of May, 2013.


Ray Bryant, Vice-Chairman
Banning Planning Commission

**APPROVED AS TO FORM AND
LEGAL CONTENT:**


Lona N. Laymon
Aleshire & Wynder, LLP

ATTEST:


Holly Stuart, Recording Secretary
City of Banning, California

CERTIFICATION:

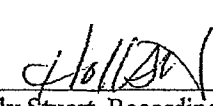
I, Holly Stuart, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2013-07, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1st day of May, 2013, by the following vote, to wit:

AYES: *Barsh, Bryant, Ellis, Hawkins*

NOES: *-0-*

ABSENT: *Siva*

ABSTAIN: *-0-*


Holly Stuart, Recording Secretary
City of Banning, California



City of Banning

99 E. Ramsey Street • P.O. Box 998 • Banning, CA 92220-0998 • (951) 922-3125 • Fax (951) 922-3128

COMMUNITY DEVELOPMENT
DEPARTMENT

EXHIBIT A (Revised)

PROJECT #: Design Review (DR) #10-702 / Tentative Parcel Map #36285
SUBJECT: Conditions of Approval*
APPLICANT: JMA Village, LLC - The Frost Company
LOCATION: Ramsey Street east of San Geronio Avenue

I. General/On-Going.

* All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.

Community Development Department

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

2. These conditions of approval are subject to and may be revised, added to, or amended by the Disposition and Development Agreement to be approved by City Council.
3. The issuance of these Conditions of Approval do not negate the requirements of the Engineering/Public Works Department or submittal, review, and approval of: Street improvement plans, signing and striping plans, grading plans, storm drain improvement plans, street lighting plans, water, sewer, and electrical improvement plans, or other plans as deemed necessary by the City Engineer.
4. Construction shall commence by May 24, 2015, or the Design Review shall become null and void. Additionally, if after commencement of construction work is discontinued for a period of one year the Design Review shall become null and void. Projects may be built in phases if pre-approved by the review authority.
5. A copy of the signed resolution of approval or Community Development Director's letter of approval and all conditions of approval (with conditions from Banning Fire Services attached) and any applicable mitigation measures shall be reproduced in legible form on the grading plans, building and construction plans, and landscape and irrigation plans submitted for review and approval as required by the reviewing department.
6. The applicant shall comply with all conditions of approval as stipulated by the Airport Land Use Commission (ALUC) project review held on April 14, 2011, and any amendments; including any requirements stipulated by the Federal Aviation Administration (FAA) Aeronautical Study.
7. The site shall be developed and maintained in accordance with the plans stamped approved by the City dated May 4, 2011, which include site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division; the conditions contained herein; and, municipal code regulations.
8. Approval of this entitlement shall not waive compliance with any sections of the Development Code, other applicable City Ordinances, in effect at the time of building permit issuance.
9. If human remains are encountered during grading and other construction excavation, the developer/owner shall stop/cease work in the immediate vicinity and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5.
10. In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity of the find shall cease and a qualified archeologist meeting the Secretary of Interior Standards shall be hired to access the find. Work on the overall project may continue during this assessment period. If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or his archeologist shall contact the Morongo Band of Mission Indians ("Tribe"). If requested by the Tribe, the developer of the project archeologist shall, in good faith, consult on the discovery and its disposition.

11. Trash collection shall occur between the hours of 8:00 a.m. and 6:00 p.m. only.
12. All graffiti shall be removed immediately or within 24 hours of notice from the City.
13. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.
14. The property owner shall permanently maintain all parking lot signs and markings in a clear and visible manner.
15. Exterior wall mounted lighting shall be decorative fixtures in a prefinished color to match the building. Wall fixtures shall be consistent with any pole mounted fixtures required to maintain minimum lighting levels.
16. The buildings used in the development for office use shall designate one preferred parking space for carpool vehicles.
17. The developer shall provide a bicycle parking spot including a rack to secure bicycles.
18. The office buildings shall be designed to accommodate telecommuting facilities.
19. If the 29,955 square foot building is developed as an office, the developer shall prepare a trip reduction program for the office building. This will include an information center for transportation alternatives.
20. There shall be no light spillover onto the adjacent properties from the parking lot lighting and/or exterior building lighting, including outdoor security lighting. All lighting fixtures shall not have a visible light source, must be shielded and directed downward and away from adjoining properties and public rights-of-way.
21. Trash enclosure shall be provided with three, decorative walls with enhanced wall cap and a gate, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.
22. All roof-mounted equipment or utility equipment on the side of the structure, or on the ground, shall not be visible from adjacent properties, the public rights-of-way or the parking lot. Any architectural screening that is proposed to shield the roof-mounted equipment shall be compatible in terms of colors and materials of the building. Landscape screening for ground mounted equipment shall be of sufficient size and quantity to fully screen the equipment.
23. There shall be no visible storage of any items including garbage, building, or manufacturing materials or junk, in any portion of the project.

24. Comply with all environmental mitigation measures, as detailed in the Environmental Impact Report (EIR) San Geronio Inn Demolition and the Mitigation Monitoring and Reporting Plan, as adopted by the City of Banning Community Redevelopment Agency.
25. Comply with all environmental mitigation measures, as detailed in the Mitigated Negative Declaration or the Mitigation Monitoring and Reporting Plan, as approved by the Planning Commission at their regularly scheduled meeting held on May 4, 2011.
26. The project shall at all times comply with all Federal, State, County and City laws, codes, regulations and standards including those that relate to hazardous materials.

Public Works Department

27. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class "A" State Contractor's License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.
28. Driveway grades shall not exceed eight percent unless approved by the City Engineer.
29. Parking areas shall be designed and improved with grades not to exceed five percent slope.
30. The developer shall make provision for a pull-out bus bay fronting Ramsey Street.
31. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.
32. The following improvement plans shall be prepared by a Civil Engineer licensed by the State of California; and, submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized in writing by the City Engineer, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar film. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors).

Rough Grading Plans	1" = 40' horizontal
Precise Grading Plans	1" = 40' horizontal
(All conditions of approval shall be reproduced on last sheet of set)	
Haul Route Plans	1" = 40' horizontal
Clearing Plans	1" = 50' horizontal
(Include fuel modifications zones)	
(Include construction fencing plan)	
Erosion Control & Storm Water	

Pollution Prevention Plan (SWPPP)	1" = 40' horizontal
(Note: a, b, c & d shall be reviewed and approved concurrently)	
Storm Drain Plans	1" = 40' horizontal
Street Improvement Plans	1" = 40' horizontal
	1" = 4' vertical
Traffic Signal Plans (Caltrans Standard)	1" = 20' horizontal
Signing & Striping Plans	1" = 40' Horizontal
Construction Traffic Control Plan	1" = 40' Horizontal
(Major or arterial highways only)	
Landscaping Plans-Streets	1" = 20' Horizontal
Water and Sewer Improvement Plans	1" = 40' horizontal
	1" = 4' vertical
On-site Utility Plans	1" = 40' horizontal

33. Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.
34. All off-site plan and profile street improvement plans and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.
35. All on-site signing and striping plans shall show the following at a minimum: stop signs, limit lines and legends, no parking signs, raised pavement markers (including blue raised pavement markers at fire hydrants) and street name signs per Public Works standard plans and/or as approved by the City Engineer.
36. A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.
37. The applicant shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer of dedication to the City of Banning or the Riverside County Flood Control and Water Conservation District unless such easements are expressly made subordinate to the easements to be offered for dedication to the City or RCFCF. Prior to granting any of said easements, the applicant shall furnish a copy of the proposed easement to the City Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the City Engineer prior to the issuance of any certificate of use and/or occupancy.
38. The project shall provide two separate and approved access points to the public right-of-way (secondary access).
39. All street improvement design shall provide pavement and lane transitions per Caltrans standards for transition to existing street sections.
40. The developer shall participate in the City's recycling program by providing two trash receptacles, one for regular trash and one for recycling, within the trash enclosure. The

trash enclosure shall be designed and constructed in such a manner to accommodate a recycling bin as well as the necessary solid waste containers.

41. The applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways, and median islands constructed in connection with the project in accordance with the approved landscape and irrigation plan. This includes providing irrigation and the clearing of debris and weed removal.
42. The onsite driveway accessing Parcel 1 and Parcel 2 that serves the 3-story building shall be 28 feet wide minimum.
43. Construction debris shall be disposed of at a certified recycling site. It is recommended that the developer contact the City's franchised solid waste hauler, Waste Management of the Inland Valley at 1-800-423-9986, for disposal of construction debris.
44. Plan check fees for professional report review (geotechnical, drainage, etc.), and all improvement plans review, shall be paid prior to submittal of said documents for review and approval in accordance with the fee schedule in effect at the time of submittal.
45. The CC & R's shall contain provisions which prohibit dissolution of the property owners' association unless another entity has agreed to assume the operation and maintenance responsibilities of the property owners' association. The CC & R's shall contain provisions that prohibit the developer and his/her successors-in-interest from amending said covenants, conditions and restrictions to conflict with these conditions of approval, City codes and/or standards. The CC & R's shall be subject to prior review and approval of the City Attorney. The applicant or developer shall bear the cost of the review.

Electric Utility Department

46. The Electric Utility shall be notified of any changes to the site plans, & load calculations.

II. Prior to Issuance of Grading Permits.

Community Development Department

47. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency such as grading, tree removal, encroachments, building location, etc. or prior to final map approval in the case of a subdivision, or approved use has commenced, whichever comes first.
48. The developer shall coordinate/design pedestrian and vehicle access with the existing adjacent buildings located immediately west of the project. This may include removing and/or replacing portions of the pedestrian walks and vehicle drives in order to comply with current design standards.

49. A tree removal and replacement plan shall be required for the removal and replacement of all trees in excess of 50 years of age, unless their removal is required to protect the public health and safety.
50. The developer shall submit a construction access plan and schedule for the development of the project for Community Development Director and City Engineer approval; including, but not limited to, public notice requirements, special street posting, phone listing for community concerns, hours of construction activity, dust control measures, and security fencing.
51. The following notation shall be placed on the grading plan: "No more than three days prior to removing trees, shrubs or tall herbaceous vegetation during the breeding season for migratory birds (February 15 to August 31) a qualified biologist shall conduct a nesting bird survey."

Public Works Department

52. Grading of the subject property shall be in accordance with the City of Banning grading standards, and accepted grading practices as reviewed and approved by the City Engineer. The final grading plan shall be in substantial conformance with the approved conceptual grading plan.
53. The applicant shall execute a Stormwater Management Facilities Agreement guaranteeing the maintenance of stormwater pollution controls. Said agreement shall be subject to prior review and approval by the City Attorney. The applicant or developer shall bear the cost of the review. Said approved agreement shall be recorded with the Riverside County Recorder and run with the land.
54. A preconstruction meeting shall be held for all participating field personnel, including all appropriate City staff, prior to the commencement of construction activities.
55. A soils report and geological report shall be prepared by a qualified engineer and geologist, respectively, licensed by the State of California to perform such work. Said report shall be reviewed and approved by the City Engineer. The applicant or developer shall be required to comply with all recommendations of said report.
56. The applicant shall obtain any necessary clearances and/or permits from the following agencies:

Fire Marshal
Public Works Department (Grading Permit, Improvement Permit)
Community Development Department
Riverside County Environmental Health Department
California Regional Water Quality Control Board Colorado River Basin (RWQCB)
South Coast Air Quality Management District (SCAQMD)
Riverside County Flood Control District (RCFCD)

57. The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.
58. All utility systems including gas, electric, telephone, water, sewer, storm drain, and cable TV shall be provided underground, with easements provided as required, designed and submitted for review and approval. Said items shall be constructed in accordance with City codes and the utility provider. Telephone, cable TV, and/or security systems shall be pre-wired.
59. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer prior to grading plan approval.
60. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFCD), RCFCD Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.
61. If the site is located in a Flood Area as identified in the current Flood Insurance Rate Map the developer is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
62. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent property to the west.
63. The applicant shall comply with Chapter 13.24 "Stormwater Management and Discharge Controls" of the Banning Municipal Code (BMC); California Building Code related to excavation and grading; and, the State Water Resources Control Board's orders, rules and regulations.
64. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.

65. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs"):

- Temporary Soil Stabilization (erosion control).
- Temporary Sediment Control.
- Wind Erosion Control.
- Tracking Control.
- Non-Storm Water Management.
- Waste Management and Materials Pollution Control.

66. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
67. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California. A grading permit shall be obtained prior to commencement of any grading activity.
68. Prior to issuance of any grading or building permit a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2008-0001.
69. The applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access roads, drives, streets, and alleys. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable covenant, conditions or restrictions or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

Electric Utility Department

70. Protect in place any existing electric utility infrastructure vaults, power poles etc.

III. Prior to Filing of Final Map.

Public Works Department

71. The City and Developer are to enter into a Development Agreement (DA) to guarantee the construction of the public improvements as listed in the Conditions of Approval and as shown on the approved plans. Security for the construction of public improvements including grading may be submitted in accordance with Government Code Section 66499 and shall be as follows:

Faithful Performance Bond - 100% of estimated cost
Labor and Material Bond - 100% of estimated cost
Monumentation Bond - \$7,500.00

Securities for the public improvements shall be on file with the City Clerk prior to scheduling the final map for approval by City Council. Unit prices for bonding estimates shall be those specified or approved by the City Engineer.

72. All public improvement plans shall be reviewed and approved by the City Engineer.
73. Offer to dedicate to the City of Banning for public purposes the right-of-way for Ramsey Street fronting the site as an Arterial Highway; 46 feet one-half width. Offers of dedication shall include the corner cut-off at intersections.
74. Offer to dedicate to the City of Banning for public purposes the access and utility easements along the vacated Livingston Street.
75. Offer to dedicate to the City of Banning easements to maintain any slopes supporting public right-of-ways. Maintenance easements shall extend 10 feet beyond the toe of slope.
76. Prepare plans for full half street improvements in accordance with City standards along Ramsey Street from San Gorgonio Avenue to a point easterly of Martin Street. The improvements plans shall also include street lighting, curb and gutter, sidewalk, asphalt concrete paving, traffic signs and striping, and any transitions. Applicants' geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method. Applicant shall pay fair share of said improvements based on the approved plans.
77. Design and construct the following water lines;
- i. There is an existing 12" D.I.P. Water line on Ramsey Street, a 10" CML&W (Steel) line on Alessandro Road and a 10" CML&W (Steel) on Livingston Street. Buildings will not be allowed to be constructed over these water lines. Currently the existing lines are within existing streets, if said streets are to be vacated a 20' easement shall be reserved.

- ii. Design and construct an 8" D.I.P. water line on Martin Street from Ramsey Street to Livingston Street. Submit Water Improvement Plans to the Public Works Department, Engineering Division for review and approval.
 - iii. A backflow device must be installed on all commercial buildings and at each irrigation water connection. The backflow device must be in compliance with the State Department of Health Regulations.
 - iv. Construct an 8" D.I.P. on Martin Street from Ramsey Street to Livingston Street.
 - v. Fire Services will require a Double Detector Check or RPP Device.
 - vi. Install necessary blowoff and airvac assemblies at the low and high points, respectfully.
 - vii. Pay all applicable water connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.
78. Design and construct the following sewer lines and facilities:
- i. There are two existing 8" VCP sewer lines that run parallel with San Gorgonio Avenue approximately 150' and 347' east of the centerline of San Gorgonio Avenue, a 15" VCP sewer line on Livingston Street and an 8" VCP sewer line on Alessandro Road. Buildings will not be allowed to be constructed over these sewer lines without the construction of new sewer mains. The existing easements shall remain for these facilities unless relocated.
 - ii. Submit Sewer Improvement Plans to the Public Works Department, Engineering Division for review and approval.
 - iii. Properly sized grease interceptors shall be required of restaurant facilities.
 - iv. Pay all applicable sewer connection and frontage fees per Chapter 13.08 "Water, Sewer and Electricity Rates" of the Banning Municipal Code prior to the issuance of a building permit.
79. A sewer check valve shall be provided for each lot with a finished pad elevation lower than the rim elevation of the immediate up-stream sewer manhole.
80. Public Works Inspection fees shall be paid in accordance with the fee schedule in effect at time of time of scheduling; water and sewer connection fees including frontage fees and water meter installation charges shall be paid on a per lot basis at the time of building permit issuance in accordance with the fee schedule in effect at that time; a plan storage fee shall be paid for any engineering plans that may be required in accordance with the fee schedule in effect at the time the fee is paid; a Traffic Control mitigation fee shall be paid; a fee shall be paid to Riverside County Flood Control and Water Conservation

District in the amount specified by them to perform plan checking for drainage purposes if necessary for the proposed project.

81. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division for review and approval of the City Engineer.
82. A map of the proposed subdivision drawn at 1"=200' scale showing the outline of the streets including street names shall be submitted to the City to update the city atlas map.
83. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.
84. A record of all street centerline monument ties shall be submitted to the Engineering Division upon completion of improvements or prior to release of Monumentation Bond.
85. Right of way or easement acquisitions necessary to implement any portion of this map, including public improvements, shall be obtained by the developer at its sole expense prior to the City's consideration of the final map which encompasses the particular improvement. The developer shall notify the City in writing no more than 120 days and no less than 60 days in advance of filing the final map related to the acquisition if City assistance is needed to complete the acquisition pursuant to Government Code Section 66462.5. Funds in an amount of 100% of the estimated acquisition costs shall be deposited with the City to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property.

Electric Utility Department

86. Submitting detailed plans indicating lot lines, streets, easements, building layout, anticipated loading information, etc. These plans are required in electronic format. We currently use AutoCad2010. Plans should consist of a plot plan, site plan, one-line diagram of proposed electrical main service panel, and a sheet showing load calculations by an electrical engineer. Additional sheets may be required upon request. An area(s) is will be required for on site electric distribution equipment, pad mounted transformer(s), vault(s) & service equipment etc. The area must be sufficient for safe operation and maintenance.

IV. Prior to the Issuance of Building Permit.

Community Development Department

87. The project shall implement, at a minimum, and require an increase in building energy efficiency of 15 percent beyond Title 24, and reduce indoor water use by 25 percent. All requirements will be documented through a checklist to be submitted prior to issuance of any building permits with building plans and calculations.

88. Any building placed within 84 feet of Interstate 10 (70 dBA noise contour) will require that a noise study be performed and that noise insulation features be incorporated into the design to reduce the noise impact to acceptable levels.
89. Construct the Roadway Improvements and place the traffic striping improvements in accordance with the traffic impact analysis prepared by Albert A. Webb Associates dated March 1, 2011.
90. The applicant shall cause the final map to be recorded.
91. Provide a reciprocal parking plan/agreement for the proposed parcels based on the required parking for the project.
92. The developer shall obtain Design Review approval from the Planning Commission regarding the requirement for Art in Public Places (see BMC §17.12.020.H.3).
93. The developer shall obtain Design Review approval from the Planning Commission regarding the requirement for a sign program for the overall development.
94. Obtain clearance and/or permits from the Banning Unified School District
95. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed and approved by the Community Development Director and Police Department. Such plan shall indicate style, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties in accordance with the Zoning Code. Lighting fixtures shall be shielded or recessed to prevent spillage to the adjacent properties. The lighting fixture design shall compliment the architecture of the site. Additionally, all lighting plans and installations shall conform to the requirements of the conditions stipulated by the Airport Land Use Commission (ALUC) and Federal Aviation Administration (FAA) review.
96. Plans for any security gates to secure the building premises shall be submitted for the Community Development Director, City Engineer, and City of Banning Fire Marshal review and approval. Security gates will not be allowed to block any public street.
97. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:
 - i. Water conservation concept statement.
 - ii. Calculation of maximum applied water allowance.
 - iii. Calculation of estimated total water use.
 - iv. Landscape design plan.
 - v. Irrigation design plan.
 - vi. Grading design plan.
 - vii. Soil analysis.
 - viii. Certificate of substantial completion.

98. The final design of the perimeter parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director review and approval and coordinated for consistency with any parkway landscaping plan, which may be required by the Engineering Division.
99. All landscaping and irrigation shall be designed to conserve water through the principles of Xeriscape in accordance with Zoning Ordinance requirements.
100. Building and Safety plans shall be submitted for plan check and approval. All plans shall be marked with the project number (i.e., DR #10-702). The applicant shall comply with 2010 California Building Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application including but not limited to those regulations that relate to ground movement.
101. The applicant shall pay development impact fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Drainage Fee, School Fees, Permit and Plan Checking Fees. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division.
102. Projects subject to flood hazards shall implement standards for flood hazard reduction in accordance with Banning Municipal Code Section 15.64 including, but not limited to, anchoring, construction materials and methods, elevation and floodproofing, and utilities.

Public Works Department

103. The developer shall provide for the relocation of any sewer or water mains that interfere with the proposed project.
104. A precise grading plan shall be submitted to the City Engineer for review and approval. Precise grading plans shall include perimeter walls with top of wall and top of footing elevations shown. All footings shall have a minimum of 1-foot of cover, and/or sufficient cover to clear any obstructions.
105. The applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.
106. In accordance with the approved plans, the applicant shall acquire or confer property rights necessary for the construction or proper functioning of the proposed project/development. Conferred rights shall include right-of-way dedications, irrevocable offers to dedicate or grant of easements to the City for emergency services, maintenance, utilities, storm drain facilities, or temporary construction purposes including the reconstruction of essential improvements.

107. The developer shall prepare a water conservation plan to reduce water consumption in the landscape environment using xeriscape principles. "Xeriscape" shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non-living ground-cover, a low percentage of turf coverage (limited to 25% of the planted area), permeable paving and water conserving irrigation techniques and systems. A low water-using drought tolerant plant includes species suited to our climate, requiring less water in order to grow well.
108. Fire hydrants shall be installed within and on the project boundaries as per the approval plans, and/or as approved by the Fire Department.
109. Provide fire flow calculations for the project and construct the necessary facilities to meet those flows for the project.
110. The site is located within an airport safety zone as designated in the Riverside County Airport Land Use Compatibility Plan. The project shall be submitted to the Riverside Airport Land Use Commission for a consistency determination.
111. A property owners' association shall be established promptly following grading permit issuance and the applicable Conditions, Covenants & Restrictions (CC & R's), shall be prepared for review and approval of the City Engineer providing for maintenance of the parkway, slopes adjacent to public right-of-ways, any debris basins and median island landscaping. The developer shall appoint the members of the Board of Directors of the property owners' association, or take such other steps as may be reasonably necessary to assure that members have been appointed or elected to such Board of Directors, until under the terms of the applicable CC & R's individual lot owners have the power to elect the members of the Board of Directors in accordance with the CC & R's.

Electric Utility Department

112. Pay required fees- Engineering, Planning, Inspection and the cost of electric apparatus for completing the primary electric service lateral and Street lighting. The City of Banning Electric Utility commercial service costs are not fixed, but are based on actual cost to install the new service. The cost of each service varies based on project location, service size, and electrical distribution equipment and material needed to service the project.

V. Prior to the Issuance of Certificate of Occupancy.

Community Development Department

113. In order to reduce energy consumption from the proposed project development, applicable plans (e.g., electrical plans, improvement maps, etc.) submitted to the City shall include the installation of energy efficient street lighting throughout the project site. These plans shall be reviewed and approved by the Electric Utility, Public Works Department and Building and Safety Division.

114. Place a small monument plaque dedicated to several of the town founders at or near the spot where the Bryant House/Banning Hotel once stood. The monument shall be at least 5 feet tall with a metal plaque set in stone and exhibit etched pictures of the San Geronio Inn, the Bryant House/Banning Hotel, and a short discussion of the City of Banning founders and the significance of the Hotel Block. The monument shall be protected in place from any future development.
115. The developer shall install the Art in Public Places as required by the Zoning Ordinance prior to the occupancy of any unit within the development. Any proposed art shall be approved by the Planning Commission through the Design Review process.
116. Prior to any use of the project site, or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.
117. All ground-mounted utility appurtenances such as transformers and AC condensers shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director.
118. All building numbers and individual units shall be identified in a clear and concise manner, including proper illumination.
119. Provide for the following design features in each trash enclosure, to the satisfaction of the Community Development Director:
 1. Architecturally integrated into the design of the project.
 2. Separate pedestrian access that does not require the opening of the main doors and to include self-closing pedestrian doors.
 3. Large enough to accommodate two trash bins (see Public Works Dept for details).
 4. Trash bins with counter-weighted lids.
 5. Architecturally treated overhead shade trellis, or cover.
 6. Chain link screen on top to prevent trash from blowing out of the enclosure and designed to be hidden from view.
120. The buildings shall be constructed in substantial compliance with the design elements as depicted in Attachment 5 of the staff report approved by the City Council at their regularly scheduled meeting held on May 24, 2011; and, in accordance with Zoning Code regulations.
121. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Details shall be included in building construction plans.

122. All parking spaces shall be 9 feet wide by 19 feet long minimum. When a side of any parking space abuts a building, wall, support column, or other obstruction, the space shall be a minimum of 11 feet wide.
123. A 25 foot parking setback from the curb face shall be maintained at the driveway fronting all public streets.
124. All parking lot landscape islands shall have a minimum interior dimension of 6 feet in width and shall contain a 12-inch walk adjacent to any parking stall (including curb width).
125. Decorative paving shall be required at all driveway entrances in accordance with the requirements of the Zoning Code and City Engineer and Community Development Director.
126. All parking spaces shall be striped per City standards and all loading zones, driveway aisles, entrances, and exits shall be striped per City standards. Each exit from a parking area shall be clearly marked with a "Stop" sign.
127. A minimum of 20% of trees planted shall be 36 inch box or larger specimens; and, a minimum of 50% trees planted shall be 24 inch box or larger specimens.
128. Within parking lots, trees shall be planted at a rate of at least one 24 inch box tree for every four parking spaces. The maximum spacing between trees in parking areas shall compliment the architecture of the existing buildings.
129. All parking areas shall provide at least 30% permanent landscape shading for parked vehicles within two years of occupancy.
130. Trees shall be planted in areas of public view adjacent to and along structures at a rate of at least one tree per 30 linear feet of building.
131. The slopes within any detention basin shall be irrigated and landscaped with appropriate ground cover for erosion control. Slope planting shall include a permanent irrigation system.

Public Works Department

132. The applicant shall furnish the City with reproducible record drawings on Mylar of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files submitted to the City, revised to reflect the "As-Built" conditions.

133. All fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Marshall, and must be maintained in good condition by the property owner until the street is accepted for maintenance.
134. Offer to dedicate to the City of Banning an aviation easement for the airspace related to the operation of Banning Municipal Airport.
135. ~~Construct full street improvements in accordance with City standards fronting Martin Street including street lighting, curb and gutter, commercial style drive approaches, sidewalk, and asphalt concrete paving, traffic signs and striping, and any transitions. Street lights shall be installed offset of the existing street lights. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.~~ The developer shall make the necessary street improvements to Martin Street, west side, fronting the project. The improvements shall include, but not limited to, curb and gutter, curb return, handicap ramp, sidewalk, driveway approach, street lights, street name signs, and landscaping.
136. Construct necessary street improvements to obtain 38 feet minimum pavement width in accordance with City standards along Ramsey Street fronting the property including street lighting, curb and gutter, sidewalk, asphalt concrete paving, traffic signs and striping, and any transitions. Applicant's geotechnical engineer shall provide the design of the pavement section based upon the Caltrans method.
137. An automatic sprinkler system and landscaping shall be installed, prior to occupancy of the first unit of the development, within the parkway fronting Ramsey Street, Martin Street and San Geronio Avenue, and any interior public spaces. The system shall include a landscape controller, a separate water meter and electric meter, and plantings as approved by the Community Development Director. Landscaping plans and specifications shall be reviewed and approved by the City Engineer.
138. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.
139. Landscape improvements shall be certified by a licensed landscape architect or licensed landscape contractor as having been installed in accordance with the approved detailed plans and specifications. The applicant shall furnish said certification, including an irrigation management report, for each landscape irrigation system and any other required implementation report determined applicable, to the City Engineer for review and approval.
140. Street name signs and traffic control devices including traffic legends and traffic striping shall be installed, or relocated in accordance with Caltrans Standards and as shown on the approved plans, and/or as directed by the City Engineer.
141. Monuments and center line ties shall be certified and submitted to the City Engineer for review and approval.

Electric Utility Department

142. Grant easements for electric facilities installation / maintenance, etc. Building & Safety will need to sign a release before any new service is energized. Power cannot be released until the service conductor is pulled in and terminated at the new service panel. The customer must apply for a new electric service account with the C.O.B. Utility Billing Department located at City Hall (99 E. Ramsey St.) Utility Billing will fax a Meter Release Form to the Electric Utility. The Electric Utility will coordinate the meter set with the customer.
143. Provide for the undergrounding of the overhead utility facilities located along Alessandro Road along with the overhead utility facilities located along the frontage of Livingston Street.
144. The developer shall provide all conduits, vaults, and other materials associated with electric facility installations (except cables and their terminations).
145. The developer shall install streetlight poles, fixtures, pullbox, and conduits along the project frontage, and as directed by the City Engineer.
146. Secondary service entrance conductors to be provided and installed by the developer.

POLICE DEPARTMENT

147. Prior to occupancy of the first unit the developer shall provide for a Police Department radio repeater to be placed on the roof of the development. The developer shall submit specifications for review and approval of the Police Department prior to installation.
148. The developer shall install a video surveillance system to view the public areas of the development that may be viewed by police dispatchers. The developer shall submit specifications for review and approval of the Police Department prior to installation.

FIRE DEPARTMENT

The following codes and standards quoted in this review response are selected from the various regulations that apply to this development. Other regulations that are not included on this review response may also apply after additional information is provided.

10. General Conditions

10. FIRE

With respect to the conditions of approval for the referenced project, the Fire Department recommends the following fire protection measures be provided in accordance with Riverside County Ordinances and/or recognize fire protection standards:

10. FIRE

SHELL BUILDINGS

THESE CONDITIONS ARE FOR A SHELL BUILDING ONLY.

Shell building will receive a shell final only. No certificate of Occupancy (human occupant and/or materials) will be issued until the building occupants Has been identified with their occupancy classification and have been Conditioned by Riverside County Fire Department. Occupant or tenant Identification is imperative for orderly and prompts processing.

Upon identification of the occupant or tenant a Fire Protection Analysis report Maybe required prior to establishing the requirements for the occupancy permit. Failure to provide comprehensive data analysis and/or technical information Acceptable to the Fire Department may result in project delays.

A complete commodity listing disclosing type, quantity, level of hazard and potential For "Reactivity" must be provided within 15 days. The forgoing is necessary to properly occupancy classify the building (s). Failure to provide comprehensive Data and/or highly technical information will result in project delay and Requirement for a complete Fire Protection Study for review.

10. FIRE

RESPONSIBILITY

It is the responsibility of the recipient of these Fire Department conditions to Forward them to all interested parties. The building permit number is required on all correspondence: (i.e. general contractor, superintendent, owner, subcontractors, etc).

10. FIRE

APPROVED SYSTEM

All of the following conditions titled "Prior to Final Inspection", and/ or any type of fire suppression systems, must be approved, inspected and finaled by the Riverside County Fire Department, prior to Building and Safety's Final inspection. the Fire Department letter of conditions, job card and approved plans must be at the job site for all inspections.

10. FIRE

HIGH PILE/RACK STORAGE

A separate permit may be required for high-pile storage and/or racks. Sprinkler Plans and/or sprinkler review must be submitted by a licensed sprinkler contractor with storage and/or rack plans to Riverside County Fire Department for review and approval of the 2007 CFC Chapters 24 and 34 compliance. Complete Chapters 24 and 34 information re: all commodities stored, rack dimensions, placement in building, sprinkler densities, etc. must be provided with suppression system for racks and/or high-pile storage review. A complete listing of commodities, Classified using CFC Article 81, 2007 Edition and NFPA 13, 2007 Edition guidelines by a licensed Fire Protection Engineer (or other consultant approved by this jurisdiction).

10. FIRE ROOFING MATERIAL

All buildings shall be constructed with Class B roofing materials as per the California Building Code.

10. FIRE BLUE DOT REFLECTOR

Blue retro reflective pavement markers shall be mounted on private street, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by Riverside County Fire Department.

10. FIRE SUPER FIRE HYDRANT

Super fire hydrant (s) (6" x 4" x 2 1/2") shall be located not less than 25 feet or More than 165 feet from any portion of the building as measured along approved vehicular travel ways.

10. FIRE ABOVE/UNDERGROUND TANK PERMITS

Applicant/developer shall be responsible for obtaining under/aboveground fuel, Propane, chemical and mixing liquid storage tank permits from the Riverside County Fire Department. Underground and chemical tank plans must be approved by the Environmental Health Department prior to submitting plans to the Fire Department. (Fire Department needs to review the Environmental Health Approved Set) Plans must be in triplicate and submitted with the current fee for review and Approval prior to installation. Aboveground fuel/mixed liquid tank(s) shall meet the following standard: Tank must be tested and labeled to UL 2085 Protection Tank Standard or SwRI 93-01. The test must include the Projectile Penetration Test and the Heavy Vehicle Impact Test. A sample copy of the tank's label from and independent test laboratory must be included with your Plans. (TANK PLANS CANNOT BE SUBMITTED TO THE FIRE DEPARTMENT UNTIL A BUILDING PERMIT HAS BEEN ISSUED, CONTACT FIRE DEPARTMENT FOR GUIDELINE HANDOUT)

10. FIRE RAPID HAZMAT BOX

Rapid entry Hazardous Material data and key storage cabinet shall be installed on outside of the building. Plans shall be submitted to the Riverside County Fire Department for approval prior to installation

10. FIRE HIGH PILE/RACK STORAGE

A separate permit is required for high pile storage and/or racks. Sprinkler Plans and/or sprinkler review must be submitted by a licensed sprinkler Contractor with storage and/or rack plans to Riverside County Fire Department

for review and approval of the 2007 CFC Chapters 24 and 34 compliance. Complete Chapters 24 and 34 information re: all commodities stored, rack dimensions, placement in building, etc. must be provided with suppression system for racks and/or high-pile storage review. A complete listing of commodities classified using UFC Chapters 24 and 34, 2007 Edition, and NFPA 13, 2007 Edition guidelines by a licensed Fire protection Engineer (or other consultant to approve by this jurisdiction.)

10. FIRE GATE ENTRANCES

Gate entrances shall be at least two feet wider than the width of the traffic lane (s) serving that gate. Any gate providing access from a road to a driveway shall be located at least 35 feet from the roadway and shall open to allow vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, 40 foot turning radius shall be used.

10. FIRE ADDRESS AT CONSTRUCTION

During the construction of this project, the site address shall be clearly posted at the job site entrance. This will enable incoming emergency equipment and the inspectors to locate the job-site from the assigned street location. Number shall be a minimum of 24 inches in height.

10. FIRE PROHIBITED H MATERIALS

It is prohibited to use/process or store any material in this occupancy that Would classify it as "H" occupancy per the 2007 Uniform Building Code.

60. PRIOR TO GRADING PERMIT ISSUANCE

60. FIRE WATER PLANS

The applicant or developer shall separately submit two copies of the water system plans to the Fire Department for review. Plans shall conform to the fire hydrant types, location and spacing, and the system shall meet the fire flow requirements. Plans shall be signed/approved by a registered civil engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."

80. PRIOR TO BUILDING PERMIT ISSUANCE

80. FIRE ACCESS ROADS

All fire department access roads shall be as Banning Engineering standards, item #21 of the Building Department Street Conditions.

Fire apparatus access roads and water supplies for fire protection are required to be in service prior to and during the time of construction. (C.F.C., sec. 501.4)

Fire vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Temporary vehicle access shall be maintained until permanent fire apparatus access roads are available. (C.F.C., sec. 1410.1)

CFC D102.1, shall be able to support at least 75,000 pounds.

All fire department access roads shall have a 28' radius minimum, larger radiuses may exist when detailed building drawings are submitted. [CFC Appendix D]

80. FIRE WATER CERTIFICATION

The applicant or developer shall be responsible to submit written certification from the water company noting the location of the existing fire hydrant and that the existing water system is capable of delivering 2,750 GPM fire flow for a 2 hours duration at 20 PSI residual operating pressure. If a water system currently does not exist, the applicant or developer shall be responsible to provide written certification that financial arrangements have been made to provide them.

80. FIRE WATER PLANS.

The applicants or developer shall separately submit two copies of the water system plans to the Fire Department for review and approval. Calculated velocities shall not exceed 100 feet per second. Plans shall conform to the fire hydrant types, location and spacing, and the system shall meet the fire flow requirements. Plans shall be signed and approved by a registered civil engineer and the local Water Company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."

90. FIRE DESIGNATED AREAS

Existing fire lanes shall be maintained, additional fire lanes may be required. Contact Fire Department for guideline handout.

90. FIRE EXTINGUISHERS

Install portable fire extinguishers with a minimum rating of 2A-10BC one per 3000 sq. ft. or 75 feet of travel distance. Fire extinguishers located in the public Areas shall be in recess cabinets mounted 48 inches to the center above floor level with maximum 4 inch projection from the wall. (extinguishers must have current CSFM service tag affixed)

90. FIRE SUPER FH/FLOW

Approved super fire hydrants (6" x 4" x 2 1/2") with a fire flow of 2,750 GPM, shall be installed within 165 feet of all public use type buildings and any recreational vehicle type storage area.

90 FIRE SPRINKLER SYSTEM

Install a complete fire sprinkler system per NFPA 13 2010 edition (13D and 13R system are not allowed) in all buildings requiring a fire flow of 1500 GPM or greater sprinkler system (s) with pipe size in excess of 4" inch diameter will require the project structural engineer to certify (wet signature) the stability of the building system for seismic and gravity loads to support the sprinkler system. All fire sprinkler risers shall be protected from any physical damage. The post indicator valve and fire department connection shall be located to the front, within 50 feet of a hydrant, and the minimum of 25 feet from the building (s). A statement that the building (s) will be automatically fire sprinkled must be included on the title page of the building plans.

Applicant or developer shall be responsible to install a Central Station Monitored Fire Alarm System. Monitoring System shall monitor the fire Sprinkler system (s) water flow, P.I.V.'s and all control valves. Plans must be submitted to the Fire Department for approval prior to installation. Contact Fire Department for guideline handout.

90. FIRE AUTO/MAN FIRE ALARM

Applicant or developer shall be responsible to install a manual and automatic Fire Alarm System. Plans must be submitted to the Fire Department for approval prior to installation. Standard for this project will be NFPA 72, 2010 edition.

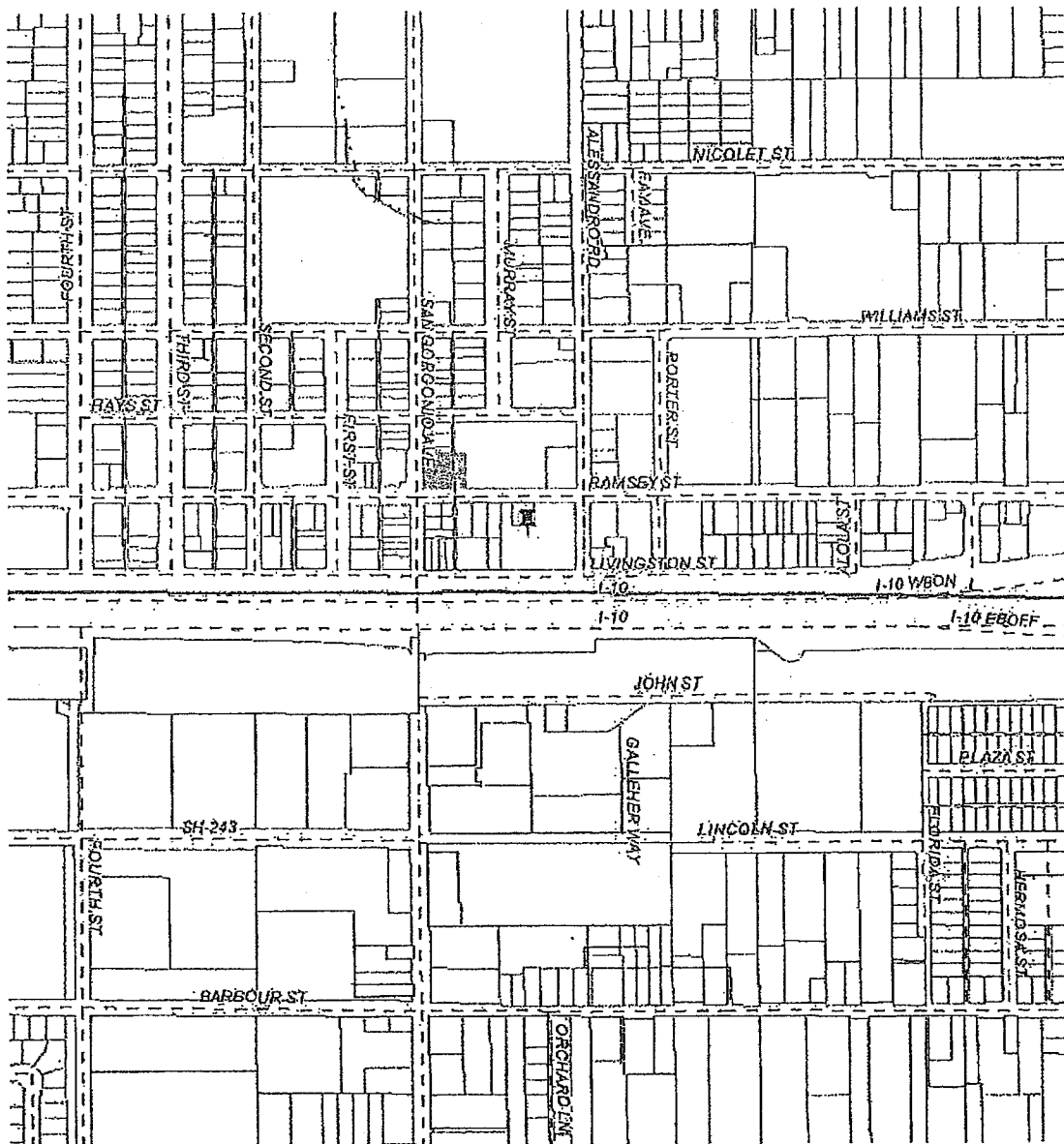
90. FIRE. HOOD DUCT EXTIG SYSTEM

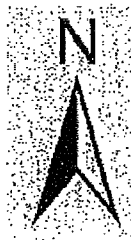
A U.L. 300 hood duct fire extinguishing system must be installed over cooking Equipment. Wet chemical extinguishing system must provide automatic Shutdown of all electrical componets and outlets under the hood upon activation System must be installed by a licensed c-16 contractor. Plans must be submitted With current fee to the Fire Department for review and approval prior to installation

Note: A dedicated alarm system is not required to be installed for the exclusive Purpose of monitoring this suppression system. However, a new or pre existing Alarm system must be connected to the extinguishing system. (*separate fire Alarm plans must be submitted for connection)

Attachment 2

(Location Map and Aerial Photograph)





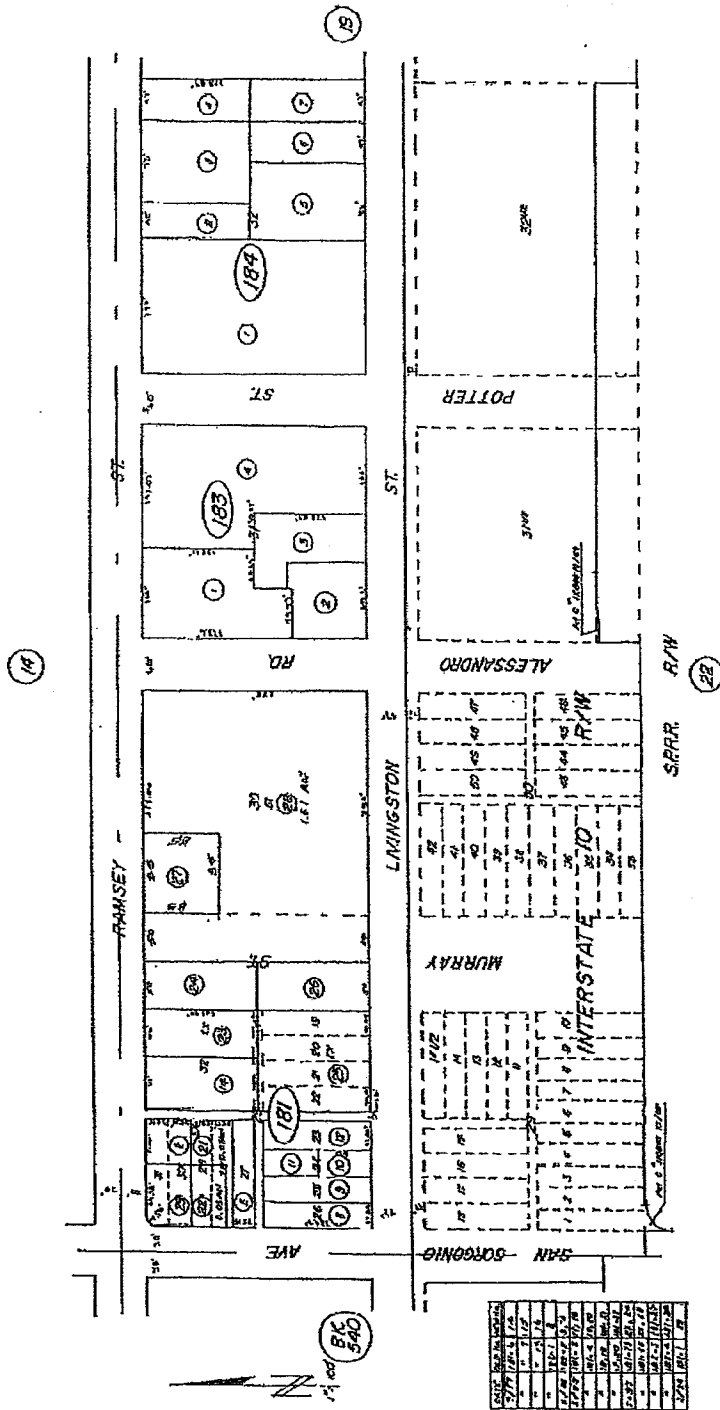
Location Map
DR #10-702

541-18
24-9

ICA 102

FOR N1/2 SW1/4 SEC. 10, T. 35, R. 1E.

THIS MAP IS FOR
ASSESSMENT PURPOSES ONLY

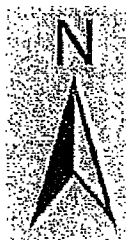


MR 944 SB AMENDED MAP of the BANKING LAND COMPANY

OCT 1969

ASSESSOR'S MAP, BK 541 PG. 18
RIVERSIDE COUNTY, CALIF.

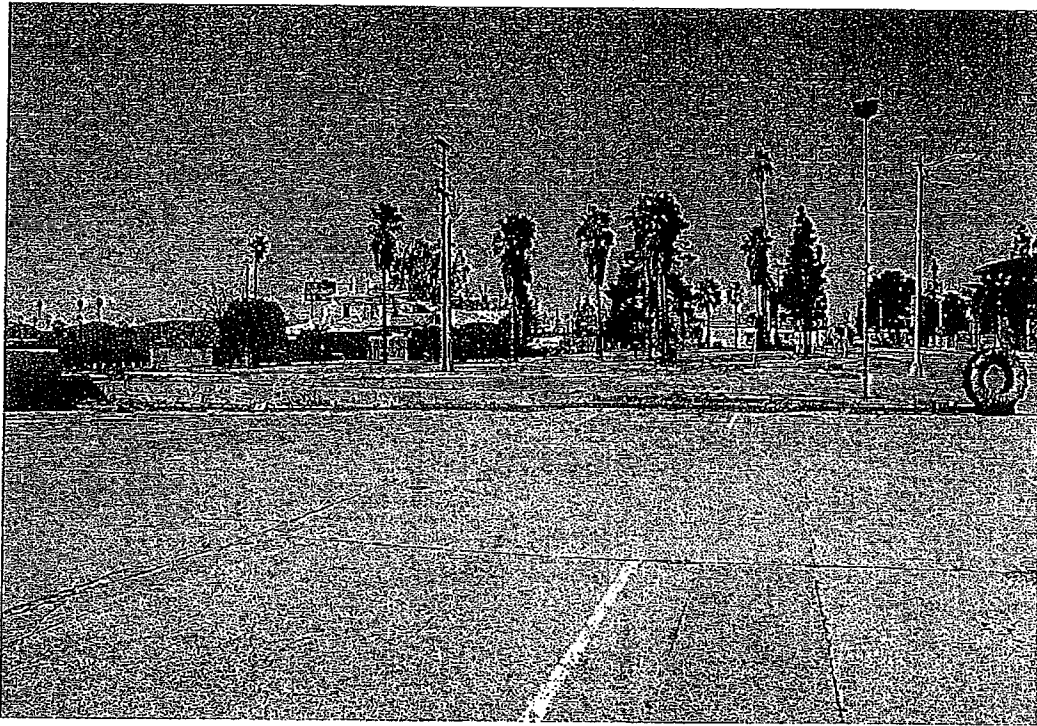
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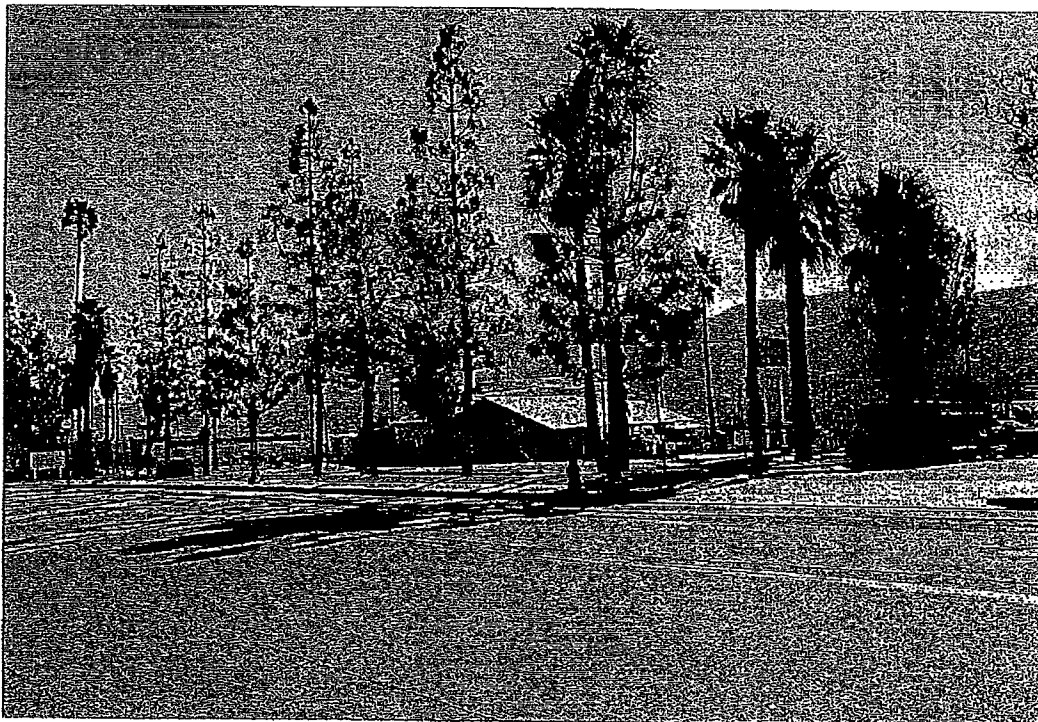
Aerial Photograph
DR #10-702

Attachment 3

(Site Photographs)



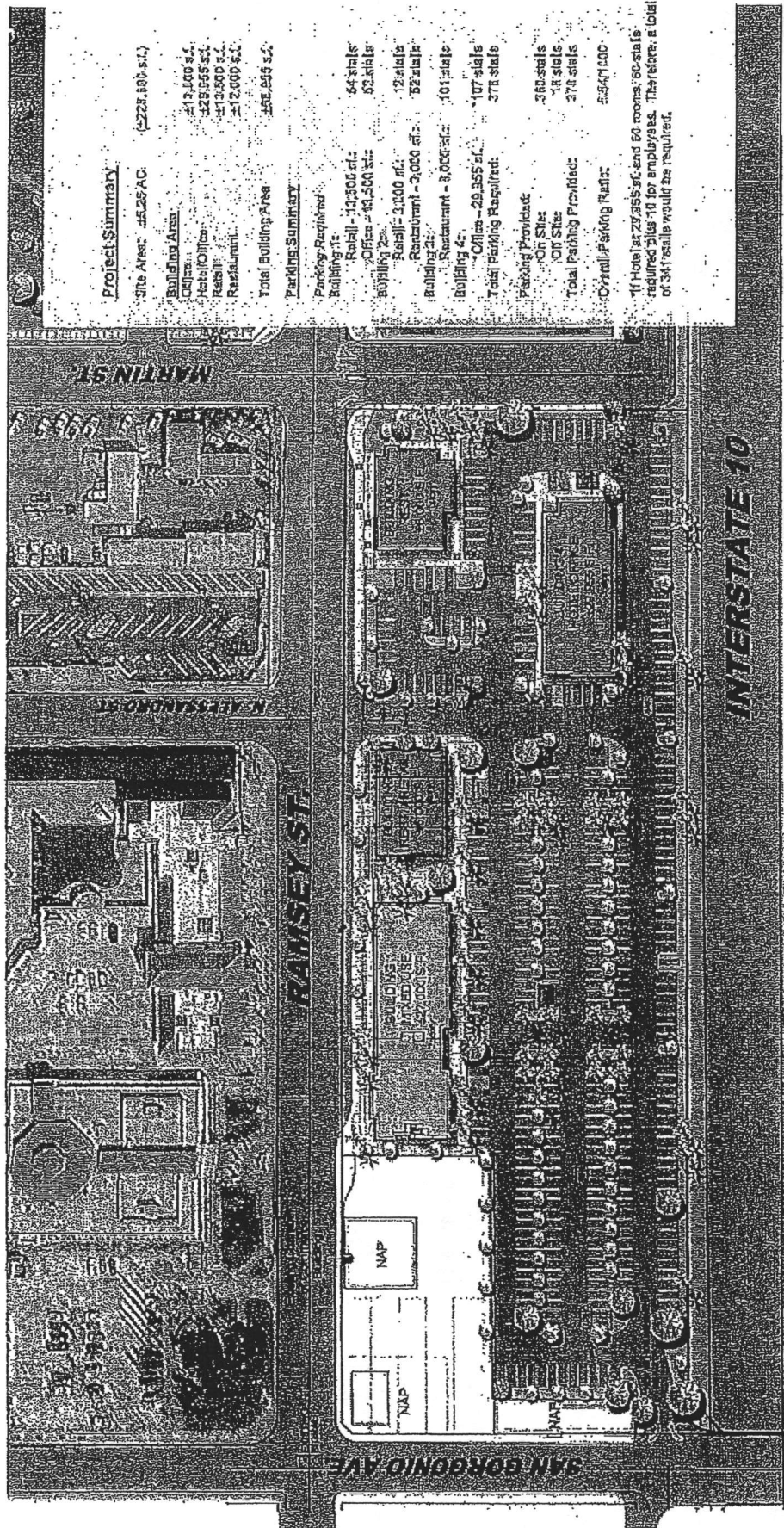
Looking westerly along Ramsey Street



Looking southeasterly from Ramsey Street

Attachment 4

(Project Plans)



Project Summary

Site Area: 45.25 AC (±228,800 s.f.)
 Building Area:
 Office: 12,000 s.f.
 Hotel/Office: 428,000 s.f.
 Retail: 13,500 s.f.
 Restaurant: 12,000 s.f.
 Total Building Area: 458,500 s.f.

Parking Summary

Parking Required:
 Building 1: Retail - 12,000 s.f. 64 stalls
 Office - 41,500 s.f. 52 stalls
 Building 2: Retail - 13,500 s.f. 12 stalls
 Restaurant - 3,000 s.f. 52 stalls
 Building 3: Restaurant - 3,000 s.f. 101 stalls
 Building 4: Office - 20,355 s.f. 107 stalls
 Total Parking Required: 378 stalls
 Parking Provided:
 On Site: 100 Stalls
 Total Parking Provided: 378 stalls
 Overall Parking Ratio: 1:100

11 Hotel at 22,355 s.f. and 60 rooms; 80 stalls required plus 10 for employees. Therefore, a total of 341 stalls would be required.

THE FROST COMPANY

3001 Golden Gate
 Long Beach, CA 90801
 T: 562 433-8000

① SITE PLAN
 SCALE: 1"=100'

DLR Group
WWCOT

18 Wilshire
 Encinitas, CA 91105
 T: 619 736 8210
 F: 619 736 8725

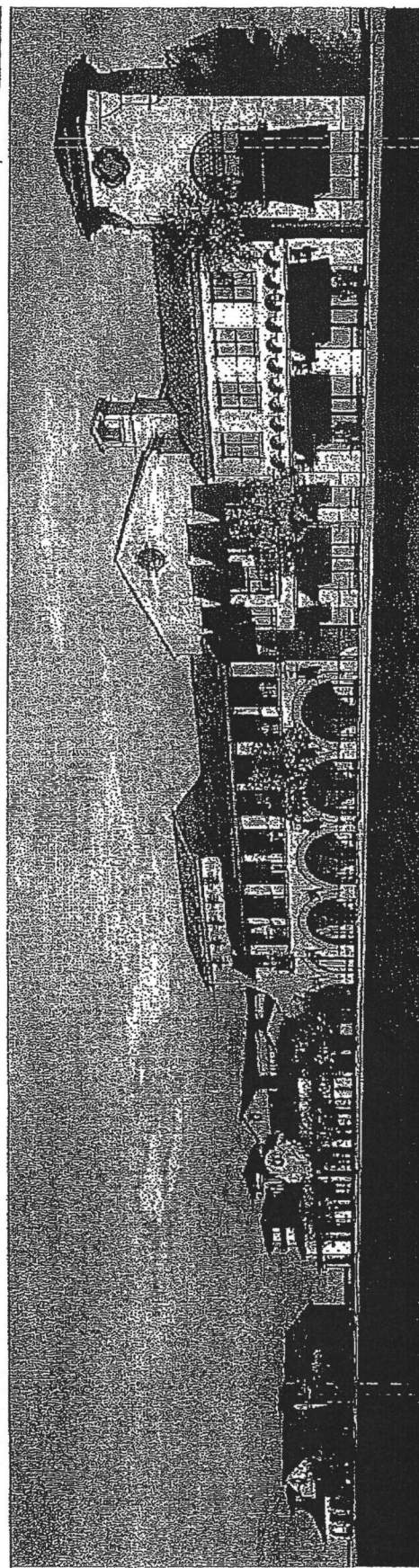
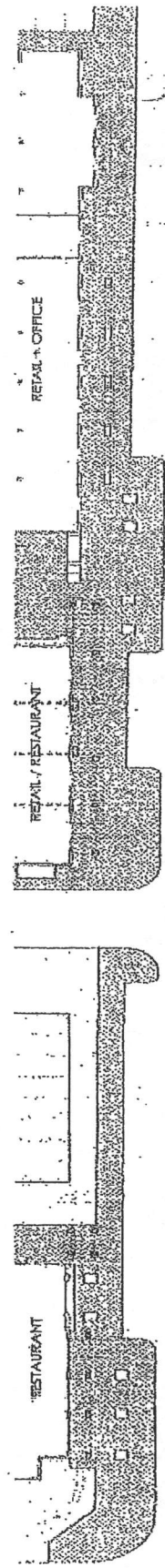
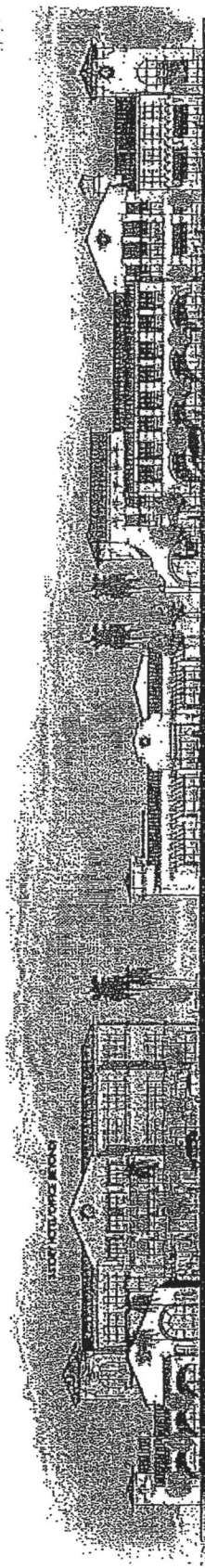
Arthur Pearlman
 600 E. 1st St.
 San Francisco, CA 94105
 T: 415 398 3329
 F: 415 398 3334

VILLAGE AT PASEO SAN GERONIMO

SEC OF SAN GERONIMO AVENUE & RAMSEY STREET, BANNING, CA

PRELIMINARY DESIGN

0911-12/13
 APRIL 12, 2011



THE FROST
COMPANY
3000 Golden Gate
San Francisco, CA 94115
T: 415 774-6300

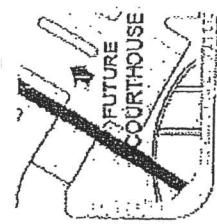
DLR Group
WV/COT
38 Millican
Pacifica, CA 91105
T: 650 793-0210
F: 650 793-8725

Arthur Peardman
6000 S. 1st St.
San Jose, CA 95128
T: 408 252-2500
F: 408 252-2501

A3-2
PRELIMINARY DESIGN

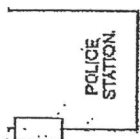
VILLAGE AT PASEO SAN GORGONIO
SEC OF SAN GORGONIO AVENUE & RAMSEY STREET, BANNING, CA

09/15/12/23
APRIL 12, 2011



MARTIN

N. ALESSANDRO

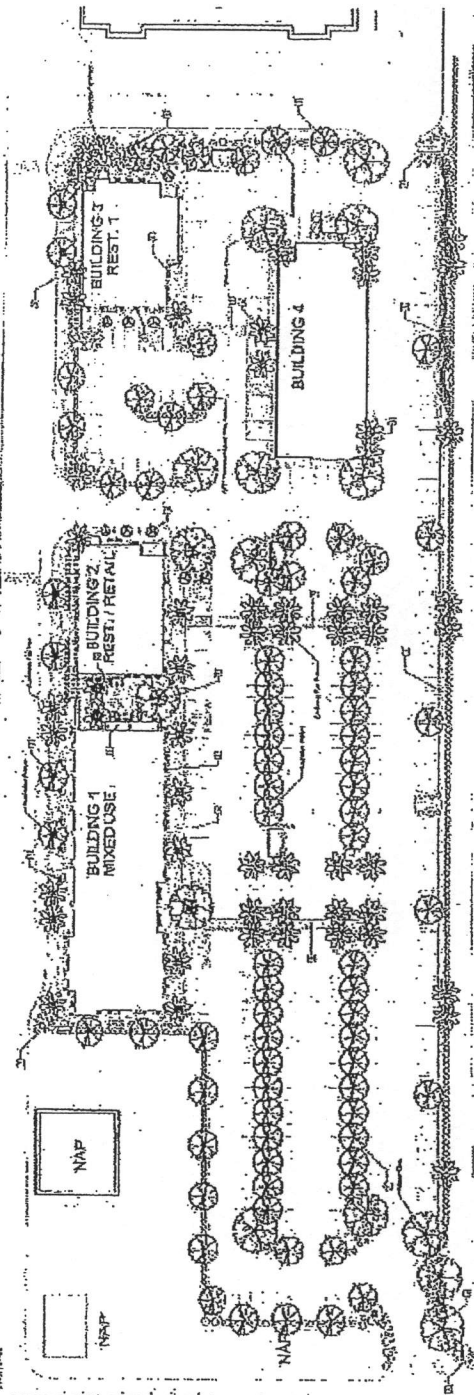


CITY HALL

RAMSEY ST.

SUBJECT AND ADJACENT

SAN GORGONIO AVE.



INTERSTATE 10

SYMBOL	DESCRIPTION
1	Proposed New Building Footprint
2	Proposed New Building Footprint
3	Proposed New Building Footprint
4	Proposed New Building Footprint
5	Proposed New Building Footprint
6	Proposed New Building Footprint
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SYMBOL	DESCRIPTION
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SYMBOL	DESCRIPTION
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10	Proposed New Building Footprint

OCA INC.
 8455 PINE
 RANCHO, CA 91102
 T. 626.734.0230
 F. 626.734.0235

THE FROST COMPANY
 5015 Golden Gate
 San Francisco, CA 94115
 T. 415.774.2557
 F. 415.774.2557

LANDSCAPE PLAN
 SCALE: 1" = 30'-0"

Arthur Peardman
 1137 Second Street
 Santa Monica, CA 90403
 T. 310.312.2225
 F. 310.312.2225

VILLAGE AT PASEO SAN GORGONIO
 SEC. OF SAN GORGONIO AVENUE & RAMSEY STREET, DANNING, CA

0113.1753
 APRIL 12, 2011

PRELIMINARY DESIGN

CITY COUNCIL AGENDA

Date: August 25, 2015
TO: Honorable Mayor and City Council
FROM: Fred Mason, Electric Utility Director
SUBJECT: Resolution No. 2015-77 Approving the Local Resource Adequacy Capacity Purchase Agreement with Shell Energy North America (US), LP, for Calendar Year 2016

RECOMMENDATION: The City Council approve the local resource adequacy capacity purchase with Shell Energy North America (US), LP, for calendar year 2016, attached herewith as Exhibit "A".

JUSTIFICATION: It is a requirement of all California Independent System Operator ("CAISO") participants to have a minimum of fifteen percent (15%) capacity reserves. Additionally, the CAISO requires that a specified amount of each participant's total capacity be from local generating resources, as defined by the CAISO. Banning is a Participating Transmission Owner ("PTO") with the CAISO.

BACKGROUND: After the California energy crisis the CAISO has been developing market modifications to ensure that all Load Serving Entities ("LSE") have acquired sufficient electricity / capacity to serve their peak demand. The CAISO has determined that each LSE must maintain capacity reserves of at least 15% above its projected peak demand, and has implemented policy changes to that affect. Additionally, the CAISO requires that a specified amount of each participant's total capacity be from local generating resources, as defined by the CAISO.

Staff solicited bids from seven qualified energy marketers for 10 MW of Local Capacity and received two offers:

Shell Energy North America	\$3.00/kilowatt month
GenOn Energy Management	\$3.05/kilowatt month

Shell Energy North America had the lowest responsive bid.

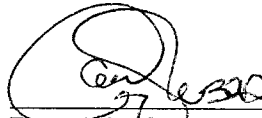
FISCAL DATA: The cost of this transaction is \$3.00/kilowatt month, for a total cost of \$360,000 over the twelve month contract period. This is a continuing operating expense, and funds have been allocated in the FY 2015-16 budget and will be allocated in the 2016-17 budget to cover the ongoing expenditure.

RECOMMENDED BY:



Fred Mason
Electric Utility Director

APPROVED BY:



Dean Martin
Interim City Manager

RESOLUTION NO. 2015-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING APPROVING THE LOCAL RESOURCE ADEQUACY CAPACITY PURCHASE AGREEMENT WITH SHELL ENERGY NORTH AMERICA (US), LP FOR CALENDAR YEAR 2016

WHEREAS, the City of Banning owns and operates its Municipal Electric Utility; and

WHEREAS, the City is a Participating Transmission Owner ("PTO") with the California Independent System Operator ("CAISO"); and

WHEREAS, the CAISO has implemented Resource Adequacy ("RA") requirements of 115% requiring a minimum of 15% reserves for all Load Serving Entities ("LSE"); and

WHEREAS, the CAISO requires that a specified amount of each participant's total capacity be from local generating resources, as defined by the CAISO; and

WHEREAS, the City solicited bids from qualified energy marketers for 10 MW of Local Capacity and received two responses. Shell Energy North America (US), LP, had the lowest responsive bid;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Banning as follows:

SECTION 1. Adopt Resolution No. 2015-77 approving the energy capacity agreement between the City of Banning and Shell Energy North America (US), LP, attached herewith as Exhibit "A" and authorize the Interim City Manager or his designee to execute and administer said agreement.

PASSED, ADOPTED AND APPROVED this 25th day of August 2015.

Deborah Franklin, Mayor
City of Banning

ATTEST:

Marie A. Calderon, City Clerk
City of Banning

APPROVED AS TO FORM
AND LEGAL CONTENT:

David J. Aleshire, City Attorney
Aleshire and Wynder, LLP

CERTIFICATION

I, MARIE A. CALDERON, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2015-77 was duly adopted by the City Council of the City of Banning, California at a regular meeting thereof held on the 25th day of August 2015 by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Marie A. Calderon, City Clerk
City of Banning, California

Exhibit “A”

**WSPP CONFIRMATION LETTER - RESOURCE ADEQUACY
BETWEEN
SHELL ENERGY NORTH AMERICA (US), L.P.
AND
CITY OF BANNING**

This Confirmation Letter ("Confirmation") confirms the Transaction between **Shell Energy North America (US), L.P.**, a Delaware limited partnership ("Seller") and **City of Banning ("Buyer")**, and each individually a "Party" and together the "Parties", dated as of July 24, 2015 (the "Confirmation Effective Date") in which Seller agrees to provide to Buyer the right to the Product, as such term is defined in Article 3 of this Confirmation.

This Transaction is governed by the WSPP Agreement, as amended from time to time (the "WSPP Agreement"). The WSPP Agreement and this Confirmation shall be collectively referred to herein as the "Agreement". Capitalized terms used but not otherwise defined in this Confirmation have the meanings ascribed to them in the WSPP Agreement or the Tariff (as defined herein below).

ARTICLE 1. DEFINITIONS

- 1.1 "Alternate Capacity" means any replacement Product which Seller has elected to provide to Buyer from a Replacement Unit in accordance with the terms of Section 4.5.
- 1.2 "Applicable Laws" means any law, rule, regulation, order, decision, judgment, or other legal or regulatory determination by any Governmental Body of competent jurisdiction over one or both Parties or this Transaction, including without limitation, the Tariff.
- 1.3 "Availability Incentive Payments" has the meaning set forth in the Tariff.
- 1.4 "Availability Standards" shall mean the availability standards set forth in Section 40.9 of the Tariff.
- 1.5 "Buyer" has the meaning specified in the introductory paragraph hereof.
- 1.6 "CAISO" means the California Independent System Operator Corporation or its successor.
- 1.7 "Capacity Replacement Price" means (a) the price actually paid for any Replacement Capacity purchased by Buyer pursuant to Section 4.7 hereof, plus costs reasonably incurred by Buyer in purchasing such Replacement Capacity, or (b) absent a purchase of any Replacement Capacity, the market price for such Designated RA Capacity not provided at the Delivery Point. The Buyer shall determine such market prices in a commercially reasonable manner. For purposes of Section 1.51 of the WSPP Agreement, "Capacity Replacement Price" shall be deemed to be the "Replacement Price."
- 1.8 "Confirmation" has the meaning specified in the introductory paragraph hereof.
- 1.9 "Confirmation Effective Date" has the meaning specified in the introductory paragraph hereof.
- 1.10 "Contingent Firm RA Product" has the meaning specified in Section 3.2 hereof.
- 1.11 "Contract Price" means, for any Monthly Delivery Period, the price specified for such Monthly Delivery Period in the "RA Capacity Price Table" set forth in Section 4.9.
- 1.12 "Contract Quantity" means, with respect to any particular Showing Month of the Delivery Period, the amount of Product (in MWs) set forth in table in Section 4.3 which Seller has agreed to provide to Buyer from the Unit for such Showing Month.
- 1.13 "CPUC Decisions" means, to the extent still applicable, CPUC Decisions 04-01-050, 04-10-035, 05-10-042, 06-06-064, 06-07-031, 07-06-029, 08-06-031, 09-06-028, 10-06-036, 11-06-022, 12-06-025, 13-06-024, 14-06-050 and subsequent decisions related to resource adequacy, as may be amended from time to time by the CPUC.
- 1.14 "CPUC Filing Guide" means the annual document issued by the CPUC which sets forth the guidelines, requirements and instructions for LSE's to demonstrate compliance with the CPUC's resource adequacy program.

- 1.15 "Delivery Period" has the meaning specified in Section 4.1 hereof.
- 1.16 "Delivery Point" has the meaning specified in Section 4.2 hereof.
- 1.17 "Designated RA Capacity" shall be equal to, with respect to any particular Showing Month of the Delivery Period, the Contract Quantity of Product (including any Alternate Capacity) for such Showing Month, minus (i) any reductions to Contract Quantity made by Seller pursuant to Section 4.4 and for which Seller has not elected to provide Alternate Capacity; and (ii) any reductions resulting from an event other than a Non-Excusable Event.
- 1.18 "Flexible RA Attributes" means any and all flexible resource adequacy attributes, as may be identified at any time during the Delivery Period by the CPUC, CAISO or other Governmental Body of competent jurisdiction that can be counted toward Flexible RAR, exclusive of any RA Attributes and LAR Attributes.
- 1.19 "Flexible RAR" means the flexible resource adequacy requirements established for LSEs by the CPUC pursuant to the CPUC Decisions, or by any other Governmental Body of competent jurisdiction.
- 1.20 "Flexible RAR Showing" means the Flexible RAR compliance showings (or similar or successor showings) an LSE is required to make to the CPUC (and, to the extent authorized by the CPUC, to the CAISO) pursuant to the CPUC Decisions, or to an LRA of competent jurisdiction over the LSE.
- 1.21 "Governmental Body" means (i) any federal, state, local, municipal or other government; (ii) any governmental, regulatory or administrative agency, commission or other authority lawfully exercising or entitled to exercise any administrative, executive, judicial, legislative, police, regulatory or taxing authority or power; and (iii) any court or governmental tribunal.
- 1.22 "LAR" means local area reliability, which is any program of localized resource adequacy requirements established for jurisdictional LSEs by the CPUC pursuant to the CPUC Decisions, or by another LRA of competent jurisdiction over the LSE. LAR may also be known as local resource adequacy, local RAR, or local capacity requirement in other regulatory proceedings or legislative actions.
- 1.23 "LAR Attributes" means, with respect to a Unit, any and all local resource adequacy attributes (or other locational attributes related to system reliability), as they are identified as of the Confirmation Effective Date by the CPUC, CAISO, LRA, or other Governmental Body of competent jurisdiction, associated with the physical location or point of electrical interconnection of such Unit within the CAISO Control Area, that can be counted toward LAR, exclusive of any RA Attributes and Flexible RA Attributes. For clarity, it should be understood that if the CAISO, LRA, or other Governmental Body, defines new or re-defines existing local areas, then such change will not result in a change in payments made pursuant to this Transaction.
- 1.24 "LAR Showings" means the LAR compliance showings (or similar or successor showings) an LSE is required to make to the CPUC (and, to the extent authorized by the CPUC, to the CAISO) pursuant to the CPUC Decisions, or to an LRA of competent jurisdiction over the LSE.
- 1.25 "Local RAR" means the local resource adequacy requirements established for LSEs by the CPUC pursuant to the CPUC Decisions, or by any other Governmental Body of competent jurisdiction. Local RAR may also be known as local area reliability, local resource adequacy, local resource adequacy procurement requirements, or local capacity requirement in other regulatory proceedings or legislative actions.
- 1.26 "LRA" means Local Regulatory Authority as defined in the Tariff.
- 1.27 "LSE" means load-serving entity. LSEs may be an investor-owned utility, an electric service provider, a community aggregator or community choice aggregator, or a municipality serving load in the CAISO Control Area (excluding exports).
- 1.28 "WSPP Agreement" has the meaning specified in the introductory paragraph hereof.
- 1.29 "Monthly Delivery Period" means each calendar month during the Delivery Period and shall correspond to each Showing Month.
- 1.30 "Monthly RA Capacity Payment" has the meaning specified in Section 4.9 hereof.
- 1.31 "Net Qualifying Capacity" has the meaning set forth in the Tariff.

- 1.32 "Non-Excusable Event" means any event, other than a Planned Outage and those events described under the definition of "Unit Firm" in the WSPP Agreement that excuse Seller's performance, that causes Seller to fail to perform its obligations under this Confirmation, including, without limitation, any such event resulting from (a) the negligence of the owner, operator or Scheduling Coordinator of a Unit, or (b) Seller's failure to comply, or failure to cause the owner, operator or Scheduling Coordinator of the Units to comply, with the terms of the Tariff with respect to the Units providing RA Attributes, Flexible RA Attributes or LAR Attributes, as applicable.
- 1.33 "Notification Deadline" has the meaning specified in Section 4.5 hereof.
- 1.34 "Outage" means any CAISO approved disconnection, separation, or reduction in the capacity of any Unit that relieves all or part of the offer obligations of the Unit consistent with the Tariff.
- 1.35 "Planned Outage" means, subject to and as further described in the CPUC Decisions, a CAISO-approved, planned or scheduled disconnection, separation or reduction in capacity of the Unit that is conducted for the purposes of carrying out routine repair or maintenance of such Unit, or for the purposes of new construction work for such Unit.
- 1.36 "Product" has the meaning specified in Article 3 hereof.
- 1.37 "RA Attributes" means, with respect to a Unit, any and all resource adequacy attributes, as they are identified as of the Confirmation Effective Date by the CPUC, CAISO or other Governmental Body of competent jurisdiction that can be counted toward RAR, exclusive of any LAR Attributes and Flexible RA Attributes.
- 1.38 "RA Capacity" means the qualifying and deliverable capacity of the Unit for RAR or LAR and, if applicable, Flexible RAR purposes for the Delivery Period, as determined by the CAISO or other Governmental Body authorized to make such determination under Applicable Laws. RA Capacity encompasses the RA Attributes, LAR Attributes, and if applicable, Flexible RA Attributes of the capacity provided by a Unit.
- 1.39 "RAR" means the resource adequacy requirements (other than Local RAR or Flexible RAR) established for LSEs by the CPUC pursuant to the CPUC Decisions, or by any other Governmental Body of competent jurisdiction.
- 1.40 "RAR Showings" means the RAR compliance showings (or similar or successor showings) an LSE is required to make to the CPUC (and/or, to the extent authorized by the CPUC, to the CAISO), pursuant to the CPUC Decisions, or to an LRA of competent jurisdiction.
- 1.41 "Replacement Capacity" has the meaning specified in Section 4.7 hereof.
- 1.42 "Replacement Unit" has the meaning specified in Section 4.5.
- 1.43 "Resource Category" shall be as described in the CPUC Filing Guide, as such may be modified, amended, supplemented or updated from time to time.
- 1.44 "Scheduling Coordinator" has the same meaning as in the Tariff.
- 1.45 "Seller" has the meaning specified in the introductory paragraph hereof.
- 1.46 "Showing Month" shall be the calendar month during the Delivery Period that is the subject of the RAR Showing, as set forth in the CPUC Decisions. For illustrative purposes only, pursuant to the CPUC Decisions in effect as of the Confirmation Effective Date, the monthly RAR Showing made in June is for the Showing Month of August.
- 1.47 "Supply Plan" means the supply plan, or similar or successor filing, that a Scheduling Coordinator representing RA Capacity submits to the CAISO, LRA, or other applicable Governmental Body pursuant to Applicable Laws in order for the RA Attributes or LAR Attributes of such RA Capacity to count.
- 1.48 "Tariff" means the tariff and protocol provisions of the CAISO, as amended or supplemented from time to time. For purposes of Article 5, the Tariff refers to the tariff and protocol provisions of the CAISO as they exist on the Confirmation Effective Date.

- 1.49 "Transaction" for purposes of this Agreement means the Transaction (as defined in the WSPP Agreement) that is evidenced by this Agreement.
- 1.50 "Unit" or "Units" shall mean the generation assets described in Article 2 hereof (including any Replacement Units), from which RA Capacity is provided by Seller to Buyer.
- 1.51 "Unit EFC" means the effective flexible capacity that is or will be set by the CAISO for the applicable Unit.
- 1.52 "Unit NQC" means the Net Qualifying Capacity set by the CAISO for the applicable Unit. The Parties agree that if the CAISO adjusts the Net Qualifying Capacity of a Unit after the Confirmation Effective Date, that for the period in which the adjustment is effective, the Unit NQC shall be deemed the lesser of (i) the Unit NQC as of the Confirmation Effective Date, or (ii) the CAISO-adjusted Net Qualifying Capacity.

ARTICLE 2. UNIT INFORMATION

Name	Drew Unit Aggregate
Location	Colton, CA
CAISO Resource ID	DREWS_6_PL1X4
Unit SCID	ACPL
Unit NQC	36 MWs
Unit EFC	36 MWs
Resource Type	Combustion Turbine
Resource Category (1, 2, 3 or 4)	4
Flexible RAR Category (1, 2 or 3)	1
Path 26 (North or South)	South
Local Capacity Area (if any, as of Confirmation Effective Date)	LA Basin
Deliverability restrictions, if any, as described in most recent CAISO deliverability assessment	N/A
Run Hour Restrictions	N/A

ARTICLE 3. RESOURCE ADEQUACY CAPACITY PRODUCT

During the Delivery Period, Seller shall provide to Buyer, pursuant to the terms of this Agreement, RA Attributes or LAR Attributes and, if applicable, Flexible RA Attributes for a Contingent Firm RA Product, as specified in Section 3.2 below (the "Product"). The Product does not confer to Buyer any right to the electrical output from the Units. Rather, the Product confers the right to include the Designated RA Capacity in RAR Showings, LAR Showings, Flexible RAR Showings, if applicable, and any other capacity or resource adequacy markets or proceedings as specified in this Confirmation. Specifically, no energy or ancillary services associated with any Unit is required to be made available to Buyer as part of this Transaction and Buyer shall not be responsible for compensating Seller for Seller's commitments to the CAISO required by this Confirmation. Seller retains the right to sell any RA Capacity from a Unit in excess of that Unit's Contract Quantity and any RA Attributes, LAR Attributes or Flexible RA Attributes not otherwise transferred, conveyed, or sold to Buyer under this Confirmation.

3.1 RA Attributes, LAR Attributes and Flexible RA Attributes

Seller shall provide Buyer with the Designated RA Capacity of RA Attributes, LAR Attributes and, if Section 3.3 is selected, Flexible RA Attributes from each Unit, as measured in MWs, in accordance with the terms and conditions of this Agreement.

3.2 Contingent Firm RA Product

Seller shall provide Buyer with Designated RA Capacity from the Units. If those Units are not available to provide the full amount of the Contract Quantity as a result of a Non-Excusable Event, then, subject to Section 4.4, Seller shall have the option to notify Buyer in writing by the Notification Deadline that either (a) Seller will not provide the full Contract Quantity during the period of such non-availability; or (b) Seller will supply Alternate Capacity to fulfill the remainder of the Contract Quantity during such period. If Seller fails to provide Buyer with the Contract Quantity as a result of a Non-Excusable Event and has failed to notify Buyer in writing by the Notification Deadline that it will not provide the full Contract Quantity during the period of such non availability as provided in Section 4.4, then Seller shall be liable for damages and/or required to indemnify Buyer for any resulting penalties or fines pursuant to the terms of Sections 4.7 and 4.8 hereof. Notwithstanding anything herein to the contrary, if Seller provides less than the full amount of the Contract Quantity for any reason other than a Non-Excusable Event or in accordance with Section 4.4, Seller is not obligated to provide Buyer with Alternate Capacity or to indemnify Buyer for any resulting penalties or fines. The Product is a Contingent Firm RA Product, and with respect to this Contingent Firm RA Product, "Contingent Firm" shall have the same meaning as "Unit Firm" in the WSPP Agreement.

3.3 ☒ Flexible RA Product

Seller shall provide Buyer with Designated RA Capacity of Flexible RA Attributes from the Unit(s) in the amount of the applicable Contract Quantity.

ARTICLE 4. DELIVERY AND PAYMENT**4.1 Delivery Period**

The Delivery Period shall be: January 1, 2016, through December 31, 2016, inclusive.

4.2 Delivery Point

The Delivery Point for each Unit shall be the CAISO Control Area, and if applicable, the LAR region in which the Unit is electrically interconnected.

4.3 Contract Quantity. The Contract Quantity for each Monthly Delivery Period shall be:

Contract Quantity (MWs)

Contract Month	RAR or LAR Contract Quantity (MWs)	RAR or LAR with Flexible RAR Contract Quantity (MWs)
January	N/A	10
February	N/A	10
March	N/A	10
April	N/A	10
May	N/A	10
June	N/A	10
July	N/A	10
August	N/A	10
September	N/A	10
October	N/A	10
November	N/A	10
December	N/A	10

4.4 Adjustments to Contract Quantity

- (a) **Planned Outages:** If Seller is unable to provide the applicable Contract Quantity for a portion of a Showing Month due to a Planned Outage of a Unit, then Seller shall have the option, but not the obligation, upon written notice to Buyer by the Notification Deadline, to either (a) reduce the Contract Quantity in accordance with the Planned Outage for such portion of the Showing Month; or (b) provide Alternate Capacity up to the Contract Quantity for the applicable portion of such Showing Month.
- (b) **Invoice Adjustment:** In the event that the Contract Quantity is reduced due to a Planned Outage as set forth in Section 4.4(a) above, then the invoice for such month(s) shall be adjusted to reflect a daily pro rata amount for the duration of such reduction.
- (c) **Reductions in Unit NQC and/or Unit EFC:** Seller's obligation to deliver the applicable Contract Quantity for any Showing Month may also be reduced if the Unit experiences a reduction in Unit NQC and/or Unit EFC as determined by the CAISO. If the Unit experiences such a reduction in Unit NQC and/or Unit EFC, then Seller has the option, but not the obligation, upon written notice to Buyer by the Notification Deadline, to provide the applicable Contract Quantity for such Showing Month from (i) the same Unit, provided the Unit has sufficient remaining and available Product, and/or (ii) Alternate Capacity.

4.5 Notification Deadline and Replacement Units

- (a) The "**Notification Deadline**" in respect of a Showing Month shall be ten (10) Business Days before the earlier of the relevant deadlines for (a) the corresponding RAR Showings and/or LAR Showings for such Showing Month, and (b) the CAISO Supply Plan filings applicable to that Showing Month.
- (b) If Seller desires to provide the Contract Quantity of Product for any Showing Month from a generating unit other than the Unit (a "Replacement Unit"), then Seller may, at no additional cost to Buyer, provide Buyer with Product from one or more Replacement Units, up to the Contract Quantity, for the applicable Showing Month; provided that in each case, Seller shall notify Buyer

in writing of such Replacement Units no later than the Notification Deadline. If Seller notifies Buyer in writing as to the particular Replacement Units and such Units meet the requirements of this Section 4.5, then such Replacement Units shall be automatically deemed a Unit for purposes of this Confirmation for the remaining portion of that Showing Month.

- (c) If Seller fails to provide Buyer the Contract Quantity of Product or Alternate Capacity for a given Showing Month during the Delivery Period, then (i) Buyer may, but shall not be required to, purchase Product from a third party; and (ii) Seller shall not be liable for damages and/or required to indemnify Buyer for penalties or fines pursuant to the terms of Sections 4.7 and 4.8 hereof if such failure is the result of (A) a reduction in the Contract Quantity for such Showing Month in accordance with Section 4.4, or (B) an event other than a Non-Excusable Event.

4.6 Delivery of Product

- (a) Seller shall provide Buyer with the Designated RA Capacity of Product for each Showing Month.
- (b) Seller shall submit, or cause the Unit's Scheduling Coordinator to submit, by the relevant deadlines for submission of the Supply Plans applicable to that Showing Month (i) Supply Plans to the CAISO, LRA, or other applicable Governmental Body identifying and confirming the Designated RA Capacity to be provided to Buyer for the applicable Showing Month, unless Buyer specifically requests in writing that Seller not do so; and (ii) written confirmation to Buyer that Buyer will be credited with the Designated RA Capacity for such Showing Month per the Unit's Scheduling Coordinator Supply Plan.

4.7 Damages for Failure to Provide Designated RA Capacity

If Seller fails to provide Buyer with the Designated RA Capacity of Product for any Showing Month, and such failure is not excused under the terms of the Agreement, then the following shall apply:

- (a) Buyer may, but shall not be required to, replace any portion of the Designated RA Capacity not provided by Seller with capacity having equivalent RA Attributes, LAR Attributes and, if applicable, Flexible RA Attributes as the Designated RA Capacity not provided by Seller; provided, however, that if any portion of the Designated RA Capacity that Buyer is seeking to replace is Designated RA Capacity having solely RA Attributes and no LAR Attributes or Flexible RA Attributes, and no such RA Capacity is available, then Buyer may replace such portion of the Designated RA Capacity with capacity having any applicable Flexible RA Attributes and/or LAR Attributes ("Replacement Capacity") by entering into purchase transactions with one or more third parties, including, without limitation, third parties who have purchased capacity from Buyer so long as such transactions are done at prevailing market prices. Buyer shall use commercially reasonable efforts to minimize damages when procuring any Replacement Capacity.
- (b) Seller shall pay to Buyer at the time set forth in Section 21 of the WSPP Agreement, the following damages in lieu of damages specified in Section 21 of the WSPP Agreement: an amount equal to the positive difference, if any, between (i) the sum of (A) the actual cost paid by Buyer for any Replacement Capacity, and (B) each Capacity Replacement Price times the amount of the Designated RA Capacity neither provided by Seller nor purchased by Buyer pursuant to Section 4.7(a); and (ii) the Designated RA Capacity not provided for the applicable Showing Month times the Contract Price for that month. If Seller fails to pay these damages, then Buyer may offset those damages owed it against any future amounts it may owe to Seller under this Confirmation pursuant to Section 28 of the WSPP Agreement.

4.8 Indemnities for Failure to Deliver Contract Quantity

Subject to any adjustments made pursuant to Section 4.4, Seller agrees to indemnify, defend and hold harmless Buyer from any penalties, fines or costs assessed against Buyer by the CPUC or the CAISO, resulting from any of the following:

- (a) Seller's failure to provide any portion of the Designated RA Capacity due to a Non-Excusable Event;

- (b) Seller's failure to provide notice of the non-availability of any portion of Designated RA Capacity as required under Sections 3.2, 4.4 and 4.5; or
- (c) A Unit Scheduling Coordinator's failure to timely submit accurate Supply Plans that identify Buyer's right to the Designated RA Capacity purchased hereunder.

With respect to the foregoing, the Parties shall use commercially reasonable efforts to minimize such penalties, fines and costs; provided, that in no event shall Buyer be required to use or change its utilization of its owned or controlled assets or market positions to minimize these penalties and fines. If Seller fails to pay the foregoing penalties, fines or costs, or fails to reimburse Buyer for those penalties, fines or costs, then Buyer may offset those penalties, fines or costs against any future amounts it may owe to Seller under this Confirmation.

4.9 Monthly RA Capacity Payment

In accordance with the terms of Section 9 of the WSPP Agreement, Buyer shall make a Monthly RA Capacity Payment to Seller for each Unit, in arrears, after the applicable Showing Month. Each Unit's Monthly RA Capacity Payment shall be equal to the product of (a) the applicable Contract Price for that Monthly Delivery Period, (b) the Designated RA Capacity for the Monthly Delivery Period, and (c) 1,000, rounded to the nearest penny (i.e., two decimal places); provided, however, that the Monthly RA Capacity Payment shall be prorated to reflect any portion of Designated RA Capacity that was not delivered pursuant to Section 4.4 at the time of the CAISO filing for the respective Showing Month.

RA CAPACITY PRICE TABLE

Contract Month	RA Capacity Price (\$/kW-month)
January	\$3.00
February	\$3.00
March	\$3.00
April	\$3.00
May	\$3.00
June	\$3.00
July	\$3.00
August	\$3.00
September	\$3.00
October	\$3.00
November	\$3.00
December	\$3.00

4.10 Allocation of Other Payments and Costs

Seller may retain any revenues it may receive from the CAISO or any other third party with respect to any Unit for (a) start-up, shut-down, and minimum load costs, (b) revenue for ancillary services, (c) energy sales, (d) any revenues for black start or reactive power services, or (e) the sale of the unit-contingent call rights on the generation capacity of the Unit to provide energy to a third party, so long as such rights do not confer on such third party the right to claim any portion of the RA Capacity sold hereunder in order to make an RAR Showing, LAR Showing, Flexible RAR Showing, as may be applicable, or any similar capacity or resource adequacy showing with the CAISO or CPUC. Buyer acknowledges and agrees that all Availability Incentive Payments are for the benefit of Seller and for Seller's account, and that Seller shall receive, retain, or be entitled to receive all credits, payments, and revenues, if any, resulting from Seller achieving or exceeding Availability Standards. Any

Non-Availability Charges are the responsibility of Seller, and for Seller's account and Seller shall be responsible for all fees, charges, or penalties, if any, resulting from Seller failing to achieve Availability Standards. However, Buyer shall be entitled to receive and retain all revenues associated with the Designated RA Capacity of any Unit during the Delivery Period (including any capacity or availability revenues from RMR Agreements for any Unit, Reliability Compensation Services Tariff, and Residual Unit Commitment capacity payments, but excluding payments described in clauses (a) through (e) above). In accordance with Section 4.9 of this Confirmation and Section 9 of the WSPP Agreement, all such Buyer revenues received by Seller, or a Unit's Scheduling Coordinator, owner, or operator shall be remitted to Buyer, and Seller shall indemnify Buyer for any such revenues that Buyer does not receive, and Seller shall pay such revenues to Buyer if the Unit's Scheduling Coordinator, owner, or operator fails to remit those revenues to Buyer. If Seller or the Unit's Scheduling Coordinator, owner, or operator (as applicable) fails to pay such revenues to Buyer, Buyer may offset any amounts owing to it for such revenues pursuant to Section 28 of the WSPP Agreement against any future amounts it may owe to Seller under this Confirmation. If a centralized capacity market develops within the CAISO region, Buyer will have exclusive rights to offer, bid, or otherwise submit Designated RA Capacity provided to Buyer pursuant to this Confirmation for re-sale in such market, and retain and receive any and all related revenues.

ARTICLE 5. CAISO OFFER REQUIREMENTS

During the Delivery Period, except to the extent any Unit is in an Outage, or is affected by an event other than a Non-Excusable Event, that results in a partial or full outage of that Unit, Seller shall either schedule or cause the Unit's Scheduling Coordinator to schedule with, or make available to, the CAISO each Unit's Designated RA Capacity in compliance with the Tariff, and shall perform all, or cause the Unit's Scheduling Coordinator, owner, or operator, as applicable, to perform all obligations under the Tariff that are associated with the sale of Designated RA Capacity hereunder. Buyer shall have no liability for the failure of Seller or the failure of any Unit's Scheduling Coordinator, owner, or operator to comply with such Tariff provisions, including any penalties or fines imposed on Seller or the Unit's Scheduling Coordinator, owner, or operator for such noncompliance.

ARTICLE 6. [RESERVED]

ARTICLE 7. OTHER BUYER AND SELLER COVENANTS

7.1 Further Assurances

Buyer and Seller shall, throughout the Delivery Period, take all commercially reasonable actions and execute any and all documents or instruments reasonably necessary to ensure Buyer's right to the use of the Contract Quantity for the sole benefit of Buyer's applicable RAR, LAR and Flexible RAR. Such commercially reasonable actions shall include, without limitation:

- (a) Cooperating with and providing, and in the case of Seller causing each Unit's Scheduling Coordinator, owner, or operator to cooperate with and provide requested supporting documentation to the CAISO, the CPUC, or any other Governmental Body responsible for administering the applicable RAR, LAR, and Flexible RAR under Applicable Laws, to certify or qualify the Contract Quantity as RA Capacity and Designated RA Capacity. Such actions shall include, without limitation, providing information requested by the CPUC, the CAISO, a LRA of competent jurisdiction, or other Governmental Body of competent jurisdiction to administer the applicable RAR, LAR and Flexible RAR, to demonstrate that the Contract Quantity can be delivered to the CAISO Controlled Grid for the minimum hours required to qualify as RA Capacity, pursuant to the "deliverability" standards established by the CAISO or other Governmental Body of competent jurisdiction.
- (b) Negotiating in good faith to make necessary amendments, if any, to this Confirmation to conform this Transaction to subsequent clarifications, revisions, or decisions rendered by the CPUC, FERC, or other Governmental Body of competent jurisdiction to administer the applicable RAR,

LAR and Flexible RAR, so as to maintain the purpose and intent of the Transaction agreed to by the Parties on the Confirmation Effective Date. The above notwithstanding, the Parties are aware that the CPUC and CAISO are considering changes to RAR and/or LAR in CPUC Rulemaking 11-10-023 and potentially other proceedings.

7.2 Seller Representations and Warranties

Seller represents, warrants and covenants to Buyer that, throughout the Delivery Period:

- (a) Seller owns or has the exclusive right to the RA Capacity sold under this Confirmation from each Unit, and shall furnish Buyer, the CAISO, the CPUC, a LRA of competent jurisdiction, or other Governmental Body with such evidence as may reasonably be requested to demonstrate such ownership or exclusive right;
- (b) No portion of the Contract Quantity has been committed by Seller to any third party in order to satisfy such third party's applicable RAR, LAR or Flexible RAR or analogous obligations in CAISO markets, other than pursuant to an RMR Agreement between the CAISO and either Seller or the Unit's owner or operator;
- (c) No portion of the Contract Quantity has been committed by Seller in order to satisfy RAR, LAR or Flexible RAR, or analogous obligations in any non-CAISO market;
- (d) Each Unit is connected to the CAISO Controlled Grid, is within the CAISO Control Area, or is under the control of CAISO;
- (e) The owner or operator of each Unit is obligated to maintain and operate each Unit using Good Utility Practice and, if applicable, in accordance with General Order 167 as outlined by the CPUC in the Enforcement of Maintenance and Operation Standards for Electric Generating Facilities Adopted May 6, 2004, and is obligated to abide by all Applicable Laws in operating such Unit; provided, that the owner or operator of any Unit is not required to undertake capital improvements, facility enhancements, or the construction of new facilities;
- (f) The owner or operator of each Unit is obligated to comply with Applicable Laws, including the Tariff, relating to RA Capacity, RAR, LAR and Flexible RAR;
- (g) If Seller is the owner of any Unit, the aggregation of all amounts of applicable LAR Attributes, RA Attributes and Flexible RA Attributes that Seller has sold, assigned or transferred for any Unit does not exceed that Unit's RA Capacity;
- (h) With respect to the RA Capacity provided under this Confirmation, Seller shall, and each Unit's Scheduling Coordinator is obligated to, comply with Applicable Laws, including the Tariff, relating to RA Capacity, RAR, LAR and Flexible RAR;
- (i) Seller has notified the Scheduling Coordinator of each Unit that Seller has transferred the Designated RA Capacity to Buyer, and the Scheduling Coordinator is obligated to deliver the Supply Plans in accordance with the Tariff;
- (j) Seller has notified the Scheduling Coordinator of each Unit that Seller is obligated to cause each Unit's Scheduling Coordinator to provide to the Buyer, by the Notification Deadline, the Designated RA Capacity of each Unit that is to be submitted in the Supply Plan associated with this Agreement for the applicable period; and
- (k) Seller has notified each Unit's Scheduling Coordinator that Buyer is entitled to the revenues set forth in Section 4.10 of this Confirmation, and such Scheduling Coordinator is obligated to promptly deliver those revenues to Buyer, along with appropriate documentation supporting the amount of those revenues.

ARTICLE 8. CONFIDENTIALITY

In addition to the rights and obligations in Section 30 of the WSPP Agreement, the Parties agree that Buyer may disclose the Designated RA Capacity under this Transaction to any Governmental Body, the CPUC, the CAISO or any LRA of competent jurisdiction in order to support its applicable LAR, RAR or Flexible RAR Showings, if applicable, and Seller may disclose the transfer of the Designated RA Capacity under this Transaction to the

Scheduling Coordinator of each Unit in order for such Scheduling Coordinator to timely submit accurate Supply Plans.

ARTICLE 9. BUYER'S RE-SALE OF PRODUCT

Buyer may re-sell all or a portion of the Product hereunder.

ARTICLE 10. MARKET BASED RATE AUTHORITY

Upon Buyer's written request, Seller shall, in accordance with Federal Energy Regulatory Commission (FERC) Order No. 697, submit a letter of concurrence in support of any affirmative statement by Buyer that this contractual arrangement does not transfer "ownership or control of generation capacity" from Seller to Buyer as the term "ownership or control of generation capacity" is used in 18 CFR Section 35.42. Seller shall not, in filings, if any, made subject to Order Nos. 652 and 697, claim that this contractual arrangement conveys ownership or control of generation capacity from Seller to Buyer.

ARTICLE 11. COLLATERAL REQUIREMENT

The Parties acknowledge that a liquid market for the Product does not presently exist; thus, there is no reliable index for the Product. Accordingly, the Parties agree that for the purposes of calculating the Collateral Requirement pursuant to Paragraphs 3 and/or 10 of the Collateral Annex, as applicable, the Current Mark-to-Market Value for this Transaction shall be deemed to be zero. If, during the Delivery Period, a liquid market for the Product develops and a reliable index for the Product is established, the Parties shall meet and confer to determine whether to adopt such index for purposes of determining the Current Mark-to-Market Value for the Transaction from such time through the end of the Delivery Period.

ARTICLE 12. WSPP AGREEMENT AMENDMENTS

12.1 WSPP Agreement Amendments. For purposes of this Transaction only, the WSPP Agreement shall be amended as follows:

- (a) Section 4 of the WSPP Agreement is amended by adding "or the Friday after the United States Thanksgiving holiday" before the period at the end of the first sentence.
- (b) The following definition of "Unit Firm" is added to Section 4 of the WSPP Agreement in alphabetical order:

"Unit Firm" means, with respect to a Transaction, that the Product subject to the Transaction is intended to be supplied from a generation asset or assets specified in the Transaction. Seller's failure to deliver under a "Unit Firm" Transaction shall be excused: (i) if the specified generation asset(s) are unavailable as a result of a Forced Outage (as defined in the NERC Generating Unit Availability Data System (GADS) Forced Outage reporting guidelines) or (ii) by an event or circumstance that affects the specified generation asset(s) so as to prevent Seller from performing its obligations, which event or circumstance was not anticipated as of the date the Transaction was agreed to, and which is not within the reasonable control of, or the result of the negligence of, the Seller or (iii) by Buyer's failure to perform. In any of such events, Seller shall not be liable to Buyer for any damages, including any amounts determined pursuant to Section 21 of the WSPP Agreement."
- (c) The sentence "**ALL OTHER DAMAGES OR REMEDIES ARE HEREBY WAIVED.**" in Section 21.1 of the WSPP Agreement is deleted in its entirety and replaced with the following:

"LIMITATION OF DAMAGES. FOR BREACH OF ANY PROVISION OF THIS CONFIRMATION AGREEMENT FOR WHICH AN EXPRESS REMEDY OR MEASURE OF DAMAGES IS PROVIDED, SUCH EXPRESS REMEDY OR MEASURE OF DAMAGES IS THE SOLE AND EXCLUSIVE REMEDY, THE OBLIGOR'S LIABILITY FOR THE BREACH SHALL BE LIMITED AS SET FORTH IN SUCH PROVISION, AND ALL OTHER REMEDIES FOR DAMAGES AT

LAW OR IN EQUITY ARE WAIVED. IF NO EXPRESS REMEDY OR MEASURE OF DAMAGES IS PROVIDED IN THIS AGREEMENT FOR A PARTICULAR BREACH, LIABILITY FOR THE BREACH IS LIMITED TO DIRECT DAMAGES ONLY, SUCH DIRECT DAMAGES ARE THE SOLE AND EXCLUSIVE REMEDY UNDER THIS AGREEMENT FOR THE BREACH, AND ALL OTHER REMEDIES FOR DAMAGES AT LAW OR IN EQUITY ARE WAIVED. NEITHER PARTY IS LIABLE FOR ANY OTHER TYPE OF DAMAGE, INCLUDING INCIDENTAL, PUNITIVE, EXEMPLARY, CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES OF ANY NATURE (INCLUDING DAMAGES ASSOCIATED WITH LOST PROFITS, BUSINESS INTERRUPTION AND LOSS OF GOODWILL) ARISING AT ANY TIME, WHETHER IN TORT (INCLUDING THE SOLE OR CONTRIBUTORY NEGLIGENCE OF EITHER PARTY OR ANY RELATED PERSON), WARRANTY, STRICT LIABILITY, CONTRACT OR STATUTE, UNDER ANY INDEMNITY PROVISION, OR OTHERWISE."

- (d) Sections 22.1(d) and 27 of the WSPP Agreement shall not apply to either Party with respect to this Transaction.
- (e) Section 24 of the WSPP Agreement is deleted and replaced with the following:
 "This WSPP Agreement and any Confirmation shall be governed by and construed, enforced and performed in accordance with the laws of the State of California, without regard to principles of conflicts of law or contrary provisions of the WSPP Agreement, if any."
- (f) Subsections 34.1 and 34.2 of the WSPP Agreement are hereby deleted and replaced with the following:
 "34.1 Waiver of Jury Trial. EACH PARTY WAIVES, TO THE FULLEST EXTENT PERMITTED BY LAW, ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF ANY SUIT, ACTION, CLAIM OR PROCEEDING RELATING TO THIS AGREEMENT."
 The rest of Section 34 of the WSPP Agreement shall be re-numbered accordingly.
- (g) Section 35 of the WSPP Agreement is modified by inserting the following paragraph between the first and second sentences: "The Parties agree that each Party's business consists in whole or in part of entering into forward contracts as or with merchants in capacity or energy, which is presently the subject of dealing in the forward contract trade. The Parties further agree that the transactions entered into pursuant to any Confirmations hereunder (as provided in Article 32 of the WSPP Agreement) are forward contracts involving the sale of capacity and/or energy, which are presently the subject of dealing in the forward contract trade. No Party shall assert before any court or other governmental authority either that another Party is not, or shall not be treated as, a forward contract merchant or that the transaction entered into pursuant, to any Confirmations hereunder (as provided in Article 32 of the WSPP Agreement) are not, or shall not be treated as, forward contracts under the United States Bankruptcy Code."
- (h) Section 35 of the WSPP Agreement is further modified by adding the following sentence at the end:
 "City of Banning represents and warrants that it is one of the following:
 - (i) a federal agency;
 - (ii) a state, state agency, city, county, municipality, or other political subdivision of a state;
 - (iii) an employee benefit plan, as defined in Section 3 of the Employee Retirement Income Security Act of 1974;
 - (iv) a governmental plan, as defined in Section 3 of the Employee Retirement Income Security Act of 1974;
 - (v) an endowment, including an endowment that is an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986; or
 - (vi) a "special entity" as defined in Section 4s(h)(2)(C) of the U.S. Commodity Exchange Act and 17 C.F.R. § 23.401(c)."

- (i) The following phrase is inserted at the beginning of Section 37: "On the date of entering into this Confirmation,".
- (j) Section 41 "Witness" of the WSPP Agreement shall become Section 42 and the following "Standard of Review" Section shall be inserted as Section 41:

"The Parties agree as follows:

From the date of entering into a Transaction under this Agreement and throughout the term of such Transaction, the Parties each warrant and covenant as follows:

(i) Absent the agreement of all Parties to the proposed change, the standard of review for changes to any rate, charge, classification, term or condition of this Agreement, whether proposed by a Party (to the extent that any waiver in subsection (b) below is unenforceable or ineffective as to such Party), a non-party or FERC acting sua sponte, shall solely be the "public interest" application of the "just and reasonable" standard of review set forth in *United Gas Pipe Line Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956) and *Federal Power Commission v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956) and clarified by *Morgan Stanley Capital Group, Inc. v. Public Util. Dist. No. 1 of Snohomish*, 554 U.S. 527 (2008), and *NRG Power Marketing LLC v. Maine Public Utility Commission*, 558 U.S. 527 (2010).

(ii) In addition, and notwithstanding the foregoing subsection (i), to the fullest extent permitted by applicable law, each Party, for itself and its successors and assigns, hereby expressly and irrevocably waives any rights it can or may have, now or in the future, whether under §§ 205 and/or 206 of the Federal Power Act or otherwise, to seek to obtain from FERC by any means, directly or indirectly (through complaint, investigation or otherwise), and each hereby covenants and agrees not at any time to seek to so obtain, an order from FERC changing any section of this Agreement specifying the rate, charge, classification, or other term or condition agreed to by the Parties, it being the express intent of the Parties that, to the fullest extent permitted by applicable law, neither Party shall unilaterally seek to obtain from FERC any relief changing the rate, charge, classification, or other term or condition of this Agreement, notwithstanding any subsequent changes in applicable law or market conditions that may occur. In the event it were to be determined that applicable law precludes the Parties from waiving their rights to seek changes from FERC to their market-based power sales contracts (including entering into covenants not to do so) then this subsection (ii) shall not apply, provided that, consistent with the foregoing subsection (i), neither Party shall seek any such changes except solely under the "public interest" application of the "just and reasonable" standard of review and otherwise as set forth in the foregoing section (i).

(iii) The Parties, for themselves and their successors and assigns, (a) agree that this "public interest" standard shall apply to any proposed changes in any other documents, instruments or other agreements executed or entered into by the Parties in connection with this WSPP Agreement and (b) hereby expressly and irrevocably waive any rights they can or may have to the application of any other standard of review, including the "just and reasonable" standard."

[Signatures on Following Page]

ACKNOWLEDGED AND AGREED TO AS OF THE CONFIRMATION EFFECTIVE DATE.

SHELL ENERGY NORTH AMERICA (US), L.P.

CITY OF BANNING

By:

John W. Pillion

By:

Name: John W. Pillion

Title: Confirmations Team Lead

Name:

Title:

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CITY COUNCIL AGENDA

Date: August 25, 2015

TO: City Council

FROM: Alex Diaz, Chief of Police

SUBJECT: Resolution No. 2015-79. Request by the Banning Police Department to join the Riverside County Public Safety Enterprise Communication (PSEC) Radio System.

RECOMMENDATIONS: “Adopt Resolution No. 2015-79 authorizing the Banning Police Department to transition its current radio system to the PSEC radio system managed by the Riverside County Information Technology (RCIT) Communications Solutions Division. Furthermore, authorize City Staff to enter into a sole source lease/purchase agreement with Motorola, Inc. in the amount of \$395,667 to secure the necessary radio equipment for the transition. Lastly, authorize City Staff to sign a PSEC Use Agreement with the County of Riverside, which would include a one-time setup fee of no more than \$37,000 for engineering, project management, infrastructure setup, radio programming, and associated labor costs with the transition.

JUSTIFICATION: The PSEC 700MHz radio system will provide Banning Police Officers with a dependable and state-of-the-art radio communication system with numerous capabilities beyond the department’s current VHF radio system. Some of the more notable PSEC benefits include:

- Encrypted radio transmissions.
- 100% coverage within the city limits regardless of which talk group or cell tower is being utilized to either transmit or receive radio transmissions.
- Significant geographic increase in radio coverage outside of the city limits.
- Expanded number of talk groups.
- Direct interoperability communications between officers in the field and officers from allied agencies.
- Multiple cell tower locations designed to support one other in the event that one becomes inoperable.
- Two identical master site control systems, housed at different locations (Riverside & Blythe), to ensure operational capabilities in the event one location stops working.
- Digital radio transmissions are clear and easy to understand on both handheld and vehicle radios.

BACKGROUND:

Department's Current Radio Communication System:

The radio operates on an analog VHF repeater system comprised of two receive only sites, a single primary transmit/receive site, and a secondary backup transmit/receive site. The primary site is positioned on the Time Warner Communication Tower located on the hill overlooking the north end of 8th Street in the City. The secondary backup transmit/receive site is located on the roof of City Hall. The two receive only sites are installed on a communication tower at Mt. David (located in the hills between Beaumont and Moreno Valley) and the vacant fire station on West Wilson Street in the City.

The primary and secondary sites are connected to the police department through a combination of point-to-point microwave dishes and cat5 network cables. The two receive only sites are connected through telephone lines and an additional point-to-point microwave dish system in the case of the Mt. David site.

In the event of a power failure, with the exception of the Time Warner Tower, each site has a backup generator. Cybertime, the vendor that provides the point-to-point microwave connection between the department and the Time Warner Tower, utilizes a backup battery that can keep the system running 4 - 6 hours after a power failure.

The transmitters and receivers are routed through the department's server room and into three (3) Motorola Gold Elite dispatch operator positions in dispatch. The Gold Elite system, initially installed in 2003, operates on Microsoft Server 2003 and Microsoft Windows XP operating system. The dispatch operator positions allow dispatchers to transmit and receive radio traffic from police officers in the field.

Police officers in the field utilize Motorola APX 7500 (vehicle) and Motorola APX 7000 (handheld) Multi-Band radios to communicate with dispatchers and other officers in the field.

The annual cost to operate and maintain the current radio system is \$39,774. This cost is comprised of contracts and leases for equipment maintenance, telephone lines, microwave connections, and land use agreements.

Current Radio System Deficiencies:

The following bullet points outline the primary deficiencies with the department's current radio system and how it negatively impacts department operations:

- Analog transmissions commonly contain "radio noise" consisting of static that often times require officers and dispatchers to repeat their radio traffic.
- Radio transmissions are not encrypted thereby allowing police radio traffic to be monitored on scanners. Often times, officers handling calls for service at residences and businesses find scanners tuned to the Banning Police frequency. This raises officer safety concerns as those involved in criminal behavior are able to monitor officers' activities and locations throughout the day.

- Officers experience “dead spots” throughout the City when attempting to transmit on their handheld radios requiring them to go back to their patrol units to transmit on the stronger transmitting mobile radios.
- Officers operating on handheld radios in different parts of the City often times cover one another’s radio traffic because they cannot hear the beginning of the other officer’s broadcast. Subsequently, officers must repeat their radio traffic so other officers in the field are aware of their status and location.
- The geographic coverage for the system is very limited outside of the City limits. Subsequently, when officers are performing duties outside of the City they must rely on cell phones to communicate with dispatchers.
- The secondary backup transmit/receive site lacks the ability to provide the same geographical coverage as the primary transmit/receive site. Subsequently, when the primary site stops operating the “dead spots” in the city for radio traffic grow exponentially.
- The power backup system for the point-to-point connection between the police department and the primary site is a single battery with 4-6 hours of battery life. During the past five years, there have been several incidents in which the power supply to the site has been interrupted and the backup battery has run down before the normal power supply was restored. This has resulted in the department transitioning to the backup transmitter/receiver at City Hall, which as previously stated significantly limits the officers’ ability to communicate with one another and dispatch throughout the City.
- The Motorola Gold Elite system, first installed in 2003, utilizes software that operates on Microsoft Server 2003 and Microsoft Windows XP software. The system is incapable of upgrading to the current versions of Microsoft Operating Systems. Subsequently, the system is vulnerable to file corruption and security threats as Microsoft no longer provides security, program, and firmware updates for this software.
- Motorola no longer manufactures parts for the Gold Elite Radio System. Subsequently, system hardware and/or electronics that breakdown must be sent in for repair rather than replaced at a much higher cost. Refurbished replacement parts, available through vendors such as Amazon or eBay, typically come “as is” with no warranty, which does not meet the department’s own standards for providing quality equipment for officer safety reasons.

These deficiencies were exacerbated beginning on July 18th of this year when the radio system suffered several points of failure causing the system to become unstable and unreliable for officers in the field. Subsequently, police department staff were able to work with PSEC representatives to create a temporary and rudimentary connection to PSEC in order to restore basic radio communications for the department. To date, this temporary solution is still in place while the department determines the best course of action for a permanent and reliable solution.

Potential Solutions to Resolve Current Radio Deficiencies and Operational Status:

It is the intent of the Banning Police Department to implement a permanent and reliable solution to resolve the current deficiencies and operational status of the radio system. To that end, the department has examined the following possible solutions and the approximate costs associated with implementing them:

Solution #1: Upgrade Current VHF Based Radio System:

The following steps are required to improve the current VHF based radio system:

- Replace the outdated Motorola Gold Elite radio system with the new Motorola MCC7500 KCORE Radio System designed for VHF transmissions.

Cost: \$280,047

- At the minimum, add three additional receive sites in the City to address the “dead spots” officers are experiencing when transmitting on their handheld radios. Each site added will cost approximately \$10,000 for equipment and installation. Each site will also require a telephone line connection between the site and the police department for communication. Each telephone line costs approximately \$1,600 annually.

Cost: \$30,000, plus an additional \$4,800 in annual fees

- Move the secondary backup site from City Hall to a communication tower on Mt. Edna, located south of the City. The backup site would then have the same geographical coverage as the primary site should the primary site become disabled. The initial cost would include \$3,000 of infrastructure improvements at the site, as well as an added annual cost of \$15,000 on a multi-year lease agreement for space on the tower. The site would require a point-to-point microwave connection with the police department at an estimated one-time cost of \$18,000 for equipment and installation. This does not include the cost of moving and installing the radio equipment at the new location.

Cost: \$21,000 +, plus an additional \$15,000 in annual fees

- Add a new point-to-point microwave connection between the police department and the primary transmission/receive site that can be connected to a generator for emergency power backup. The one-time cost for this expense is approximately \$18,000 for equipment and installation. This does not include the annual cost of adding additional room on the communication tower to support the point-to-point microwave system.

Cost: \$18,000, plus unknown increase in annual fees

- With the added infrastructure to accommodate the needed improvements to the system, it is anticipated the cost of yearly maintenance (\$20,172) would increase.

Cost: Undetermined increase to yearly maintenance contract

- Time Warner Cable has notified the Banning Police Department it is in the process of vacating and selling the communication tower where the department's primary transmit/receive equipment is located. It is unknown if the new owners will increase the current lease costs (\$3,886 annually) or maintain the same rate.

Cost increase unknown

Based on the provided information, the cost for implementing this solution would be an approximate one-time expense of over \$349,000 and an added annual expense of over \$19,800 to the current annual fees of \$39,744.

Solution #2: Join the Eastern Riverside County Interoperable Communications Authority (ERICA) for Radio Communication Services:

The Eastern Riverside County Interoperable Communications Authority (ERICA) is a regional interoperable 800 MHz digital communications system. ERICA was formed by a joint powers agreement (JPA) between the cities of Indio, Palm Springs, Cathedral City, Desert Hot Springs, and Beaumont.

In order to join ERICA, the department would need to upgrade its current dispatch radio system and construct at least one communication tower in the City for optimal coverage. If it is determined the ERICA cell site on Mt. David does not adequately cover the City of Banning, a second cell site would be required to enhance the coverage in the City. The department's handheld and mobile radios are compatible with ERICA's 800MHz system.

The following steps and approximate expenses would be required to transition to the ERICA system:

- Replace the outdated Motorola Gold Elite radio system with the new Motorola MCC7500 KCORE Radio System designed for 800 MHz transmissions. In addition to the new system there would be an additional cost for engineering and programming the system to connect with the ERICA System. This additional cost is unknown at this time.

Cost: \$395,000 +

- At the minimum, a communication tower housing a transmitter site would be required in the area of the water tanks on the south end of Highland Springs Avenue. This would provide the department with a backup transmitter in the event that the Mt. David site stopped working. The estimated cost of the communication tower and associated equipment, including a point-to-point microwave connection to the department would be \$63,000. This does not include installing utilities to the tower site and an air conditioning unit. It would also require an annual maintenance plan to ensure its operational readiness. If the Mt. David site does not provide adequate coverage in the City, the recommendation would be to add a primary transmission site in the area of South Highland Springs and then a second communication tower at a different location in the City, as the backup. At this time, a comprehensive study has not been conducted to determine the Mt. David coverage capabilities in the City.

Cost \$63,000 + or \$126,000 + (If 2nd tower is needed), plus annual maintenance fee

- The department would have two options regarding subscriber rates to operate on the ERICA system. The first option would be to join as a subscriber only, which costs \$50 per month per radio on the system. Based on the current number of radios the department now uses, the annual subscriber rate would be \$42,600. To join ERICA as a full partner, with voting rights, the department would be required to cover an equal cost of the system's operational costs. The estimated annual cost for this membership is \$100,000 per year.

Cost: \$42,600 or \$100,000 annual subscriber rate

Based on the provided information, the cost for implementing this solution would be an approximate one-time expense between \$458,000 and \$521,000. The annual subscriber rate to operate on the ERICA system would be approximately \$42,600 or \$100,000 depending on the level of membership the department selected. The subscriber rate would begin upon the department's connection to the ERICA system.

Solution #3: Join the Riverside County Public Safety Enterprise Communication (PSEC) Radio System for Communication Services:

The Public Safety Enterprise Communication (PSEC) Radio System was created by the County of Riverside with the goal of having a reliable radio system that not only allows for interoperability between all law enforcement agencies in the county, but also eliminates hundreds of previously known "dead spots" which were attributed to the unique topography of the county and buildings associated with population growth. PSEC operates on a 700 MHz digital platform instead of an analog network and is therefore technologically more advanced. An expansive and robust infrastructure of radio towers was constructed throughout the county which now provides greater geographic coverage and allows for interoperability with surrounding counties in the event of a large scale disaster.

In order to join PSEC, the department would need to upgrade its current dispatch radio system. The department's handheld and mobile radios are compatible with PSEC's 700MHz system.

The following steps and approximate expenses would be required to transition to the PSEC system.

- Replace the outdated Motorola Gold Elite radio system with the new Motorola MCC7500 KCORE Radio System designed for 700 MHz transmissions. **Cost; \$395,000**
- Contract with the Riverside County Information Technology (RCIT) Communications Solutions Division to provide engineering, project management, infrastructure setup, radio programming, and associated labor costs to complete the transition to PSEC in an amount not to exceed \$37,000. **Cost: \$37,000 or less**
- On June 16, 2015, the Riverside County Board of Supervisors approved a ten year rate agreement for public safety agencies in the cities of Riverside, Corona, Murrieta, and Banning who desired to join the PSEC system (Addendum A). As part of the agreement, the Board included a rate holiday for the first four years to enable the cities to pay for significant capital expenses required to join the PSEC system. Subsequently, the first subscriber rate would not be due until Fiscal Year 2019-2020 when it would be \$36.50 per radio per month. Based on the current number (71) of radios in use, the estimated annual subscriber rate in Fiscal Year 2019-2020 would be \$31,094. In years 6 – 10 of the agreement there would be an annual rate increase of 6% so that in Fiscal Year 2014-2025 the per radio rate would be \$48.20 per month, which equates to an annual subscriber rate of \$41,066, based on the current number of radios.

Cost: No Cost until Fiscal Year 2019-2020 (\$31,094)

Based on the provided information, the cost for implementing this solution would be an approximate one-time expense of no more than \$432,000. The annual subscriber rate to be on the PSEC system would not start until Fiscal Year 2019-2020 at which time it would be approximately \$31,094 annually. After Fiscal Year 2019-2020, the annual subscriber rate would

increase each year through Fiscal Year 2024-2025, when it would be approximately \$41,066 annually.

Radio Solution Analysis:

Cost:

The estimated cost for staying with the department's current VHF system, with the required upgrades to improve officer safety, is in excess of \$349,000 in one-time costs. Additionally, the added infrastructure to the system would require additional telephone lines, communication tower space, and maintenance costs. The estimated cost to maintain the current system would increase from \$39,744 to over \$59,544 annually.

The estimated cost for joining ERICA ranges between \$458,000 and potentially over \$521,000 in one-time costs. As a result of the transition to ERICA, the annual cost to maintain the department's radio related equipment should decrease from the current \$39,377 to an unknown amount over \$11,000. The \$11,000 will cover the annual maintenance of the radios and dispatch consoles. What is not known is how much the annual maintenance contract would be to maintain the communication tower(s) necessary for the ERICA system to function properly in the City. Any potential savings from the annual maintenance costs would help offset the ERICA subscriber rate, which is estimated to be either \$42,600 or \$100,000 annually based on the ERICA subscriber membership level the City selects. The subscriber rate starts immediately upon connection to the ERICA system.

The estimated cost for joining PSEC is no more than \$432,000 in one-time costs. As a result of the transition to PSEC, the annual cost to maintain the department's radio related equipment should decrease from the current \$39,377 to approximately \$11,000. The \$11,000 will cover the annual maintenance of the radios and dispatch consoles. The estimated annual savings of \$28,377 would help offset the initial one-time costs over the next four years. Starting Fiscal Year 2019-2020, the savings in annual maintenance would help offset the annual PSEC subscriber rate that will start at \$31,094 annually and reach \$41,066 during Fiscal Year 2024-2025.

Based on the estimated cost for each solution, department staff recommends the PSEC option as the most cost effective choice.

Interoperability and Geographic System Coverage:

Interoperability is defined by the Federal Communications Commission as "an essential communications link within public safety communications systems which permits units from two or more different entities to interact with one another and to exchange information according to a prescribed method in order to achieve predictable results."

The department's current VHF radio system, even with the requested upgrades, would still not provide the ideal platform for interoperable communications with other public safety agencies operating on the 700MHz and 800MHz spectrums in the region. In order for officers from different agencies to communicate with our officers in the field, each officer's respective dispatch center must "Patch" through a connection between the officers, which places them on a common radio channel. However, the information transmitted and received is delayed longer than normal and often times it is garbled and hard to understand. On its current VHF based system, the Banning Police Department will become more of a communication island, as more agencies in the region transition to 700MHz and 800MHz systems.

ERICA and PSEC each have a significantly higher level of interoperability than the department's current VHF system, which allows for seamless communication between officers of different agencies within each system. ERICA and PSEC are currently in the process of developing a connection that will enable seamless communications between officers on the two different systems. Both ERICA and PSEC are P25 compliant which is a standard set by the federal government to ensure public safety radios allow for effective, efficient, and reliable intra and interagency communications so organizations can easily implement interoperable and seamless joint communication in both routine and emergency circumstances.

The geographic radio coverage for the department's current system, with the previously identified coverage deficiencies, is at best a few miles outside of the City limits. Officers traveling beyond those limitations must rely upon cell phones to communicate with one another or the dispatch center. The requested upgrades to the system would not enhance the geographic range of the radio system.

The geographic radio coverage for ERICA encompasses the areas in and around the City of Beaumont, through the Mt. David cell site, as well as the Coachella Valley where the additional four cities on the system are located. Without an official transmission/reception survey, it is unknown exactly how much of Banning would be covered by the Mt. David site. Setting aside this unknown information, Banning Officers operating on ERICA would be able to communicate with the Banning Dispatch Center and other officers from the downtown Riverside area out to the far side of the Coachella Valley.

The geographic radio coverage for PSEC encompasses the entire County of Riverside. The Banning Police Department would conduct radio operations through five of the systems primary cell groups; identified as San Jacinto – 11 Towers, Palm Springs – 2 Towers, Morongo – 1 Tower, Snow Creek – 1 Tower, and Northwest – 14 Towers. Subsequently, Banning Officers operating on PSEC would be able to communicate with other officers and the Banning Dispatch Center from Corona to the intersection of the 210 and 215 freeways in San Bernardino, out to the far side of the Coachella Valley, back to the Hemet Valley and out to the areas around the City of Perris, and all points in between including the San Gorgonio Pass. Most importantly, there is currently 100% coverage in the City of Banning.

Based on the level of interoperability, the greatest geographic coverage for radios services, and the fact that the City of Banning already has 100% coverage, department staff recommends the PSEC option as the best communication choice.

Officer Safety and System Redundancy (Backup):

The department's current VHF system is not equipped to encrypt its radio transmissions. Often times, officers handling calls for service at residences and businesses find scanners programmed to the Banning Police frequency. This raises officer safety concerns as those involved in criminal behavior are able to monitor officers' activities and locations throughout the day. Both ERICA and PSEC operate on encrypted radio channels, which cannot be monitored by radio scanners.

The department's current VHF system has one master control site located inside the Banning Police Department. If this system fails, dispatchers must rely upon handheld radios to maintain contact with officers in the field with significantly decreased transmission capabilities. If the current primary transmit/receive site fails the secondary transmit/receive site would be activated on the roof of City Hall. Because of the secondary sites present location, when it's in use

officers and dispatchers experience a diminished level of communication in sound quality and distance. In order to correct this deficiency the secondary site must be moved to a different location that will provide the same transmission coverage as the primary site.

The ERICA system's primary master control site is located in the Coachella Valley and is connected to the Mt. David transmission site through microwave dishes. If the connection fails, the Beaumont Police Department is able to maintain its operability through backup equipment housed at its location. In the event the Mt. David transmit/receive site fails, the Beaumont Police Department has two additional backup transmission towers in its downtown area. While these towers will provide transmission capabilities it would not provide the same coverage as the Mt. David site and would not be adequate to provide complete coverage for the City of Banning. Subsequently, joining ERICA would require the construction of at least one and possibly two communication towers, with associated equipment, to ensure operational capabilities if the primary master control sit connection or transmission site stopped working.

The PSEC system has two redundant master control sites in the cities of Riverside and Blythe. Each site has the capability to control the system without losing any functionality. Presently, there are five cell groups, comprised of 29 transmit/receive sites in the areas where the Banning Police Department operates. In the event one of the sites fails, the remaining towers will continue to provide communication capabilities for the dispatchers and officers in the field.

Based on its encryption capabilities and robust system of redundant communication technology, department staff recommends the PSEC option as the best for officer safety and backup communication capabilities.

Radio Solution Final Recommendation:

After studying the three listed solutions based on cost, interoperability, geographic system coverage, officer safety, and redundancy capabilities, department staff recommends joining PSEC as the best solution for resolving the current deficiencies with the Banning Police Department's Communication System.

It should be noted, that staff's recommendation is consistent with recommendation #4 of the 2013-2014 Riverside County Grand Jury Report, which states, "Municipal police agencies in Riverside County without direct Public Safety Enterprise Communication (PSEC) capability shall develop and implement a consistent communication system to ensure reliable and seamless coverage between the cities, the Sheriff's Department, and the safety agencies of other counties."

Sole Source Justificaion:

The Public Safety Enterprise Communication (PSEC) Radio System is managed and maintained by the Riverside County Information Technology (RCIT) Communications Solutions Division. RCIT staff has informed the Banning Police Department that the Motorola MCC7500 KCORE Radio Console, designed for 700 MHz transmissions, is the only radio system officially tested and approved to interface with the PSEC radio system. Subsequently, in order to operate on PSEC the Banning Police Department must purchase these specific consoles. The sole source purchase/lease will be made directly with Motorola, Inc. through the Motorola Credit Corporation in the amount of \$395,677.

STRATEGIC PLAN INTEGRATION: Council approval of this recommendation will help facilitate the Police Department's goals of better serving the community and its citizens through

the implementation of a state-of-the-art radio system that will provide officers with the most advanced communication system available in Riverside County.

FISCAL DATA: The lease purchase agreement with Motorola, Inc. (Addendum B) in the amount of \$395,677 would be financed over a five (5) year period beginning in Fiscal Year 2016-2017. The first payment would not be due until one year after the contract execution in the amount of \$88,649 from the department's lease/purchase account (001-2200-421.32-06) in the City's General Fund. The anticipated annual savings to maintain the current radio system, estimated at \$28,377, will help offset this cost. Because the first payment is not due until next fiscal year an appropriation is not required at this time. Funding for the lease/purchase account will be included in the budget preparation process for Fiscal Year 2016-2017.

The estimated cost for RCIT's services, not to exceed \$37,000, will be due upon the department's successful integration into the PSEC radio system during the current fiscal year. Subsequently, a one-time appropriation into the department's professional services account (001-2200-421.33-11) in an amount not to exceed \$37,000 will be required. The anticipated savings in maintaining the current radio system will help offset a portion of this cost. Because the transition date is not known at this time, the amount of the anticipated savings cannot presently be determined.

Beginning Fiscal Year 2019-2020, the PSEC holiday rate period, approved by the Riverside County Board of Supervisors (Addendum B), will end and the annual subscriber rate of \$31,094 will begin with a 6% annual increase each year until Fiscal Year 2024-2025 when the annual rate will be \$41,066. An appropriation for this expense is not required at this time.

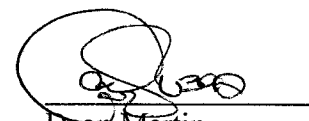
Notably, City Staff has discussed this issue with California Consulting, LLC., who is under contract with the City for grant writing. California Consulting has indicated future grant funds can be utilized to make payments on the lease/purchase agreement. Subsequently, City Staff will work with California Consulting Representatives to identify and apply for grants that will pay for as much of the lease purchase agreement as possible.

RECOMMEND BY:



Alejandro Diaz
Chief of Police

APPROVED BY:



Dean Martin
Interim City Manager

RESOLUTION NO. 2015-79

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BANNING APPROVING THE BANNING POLICE DEPARTMENT'S REQUEST TO JOIN THE RIVERSIDE COUNTY PUBLIC SAFETY ENTERPRISE COMMUNICATION (PSEC) RADIO SYSTEM, THE SOLE SOURCE LEASE PURCHASE FROM MOTOROLA, INC. FOR MOTOROLA MCC7500 CONSOLES AND EQUIPMENT TO INTERFACE WITH THE PSEC RADIO SYSTEM IN THE AMOUNT OF \$395,667, AND APPROVING CITY STAFF TO ENTER INTO A PSEC USE AGREEMENT WITH THE COUNTY OF RIVERSIDE, WITH A ONE-TIME COST, NOT TO EXCEED \$37,000, FOR INTERGRATING THE BANNING POLICE DEPARTMENT INTO THE PSEC SYSTEM.

WHEREAS, the City of Banning Police Department is responsible for the security and safety of the Citizens of the City; and

WHEREAS, the City of Banning Police Department operates a 24 hour a day operation; and

WHEREAS, it is imperative the Banning Police Department maintain a reliable radio communication system for its officers and dispatchers to conduct their duties; and

WHEREAS, there is an immediate need to upgrade the department's current radio system; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Banning authorizes the Banning Police Department to join the Riverside County Public Safety Enterprise Communication (PSEC) Radio System. Furthermore, the City Council authorizes City Staff to enter into a five year sole source lease purchase agreement with Motorola, Inc. in the amount of \$395,667 to purchase the Motorola equipment necessary for the police department to operate on PSEC. Additionally, the City Council authorizes an appropriation, not to exceed \$37,000, into the police department's professional services account 001-2200-421. 33-11 to pay for Riverside County RCIT services to connect the police department with the PSEC radio system. The City Council also authorizes City Staff to enter into a PSEC Use Agreement with the County of Riverside in order for the police department to operate on the PSEC radio system. The Finance Department is authorized to determine which City account is the most appropriate to fund these expenditures and then make the necessary budget adjustments related to them.

PASSED, APPROVED, AND ADOPTED this 25th day of August, 2015.

Deborah Franklin, Mayor
City of Banning

ATTEST:

Marie A. Calderon, City Clerk

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2015-79 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25th day of August 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning, California

ADDENDUM A

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

278



FROM: Riverside County Information Technology

SUBMITTAL DATE:
June 10, 2015

SUBJECT: Update on Public Safety Enterprise Communication (PSEC) Rates and Negotiation Discussions. All Districts [\$0]

RECOMMENDED MOTION: That the Board of Supervisors receive and file this update on FY 15/16 PSEC rates and negotiation discussions.

BACKGROUND:

Summary

The Public Safety Enterprise Communications (PSEC) digital radio system became operational in October 2013, so lacking historical budget information, the department will maintain PSEC's Board approved FY 14/15 service rates for FY 15/16, during which time a thorough budget review and analysis of the first full year of operation will be conducted.

The current PSEC rate structure is composed of 71 rates, based on a complex calculation involving numbers of cell towers and talk groups used. The primary system users, the Sheriff's Department and County Fire, fund the majority of operational costs, using the rate for the maximum talk groups and cell

(Continued next page)

Steve Reneker
Steve Reneker
Chief Information Officer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent ☐ Policy ☒
NET COUNTY COST	\$	\$	\$	\$	
SOURCE OF FUNDS:				Budget Adjustment:	
				For Fiscal Year:	FY 2015/16

C.E.O. RECOMMENDATION:

APPROVE

BY:

County Executive Office Signature

Jennifer L. Sargent
Jennifer L. Sargent

MINUTES OF THE BOARD OF SUPERVISORS

- ☐ Positions Added
- ☐ Change Order
- ☐ A-30
- ☐ 4/5 Vote

Prev. Agn. Ref.:

District: All

Agenda Number:

3-66

ADDENDUM B



MOTOROLA

Date: August 5, 2015

To: Banning Police Department
Attn: Lt. Phil Holder
125 E Ramsey St
Banning, Ca 92220

Re: Communications System Financing Proposal

Motorola Credit Corporation is pleased to submit the following proposal for the financing of your Motorola communications equipment in accordance with the terms and conditions outlined below:

Transaction Type: Municipal Lease Purchase Agreement (Tax-exempt)

Lessor: Motorola, Inc. (or its Assignee)

Lessee: Banning Police Department

Total Transaction Value: \$395,667.00

Down Payment: \$0.00

Balance to Finance: \$395,667.00

Equipment: MCC7500 Consoles to interface into the Riverside County PSEC P25 TDMA public safety network (As per the Motorola equipment proposal.)

Title: Title to the equipment will vest with the Lessee.

Insurance: Lessee will be responsible to insure the equipment as outlined in the lease contract.

Taxes: Personal property, sales, leasing, use, stamp, or other taxes are for the account of the Lessee.

	Option 1	Option 2	Option 3
Lease Term	3 years	4 years	5 years
Payment Type	Annually, Arrears	Annually, Arrears	Annually, Arrears
Lease Rate	3.75%	3.78%	3.84%
Lease Factor	0.359085	0.274492	0.224049
Payment	\$142,078.08	\$108,607.43	\$88,648.80
Payment Commencement	First payment due one year after contract execution	First payment due one year after contract execution	First payment due one year after contract execution

Expiration: The above lease rates and factors are valid for all leases commenced by

9/15/2015 . After this date the rate will be reset to reflect current market conditions.

Program Highlights: The tax advantages associated with ownership may include:

- Deductions for interest expense
- Deductions for depreciation

Terms up to five years can be structured for Conditional Sales Contracts.

One hundred percent (100%) of a project's acquisition cost can be financed.

Payment frequency can be matched to meet your cash flow and budget requirements.

No pre-payment penalties.

Future equipment upgrades can easily be accommodated via add-on lease schedules, restructuring already existing deals, etc.

Qualifications:

Receipt of a properly executed documentation package.

Lessee qualifies as a political subdivision or agency of the State as defined in the Internal Revenue Code of 1986. The interest portion of the Lease Payments shall be excludable from the Lessor's gross income pursuant to Section 103 of the Internal Revenue Code.

Receipt of a copy of the last 2 year's audited financial statements and current year's budget from the Lessee.

This proposal should not be construed as a commitment to finance. It is subject to final credit approval.

Documentation:

Municipal Equipment Lease Purchase Agreement
Opinion of Counsel
Schedule A/Equipment List
Schedule B/Amortization Schedule
8038G
UCC-1
Certificate of Incumbency
Statement of Essential Use/Source of Funds
Evidence of Insurance or Statement of Self Insurance
Resolution from governing body authorizing the execution of the Lease
Delivery & Acceptance Certificate

Please feel free to contact me if there are any questions, or if an alternate structuring is required.

Regards,

Ryan Delaney
Sr Account Manager
909-781-1579

SYSTEM DESCRIPTION

1.1 PROJECT OVERVIEW

Motorola is pleased to provide the City of Banning Police Department with a proposal to replace their existing Gold Elite dispatch operator positions with our ASTRO® 25 series MCC7500 IP Dispatch Console. The new MCC7500 Dispatch Consoles sub-system will connect to the Riverside County ASTRO® 25 master sites. The proposed solution has been tailored to the unique needs of the City of Banning Police Department including utilizing City of Banning Police Department's existing analog audio logger. The system description section of the proposal expands on the operation, specifications, and equipment of each component of the proposed solution.

1.2 MCC7500 SOLUTION OVERVIEW

Motorola's proposed dispatch solution for the City of Banning Police Department features our MCC7500 Dispatch Console, offering IP-based seamless connectivity between Banning dispatch operators and field personnel.

The proposed solution will provide City of Banning Police Department with a scalable design, flexible system architecture, sophisticated network management, and an easy migration path to future capabilities.

MCC7500 Console Configuration for City of Banning Police Department

The proposed solution includes three (3) MCC7500 Dispatch Console's designed to interface with the existing Riverside County ASTRO® 25 DSR System. All of the dispatch positions will be located at Banning PD's dispatch. The proposal details the functionality of the following included components.

Licenses

- Three (3) MCC7500 advanced conventional license.
- Three (3) MCC7500 trunking licenses.
- One (1) MCC7500 master site add-on console licenses.
- Two (2) UNC device licenses.

MCC7500 Operator Positions

- Three (3) MCC7500 Operator PCs.
- Three (3) Voice Processing Modules with AES, DES-XL and DES-OFB Encryptions.
- Three (3) 22" Non-Touch Monitors.
- Twelve (12) Desktop Speakers.
- Three (3) Gooseneck Microphones.
- Six (6) Headset Jacks.
- Six (6) Noise Cancelling Headsets.
- Three (3) Single Pedal Footswitches.
- One (1) APX7500 Console with AES, DES-XL and DES-OFB Encryptions.
- Spares.



CITY COUNCIL AGENDA

DATE: August 25, 2015
TO: CITY COUNCIL
FROM: Dean Martin, Interim City Manager
SUBJECT: Resolution No. 2015-81 - Approving the Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments Adding the Morongo Band of Mission Indians to the WRCOG Governing Board

RECOMMENDATION:

- 1) Adopt Resolution No. 2015-81 approving the Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments (WRCOG) adding the Morongo Band of Mission Indians to the WRCOG Governing Board.
- 2) Authorize the Mayor to execute the Amendment to the Joint Powers Agreement.

JUSTIFICATION: The Morongo Band of Mission Indians is a vital regional partner in the Pass area and in Riverside County. Recognizing them as a partner in regional collaboration and cooperation is critical to the overall success of the Pass area.

BACKGROUND: During WRCOG's General Assembly in June 2012, Tribal Chairman Charles Martin approached then WRCOG Chairman Jim Hyatt about adding the Morongo Band of Mission Indians to the Executive Committee of WRCOG. Tribal Chairman Martin explained that Morongo served on two of the Southern California Association of Government's subcommittees, including the Transportation and Human Development Committees. Tribal Chairman Martin also indicated that since Morongo served on a larger regional scale, it would make sense to have Morongo join its local regional jurisdiction, WRCOG.

On March 13, 2013, WRCOG's Administration & Finance Committee recommended that the Executive Committee consider adding the Morongo Band of Mission Indians to the Executive Committee as an ex-officio member for a trial period (as had been the case with the water districts and the Superintendent of Schools).

On April 16, 2013, the WRCOG Executive Committee approved the recommendation, and a Memorandum of Understanding with Morongo was entered into subsequent to the Executive Committee's direction on June 14, 2013. The Morongo Chairman (Robert Martin) has served as the Tribe's representative to WRCOG since that time. Michael Milhiser has served on the WRCOG Technical Advisory Committee. Recently, Morongo has expressed interest in participating in WRCOG in the same manner that the two water districts do (full time voting members except on TUMF items). The Administration & Finance Committee discussed membership and, on June 10, 2015, recommended that the Executive Committee approve its request to provide for the Morongo Band of Mission Indians to participate on WRCOG as a full voting member (except on TUMF items). The Administration & Finance Committee also recommended that WRCOG staff continue to reach out to the other tribes in the sub region regarding participation on WRCOG.

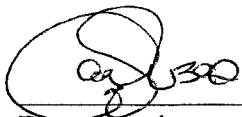
The Executive Committee of the Western Riverside Council of Governments (WRCOG) at their July 6, 2015 meeting adopted Resolution No. 19-15 amending its Bylaws to recognize the Morongo Band of Mission Indians as voting members.

It is recommended that each member jurisdiction of the WRCOG sub region execute an Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments to add the Morongo Band of Mission Indians to the WRCOG Governing Board.

The Amendment to the Joint Powers Agreement of the WRCOG to add the Morongo Band of Mission Indians to the WRCOG Governing Board is attached for your review, as well as a copy of WRCOG Resolution 19-15.

FISCAL DATA: **No fiscal impact to the City of Banning**

RECOMMENDED BY

A handwritten signature in black ink, appearing to read 'Dean Martin', is written over a horizontal line.

Dean Martin
Interim City Manager

RESOLUTION NO. 2015-81

**A RESOLUTION OF THE COUNCIL OF THE CITY OF BANNING APPROVING
THE AMENDMENT TO THE JOINT POWERS AGREEMENT OF THE WESTERN
RIVERSIDE COUNCIL OF GOVERNMENTS ADDING THE MORONGO BAND OF
MISSION INDIANS TO THE WRCOG GOVERNING BOARD**

WHEREAS, the Western Riverside Council of Governments ("WRCOG") is a joint powers authority consisting of the County of Riverside and the seventeen cities located in western Riverside County; and

WHEREAS, pursuant to Section 2.4.2 of the Joint Powers Agreement of WRCOG ("Agreement"), the WRCOG Executive Committee ("Committee") is authorized to exercise the powers of the Agreement between sessions of the General Assembly; and

WHEREAS, Section 2.4.1 of the Agreement includes the power to amend WRCOG's By-Laws ("By-Laws"); and

WHEREAS, the Committee desires to amend the By-Laws to recognize the Morongo Band of Mission Indians as a voting member; and

WHEREAS, the City of Banning is one of the seventeen cities in western Riverside County and therefore a voting member of WRCOG; and

WHEREAS, the City of Banning is in full agreement with the WRCOG Committee amending the Bylaws to recognize the Morongo Band of Mission Indians as a voting member of WRCOG.

NOW, THEREFORE, BE IT RESOLVED that the City of Banning adopt Resolution No. 2015-81, approving the Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments to add the Morongo Band of Mission Indians to the WRCOG Governing Board.

PASSED, APPROVED AND ADOPTED this 25th day of August, 2015.

Deborah Franklin, Mayor
City of Banning

ATTEST:

Marie A. Calderon, City Clerk

**APPROVED AS TO FORM AND
LEGAL CONTENT:**

David J. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2015-81, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25th day of August, 2015, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Marie A. Calderon, City Clerk
City of Banning, California



Western Riverside Council of Governments

County of Riverside • City of Banning • City of Calimesa • City of Canyon Lake • City of Corona • City of Eastvale • City of Hemet • City of Jurupa Valley
City of Lake Elsinore • City of Menifee • City of Moreno Valley • City of Murrieta • City of Norco • City of Perris • City of Riverside • City of San Jacinto
City of Temecula • City of Wildomar • Eastern Municipal Water District • Western Municipal Water District • Morongo Band of Mission Indians
Riverside County Superintendent of Schools

AMENDMENT TO THE JOINT POWERS AGREEMENT OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS TO ADD THE MORONGO BAND OF MISSION INDIANS TO THE WRCOG GOVERNING BOARD

This Amendment to the Joint Powers Agreement ("Amendment") is made and entered into on the 6th day of July, 2015, by and between seventeen cities located within western Riverside County and the County of Riverside (collectively the "Parties").

RECITALS

WHEREAS, the Parties have entered into a Joint Powers Agreement on April 1, 1991, and through subsequent amendments thereto (the "JPA"), to form the Western Riverside Council of Governments ("WRCOG"); and

WHEREAS, the Morongo Band of Mission Indians ("Morongo") has approached WRCOG to express that their involvement in WRCOG will be beneficial to both WRCOG member agencies and Morongo; and

WHEREAS, Morongo and WRCOG believe that by working together Western Riverside County will be better positioned to address challenges of the region; and

WHEREAS, WRCOG agrees and strongly supports coordination with Morongo, and believes that permitting Morongo membership on the WRCOG Governing Body is the best manner which would most efficaciously serve the interests of the WRCOG member agencies and Morongo; and

WHEREAS, pursuant to Government Code sections 6500 et seq., the Parties to the JPA desire to amend the JPA to add Morongo to the Governing Body of WRCOG.

MUTUAL UNDERSTANDINGS

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

Section 1: Sections 2.4.1 and 2.4.2 to the JPA are hereby amended to read as follows:

2.4.1. WRCOG shall be governed by a General Assembly with membership consisting of the appropriate representatives from the County of Riverside, each city which is a signatory to this Agreement, the Western Municipal Water District, the Eastern Municipal Water District, and the Morongo Band of Mission Indians ("Morongo"), the number of which shall be determined as hereinafter set forth. The General Assembly shall meet at least once annually, preferably scheduled in the evening. Each member agency of the General Assembly shall have one vote for each mayor, council member, county supervisor, water district board member, and tribal council member present at the General Assembly. The General Assembly shall act only upon a majority of a quorum. A quorum shall consist of a majority of the total authorized representatives, provided that members representing a

majority of the member agencies are present. The General Assembly shall adopt and amend by-laws for the administration and management of this Agreement, which when adopted and approved shall be an integral part of this Agreement. Such by-laws may provide for the management and administration of this Agreement.

2.4.2. There shall be an Executive Committee which exercises the powers of this Agreement between sessions of the General Assembly. Members of the Executive Committee shall be the Mayor from each of the member cities, four members of the Riverside County Board of Supervisors, the President of each Water District, and the Tribal Chairman of Morongo; the remaining member of the Board of Supervisors shall serve as an alternate, except any City Council, at its discretion, can appoint a Mayor Pro Tem or other City Council member in place of the Mayor, each water district board, at its discretion, can appoint another Board member in place of the President, and the Tribal Council of Morongo, at its discretion, can appoint another Tribal Council member in place of the Tribal Chairman. The Executive Committee shall act only upon a majority of a quorum. A quorum shall consist of a majority of the member agencies. Membership of Morongo on the General Assembly and Executive Committee of WRCOG shall be conditioned on Morongo entering into a separate Memorandum of Understanding with WRCOG.

Section 2: Section 2.18 of the JPA is hereby amended to read as follows:

2.18 TUMF Matters – Water Districts and Morongo.

Pursuant to this JPA, WRCOG administers the Transportation Mitigation Fee ("TUMF") for cities in Western Riverside County. The fee was established prior to the Water District's and Morongo's involvement with WRCOG and will fund transportation improvements for the benefit of the County of Riverside and the cities in Western Riverside County. As such, the Western Municipal Water District, the Eastern Municipal Water District, and Morongo General Assembly and Executive Committee members shall not vote on any matter related to the administration of the TUMF Program or the expenditure of TUMF revenues.

Section 3: Section 3.5 of the JPA is hereby amended to read as follows:

3.5 Contributions from Water Districts and the Morongo Band of Mission Indians.

The provision of section 3.4 above shall be inapplicable to the Western Municipal Water District, the Eastern Municipal Water District, and Morongo. The amount of contributions from these water districts and Morongo shall be through the WRCOG budget process.

Section 4: This Amendment is to become effective upon execution by not less than two-thirds (2/3) of all the parties that are currently signatories to the JPA.

Section 5: All other provisions and terms of the JPA are to remain unchanged.

Section 6: This Amendment may be executed in counterparts.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed and attested by their officers thereunto duly authorized as of the date first above written.

[SIGNATURES ON FOLLOWING PAGES]

ATTEST:

Clerk of the Board of Supervisors

By: _____

Dated: _____

COUNTY OF RIVERSIDE

By: _____

Chairman, Board of Supervisors

ATTEST:

City Clerk
City of Banning

By: _____

Dated: _____

CITY OF BANNING

By: _____

Mayor

ATTEST:

City Clerk
City of Calimesa

By: _____

Dated: _____

CITY OF CALIMESA

By: _____

Mayor

ATTEST:

City Clerk
City of Canyon Lake

By: _____

Dated: _____

CITY OF CANYON LAKE

By: _____

Mayor

ATTEST:

City Clerk
City of Corona

By: _____

Dated: _____

CITY OF CORONA

By: _____
Mayor

ATTEST:

City Clerk
City of Eastvale

By: _____

Dated: _____

CITY OF EASTVALE

By: _____
Mayor

ATTEST:

City Clerk
City of Hemet

By: _____

Dated: _____

CITY OF HEMET

By: _____
Mayor

ATTEST:

City Clerk
City of Jurupa Valley

By: _____

Dated: _____

CITY OF JURUPA VALLEY

By: _____
Mayor

ATTEST:

City Clerk
City of Lake Elsinore

By: _____

Dated: _____

CITY OF LAKE ELSINORE

By: _____
Mayor

ATTEST:

City Clerk
City of Meniffee

By: _____

Dated: _____

CITY OF MENIFEE

By: _____
Mayor

ATTEST:

City Clerk
City of Moreno Valley

By: _____

Dated: _____

CITY OF MORENO VALLEY

By: _____
Mayor

ATTEST:

City Clerk
City of Murrieta

By: _____

Dated: _____

CITY OF MURRIETA

By: _____
Mayor

ATTEST:

City Clerk
City of Norco

By: _____

Dated: _____

CITY OF NORCO

By: _____
Mayor

ATTEST:

City Clerk
City of Perris

By: _____

Dated: _____

CITY OF PERRIS

By: _____
Mayor

ATTEST:

City Clerk
City of Riverside

By: _____

Dated: _____

CITY OF RIVERSIDE

By: _____
Mayor

ATTEST:

City Clerk
City of San Jacinto

By: _____

Dated: _____

CITY OF SAN JACINTO

By: _____
Mayor

ATTEST:

City Clerk
City of Temecula

By: _____

Dated: _____

CITY OF TEMECULA

By: _____
Mayor

ATTEST:

City Clerk
City of Wildomar

By: _____

Dated: _____

CITY OF WILDOMAR

By: _____
Mayor

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Western Riverside Council of Governments

County of Riverside • City of Banning • City of Calimesa • City of Canyon Lake • City of Corona • City of Eastvale • City of Hemet • City of Jurupa Valley
City of Lake Elsinore • City of Menifee • City of Moreno Valley • City of Murrieta • City of Norco • City of Perris • City of Riverside • City of San Jacinto
City of Temecula • City of Wildomar • Eastern Municipal Water District • Western Municipal Water District • Morongo Band of Mission Indians
Riverside County Superintendent of Schools

RESOLUTION NUMBER 19-15

A RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS AMENDING ITS BY-LAWS TO RECOGNIZE THE MORONGO BAND OF MISSION INDIANS AS A VOTING MEMBER

WHEREAS, the Western Riverside Council of Governments ("WRCOG") is a joint powers authority consisting of the County of Riverside and seventeen cities situated in Western Riverside County; and

WHEREAS, pursuant to Section 2.4.2 of the Joint Powers Agreement of WRCOG ("Agreement"), the WRCOG Executive Committee ("Committee") is authorized to exercise the powers of the Agreement between sessions of the General Assembly; and

WHEREAS, Section 2.4.1 of the Agreement includes the power to amend WRCOG's By-laws ("By-laws"); and

WHEREAS, the Committee desires to amend the By-laws to recognize the Morongo Band of Mission Indians as a voting member; and

NOW, THEREFORE, BE IT RESOLVED the Executive Committee of the Western Riverside Council of Governments does hereby amend its By-laws as follows:

Section 1: Article III, Section 1 of the By-laws is hereby amended to read as follows:

The Executive Committee will be composed of the Mayor from each of the member cities, four members of the Riverside County Board of Supervisors, the President of each water district, and the Tribal Chairman of the Morongo Band of Mission Indians; the remaining member of the Board of Supervisors shall serve as an alternate, except any City Council, at its discretion, can appoint a Mayor Pro Tem or other City Council member in place of the Mayor, and each water district board, at its discretion, can appoint another Board member in place of the President, and the Tribal Council of the Morongo Band of Mission Indians, at its discretion, can appoint another Tribal Council member in place of the Tribal Chairman.

Section 2: Article III, Section 5 of the By-laws is hereby amended to read as follows:

Each member city present shall have one vote in the Executive Committee, each County Supervisor present shall have one vote, each member water district present shall have one vote, and the representative of the Morongo Band of Mission Indians present shall have one vote. Only authorized members present or designated alternates acting when the regular member is absent may vote.

Section 3: Article IV, Section 1, Subsection C of the By-laws is hereby amended to read as follows:

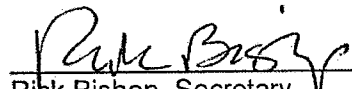
C. Membership. The TAC is comprised of an Executive from the County of Riverside, the City Manager from each of WRCOG's member cities, the General Manager from each of WRCOG's member water districts, and the Chief Administrative Officer from the Morongo Band of Mission Indians. A City Manager, Water District General Manager, and Chief Administrative Officer of the Morongo Band of Mission Indians may appoint an alternate who is a department head of the agency.

Section 4: This Resolution shall become effective upon the effective dates of the "Amendment to the Joint Powers Agreement of the Western Riverside Council of Governments to Add the Morongo Band of Mission Indians to the WRCOG Governing Board" and the "Memorandum of Understanding Between the Morongo Band of Mission Indians and the Western Riverside Council of Governments Regarding Membership to the Governing Board of WRCOG."

PASSED AND ADOPTED at a Meeting of the Executive Committee of the Western Riverside Council of Governments held this 6th day of July, 2015.

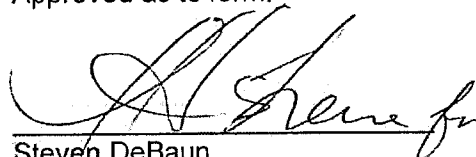


Brian Tisdale, Chair
WRCOG Executive Committee



Rick Bishop, Secretary
WRCOG Executive Committee

Approved as to form:



Steven DeBaun
WRCOG Legal Counsel

AYES: 18

NOES: 1

ABSENT: 4

ABSTAIN: 0

CITY COUNCIL AGENDA

DATE: August 25, 2015

TO: CITY COUNCIL

FROM: Dean Martin, Interim City Manager

SUBJECT: Approve Resolution 2015-82 Awarding a Professional Services Agreement to Willdan Financial Services for the City's Cost Allocation Plan, User Fee Study, and Development Impact Fee Study

RECOMMENDATION:

1. Approve Resolution 2015-82 awarding a Professional Services Agreement to Willdan Financial Services for the City of Banning's Cost Allocation Plan, User Fee Study, and Development Impact Fee Study.
2. Authorize the Mayor to execute the Agreement with Willdan Financial Services to complete a Cost Allocation Plan, a User Fee Study, and Development Impact Fee Study for an amount not to exceed \$119,658 (\$108,780 plus a ten percent contingency of \$10,878).
3. Authorize the Interim Administrative Services Director to appropriate \$119,658 from reserves to Account No. 001-1900-412.33-11 and to make any necessary budget adjustments.

JUSTIFICATION: The City regularly applies for federal and state grants to fund programs and projects. Many of the grants allow for recovery of indirect costs only if there is an approved cost allocation plan. The City has not been able to recover any indirect costs as a result of not having an approved Cost Allocation Plan. Additionally, the City provides a range of services to its citizens. The cost of providing many of those services is recoverable through user charges. Development within the City leads to increased demand for services such as police, fire, street, parks, etc. Development Impact Fees ensures that those costs are recovered from those creating the need for the additional services and that there is a documented nexus between the fees charged and the City's cost to provide those services.

BACKGROUND: Periodically, the City reviews its fee structure to ensure that user charges are reasonably related to the City's cost to provide such services. The last study completed of the City's user fees was done by Black and Veatch in 2005. During the past ten years, the City's organizational structure has changed, costs of supplies, materials, and purchased services have increased, and salaries and benefits have also changed. It would now be prudent for the City to examine its cost structure to ensure that it is receiving adequate cost recovery through its user fees.

During that same ten year period, the City has obtained millions in grant funding. To date that funding has been principally used to pay for direct costs. Many state and federal grants permit recovery of indirect costs as well. The City has not taken advantage of this feature due to not

having an approved Cost Allocation Plan (CAP). As an example, Measure A allows for an eight percent recovery of indirect costs. With an annual allocation of over \$500,000, the City could be recovering over \$40,000 in indirect costs. Over ten years, that would amount to a recovery of indirect costs of over \$400,000.

Finally, the City currently has two major developments with over 8,000 new units that will be constructed in the coming years creating an increased demand for City basic services. The City wants to ensure that its development impact fees address this need for increased services with fees adequate to cover the increased cost. By state law, the City must be able to demonstrate a direct nexus or relationship between the fees charged and the services provided.

At the request of Council, staff issued a Request For Proposal (RFP) soliciting firms that were qualified to conduct a full review of the City's cost structure including developing a cost allocation plan, and completing a user fee and developer impact fee analysis. The proposal was sent directly to MGT of America, Maximus, Revenue & Cost Specialists, NBS Lowry, and Willdan. The proposal was also posted on the City's website, advertised in the newspaper, and posted to the website of the California Society of Municipal Finance Officers. Responses were received from Black and Veach, Revenue & Cost Specialists, Willdan Financial Services, and MGT of America, Inc. (only for the CAP and the User Fee Study).

An evaluation panel consisting of four staff members (including an intern) evaluated the proposals. Willdan received the highest composite score and was ranked as number one by three of the four proposers. The RFP, copies of the proposals, and the staff scoring sheets with comments along with a summary of the scores is attached.

Below is a schedule of the cost proposals from each firm. While the qualifications of the firm are the most important factor, Willdan also happened to have the lowest cost of the four firms.

	Black & Veach	MGT of America	Revenue & Cost Specialists	Willdan Financial
Cost Allocation Plan	\$28,040	N/A	\$16,000	\$10,470
User Fee Study	\$28,900	\$44,900	\$29,000	\$22,970
Subtotal	\$56,940	\$44,900	\$45,000	\$33,440
Impact Fee Study	\$65,030	N/A	\$40,700	\$49,640
Initial Total	\$121,970	\$44,900	\$85,700	\$83,080
Total with 5-5 year update	\$126,970	N/A	\$121,000-\$111,000	\$108,780

FISCAL DATA: \$119,658 (\$108,780 plus a ten percent contingency of \$10,878) will be appropriated from reserves to Account No. 001-1900-412.33-11 to cover the cost of services.

RECOMMENDED BY:

Dean Martin

Dean Martin

Interim City Manager/Interim Administrative Services Director

RESOLUTION NO. 2015-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNIGN AWARDDING PROFESSIONAL SERVICES AGREEMENT TO WILLDAN FINANCIAL SERVICES FOR THE CITY OF BANNING'S OVERHEAD COST ALLOCATION STUDY, USER FEE STUDY AND DEVELOPMENT IMPACT FEE STUDY

WHEREAS, the City provides user based services to its residents on a cost recovery basis, and;

WHEREAS, the City periodically reviews its cost structure to ensure full cost recovery is maintained as the City's organizational structure and circumstances evolve and change over time, and;

WHEREAS, the City regularly applies for state and federal grants to fund programs and projects and is eligible for indirect cost reimbursement from many of these grants, and;

WHEREAS, many of the federal and state grants require an approved cost allocation plan prior to reimbursing for indirect costs, and;

WHEREAS, the City has two major developments either approved or in the planning stages and the City desires to ensure that these developments pay for the impact of increased demand for services as a result of these development, and;

WHEREAS, the City has not undertaken a review of its cost structure and related user fees since 2005, and the City desires to retain outside expertise to complete a review of its cost structure and related user fees, and;

WHEREAS, a Request For Proposal was issued soliciting firms to undertake a study of the City's cost structure and adequacy of the fees related thereto, and;

WHEREAS, Willdan Financial Services was the winning proposer in the evaluation and selection process, and;

WHEREAS, Willdan Financial Services provided a bid of \$108,780 to complete a cost allocation plan, and perform a study of the City's user and development impact fees;

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Banning as follows:

Section I. The Professional Services Agreement for the Overhead Cost Allocation Study, User Fee Study and Development Impact Fee Study is hereby awarded to Willdan Financial Services in an amount not to exceed \$119,658 (with a ten percent contingency to be used at the discretion of the City Manager).

Section II. That the Mayor is authorized to execute the Professional Services Agreement with Willdan Financial Services as attached herein as Exhibit "A."

Section II. The Administrative Services Director is authorized to appropriate \$119,658 from the reserves and make whatever other budget adjustments necessary.

PASSED, APPROVED, AND ADOPTED this 25th day of August 2015.

Deborah Franklin, Mayor
City of Banning

ATTEST

Marie A. Calderon, City Clerk
City of Banning

APPROVED AS TO FORM
AND LEGAL CONTENT

David Aleshire
City Attorney

CERTIFICATION

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2015-82 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25th day of August, 2015 by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Marie A. Calderon, City Clerk
City of Banning, California

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PROFESSIONAL SERVICES AGREEMENT

By and Between

CITY OF BANNING

and

WILLDAN FINANCIAL SERVICES

For

OVERHEAD COST ALLOCATION STUDY

USER FEE STUDY

DEVELOPMENT IMPACT FEE STUDY

**AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF BANNING AND
WILLDAN FINANCIAL SERVICES**

THIS AGREEMENT FOR CONTRACT SERVICES (herein "Agreement") is made and entered into this 25th day of August, 2015, by and between the City of Banning, a general law city ("City") and Willdan Financial Services ("Consultant"). City and Consultant are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties"). Consultant

RECITALS

A. City has sought, by issuance of a Request for Proposals or Invitation for Bids, the performance of the services defined and described particularly in Article 1 of this Agreement.

B. Consultant, following submission of a proposal or bid for the performance of the services defined and described particularly in Article 1 of this Agreement, was selected by the City to perform those services.

C. Pursuant to the City of Banning's Municipal Code, City has authority to enter into and execute this Agreement.

D. The Parties desire to formalize the selection of Consultant for performance of those services defined and described particularly in Article 1 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the parties agree as follows:

ARTICLE 1. SERVICES OF CONSULTANT

1.1 Scope of Services.

In compliance with all terms and conditions of this Agreement, the Consultant shall provide those services specified in the "Scope of Services" attached hereto as Exhibit "A" and incorporated herein by this reference, which services may be referred to herein as the "services" or "work" hereunder. As a material inducement to the City entering into this Agreement, Consultant represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the services required under this Agreement in a thorough, competent, and professional manner, and is experienced in performing the work and services contemplated herein. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. Consultant covenants that it shall follow the highest professional standards in performing the work and services required hereunder and that all materials will be of good quality, fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional standards" shall mean those

standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Consultant's Proposal.

This Agreement shall include the Request for Proposal or Invitation for Bids ("Contract Documents") and the Scope of Service shall include the Consultant's scope of work or in Consultant's accepted bid proposal ("Accepted Bid") shall be incorporated herein by this reference as though fully set forth herein. In the event of any inconsistency between the Contract Documents, Accepted Bid, and/or this Agreement, the terms of this Agreement shall govern.

1.3 Compliance with Law.

Consultant shall keep itself informed concerning, and shall render all services hereunder in accordance with all ordinances, resolutions, statutes, rules, and regulations of the City and any Federal, State or local governmental entity having jurisdiction in effect at the time service is rendered.

1.4 Licenses, Permits, Fees and Assessments.

Consultant shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the services required by this Agreement. Consultant shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Consultant's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless City, its officers, employees or agents of City, against any such fees, assessments, taxes penalties or interest levied, assessed or imposed against City hereunder.

1.5 Familiarity with Work.

By executing this Agreement, Consultant warrants that Consultant (i) has thoroughly investigated and considered the scope of services to be performed, (ii) has carefully considered how the services should be performed, and (iii) fully understands the facilities, difficulties and restrictions attending performance of the services under this Agreement. If the services involve work upon any site, Consultant warrants that Consultant has or will investigate the site and is or will be fully acquainted with the conditions there existing, prior to commencement of services hereunder. Should the Consultant discover any latent or unknown conditions, which will materially affect the performance of the services hereunder, Consultant shall immediately inform the City of such fact and shall not proceed except at City's risk until written instructions are received from the Contract Officer.

1.6 Care of Work.

The Consultant shall adopt reasonable methods during the life of the Agreement to furnish continuous protection to the work, and the equipment, materials, papers, documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the work by City, except such losses or damages as may be caused by City's own negligence.

1.7 Further Responsibilities of Parties.

Both parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonably necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither party shall be responsible for the service of the other.

1.8 Additional Services.

City shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work. No such extra work may be undertaken unless a written order is first given by the Contract Officer to the Consultant, incorporating therein any adjustment in (i) the Contract Sum for the actual cost of the extra services, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Consultant. Any increase in compensation of up to ten percent (10%) of the Contract Sum or \$25,000, whichever is less; or in the time to perform of up to one hundred eighty (180) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively must be approved by the City Council. It is expressly understood by Consultant that the provisions of this Section shall not apply to services specifically set forth in the Scope of Services. Consultant hereby acknowledges that it accepts the risk that the services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefor. City may in its sole and absolute discretion have similar work done by other contractors. No claims for an increase in the Contract Sum or time for performance shall be valid unless the procedures established in this Section are followed.

1.9 Facilities and Equipment.

Except as otherwise provided, Consultant shall, at its own cost and expense, provide all facilities and equipment necessary to perform the services required by this Agreement. City shall make available to Consultant only physical facilities such as desks, filing cabinets, and conference space ("City Facilities"), as may be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of City. The location, quality, and time of furnishing City Facilities shall be in the sole discretion of City. In no event shall City be required to furnish any facilities that may involve incurring any direct expense, including but not limited to computer, long distance telephone, network data, internet or other communication charges, vehicles and reproduction facilities.

1.10 Special Requirements.

Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as Exhibit "B" and incorporated herein by this reference. In the event of a conflict between the provisions of Exhibit "B" and any other provisions of this Agreement, the provisions of Exhibit "B" shall govern.

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, City agrees to pay Consultant the amounts specified in the "Schedule of Compensation" attached hereto as Exhibit "C" and incorporated herein by this reference. The total compensation, including reimbursement for actual expenses, shall not exceed One Hundred Eight Thousand Seven Hundred Eighty Dollars and 00/100 (\$108,780.00) (the "Contract Sum"), unless additional compensation is approved pursuant to Section 1.8.

2.2 Method of Compensation.

The method of compensation may include: (i) a lump sum payment upon completion; (ii) payment in accordance with specified tasks or the percentage of completion of the services less contract retention; (iii) payment for time and materials based upon the Consultant's rates as specified in the Schedule of Compensation, provided that (a) time estimates are provided for the performance of sub tasks, (b) contract retention is maintained, and (c) the Contract Sum is not exceeded; or (iv) such other methods as may be specified in the Schedule of Compensation.

2.3 Reimbursable Expenses.

Compensation may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expenses, and travel expenses approved by the Contract Officer in advance, or actual subcontractor expenses of an approved subcontractor pursuant to Section 4.5, and only if specified in the Schedule of Compensation. The Contract Sum shall include the attendance of Consultant at all project meetings reasonably deemed necessary by the City. Coordination of the performance of the work with City is a critical component of the services. If Consultant is required to attend additional meetings to facilitate such coordination, Consultant shall not be entitled to any additional compensation for attending said meetings.

2.4 Invoices.

Each month Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month in a form approved by City's Director of Finance. By submitting an invoice for payment under this Agreement, Consultant is certifying compliance with all provisions of the Agreement. The invoice shall detail charges for all necessary and actual expenses by the following categories: labor (by sub-category), travel, materials, equipment, supplies, and sub-contractor contracts. Sub-contractor charges shall also be detailed by such categories. Consultant shall not invoice City for any duplicate services performed by more than one person.

City may independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. Except as to any charges for work performed or expenses incurred by Consultant which are disputed by City, or as provided in Section 7.3. City will use its best efforts to cause Consultant to be paid within thirty (30) days of receipt of Consultant's correct and undisputed invoice; however, Consultant acknowledges and agrees that due to City warrant run procedures, the City cannot guarantee that payment will occur within this time period. In the event any

charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. Review and payment by the City of any invoice provided by the Consultant shall not constitute a waiver of any rights or remedies provided herein or any applicable law.

2.5 Waiver.

Payment to Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

Time is of the essence in the performance of this Agreement.

3.2 Schedule of Performance.

Consultant shall commence the services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all services within the time period(s) established in the "Schedule of Performance" attached hereto as Exhibit "D" and incorporated herein by this reference. When requested by the Consultant, extensions to the time period(s) specified in the Schedule of Performance may be approved in writing by the Contract Officer but not exceeding one hundred eighty (180) days cumulatively.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Consultant, including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the City, if the Consultant shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified. The Contract Officer shall extend the time for performance in accordance with the procedures set forth in Section 1.10. The Contract Officer's determination shall be final and conclusive upon the parties to this Agreement. In no event shall Consultant be entitled to recover damages against the City for any delay in the performance of this Agreement, however caused, Consultant's sole remedy being extension of the Agreement pursuant to this Section.

3.4 Term.

Unless earlier terminated in accordance with Article 7 of this Agreement, this Agreement shall continue in full force and effect until completion of the services but not exceeding one (1) year from the date hereof, except as otherwise provided in the Schedule of Performance (Exhibit "D").

ARTICLE 4. COORDINATION OF WORK

4.1 Representatives and Personnel of Consultant.

The following principals of Consultant ("Principals") are hereby designated as being the principals and representatives of Consultant authorized to act in its behalf with respect to the work specified herein and make all decisions in connection therewith:

(Name)

(Title)

(Name)

(Title)

(Name)

(Title)

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing Principals were a substantial inducement for City to enter into this Agreement. Therefore, the Principals shall be responsible during the term of this Agreement for directing all activities of Consultant and devoting sufficient time to personally supervise the services hereunder. All personnel of Consultant, and any authorized agents, shall at all times be under the exclusive direction and control of the Principals. For purposes of this Agreement, the Principals may not be replaced nor may their responsibilities be substantially reduced by Consultant without the express written approval of City. Additionally, Consultant shall utilize only competent personnel to perform services pursuant to this Agreement. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and subcontractors, if any, assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant's staff and subcontractors, if any, assigned to perform the services required under this Agreement, prior to and during any such performance. In the event that City, in its sole discretion, at any time during the term of this Agreement, desire to reassign any staff or subcontractor of Consultant, Consultant shall, immediately upon reassign notice from City of such desire of City, reassign such persons or persons.

4.2 Status of Consultant.

Consultant shall have no authority to bind City in any manner, or to incur any obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees, or agents are in any manner officials, officers, employees or agents of City. Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Consultant expressly waives any claim Consultant may have to any such rights.

4.3 Contract Officer.

The Contract Officer shall be such person as may be designated by the City Manager. It shall be the Consultant's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the services and the Consultant shall refer any decisions which must be made by City to the Contract Officer. Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority, if specified in writing by the City Manager, to sign all documents on behalf of the City required hereunder to carry out the terms of this Agreement.

4.4 Independent Consultant.

Neither the City nor any of its employees shall have any control over the manner, mode or means by which Consultant, its agents or employees, perform the services required herein, except as otherwise set forth herein. City shall have no voice in the selection, discharge, supervision or control of Consultant's employees, servants, representatives or agents, or in fixing their number, compensation or hours of service. Consultant shall perform all services required herein as an independent contractor of City and shall remain at all times as to City a wholly independent contractor with only such obligations as are consistent with that role. Consultant shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City. City shall not in any way or for any purpose become or be deemed to be a partner of Consultant in its business or otherwise or a joint venturer or a member of any joint enterprise with Consultant.

4.5 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Consultant, its principals and employees were a substantial inducement for the City to enter into this Agreement. Therefore, Consultant shall not contract with any other entity to perform in whole or in part the services required hereunder without the express written approval of the City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty five percent (25%) of the present ownership and/or control of Consultant, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this Agreement shall be void. No approved transfer shall release the Consultant or any surety of Consultant of any liability hereunder without the express consent of City.

ARTICLE 5. INSURANCE, INDEMNIFICATION AND BONDS

5.1 Insurance Coverages.

The Consultant shall procure and maintain, at its sole cost and expense, in a form and content satisfactory to City, during the entire term of this Agreement including any extension thereof, the following policies of insurance which shall cover all elected and appointed officers, employees and agents of City:

(a) Comprehensive General Liability Insurance (Occurrence Form CG0001 or equivalent). A policy of comprehensive general liability insurance written on a per occurrence basis for bodily injury, personal injury and property damage. The policy of insurance shall be in an amount not less than \$1,000,000.00 per occurrence or if a general aggregate limit is used, then the general aggregate limit shall be twice the occurrence limit.

(b) Workers Compensation Insurance. A policy of workers compensation insurance in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City against any loss, claim or damage arising from any injuries or occupational diseases occurring to any worker employed by or any persons retained by the Consultant in the course of carrying out the work or services contemplated in this Agreement.

(c) Automotive Insurance (Form CA 0001 (Ed 1/87) including "any auto" and endorsement CA 0025 or equivalent). A policy of comprehensive automobile liability insurance written on a per occurrence for bodily injury and property damage in an amount not less than \$1,000,000. Said policy shall include coverage for owned, non-owned, leased and hired cars.

(d) Professional Liability. Professional liability insurance appropriate to the Consultant's profession. This coverage may be written on a "claims made" basis, and must include coverage for contractual liability. The professional liability insurance required by this Agreement must be endorsed to be applicable to claims based upon, arising out of or related to services performed under this Agreement. The insurance must be maintained for at least 5 consecutive years following the completion of Consultant's services or the termination of this Agreement. During this additional 5-year period, Consultant shall annually and upon request of the City submit written evidence of this continuous coverage.

(e) Additional Insurance. Policies of such other insurance, as may be required in the Special Requirements.

(f) Subcontractors. Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

5.2 General Insurance Requirements.

All of the above policies of insurance shall be primary insurance and shall name the City, its elected and appointed officers, employees and agents as additional insureds and any insurance maintained by City or its officers, employees or agents shall apply in excess of, and not contribute with Consultant's insurance. The insurer is deemed hereof to waive all rights of subrogation and contribution it may have against the City, its officers, employees and agents and their respective insurers. The insurance policy must specify that where the primary insured does not satisfy the self-insured retention, any additional insured may satisfy the self-insured retention. All of said policies of insurance shall provide that said insurance may not be amended or cancelled by the insurer or any party hereto without providing thirty (30) days prior written notice by certified mail return receipt requested to the City. In the event any of said policies of insurance are cancelled, the Consultant shall, prior to the cancellation date, submit new evidence of insurance in conformance with Section 5.1 to the Contract Officer. No work or services under

this Agreement shall commence until the Consultant has provided the City with Certificates of Insurance or appropriate insurance binders evidencing the above insurance coverages and said Certificates of Insurance or binders are approved by the City. City reserves the right to inspect complete, certified copies of all required insurance policies at any time. Any failure to comply with the reporting or other provisions of the policies including breaches or warranties shall not affect coverage provided to City.

All certificates shall name the City as additional insured (providing the appropriate endorsement) and shall conform to the following "cancellation" notice:

CANCELLATION:

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATED THEREOF, THE ISSUING COMPANY SHALL MAIL THIRTY (30)-DAY ADVANCE WRITTEN NOTICE TO CERTIFICATE HOLDER NAMED HEREIN.

[to be initialed]

Agent's Initials

City, its respective elected and appointed officers, directors, officials, employees, agents and volunteers are to be covered as additional insureds as respects: liability arising out of activities Consultant performs; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City, and their respective elected and appointed officers, officials, employees or volunteers. Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

Any deductibles or self-insured retentions must be declared to and approved by City. At the option of City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City or its respective elected or appointed officers, officials, employees and volunteers or the Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration, defense expenses and claims. The Consultant agrees that the requirement to provide insurance shall not be construed as limiting in any way the extent to which the Consultant may be held responsible for the payment of damages to any persons or property resulting from the Consultant's activities or the activities of any person or persons for which the Consultant is otherwise responsible nor shall it limit the Consultant's indemnification liabilities as provided in Section 5.3.

In the event the Consultant subcontracts any portion of the work in compliance with Section 4.5 of this Agreement, the contract between the Consultant and such subcontractor shall require the subcontractor to maintain the same policies of insurance that the Consultant is required to maintain pursuant to Section 5.1, and such certificates and endorsements shall be provided to City.

5.3 Indemnification.

To the full extent permitted by law, Consultant agrees to indemnify, defend and hold harmless the City, its officers, employees and agents ("Indemnified Parties") against, and will hold and save them and each of them harmless from, any and all actions, either judicial, administrative, arbitration or regulatory claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities whether actual or threatened (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity arising out of or in connection with the negligent performance of the work, operations or activities provided herein of Consultant, its officers, employees, agents, subcontractors, or invitees, or any individual or entity for which Consultant is legally liable ("indemnors"), or arising from Consultant's reckless or willful misconduct, or arising from Consultant's or indemnors' negligent performance of or failure to perform any term, provision, covenant or condition of this Agreement, and in connection therewith:

(a) Consultant will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

(b) Consultant will promptly pay any judgment rendered against the City, its officers, agents or employees for any such claims or liabilities arising out of or in connection with the negligent performance of or failure to perform such work, operations or activities of Consultant hereunder; and Consultant agrees to save and hold the City, its officers, agents, and employees harmless therefrom;

(c) In the event the City, its officers, agents or employees is made a party to any action or proceeding filed or prosecuted against Consultant for such damages or other claims arising out of or in connection with the negligent performance of or failure to perform the work, operation or activities of Consultant hereunder, Consultant agrees to pay to the City, its officers, agents or employees, any and all costs and expenses incurred by the City, its officers, agents or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees.

Consultant shall incorporate similar, indemnity agreements with its subcontractors and if it fails to do so Consultant shall be fully responsible to indemnify City hereunder therefore, and failure of City to monitor compliance with these provisions shall not be a waiver hereof. This indemnification includes claims or liabilities arising from any negligent or wrongful act, error or omission, or reckless or willful misconduct of Consultant in the performance of professional services hereunder. The provisions of this Section do not apply to claims or liabilities occurring as a result of City's sole negligence or willful acts or omissions, but, to the fullest extent permitted by law, shall apply to claims and liabilities resulting in part from City's negligence, except that design professionals' indemnity hereunder shall be limited to claims and liabilities arising out of the negligence, recklessness or willful misconduct of the design professional. The indemnity obligation shall be binding on successors and assigns of Consultant and shall survive termination of this Agreement.

In addition, Consultant agrees to indemnify, defend and hold harmless the Indemnified Parties from, any and all claims and liabilities for any infringement of patent rights, copyrights or trademark on any person or persons in consequence of the use by the Indemnified Parties of

articles to be supplied by Consultant under this Agreement, and of which the Consultant is not the patentee or assignee or has not the lawful right to sell the same.

5.4 Sufficiency of Insurer or Surety.

Insurance required by this Agreement shall be satisfactory only if issued by companies qualified to do business in California, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the Risk Manager of the City ("Risk Manager") due to unique circumstances. If this Agreement continues for more than 3 years duration, or in the event the Risk Manager determines that the work or services to be performed under this Agreement creates an increased or decreased risk of loss to the City, the Consultant agrees that the minimum limits of the insurance policies may be changed accordingly upon receipt of written notice from the Risk Manager.

ARTICLE 6. RECORDS, REPORTS, AND RELEASE OF INFORMATION

6.1 Records.

Consultant shall keep, and require subcontractors to keep, such ledgers books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and services performed hereunder (the "books and records"), as shall be necessary to perform the services required by this Agreement and enable the Contract Officer to evaluate the performance of such services. Any and all such documents shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Contract Officer shall have full and free access to such books and records at all times during normal business hours of City, including the right to inspect, copy, audit and make records and transcripts from such records. Such records shall be maintained for a period of 3 years following completion of the services hereunder, and the City shall have access to such records in the event any audit is required. In the event of dissolution of Consultant's business, custody of the books and records may be given to City, and access shall be provided by Consultant's successor in interest.

6.2 Reports.

Consultant shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the services required by this Agreement as the Contract Officer shall require. Consultant hereby acknowledges that the City is greatly concerned about the cost of work and services to be performed pursuant to this Agreement. For this reason, Consultant agrees that if Consultant becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the work or services contemplated herein or, if Consultant is providing design services, the cost of the project being designed, Consultant shall promptly notify the Contract Officer of said fact, circumstance, technique or event and the estimated increased or decreased cost related thereto and, if Consultant is providing design services, the estimated increased or decreased cost estimate for the project being designed.

6.3 Ownership of Documents.

All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "documents and materials") prepared by Consultant, its employees, subcontractors and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the termination of this Agreement, and Consultant shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the documents and materials hereunder. Any use, reuse or assignment of such completed documents for other projects and/or use of uncompleted documents without specific written authorization by the Consultant will be at the City's sole risk and without liability to Consultant, and Consultant's guarantee and warranties shall not extend to such use, reuse or assignment. Consultant may retain copies of such documents for its own use. Consultant shall have the right to use the concepts embodied therein.

All subcontractors shall provide for assignment to City of any documents or materials prepared by them, and in the event Consultant fails to secure such assignment, Consultant shall indemnify City for all damages resulting therefrom.

6.4 Confidentiality and Release of Information.

(a) All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the Contract Officer.

(b) Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the Contract Officer or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

(c) If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of Consultant's conduct.

(d) Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed there under. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

ARTICLE 7. ENFORCEMENT OF AGREEMENT AND TERMINATION

7.1 California Law.

This Agreement shall be interpreted, construed and governed both as to validity and to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Riverside, State of California, or any other appropriate court in such county, and Consultant covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in Los Angeles.

7.2 Disputes; Default.

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default. Instead, the City may give notice to Consultant of the default and the reasons for the default. The notice shall include the timeframe in which Consultant may cure the default. This timeframe is presumptively thirty (30) days, but may be extended, though not reduced, if circumstances warrant. During the period of time that Consultant is in default, the City shall hold all invoices and shall proceed with payment on the invoices only when the default is cured. In the alternative, the City may, in its sole discretion, elect to pay some or all of the outstanding invoices during the period of default. If Consultant does not cure the default, the City may take necessary steps to terminate this Agreement under this Article. Any failure on the part of the City to give notice of the Consultant's default shall not be deemed to result in a waiver of the City's legal rights or any rights arising out of any provision of this Agreement.

7.3 Retention of Funds.

Consultant hereby authorizes City to deduct from any amount payable to Consultant (whether or not arising out of this Agreement) (i) any amounts the payment of which may be in dispute hereunder or which are necessary to compensate City for any losses, costs, liabilities, or damages suffered by City, and (ii) all amounts for which City may be liable to third parties, by reason of Consultant's acts or omissions in performing or failing to perform Consultant's obligation under this Agreement. In the event that any claim is made by a third party, the amount or validity of which is disputed by Consultant, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of City to exercise such right to deduct or to withhold shall not, however, affect the obligations of the Consultant to insure, indemnify, and protect City as elsewhere provided herein.

7.4 Waiver.

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement. No delay or omission in the exercise of any

right or remedy by a non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

7.5 Rights and Remedies are Cumulative.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

7.6 Legal Action.

In addition to any other rights or remedies, either party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein, Consultant must file a statutory claim pursuant to Government Code Sections 905 et seq. and 910 et. seq., in order to pursue a legal action under this Agreement.

7.7 Liquidated Damages.

Since the determination of actual damages for any delay in performance of this Agreement would be extremely difficult or impractical to determine in the event of a breach of this Agreement, the Consultant and its sureties shall be liable for and shall pay to the City the sum of _____ (\$ _____) as liquidated damages for each working day of delay in the performance of any service required hereunder, as specified in the Schedule of Performance (Exhibit "D"). The City may withhold from any monies payable on account of services performed by the Consultant any accrued liquidated damages.

7.8 Termination Prior to Expiration of Term.

This Section shall govern any termination of this Contract except as specifically provided in the following Section for termination for cause. The City reserves the right to terminate this Contract at any time, with or without cause, upon thirty (30) days' written notice to Consultant, except that where termination is due to the fault of the Consultant, the period of notice may be such shorter time as may be determined by the Contract Officer. In addition, the Consultant reserves the right to terminate this Contract at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of the City, the period of notice may be such shorter time as the Consultant may determine. Upon receipt of any notice of termination, Consultant shall immediately cease all services hereunder except such as may be specifically approved by the Contract Officer. Except where the Consultant has initiated termination, the Consultant shall be entitled to compensation for all services rendered prior to the effective date of the notice of termination and for any services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 7.3. In the event the Consultant has initiated termination, the Consultant shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder. In the event of termination without cause pursuant to

this Section, the terminating party need not provide the non-terminating party with the opportunity to cure pursuant to Section 7.2.

7.9 Termination for Default of Consultant.

If termination is due to the failure of the Consultant to fulfill its obligations under this Agreement, City may, after compliance with the provisions of Section 7.2, take over the work and prosecute the same to completion by contract or otherwise, and the Consultant shall be liable to the extent that the total cost for completion of the services required hereunder exceeds the compensation herein stipulated (provided that the City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to the Consultant for the purpose of set-off or partial payment of the amounts owed the City as previously stated.

7.10 Attorneys' Fees.

If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees. Attorney's fees shall include attorney's fees on any appeal, and in addition a party entitled to attorney's fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

ARTICLE 8. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

8.1 Non-liability of City Officers and Employees.

No officer or employee of the City shall be personally liable to the Consultant, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Consultant or to its successor, or for breach of any obligation of the terms of this Agreement.

8.2 Conflict of Interest.

Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the Contract Officer. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of the City shall have any financial interest, direct or indirect, in this Agreement nor shall any such officer or employee participate in any decision relating to the Agreement which effects his financial interest or the financial interest of any corporation, partnership or association in which he is, directly or indirectly, interested, in violation of any

State statute or regulation. The Consultant warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement.

8.3 Covenant Against Discrimination.

Consultant covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry, or other protected class in the performance of this Agreement. Consultant shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, marital status, national origin, ancestry, or other protected class.

8.4 Unauthorized Aliens.

Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Consultant so employ such unauthorized aliens for the performance of work and/or services covered by this Agreement, and should the any liability or sanctions be imposed against City for such use of unauthorized aliens, Consultant hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

ARTICLE 9. MISCELLANEOUS PROVISIONS

9.1 Notices.

Any notice, demand, request, document, consent, approval, or communication either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail, in the case of the City, to the City Manager and to the attention of the Contract Officer, CITY OF BANNING, PO BOX 998, BANNING, CA 92220-0998 and in the case of the Consultant, to the person at the address designated on the execution page of this Agreement. Either party may change its address by notifying the other party of the change of address in writing. Notice shall be deemed communicated at the time personally delivered or in seventy-two (72) hours from the time of mailing if mailed as provided in this Section.

9.2 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

9.3 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

9.4 Integration; Amendment.

This Agreement including the attachments hereto is the entire, complete and exclusive expression of the understanding of the parties. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. No amendment to or modification of this Agreement shall be valid unless made in writing and approved by the Consultant and by the City Council. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

9.5 Severability.

In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

9.6 Corporate Authority.

The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first-above written.

CITY:

CITY OF BANNING, a general law city

Deborah Franklin, Mayor

ATTEST:

Marie A. Calderon, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

David Aleshire, City Attorney

CONSULTANT:

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Address: _____

Two signatures are required if a corporation.

NOTE: CONSULTANT'S SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF _____

On _____, 2015 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

☐
☐

INDIVIDUAL
CORPORATE OFFICER

TITLE(S)

TITLE OR TYPE OF DOCUMENT

☐
☐
☐
☐
☐

PARTNER(S) ☐ LIMITED
GENERAL

NUMBER OF PAGES

ATTORNEY-IN-FACT
TRUSTEE(S)
GUARDIAN/CONSERVATOR
OTHER _____

DATE OF DOCUMENT

SIGNER IS REPRESENTING:

(NAME OF PERSON(S) OR ENTITY(IES))

SIGNER(S) OTHER THAN NAMED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF _____

On _____, 2015 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form

CAPACITY CLAIMED BY SIGNER

☐
☐

INDIVIDUAL
CORPORATE OFFICER

TITLE(S)

☐

PARTNER(S) ☐ LIMITED
☐ GENERAL

☐

ATTORNEY-IN-FACT

☐

TRUSTEE(S)

☐

GUARDIAN/CONSERVATOR

☐

OTHER _____

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER IS REPRESENTING:

(NAME OF PERSON(S) OR ENTITY(IES))

SIGNER(S) OTHER THAN NAMED ABOVE

EXHIBIT "A"

SCOPE OF SERVICES

I. Consultant will perform the following Services:

- A.** Prepare the City's Full Cost – Cost Allocation Plan and Federal OMB A-87 Cost Allocation Plan as outlined in the City's Request for Proposals (Exhibit A-1)
- B.** Prepare a User Fee Study for the City as outlined in the City's Request for Proposal (Exhibit A-1)
- C.** Prepare a Development Impact Fee Study for the City as outlined in the City's Request for Proposal (Exhibit A-1)

II. As part of the Services, Consultant will prepare and deliver the following tangible work products to the City:

- A.** Overhead Cost Allocation Plan – tasks and timeline listed in Willdan's Proposal (Exhibit A-2)
- B.** User Fee Study – tasks and timeline listed in Willdan's Proposal (Exhibit A-2)
- C.** Development Impact Fee Study – tasks and timeline listed in Willdan's Proposal (Exhibit A-2)

III. In addition to the requirements of Section 6.2, during performance of the Services, Consultant will keep the City apprised of the status of performance by delivering the following status reports:

- A.** Overhead Cost Allocation Plan – tasks and timeline listed in Willdan's Proposal (Exhibit A-2)
- B.** User Fee Study – tasks and timeline listed in Willdan's Proposal (Exhibit A-2)
- C.** Development Impact Fee Study – tasks and timeline listed in Willdan's Proposal (Exhibit A-2)

IV. All work product is subject to review and acceptance by the City, and must be revised by the Consultant without additional charge to the City until found satisfactory and accepted by City.

V. Consultant will utilize the following personnel to accomplish the Services:

Chris Fisher, Project Manager

James Edison, Project Manager

Tony Thrasher, Analytical Support

Carlos Villarreal, Task Manager

Robert Quaid, CPA, Quality Assurance/Quality Control

Michael Medve, Project Analyst

CITY OF BANNING
REQUEST FOR PROPOSAL
FOR
OVERHEAD COST ALLOCATION STUDY
USER FEE STUDY
DEVELOPMENT IMPACT FEE STUDY

Date: May 21, 2015 (reissued June 30, 2015)
Attention: Proposers
Subject: Overhead Cost Allocation Study/User Fee Study/ Development Impact Study

I. REQUEST SUMMARY

The City of Banning (the "City") desires to undertake the preparation of a Full Cost Allocation Plan and a Federal OMB A-87 Cost Allocation Plan (collectively "Plan"), a comprehensive review and evaluation of citywide user fees ("Fee Study"), and a comprehensive review and evaluation of development impact fees ("Impact Fee Study"). To that end, the City is seeking to engage the services of a qualified professional firm experienced in cost recovery to prepare all three reports. With regards to preparation of the Cost Allocation Plan, the City desires to enter into a five year agreement to update the Plan annually.

The Fee Study shall evaluate General Fund user fees. It will exclude internal service fund charges and Enterprise Funds (Electric, Water, Wastewater, Transit, and Airport) fees. At the City's discretion, other funds may be included.

The services are anticipated to commence in September 2015, and extend for a period of two to four months. The final reports should be completed by January 2016.

II. INTRODUCTION

A. Background

City of Banning is strategically located in Riverside County along the route of U.S. Interstate 10 approximately 25 miles northwest of Palm Springs and 82 miles east of Los Angeles. Beautifully located in the San Geronio Pass between the two highest mountain peaks in Southern California, Banning is only minutes away from many desert and

mountain resorts. One of Banning's unique characteristics is that it provides the serenity of a rural setting yet has easy access to major metropolitan areas. Its unique location is at a relatively high altitude (2,350 feet) in the Pass which provides a favorable year-round climate and air quality. Its municipal boundaries encompass 22.117 square miles.

Incorporated in 1913, Banning is a general law city that operates under the council-manager form of government. Policy-making and legislative authority are vested in the City council consisting of five members elected at large. The City council is responsible, among other things, for passing ordinances, adopting the budget, appointing committees or commissions and hiring both the city manager and attorney. The city manager is responsible for carrying out the policies and ordinances of the City council, for overseeing the day-to-day operations of the City, and for appointing the heads of the various departments. The council is elected on a non-partisan basis and each member serves a term of four years. The City council selects by a majority vote a mayor who serves a one-year term.

The City provides a full range of services, including police and fire protection; construction and maintenance of streets, trails and other infrastructure; recreational activities and cultural events; sanitation and water services; street lighting; planning and zoning; and general administrative services. Fire services are provided through a contract between the City and Cal Fire. Economic development activities are provided through a contract with a consultant. City of Banning owns and operates its own electric, water, and wastewater utilities. It also offers its residents an airport, local police protection, municipal bus service, seven parks, a swimming complex, a seasonally operated play house bowl, as well as youth and leisure programs.

B. Objective

Overhead Cost Allocation Plan

The purpose of this project is to ensure that the City of Banning has a basis of applying comprehensive overhead rates and is accurately accounting for the true cost of providing various services by each department. Furthermore, best practices, accounting standards and OMB Circular A-87 make it necessary for the City to maintain a well-documented cost allocation plan that will help it to appropriately allocate general and administrative costs in the budget; properly identify overhead rates that can be used in the calculation of billable hourly rates for federal and state grants, user fees, and reimbursements from other governmental agencies.

User Fee Study

Similar to most cities in California, the City made a number of organizational changes during the recessionary period in 2008 to maintain as many services as possible with decreased resources. As a result, the City was required to create efficiencies and eliminate certain processes. Consequently, the underlying activities upon which the 2005 user fee study have changed. As such, the City wishes to examine whether a reasonable relationship exists between its costs of providing service and its current fees, with a consideration to the compliance requirements under Proposition 218.

Development Impact Fee Study

The city has many current and future development activities in the pipeline. Similar to the User Fee Study, the underlying activities upon which the 2005 development impact fees are based have changed significantly. Significant development may require expanded City services, facilities, and infrastructure to accommodate growth. Therefore, the City believes it is prudent to re-visit the 2005 study and examine whether its current impact fees are sufficient to meet the long-term needs for expected growth in development with a consideration to any possible incentives or disincentives which may be created by its current impact fees or any new fees that are imposed.

C. General RFP Submittal Information

The City's designated staff will evaluate proposals received.

During the review process, the City reserves the right, where it may serve the City's best interest, to request additional information or clarification from those that submit proposals, or allow corrections of errors or omissions. Any and all changes in the RFP will be made by written addendum, which shall be issued by the City to all prospective bidders who have been issued or obtained copies of the RFP from the City's website.

The City reserves the right to retain all proposals submitted. Submission of a proposal indicates the firm's acceptance of the conditions contained in this request for proposals, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City and the contractor selected.

The preparation of the RFP will be at the total expense of the Proposer. There is no expressed or implied obligation for the City to reimburse responding proposers for any expense incurred in the preparation of proposals in response to this request. All proposals submitted to the City shall become properties of the City and will not be returned.

The City reserves the right to reject any or all proposals, in whole or part, to waive any informality, irregularities, or errors in any proposal, and to accept the proposal which, in its discretion, is in the best interest of the City.

To be considered, proposers must send **one original and three (3) hard copies of their proposal** in a sealed envelope with the name of the company submitting the proposal and the title of "Overhead Cost Allocation Study, User Fee and Development Impact Fee Study" to:

Marie Calderon, City Clerk
City of Banning
99 E. Ramsey Street
Banning, CA 92220

D. Schedule

The City reserves the right to make changes to the below schedule, but plans to adhere to the implementation of this bid process as follows:

RFP released:	May 21, 2015
Proposals due (Extended):	July 14, 2015
Finalists selected:	July 28, 2015
Presentations/Interviews (if necessary):	August 3, 2015
Vendor selected:	August 10, 2015
Counsel Meeting Approval:	August 25, 2015

III. SCOPE OF SERVICES

Project tasks shall include, but are not necessarily limited to, the following. If the firm feels that additional tasks are warranted, they must be clearly identified in the firm's proposal.

Overhead Cost Allocation Plan

Prepare the City's Full Cost - Cost Allocation Plan and Federal OMB A-87 Cost Allocation Plan, which may include the following elements. If the consultant feels that additional tasks are warranted, they must be clearly identified in the consultant's proposal.

- A. Work and meet with City staff to refine the project scope, purpose, uses and goals of the City's Cost Allocation Plan to ensure that the study will be both accurate and appropriate to the City's needs. Review project schedule and answer any questions pertaining to the successful development of the study.
- B. Meet with staff and conduct interviews as needed to gain an understanding of the City's processes and operations.
- C. Identify the total cost of providing each City service at the appropriate activity level and in a manner that is consistent with all applicable laws, statutes, rules and regulations governing the collection of fees, rates, and charges by public entities including, but not limited to, the State Controller's Office Guidelines for Cost Claiming and OMB Circular A-87 standards.
- D. Determine the appropriate General and Administrative overhead allocations to City activities and applicable overhead rates for use in calculating the City's Billable Hourly rates. The requirements of the model should allow for:
 - 1) Additions, revisions, or removal of direct and overhead costs so that the overhead cost allocation plan can be easily adapted to a range of activities, both simple and complex.

- 2) The ability of the City to continuously update the model and overhead cost allocation plan from year to year as the organization changes.
 - 3) The addition of hypothetical service area information for future service enhancements, and the ability to calculate the estimated costs of providing the service under consideration (i.e. ad-hoc analysis).
- E. Report on other matters that come to your attention in the course of your evaluation that in your professional opinion the City should consider.
 - F. Present the plan to the City's management group and make necessary adjustments as requested.
 - G. If called upon to do so, prepare and deliver presentations to the Council to facilitate their understanding of the plan and its implications to the City.
 - H. Provide the City with an electronic copy of the final comprehensive review, including related schedules and cost documentation in a format that can be edited and updated by City staff to accommodate changes in the organization or changes in cost.
 - I. Prepare a final report and provide five bound copies, one unbound copy, and a single Microsoft Word and PDF file of the Overhead Cost Recovery Plan that can be made available to City staff. Models, tables and graphs should be provided in Microsoft Excel as deemed appropriate. Any Cost Allocation Model revisions developed shall also be made available to the City in Microsoft Word and PDF formats, providing the ability to add, delete and/or update information as needed.
 - J. Provide a computer based model for adjusting these fees and charges for the City's current and future needs and provide the City with an electronic copy of the final comprehensive study, including related schedules and cost documentation in a format that can be edited and updated by City staff to accommodate changes in the organization or changes in costs
 - K. Consult with City staff should the need arise to defend the cost allocation plan as a result of audits or other challenges.
 - L. Update the plan annually and maintain accurate records of all correspondence, work papers, and other relative evidence during the contract period of five years.

User Fee Study

Prepare a User Fee Study of for the City, which may include the following elements. If the consultant feels that additional tasks are warranted, they must be clearly identified in the consultant's proposal.

- A. Work and meet with City staff to refine the project scope, purpose, uses and goals of the City's User Fee Study to ensure that the study will be both accurate and appropriate to the City's needs. Review project schedule and answer any questions pertaining to the successful development of the study.
- B. Meet with staff and conduct interviews as needed to gain an understanding of the City's processes and operations. Conduct a comprehensive review of the City's existing fees, rates, and charges.
- C. Identify the total cost of providing each City service at the appropriate activity level and in a manner that is consistent with all applicable laws, statutes, rules and regulations governing the collection of fees, rates, and charges by public entities including, but not limited to, Proposition 218.
- D. Compare service costs with existing recovery levels. This should include any service areas where the City is currently charging for services as well as areas where perhaps the City should charge, in light of the City's practices, or the practices of similar or neighboring cities.
- E. Recommend potential new fees and charges for services that the City currently provides but does not have any fees and/or charges established. Recommendations should be based on practices by surrounding cities that may charge for similar services, industry best practices, or the consultant's professional opinion.
- F. Recommend appropriate fees and charges based on the firm's analysis together with the appropriate subsidy percentage for those fees where full cost recovery may be unrealistic (e.g. youth recreation).
- G. Prepare a report that identifies each fee service, its full cost, recommended and current cost recovery levels. The report should also identify the direct cost, the indirect cost, and the overhead cost for each service
- H. Prepare a report that identifies the present fees, recommended fees, percentage change, cost recovery percentage, revenue impact and fee comparison with Riverside County, Riverside cities or other California cities that are comparable to Banning. A survey comparison of rates and fees with similar cities is for information only.
- I. Report on other matters that come to the Consultant's attention in the course of the evaluation that, in the Consultant's professional opinion, the City should consider.
- J. Provide a computer based model for adjusting these fees and charges for the City's current and future needs and provide the City with an electronic copy of the final comprehensive study, including related schedules and cost documentation in a format that can be edited and updated by City staff to accommodate changes in the organization or changes in costs. The requirements of the model should allow for:

- 1) Additions, revisions, or removal of direct and overhead costs so that the overhead cost allocation plan can be easily adapted to a range of activities, both simple and complex.
 - 2) The ability of the City to continuously update the model and overhead cost allocation plan from year to year as the organization changes.
 - 3) The addition of hypothetical service area information for future service enhancements, and the ability to calculate the estimated costs of providing the service under consideration (i.e. ad-hoc analysis).
- K. Prepare and deliver presentations to the City Council to facilitate their understanding of the plan and its implications for the City and make necessary adjustments as requested.
- L. Provide on-site training to enable staff to update fees on an annual basis.
- M. Prepare a final fee study report and provide five bound copies, one unbound copy, and a single Microsoft Word and PDF file of the User Fee Study that can be made available to City staff. Models, tables and graphs should be provided in Microsoft Excel as deemed appropriate. Any Master Fee Schedule revisions developed shall also be made available to the City in Microsoft Word and PDF format, providing the ability to add or delete and/or update information as needed.
- N. Consult with City staff should it become necessary to defend the City's User Fees as a result of any legal or other challenge
- O. Update the study annually and maintain accurate records of all correspondence, work papers, and other relative evidence during the contract period of three years.

Development Impact Fee Study

Prepare a Development Impact Fee Study for the City, which may include the following elements. If the consultant feels that additional tasks are warranted, they must be clearly identified in the consultant's proposal.

- A. Work and meet with City staff to refine the project scope, purpose, uses and goals of the City's Development Impact Fee Study to ensure that the study will be both accurate and appropriate to the City's needs. Review project schedule and answer any questions pertaining to the successful development of the study.
- B. Meet with staff and conduct interviews as needed to gain an understanding of the City's existing standards, including references to the General Plan, Specific Plans, Housing Element, and other conceptual frameworks, regarding the acceptable levels of service for facilities and infrastructure. Conduct a comprehensive review of the City's existing fees, rates, and charges. Identify major policy issues involved in the City's development impact fee program. Establish an overall project schedule.

- C. Describe assumptions, and bases for assumptions, regarding the existing level of service in the City (compared to existing standards), including a description of existing facilities and the existing number of equivalent development units (EDU) or residents served.
- D. For purposes of determining level of service, the consultant should identify assumptions and bases for assumptions, regarding specific facilities to be constructed and the number of EDUs to be served.
- E. Describe assumptions, and bases for assumptions, regarding the type of development projects planned for the City, and the impact the new developments would have upon the level of service for existing facilities. This description would include a description of any varying impacts caused by residential development versus commercial and industrial development.
- F. Describe whether new development will require additional facilities, and if so, include a description of the standards by which it was determined that additional facilities would be required and a description of the additional facilities required.
- G. Describe the impact upon level of service for the new development after the additional facilities are constructed. Describe how the new development would benefit from the additional facilities
- H. Prepare an estimated cost of providing additional facilities pursuant to Government Code Section 66005(a). Describe the basis upon which the total estimated cost of providing additional facilities would be allocated to each EDU in the City.
- I. Prepare a listing of projects eligible for impact fee funding.
- J. Report on other matters that come to your attention in the course of your evaluation that in your professional opinion the City should consider.
- K. The Consultant should prepare a report of findings which shall include but not be limited to: the purpose of any proposed new fees and how the fee would be used; the relationship between the use of current and proposed new fees use and the type of project on which it would be imposed; the need for any additional facilities and the type of project on which the fee would be imposed; the amount of the fee and the cost of the facility (or portion of the facility) attributable to new development. The final report should summarize key results and findings and explain the methodology used and documentation compliance with the "reasonable relationship" requirements of AB 1600.
- L. Prepare and deliver presentations to the City Council to facilitate their understanding of the Impact Fee Study and its implications for the City and make necessary adjustments as requested.

- M. Prepare a final fee study report and provide five bound copies, one unbound copy, and a single Microsoft Word and PDF file of the Impact Fee Study that can be made available to City staff. Models, tables and graphs should be provided in Microsoft Excel as deemed appropriate. Any impact fee revisions developed shall also be made available to the City in Microsoft Word and PDF format, providing the ability to add or delete and/or update information as needed.
- N. Consult with City staff should it become necessary to defend the City's User Fees as a result of any legal or other challenge.
- O. Update the study annually and maintain accurate records of all correspondence, work papers, and other relative evidence during the contract period of three years.

General

The Consultant may recommend other tasks that it deems appropriate to achieve the objectives set forth in this RFP.

The successful respondent shall be required to retain all working papers and related supporting documents, including records of professional time spent, for a period of three years after delivery of the required reports, unless notified in writing by the City of the need to extend the retention period. The Consultant further agrees to allow City staff to review such documents upon written request at any time during the retention period.

IV. PROPOSAL REQUIREMENTS

Proposals will be considered for one, two, or all three components of this RFP.

Each proposal should conform to the following outline. Responses should be as thorough and detailed as possible so that the review committee may properly evaluate your capabilities to provide the required services. However, proposals should not exceed 12 pages nor go below 10 size font excluding other appendixes.

Each Respondent should include the following elements:

- 1) Cover page
- 2) Table of Contents
- 3) Executive Summary

Provide a brief summary describing the proposer's ability to perform the work requested, a history of the proposer's background and experience providing services, the qualifications of the proposer's personnel to be assigned to this project, any subcontractor, sub consultants, and/or suppliers and a brief history of their background and experience, and any other information called for by this request for proposal which the proposer deems relevant, including restating any exceptions to this request for

proposal. This summary should be brief and concise to apprise the reader of the basic services offered, experience and qualifications of the proposer, staff, subcontractors, and/or suppliers.

4) Questionnaire/Response to Scope of Services

Proposer shall provide responses and information to fully satisfy each item in the Questionnaire. Each question item should be presented before the proposer's response.

5) Attachments

V. QUESTIONNAIRE

A. Company and General Information

- 1) Company name and address.
- 2) Letter of transmittal signed by an individual authorized to bind the respondent, stating that the respondent has read and will comply with all terms and conditions of the RFP.
- 3) General information about the primary contact who would be able to answer questions about the proposal. Include name, title, telephone number and email address of the individual.

B. Qualifications and Experience of the Firm

- 1) Describe your firm's history and organizational structure. Include the size of the firm, location of offices, years in business, organizational chart, name(s) of owner(s) and principal parties, and number and position titles of staff.
- 2) What is the primary business of the parent company and/or affiliates?
- 3) Which office(s) of your organization will have primary responsibility for managing the user fee study?
- 4) What is your firm's experience conducting Overhead Cost Allocation Plans, User Fee Studies, and/or Development Impact Fee Studies? Identify the studies performed by your firm in the last five years.
- 5) Which office(s) of your organization will have primary responsibility for managing the Cost Allocation Plan?
- 6) What is your firm's experience preparing Full Cost and OMB A-87 Cost Allocation Plans? Identify the Plans prepared by your firm in the last five years. Include the type of plan prepared (i.e. Full Cost; Federal OMB Circular A-87, etc.)

- 7) Comment on other areas that may make your firm different from your competitors.

C. Qualifications and Experience of Proposed Project Team

- 1) Describe the qualifications of staff proposed for the assignment, position(s) in the firm, and types and amount of equivalent experience. Be sure to include any municipal agencies they have worked with in the past three years and their level of involvement.
- 2) Identify and provide the resume(s) of the personnel who will be assigned to this project.

D. Questions/Response to Scope of Services

- 1) Describe the methods by which your firm will fulfill the Overhead Cost Recovery Study, User Fee Study and/or Development Impact Fee Study services requested in the Scope of Services (Section III). In responding to the Scope of Services, please be thorough in describing your firm's methodology for completing User Fee Studies and how your firm will address all services identified in the Scope of this request.
- 2) Provide a statement of the service(s) that differentiate your firm from other respondents.

E. Fees

Please provide three copies in a separate envelope marked "Fees."

- 1) Provide your fees for the proposed service. Fee quotes should be detailed by service.
- 2) The fee for year one should include preparation of the Overhead Cost Allocation Plan, User Fee Study and/or the Development Impact Fee Study. The fee for years two through five should only include the update of the plan or study.
- 3) Outline billing and payment expectations, including timing and method of payment.
- 4) Describe any remaining fees not already detailed above.

F. References

- 1) Provide a list of the municipal agencies for which the respondent has conducted an Overhead Cost Recovery Plan, User Fee Study, and/or Development Impact Fee Study within the past three years.

The Consultant should provide a list of at least three municipal agencies for each component of the RFP under consideration by the City.

- 2) Provide the following information for three projects that are similar in size and scope to the project requested by this proposal:
 - a. Name, address, and telephone number of the agency
 - b. Time period for the project
 - c. Brief description of the scope of the review
 - d. Recommended procedures
 - e. Reference contact name and telephone number

G. Implementation Schedule (if applicable)

Include an implementation schedule with a final report delivery date by November 2015 and note key project milestones and timelines for deliverables. Identify any assumptions used in developing the schedule.

V. EVALUATION OF PROPOSALS

The project's core implementation team, comprised of City staff, will be responsible for the bid evaluations. This team, in accordance with the criteria listed below, will evaluate all proposals received as specified. The City team members, in applying the major criteria to the proposals, may consider additional criteria beyond those listed. During the evaluation period, the team may elect to interview some or all the proposing firms.

The final selection will be the firm which, in the City's opinion, is the most responsive and responsible, meets the City's requirements in providing this service, and is in the City's best interest. The City maintains the sole and exclusive right to evaluate the merits of the proposals received.

Consultants will be objectively evaluated based on their responses to the project scope outlined in the RFP. The written proposal should clearly demonstrate how the firm could best satisfy the requirements of City.

Proposals will be evaluated based on the following criteria:

- 1) Thoroughness and understanding of the tasks to be completed.
- 2) Background and experience in organizational analysis evaluation.
- 3) Staff expertise and overall experience of personnel assigned to the work.
- 4) Time required to accomplish the requested services.
- 5) Responsiveness to requirements of the project.

- 6) Recent public sector experience, preferably in a municipal setting, conducting similar studies.

- 7) Costs.

Although price for the services will be an important part of the consideration for award of the project, the City will consider the consultant's qualifications, expertise and level of professional service and advice in the award of the project.

CITY OF BANNING

PROPOSAL REQUIREMENTS

PROPOSAL LETTER/CERTIFICATE OF ACCEPTANCE

PROPOSER _____

Dean Martin, Interim Administrative Services Director/
Deputy City Manager
CITY OF BANNING
99 East Ramsey Street
Banning, Ca 92220

In response to the Request for Proposal (RFP), for Overhead Cost Allocation Study/User Fee Study/ Development Impact Study, we the undersigned hereby declare that we have carefully read and examined the RFP documents including any plans and specifications, and hereby propose to perform and complete the Work as required in the Contract.

This Contract is not exclusive. CITY OF BANNING expressly reserves the right to contract for performance of services such as those described herein through other Contractors.

The undersigned agrees to supply the Scope of Work at the costs indicated in its cost proposal if its Proposal is accepted within 120 days from the date specified in the RFP for receipt of proposals.

The undersigned has reviewed the enclosed contract terms and conditions and agrees to accept all terms and conditions of CITY OF BANNING's contract unless otherwise noted in the proposal response.

If recommended for Contract award, the undersigned agrees to execute a Contract which will be prepared by CITY OF BANNING for execution, within 10 calendar days following Notification of Award.

The undersigned will also deliver to CITY OF BANNING prior to the commencement of Scope of Work the necessary original Certificates of Insurance. If services are authorized to commence prior to the execution of the Contract pursuant to a Notice to Proceed issued by CITY OF BANNING, pending the execution of the Contract, the services shall be subject to the terms and conditions of the Scope of Work and the Contract as set forth in Parts A and B respectively of the RFP Documents.

Incorporated herein and made a part of this Proposal are the Response Data and Proposal Forms required by the Proposal Requirements.

The undersigned acknowledges receipt, understanding and full consideration of the following Addenda to the RFP Documents:

Addenda No. _____

Proposer represents that the following person is authorized to negotiate on its behalf with CITY OF BANNING in connection with this RFP:

_____	_____	_____
(Name)	(Title)	(Phone)

The undersigned certifies that it has examined and is fully familiar with all of the provisions of the RFP Documents and is satisfied that they are accurate; that it has carefully checked all the words and figures and all statements made in the Proposal Requirements; that it has satisfied itself with respect to other matters pertaining to the proposal which in any way affect the Work or the cost thereof. The undersigned hereby agrees that CITY OF BANNING will not be responsible for any errors or omissions in these RFP Documents.

Proposer's Business Address
and Telephone/Fax Numbers:

BY: _____
(Signature)

(Type or Print Name)

(Title)

Proposal for

Exhibit A-2

**Cost Allocation Plan
User Fee Study
Development Impact Fee Study**



W WILLDAN |

V. QUESTIONNAIRE

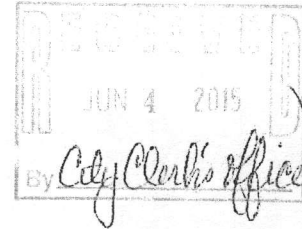
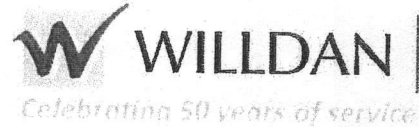
A. Company and General Information

A. 1 - 3)

Questions 1 through 3 are addressed throughout the cover letter.

June 4, 2015

Mr. Dean Martin, Administrative Services Director/Deputy City Manager
City of Banning
99 East Ramsay Street
Banning, CA 92220



Re: Proposal to Conduct a User Fee Study for the City of Banning

Dear Mr. Martin:

As you are well aware, even as the recent recession has eased over the past few years, many municipalities throughout the state are still faced with limited financial resources, while striving to maintain high standards of service to their communities. In light of this, it is critical for cities to ensure that their fees for requested services, or to offset the impacts of new development, have been developed or updated to ensure maximum appropriate cost recovery, so that the revenues generated by fees cover the cost of those required facilities and/or services to the best extent possible. Policymakers need a clear understanding of standards, service levels, facilities, and the associated costs to maintain them. Recognizing this, the City of Banning ("City") has responded by soliciting proposals for a User Fee Study, a Full Cost Allocation Plan and OMB A-87 Plan, and Development Impact Fee Study.

Collaborative Approach and User-friendly Models and Reports — Willdan prides itself on working closely with City staff to develop an approach that is targeted toward your specific objectives and accounts for your reality, and then working with staff to gather first-hand information regarding the processes and tasks required to provide services to those requesting them. We create user-friendly Excel-based models that the City can retain, and **conduct our analysis and develop models collaboratively with City staff**. Rather than using an inflexible proprietary software program, we construct our models from the ground up, mirroring the City's budget format wherever possible.

Experience Working with the City of Banning — We are currently working with the City on the completion of a Water and Wastewater Utility Rate Study, and we worked previously on a Fiscal Impact Analysis for development in the Butterfield Specific Plan Area. We are proud of the work we have done, the relationships we have developed, and our knowledge of the City. We will use this experience to streamline our work plan and approach for this engagement, and minimize costs.

Unique Combination of Services and Expertise/Public Engagement — Willdan has provided the requested services to municipal clients for well over a decade; and is the only firm providing **all three** of the requested types of consulting services that also has a long history of providing contract staff support to public agencies for the delivery of municipal services. This direct experience as "city staff" provides us with first-hand understanding of city operations and is uniquely useful in determining the full effort associated with service delivery and in developing a fee schedule that is easy to communicate and implement.

Our objective is to provide useful, detailed information to City Council and staff, so that they have the information necessary to make important decisions. Our experience ensures that we can meet this objective. Whether policymakers are considering subsidizing or increasing fees, the process may be subject to public discussion among Council and community stakeholders. Our response to these sensitive political issues is to employ a real world approach to completing user fee studies, in determining the technically defensible reasonable costs of providing services.

We are excited about this opportunity to use our skills and expertise to assist the City of Banning. Our contact information is Willdan Financial Services, 27368 Via Industria, Suite 200, Temecula, CA 92590 Tel #: (951) 587-3500 / Fax #: (951) 587-3510. I will serve as the Primary Contact person for this proposal; my direct contact information is Tel #: (951) 587-3528 email, CFisher@Willdan.com. As an officer of the firm, I am authorized to bind the firm, we affirm that we have read and will comply with the terms and conditions.

Sincerely,
Willdan Financial Services

Chris Fisher, Vice President - Group Manager



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B. Qualifications and Experience of the Firm

B.1) Firm History, Size, and Organizational Structure

Founded twenty-seven years ago in 1988, Willdan Financial Services, a California Corporation, is a wholly-owned subsidiary of Willdan Group, Inc. (WGI) and is one of the largest public sector financial consulting firms in the United States. Since that time, we have helped over 800 public agencies successfully address a broad range of financial challenges, such as financing the costs of growth and generating revenues to fund desired services.

Willdan Financial Services is one of four operating divisions within Willdan Group, Inc. (WGI), which was founded in 1964 as an engineering firm working with local governments. Today, WGI is a publically-owned company on NASDAQ (NASDAQ ticker: WLDN).

Our staff of over 60 full-time employees supports our clients by conducting year-round workshops and on-site training to assist them in keeping current with the latest developments in our areas of expertise.

Corporate Headquarters
27368 Via Industria, Ste 110
Temecula, California 92590

Oakland, CA
1939 Harrison Street, Ste 430
Oakland, California 94612

Phoenix, AZ
1440 E. Missouri Ave, Ste C-170
Phoenix, Arizona 85014

Aurora, CO
1555 South Havana Street, Ste F-305
Aurora, Colorado 80012

Orlando, FL
200 South Orange Avenue, Ste 1550
Orlando, Florida 32801

Washington, DC
1025 Connecticut Avenue NW, Ste 1000
Washington, District of Columbia 20036

The organization chart located to the right represents Willdan's reporting structure, including the operating groups and the responsible manager; it as well defines the assets available to the City, and this project



President & CEO

Mark Risco

District Administration
Services

Gladys Medina
Vice President/Group Manager

32 Support Staff

Financial Consulting
Services

Chris Fisher
Vice President/Group Manager

Jeff McGarvey James Edison Dan Jackson

Federal Compliance
Services

Anne Pelej
Vice President/Group Manager

8 Support Staff

Supervisor of
Administrative Services

Rebekah Smith

5 Support Staff

11 Support Staff

B.2) Primary Business

WGI provides technical and consulting services that ensure the quality, value and security of our nation's infrastructure, systems, facilities, and environment. The firm has been a consistent industry leader in providing all aspects of municipal and infrastructure engineering, public works contracting, public financing, planning, building and safety, construction management, homeland security, and energy efficiency and sustainability services. Willdan Financial Services assists local public agencies by providing the following services: Utility rate and cost of service studies; Cost allocation studies; Real estate economic analysis; Economic development plans and strategies; Tax increment finance district formation and amendment; Housing development and implementation strategies; Financial consulting; Real estate acquisition; Development impact fee establishment and analysis; Feasibility studies; Debt issuance support; Long-term financial plans and cash flow modeling; and Property tax audits.

B.3) User Fee Primary Location

The City of Banning User Fee Study engagement will be managed from our Temecula office.

B.4) Experience Conducting Cost Allocation Plans, User Fee Studies and Development Impact Fee Studies

For the purposes of brevity we have provided a chart below of the the requested information for the Riverside, San Bernardino, Los Angeles, and Orange County areas.

Client	County	User Fee Study	Cost Allocation Plan	Development Impact Fee
City of Adelanto, CA	San Bernardino	◆	◆	
City of Agoura Hills, CA	Los Angeles	◆	◆	
City of Arcadia, CA	Los Angeles			◆
City of Artesia, CA	Los Angeles	◆		
City of Bellflower, CA	Los Angeles	◆	◆	◆
City of Beverly Hills, CA	Los Angeles			◆
City of Brea, CA	Orange			◆



Client	County	User Fee Study	Cost Allocation Plan	Development Impact Fee
City of Calimesa, CA	Riverside			◆
City of Cathedral City, CA	Riverside	◆	◆	◆
City of Coachella, CA	Riverside	◆	◆	◆
City of Colton, CA	San Bernardino	◆		
City of Compton, CA	Los Angeles	◆		◆
City of Covina, CA	Los Angeles	◆	◆	◆
City of El Monte, CA	Los Angeles	◆		◆
City of El Segundo, CA	Los Angeles			◆
City of Fontana, CA	San Bernardino	◆	◆	
City of Gardena, CA	Los Angeles	◆		
City of Hawthorne, CA	Los Angeles	◆		◆
City of Hemet, CA	Riverside	◆	◆	
City of Hesperia, CA	San Bernardino	◆	◆	
City of Huntington Beach, CA	Orange			◆
City of Huntington Park, CA	Orange			◆
City of Indian Wells, CA	Riverside		◆	◆
City of Irvine, CA	Orange	◆	◆	
City of Irwindale, CA	Los Angeles		◆	◆
City of La Mirada, CA	Los Angeles	◆	◆	
City of Laguna Hills, CA	Orange	◆		
City of Lake Elsinore, CA	Riverside	◆	◆	◆
City of Lancaster, CA	Los Angeles			◆
City of Long Beach, CA	Los Angeles		◆	◆
City of Lynwood, CA	Los Angeles		◆	
City of Montebello, CA	Los Angeles	◆	◆	◆
City of Monterey Park, CA	Los Angeles	◆	◆	
City of Norwalk, CA	Orange	◆	◆	
City of Orange, CA	Orange	◆		
City of Palm Desert, CA	Riverside		◆	
City of Palm Springs, CA	Riverside	◆	◆	
City of Palmdale, CA	Los Angeles			◆
City of Placentia, CA	Orange	◆	◆	
City of Redlands, CA	San Bernardino			◆
City of Rialto, CA	San Bernardino			◆
Rolling Hills Estates, CA	Los Angeles			◆
City of Santa Clarita, CA	Los Angeles			◆
City of Sierra Madre, CA	Los Angeles	◆		◆
City of South El Monte, CA	Los Angeles	◆	◆	
City of South Gate, CA	Los Angeles			◆
City of Upland, CA	San Bernardino	◆	◆	◆
County of Los Angeles, CA	Los Angeles			◆
County of Riverside, CA	Riverside			◆
Town of Yucca Valley, CA	San Bernardino	◆		◆

B.5) Cost Allocation Plan Primary Location

The City of Banning Cost Allocation Plan engagement will be managed from our Temecula office.

B.6) Experience Conducting Full Cost Allocation Plans and OMB A-87 Cost Allocation Plans

Willdan has provided cost allocation services to municipal clients for sixteen years; and has prepared Full Cost and Federal OMB A-87 Cost Allocation Plans for clients throughout California.

B.7) Firm Distinctiveness

Willdan is the only firm providing these types of consulting services that also have a long history of providing contract staff support to public agencies for the delivery of municipal services.



C. Qualifications and Experience of Proposed Project Team

C.1) Qualifications of Proposed Staff

Our management and supervision of the project team is very simple: staff every position with experienced, capable personnel in sufficient numbers to deliver a superior product to the City, on time and on budget. With that philosophy in mind, we have selected experienced professionals for this engagement. We are confident that our team possesses the depth of experience that will successfully fulfill your desired work performance.

Cost Allocation Plan and User Fee Study

Mr. **Chris Fisher** will serve as the **Project Manager** and primary City contact for the Cost Allocation Plan and User Fee Study, as well as the Project Team **Principal-in-Charge**, whereby he will apply his extensive financial rate design/modeling and City experience and ability to clearly communicate results through the facilitation of numerous stakeholder forums. In this role, he will attend meetings and presentations, produce key study elements, and will be responsible for work deliverables.

Mr. **Robert Quaid, CPA**, will provide quality assurance/quality control to this engagement in the role of **Technical Advisor**. Mr. Quaid will review the models as a third-party internal reviewer prior to their submittal to City staff. His continual review of data entry and model development assures that the draft and final products have been thoroughly evaluated for potential errors; thus providing quality client deliverables, and high levels of integrity and outcomes throughout the duration of the project.

Mr. **Tony Thrasher** will provide **Analytical Support**, and will work closely with Mr. Fisher, and the City to develop complete and accurate models that will best fit the City's needs. He will ensure that data is collected, interpreted, researched, and correctly entered into the model. Experience gained assisting with cost allocation plan and user fee projects for the Cities of Placentia, Bellflower, Irvine, Lynwood, Agoura Hills, and Thousand Oaks will be utilized throughout this engagement.

Furthermore, to ensure that the project stays on schedule, and is properly focused on City objectives, Mr. Fisher, in collaboration with Mr. Thrasher, will provide City staff with updates to summarize our progress against the project timeline, and update the status of upcoming deliverables. We will also document discussions leading to important policy decisions and/or the choice of critical assumptions used in constructing the analysis and rate model.

Finally, following key stakeholder discussions, we will schedule a call to summarize findings and direction with City staff, to make certain that we are in agreement with stated objectives, and that feedback is incorporated as appropriate. All of these steps guarantee that as the project moves forward success will be achieved by continually aligning our approach and work with stakeholder and City objectives, adjusting where necessary.

Development Impact Fee Study

Mr. **James Edison**, Managing Principal, will serve as the **Project Manager** for the City's Development Impact Fee Study project. His responsibilities will include leading tasks, overseeing the quality of work products, and assuring timely completion of the project; as well as serve as the day-to-day contact and will be present at key meetings. He has been selected for this role because of his familiarity with innovative approaches to funding public facilities and recent legislative and case-law changes that alter how California agencies can use the Mitigation Fee Act.

Mr. Edison is a former bond attorney, and an active member of the California State BAR. With this knowledge and expertise overseeing the City's project, he can be of assistance in advising, and addressing matters that are related to the review or preparation of a nexus study.

Mr. **Carlos Villarreal** will serve as **Task Manager** and Mr. **Mike Medve**, will serve as **Senior Analyst**, they will provide support to Mr. Edison.

C.2) Project Team Resumes

Bios for Willdan's project team are presented on the following page. Full detailed resumes, with specific project information, are included in the appendix.

Chris Fisher

Project Manager – User Fee and Cost Allocation Plan

Mr. Chris Fisher, Vice President and Group Manager of Willdan's Financial Consulting Services group, will serve as project manager for the City of Banning project. He will also share his extensive knowledge related to cost-of-service principles with members of the project team. Mr. Fisher joined Willdan in April of 1999, and during that time has managed an array of financial consulting projects for public agencies in California, Arizona, and Florida, coordinating the activities of resources within Willdan, as well as those from other firms working on these projects. He is one of the firm's leading experts for special district financing related to public infrastructure, maintenance, and services, including public safety.



Tony Thrasher

Analytical Support – User Fee and Cost Allocation Plan

Due to his prior cost allocation and user fee analyses experience, Mr. Tony Thrasher has been selected to provide analytical support for the City's engagement. Currently, Mr. Thrasher is a senior analyst within the Financial Consulting Services group, whereby his responsibilities include supporting project managers and conducting fiscal analyses for cost allocation plans, user fees, and utility rate studies.

Robert Quaid, CPA

Quality Assurance/Quality Control – User Fee and Cost Allocation Plan

With his 35 years of extensive experience in public financing, Mr. Robert Quaid has been selected to provide quality assurance/quality control. In his position as a Principal Consultant at Willdan, Mr. Quaid provides project management, procedural support, technical support, and quality review for Willdan's District Administration group, as well as the Financial Services Consulting group specific to cost allocation plans, user fee studies, and special financial analysis.

James Edison

Project Manager – Development Impact Fee

Mr. Edison specializes in the nexus between public and private, with particular expertise in public-private partnerships, and the benefits of economic development to municipalities and state, provincial, regional and national governments. He possesses deep expertise in land use economics, with a specialty in finance and implementation, including fiscal impact and the public and private financing of infrastructure and development projects, both in the U.S. and internationally. Mr. Edison's public sector experience includes local and regional economic impact studies; fiscal impact evaluations; new government formation strategies; and the creation of impact fees, assessments, and special taxes to fund infrastructure and public facilities.

Carlos Villarreal

Task Manager - Development Impact Fee

Mr. Villarreal will serve in the role of Task Manager for the City's engagement. He has been selected for this role due to his prior experience documenting nexus findings for development impact fees, preparing capital improvement plans, facilitating stakeholder involvement, and analyzing the economic impacts of fee programs. He has supported adoption of fee programs funding a variety of facility types, including, but not limited to transportation, parks, library, fire, law enforcement, and utilities.

Michael Medve

Project Analyst – Development Impact Fee

Mr. Medve joined Willdan in the role of project manager. He brings ten years of experience to the Financial Consulting Services group with expertise in public finance, including special district formation and administration, fiscal impact analysis, public facilities financing plans, integrated financing districts, Proposition 218, tax credit financing, state and federal grant and loan programs, sales tax revenue bonds, and infrastructure financing districts. He has developed financial pro formas and cash flow analyses for numerous types of public and private project financing programs.

D. Questions / Response to Scope of Services

The following describes our project understanding, proposed approach, and work plan for a Cost Allocation Plan, User Fee Study, and Development Impact Fee Study.

D.1) Cost Allocation Plan Methodology

The purpose of this cost allocation plan engagement is to ensure that the City of Banning is maximizing the recovery of indirect costs from identified operating departments, as well as enterprise and other chargeable funds and capital projects. Furthermore, a sound cost allocation plan is a foundational element of a user fee study, and the development of internal hourly rates, including CIP billing rates. We will work closely with staff in identifying the proper balance of allocation factors appropriate for the City. In order to achieve the maximum cost recovery objective, the City must have a method of identifying and distributing administrative costs that is fair, comprehensive, well documented, and fully defensible. A cost allocation plan coupled with comprehensive overhead rates will enable the City to achieve this goal.

Approach for Managing the Project

Willdan's "hands-on" supervision of Cost Allocation Plan studies, include the following methods:

- **Effective Project Management** — Principal-in-Charge and Project Manager, Chris Fisher will manage the entire project with an eye toward high responsiveness, while ensuring that all stakeholders are "on board" with



the direction of the project, as well as with the final results. Mr. Fisher will ensure that regular status updates are provided to City staff, conference calls are scheduled, and that in-person meetings are conducted (as necessary).

- **Adherence to Time Schedule** — Willdan recognizes that the use of "timelines" is highly effective in meeting all required deadlines. To keep the project on schedule, there are several tasks that must be completed in a timely manner. Therefore, we will present a project timeline at the kick-off meeting that should be closely followed.

Although the establishment of an experienced project team and a detailed project timeline work extremely well in general, Willdan understands that outside influences can create uncontrollable situations for everyone involved in the project. In rare circumstances like these, our team quickly adapts to changes, and communicates our recommended schedule adjustments to the City.

Approach in Communicating with the City

Willdan staff is accustomed to interfacing with local government councils, boards, staff, community organizations, and the public in general in a friendly and helpful manner; we are always mindful that we represent the public agency. We are sensitive to the need of delivering a quality product, with the highest level of service and professionalism. Therefore, as the work on the project progresses, we understand that it will be necessary for our staff to work closely with you and City personnel. To accomplish this, we employ a variety of tools, including monitoring project status and budget costs; and ensuring effective communication through several options that are based on the City's preferences.

Experience with Development Service Processes

A unique aspect of our firm is our relationship with our Engineering Division. For many agencies throughout California and other Western states, this division provides contracted services in planning, engineering, and building and safety. When conducting cost recovery studies, we regularly consult with our engineering and land-development staff of experts on development-related issues. By working with our planners, engineers, and building officials, we understand development-related agency service procedures and workflow functions, which often make the entire user fee and rate study process smoother for your staff.

D.1) User Fee Study Methodology

In order to comprehensively update fees, the City should develop a comprehensive user fee schedule that accurately accounts for the true cost of providing services. Once the study is complete, the fee and rate study model must be flexible so that the City can add, delete, and revise fees in the future. To meet this goal, we will bring our expertise and unique perspectives to your fee study by approaching the project with these three principles:

1) Defensibility

Our user fee projects have not been legally challenged since the inception of this practice area in our firm. We have accomplished this by closely working with legal counsel familiar with user fee studies, our engineering division and with agency staff. In this way, we can tailor the correct approach to ensure full cost recovery combined with a sound and reasonable basis for each user fee you implement.

While Proposition 218 does not directly apply to non-property-related fees, we employ principles from this important constitutional article to make certain that your user fee and rate schedule is developed with fairness, equity, and proportionate cost recovery principles in mind. With the addition of Proposition 26, Willdan will review each analyzed user fee for compliance and appropriateness to ensure continued defensibility.

2) Project and Staff Time

The City must have a sound and technically defensible fee schedule to ensure costs are appropriately recovered, as applicants approach the City for its services. Our standards and approaches serve to get to the issues of your fee study quickly. Starting with the project kick-off, we will make certain that your staff understands the purpose and scope of the study and its corresponding on-site departmental interview. As Willdan is able to communicate directly with the service providers, this face-to-face interaction provides valuable time estimates.

3) Responsiveness

We take great pride in providing responsive service to our client agencies. Frequent communication is critical to a successful user fee study experience. We will provide a list of data requirements in advance of the project kick-off meeting. Due to this simple step, the introductory meeting can focus on the survey input process, answering questions, determining policy goals, and defining next steps in the project. We will follow up weekly with you at each step in the fee study process to make sure that staff "buys in" to the fee study approach and results.

Approach

Our approach to preparing the user fee study and documentation for Banning includes:



- Close coordination with your staff to devise a consensus approach. Different programs and/or different service delivery methods will necessitate different approaches. We will discuss specific pros and cons with City staff as we determine which methods work best for various categories of fees;
- Strict adherence to key legal and policy issues with regard to user fees, including the percent of cost recovery that the City seeks to achieve. A user fee shall not be set higher than the reasonable cost of providing a fee-generating service. Our approach provides you with a fee schedule that achieves maximum legal cost recovery while ensuring that each fee is supported by technically defensible documentation; and
- Technical analysis necessary for project participants to resolve policy issues.

As described below, there are two basic approaches to calculating user fees:

Approach 1: Case Study Method

This is also sometimes referred to as a cost build-up approach. Using a time and materials approach, the "Case Study Method" examines the tasks, steps and City staff involved in providing a particular 'unit' of service, such as a permit review, and then uses that information to develop estimates of the actual labor and material costs associated with providing a unit of service to a single user. It is often used when a service is provided on a regular basis, and staff and other costs associated with the service can be segregated from available budget data.

A typical case study fee model should comprise the following three general cost layers:

- 1) **Central Services Overhead:** This category may involve such costs as labor, services, and supplies that benefit more than one department, division, or project. The exact benefits to specific areas are impossible to ascribe to a single activity. Examples are purchasing, human resources, and liability insurance. As part of the user fee and rate study, these costs are calculated in the overhead cost review.
- 2) **Department Overhead:** This category may include expenses related to such items as office supplies, outside consultants, and membership dues. It may include management, supervision, and administrative support that are not provided to a direct fee-generating service. Typically, these items are charged, on an item-by-item basis, directly to the department, division, or project.
- 3) **Personnel Costs:** This category refers to direct salary and benefit costs of staff hours spent on providing a fee-generating service (e.g., on-site building inspector).

Approach 2: Average Cost Method

This is also sometimes referred to as a programmatic approach, because it looks at costs at a program level, and then allocates them to participants on an occurrence basis. By taking total service costs across a substantial sample period (a year), and dividing by the total number of service units delivered over that same period, costs per unit of service is estimated.

This approach is useful when services or programs are provided in a more aggregate manner, where it might be difficult to identify a specific sequence of steps associated with one user or participant; or where it is not feasible to cost-effectively segregate costs associated with specific activities.

D.1) Development Impact Fee Study Methodology

Willdan's methodology for calculating public facilities fees is both simple and flexible. Simplicity is important so that the development community and the public can easily understand the justification for the fee program. At the same time we use our expertise to reasonably ensure that the program is technically defensible.

Flexibility is important so we can tailor our approach to the available data, and the agency's policy objectives. Our understanding of the technical standards established by statutes and case law suggests that a range of approaches are technically defensible. Consequently, we can address policy objectives related to the fee program, such as economic development and affordable housing. Flexibility also enables us to avoid excessive engineering costs associated with detailed facility planning. We calculate the maximum justifiable impact fee and provide flexibility for the agency to adopt fees up to that amount.

Development impact fees are calculated to fund the cost of facilities required to accommodate growth. The four steps followed in an impact fee study include:

- **Estimate existing development and future growth:** Identify a base year for existing development and a growth forecast that reflects increased demand for public facilities;
- **Identify facility standards:** Determine the facility standards used to plan for new and expanded facilities;
- **Determine facilities required to serve new development and their costs:** Estimate the total amount and cost of planned facilities, and identify the share required to accommodate new development; and
- **Calculate fee schedule:** Allocate facilities costs per unit of new development to calculate the public facilities fee schedule.



We discuss key aspects of our approach to each of these steps in the subsections that follow.

Growth Projections

In most cases, we recommend use of long-range market-based projections of new development. By "long-range" we suggest 20 to 30 years to: 1) capture the total demand often associated with major public facility investments; and 2) support analysis of debt financing, if needed. In contrast to build out projections, market based projections provide a more realistic estimate of development across all land uses. Build out projections typically overestimate commercial and industrial development because of the oversupply of these land uses relative to residential development.

Facility Standards

The key public policy issue in development impact fee studies is the identification of facility standards (step #2, above). Facility standards document a reasonable relationship between new development and the need for new facilities. Standards ensure that new development does not fund deficiencies associated with existing development.

Our approach recognizes three separate components of facility standards:

- 1) **Demand standards** determine the amount of facilities required to accommodate growth. Examples include park acres per thousand residents, square feet of library space per capita, or gallons of water per day. Demand standards may also reflect a level of service such as the vehicles-to-capacity (V/C) ratio used in traffic planning;
- 2) **Design standards** determine how a facility should be designed to meet expected demand, for example park improvement requirements and technology infrastructure for office space. Design standards are typically not explicitly evaluated as part of an impact fee analysis but can have a significant impact on the cost of facilities. Our approach incorporates current facility design standards into the fee program to reflect the increasing construction cost of public facilities; and
- 3) **Cost standards** are an alternate method for determining the amount of facilities required to accommodate growth based on facility costs per unit of demand. Cost standards are useful when demand standards were not explicitly developed for the facility planning process. Cost standards also enable different types of facilities to be analyzed based on a single measure (cost or value), useful when disparate facilities are funded by a single fee program. Examples include facility costs per capita, per vehicle trip, or cost per gallon of water per day.

Identifying New Development Facility Needs and Costs

We have a number of approaches that can be used to identify facility needs and costs to serve new development. Often this is a two step process: 1) identify total facility needs; and 2) allocate to new development its fair share of those needs. Total facility needs are often identified through a master facility planning process that typically takes place concurrent with or prior to conducting the fee study. Engineered facility plans are particularly important in the areas of traffic, water, sewer, and storm drain because of the specialized technical analysis required to identify facility needs.

There are three common methods for determining new development's fair share of planned facilities costs: 1) the existing inventory method; 2) the planned facilities method; and 3) the system plan method. Often the method selected depends on the degree to which the community has engaged in comprehensive facility master planning to identify facility needs. The formula used by each approach and the advantages and disadvantages of each method is summarized on the page that follows:

Existing Inventory Method

The existing inventory method allocates costs based on the ratio of existing facilities to demand from existing development as follows:

$$\frac{\text{Current Value of Existing Facilities}}{\text{Existing Development Demand}} = \$/\text{unit of demand}$$

Under this method new development funds the expansion of facilities at the same standard currently serving existing development. By definition, the existing inventory method results in no facility deficiencies attributable to existing development. This method is often used when a long-range plan for new facilities is not available. Only the initial facilities to be funded with fees are identified in the fee study. Future facilities to serve growth are identified through an annual Capital Improvement Plan ("CIP") and budget process, possibly after completion of a new facility master plan.

Planned Facilities Method

The planned facilities method allocates costs based on the ratio of planned facility costs to demand from new development as follows:

$$\frac{\text{Cost of Planned Facilities}}{\text{New Development Demand}} = \$/\text{unit of demand}$$



This method is appropriate when specific planned facilities can be identified that only benefit new development. Examples include street improvements to avoid deficient levels of service or a sewer trunk line extension to a previously undeveloped area. This method is appropriate when planned facilities would not serve existing development. Under this method new development funds the expansion of facilities at the standards used for the master facility plan.

System Plan Method

This method calculates the fee based on the ratio of the value of existing facilities plus the cost of planned facilities divided by demand from existing plus new development:

$$\frac{\text{Value of Existing Facilities} + \text{Cost of Planned Facilities}}{\text{Existing} + \text{New Development Demand}} = \$/\text{unit of demand}$$

This method is useful when planned facilities need to be analyzed as part of a system that benefits both existing and new development. It is difficult, for example, to allocate a new fire station solely to new development when that station will operate as part of an integrated system of fire stations that together to achieve the desired level of service. Police substations, civic centers, and regional parks are examples of similar facilities.

The system plan method ensures that new development does not pay for existing deficiencies. Often, facility standards based on policies such as those found in General Plans are higher than existing facility standards. This method enables the calculation of the existing deficiency required to bring existing development up to the policy-based standard. The local agency must secure non-fee funding for that portion of planned facilities, required to correct the deficiency, to ensure that new development receives the level of service funded by the impact fee.

Calculating the Fee Schedule

The fee schedule uses the cost per unit of demand discussed in the last subsection to generate the fee schedule. This unit cost is multiplied by the demand associated with a new development project to calculate the fee for that project. The fee schedule uses different demand measures by land use category to provide a reasonable relationship between the type of development and the amount of the fee. We are familiar with a wide range of methods for identifying appropriate land use categories and demand measures depending on the particular study.

Related Approach Issues

Funding and Financing Strategies

In our experience, one of the most common problems with impact fee programs and with many CIPs is that the program or plan is not financially constrained to anticipated revenues. The result is a "wish list" of projects that generate community expectations that often cannot be fulfilled. Our approach is to integrate the impact fee program into the local agency's existing CIPs while encouraging those plans to be financially constrained to available resources. We clearly state the cost of correcting existing deficiencies, if any, to document the relationship between the fee program and the need for additional non-fee funding.

Stakeholder Participation

Stakeholder participation throughout the study supports a successful adoption process. Our approach is to create consensus first, around the need for facilities based on agreed upon facility standards. Second, we seek consensus around a feasible funding strategy for these needs, leading to an appropriate role for impact fees.

Program Implementation

Fee programs require a certain level of administrative support for successful implementation. Our final report will include recommendations for appropriate procedures, such as:

- Regularly updating development forecasts;
- Regularly updating fees for capital project cost inflation;
- Regularly updating capital facility needs based on changing demands;
- Developing procedures for developer credits and reimbursements; and
- Including an administrative charge in the fee program.

D.2) Statement of Differentiated Services

Willdan has conducted studies for public agencies throughout California. Our employees know and understand the problems facing local government under the current economic climate, and we have oriented our practice to support an agency's modified budget policies and public service priorities. ***In fact, Willdan is one of the few firms providing all three services in-house, and as one body of work. The team presented within this proposal has worked collectively on numerous projects, such as the one requested by the City of Banning; an established work practice between the team members has been forged, this proven long-standing system has benefited our clients.***



Another advantage is our breadth of knowledge of city finance and community development operations. Our public finance teams often draw on a broad base of city finance, engineering, and building safety expertise that is not confined to project infrastructure and service funding plans. Over the past 50 years, Willdan's services have become increasingly tied to the long-term success of cities and their management of proposed development.

References

F.1) Agency Listing

For the sake of brevity, please refer to Section B, Question 3, a listing of similar clients has been provided.

F.2) References

Provided below are project descriptions, including client contact information, that are similar in nature to those requested by the City. We are proud of our reputation for customer service, and encourage you to contact these clients in regards to our commitment to completing the projects within budget and agreed upon timelines.

City of Hemet | Comprehensive User Fee Study and Cost Allocation Plan

In 2007, Willdan assisted the City of Hemet with the preparation of a Cost Allocation Plan and User Fee Study. This engagement included an in-depth review of the cost incurred by to the City in order to perform services.

In 2012 the City of Hemet retained Willdan's services again to update their CAP, in addition to updating the 2007 cost-of-service user fee study. This update included a study of the full cost to the City for requested services provided as a part of the Building and Safety function, as well as other City departments, including City Clerk, Finance, Police, Fire, Library and Community Development departments.

Client Contact: Ms. Donna Rowley, Principal Accountant, 445 E. Florida Avenue, Hemet, CA 92543
Tel. #: (951) 765-2355

Start Date: March 2012

Completion Date: September 2014

City of Covina, CA | Comprehensive Cost Allocation Plan and User Fee Study

The City of Covina engaged Willdan to complete a comprehensive Cost Allocation Plan (CAP), including the preparation of fully-burdened hourly rates to be used for other City purposes, including the updating of some user fees. Willdan staff met with City staff to verify the City's objectives for the study, independently gathered most of the necessary data for the development of the CAP model and methodology, and worked directly with City staff to gather additional detail or clarify information where necessary. We worked directly with City staff to understand the various functions served by indirect staff in various City departments, and which operating departments or funds they served. We worked directly with City staff to develop and verify allocation bases, and make adjustments through several iterations of the CAP model as necessary. Willdan finalized the model, and completed a draft report, which after comment and review, was updated to reflect feedback received from City staff.

The report, which explained the background, approach, data gathering and model development processes, and provided narrative interpretation of the results, was then finalized and presented to the City Council. Since the completion of the full CAP, we were asked to prepare an update in 2014.

Client Contact: Mr. Steve Smith, Senior Management Analyst, 125 East College Street, Covina, CA.
Tel #: (626) 384-5504

Start Date: February 2014, (most recent project)

Completion Date: September 2014

County of Riverside | Comprehensive Impact Fee Update

The County of Riverside engaged Willdan to perform an update of its comprehensive impact fee program. The fee categories were broad and diverse, including countywide facilities, such as: jail detention facilities and county parks and trails; unincorporated only facilities such as fire stations and libraries; and County planning area specific facilities including storm drain facilities and traffic improvements. Other facilities needed to be differentiated between the Eastern and Western portions of the County, due to separation by distance as well as varying level of facilities by region.

The process has been lengthy, involving significant efforts to inform staff of methodological differences between the Willdan methodology, and the methodology of the previous consultant.

Client Contact: Ms. Serena Chow, Principal Management Analyst, 4080 Lemon Street, Riverside, CA 92501, Tel #: (951) 955-8741

Start Date: August 2011

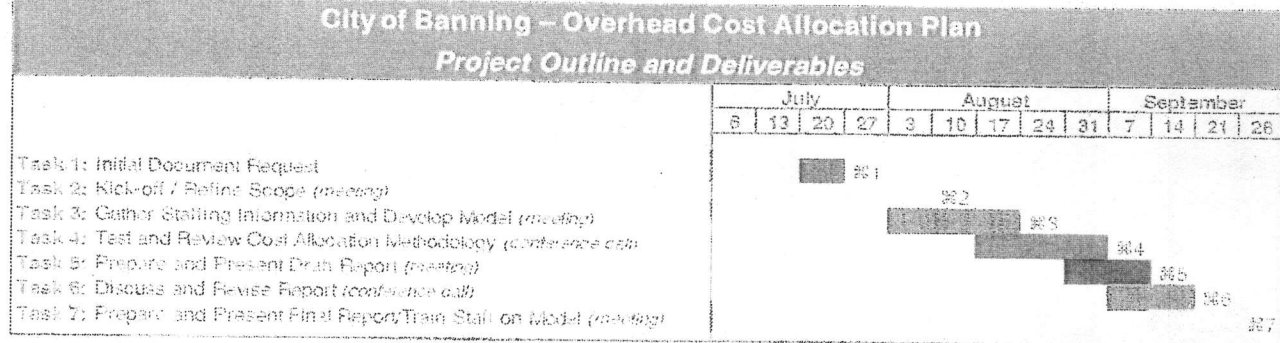
Completion Date: Current Project



G. Implementation Schedule

Willdan understands time is of the essence for the City of Banning to begin this engagement. This schedule can only be met with the cooperation of City staff. Delays in responding to our requests for data and review will result in corresponding delays to the project schedule. If that is the case, we will notify the City immediately of the possible impact on the schedule. Larger versions of the Project Schedules can be provided.

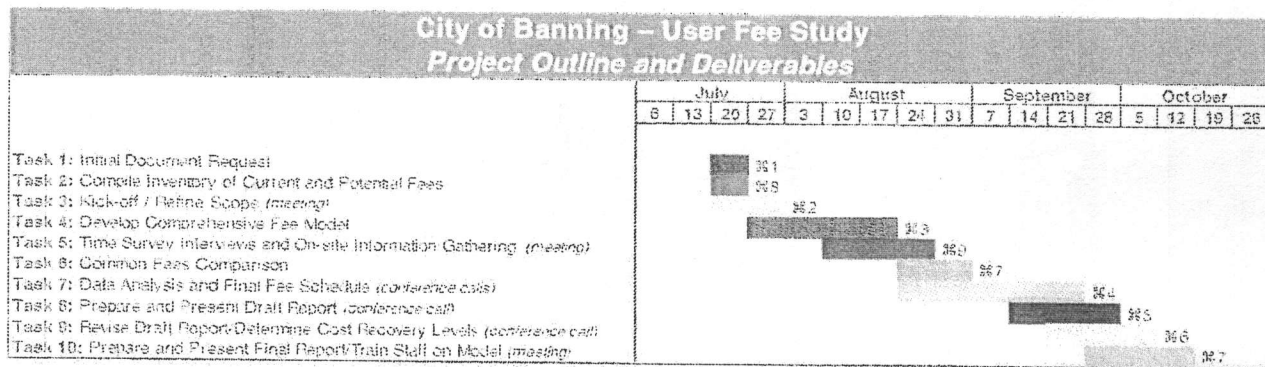
Cost Allocation Plan



Legend:

- ##1: Information Request
- ##2: Revised Project Scope and Schedule (if needed)
- ##3: User-friendly Model in Microsoft Excel
- ##4: Draft Cost Allocation Plan Model Review
- ##5: Draft Report
- ##6: Revised Draft Report/Final Report
- ##7: Final Report – Hard and Electronic Copies

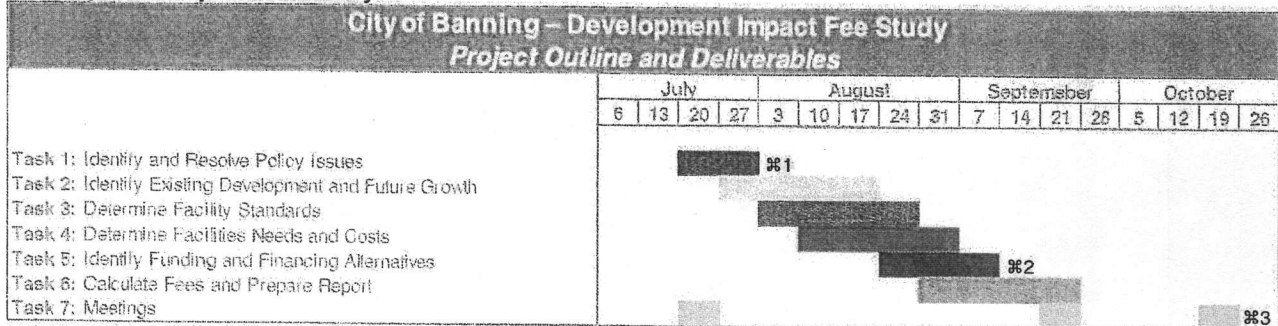
User Fee Study



Legend:

- ##1: Information Request
- ##2: Revised Project Scope and Schedule (if needed)
- ##3: User-friendly Model in Microsoft Excel
- ##4: Draft Fee and Rate Model Review
- ##5: Draft Report
- ##6: Revised Draft Report/Final Report
- ##7: Final Report – Hard and Electronic Copies
- ##8: Draft List of Current Fees
- ##9: Time Surveys and Draft Full Cost Recovery Fees

Development Impact Fee Study



Legend:

- ##1: Information Request; Revised Scope and Schedule (if needed); and Policy Decisions Summary (if needed)
- ##2: Administrative Draft Document
- ##3: Final Draft Document and Copies of Necessary Documents for Presentations and Public Hearings



Appendix

C.2) Project Team Resumes

Resumes for Willdan's project team are presented on the following pages

D.1) Work Plan

Detailed work plans have been provided subsequent to the resumes.



Chris Fisher

Project Manager

Education

San Francisco State University, Bachelor of Science, Finance

Areas of Expertise

Cost of Service Analyses

Multi-disciplinary Team Management

Special District Formations

Client Presentations

Proposition 218

Affiliations

California Society of Municipal Finance Officers

Municipal Management Association of Northern California

California Municipal Treasurers Association

Mr. Chris Fisher, Vice President and Group Manager of Willdan's Financial Consulting Services group, will serve as project manager for the City of Banning project. He will also share his extensive knowledge related to cost-of-service principles with members of the project team.

Mr. Fisher joined Willdan in April of 1999, and during that time has managed an array of financial consulting projects for public agencies in California, Arizona, and Florida, coordinating the activities of resources within Willdan, as well as those from other firms working on these projects. He is one of the firm's leading experts for special district financing related to public infrastructure, maintenance, and services, including public safety.

Related Experience

City of Petaluma, CA — Overhead Cost Allocation Plan and OMB Circular A-87 Plan, User Fee Study, CIP Rate Analysis, and Hourly Overhead Rate Study: Mr. Fisher is currently serving as project manager for the project team, and is providing oversight for this thorough and intensive study for the City of Petaluma.

Sacramento Public Library Authority, CA — Cost Allocation Plan and OMB Circular A-87: In April 2014, as Project Manager, Mr. Fisher completed the final report for the Sacramento Public Library Authority. Throughout the project he provided quality assurance to the project, which involved the development of a methodology for this unique venture. Mr. Fisher presented the final report to the Library Authority Board, as well as the Joint Powers Authority.

City of Salinas, CA — Comprehensive Fee Study and Full Cost Allocation Plan: Currently working with the City to prepare an OMB A-87-compliant full cost allocation plan and comprehensive fee study for the development of a master list of fees. Mr. Fisher led an all-departments overview meeting, where the framework and general process was reviewed, and global practical and policy questions were addressed. Immediately following the overview meeting, individual meetings were held with representatives from each department to discuss their specific fee related activities, and gather necessary information to update fees.

City of Hayward, CA — Cost Allocation Plan and User Fee Study: Mr. Fisher served as the project manager for the City's full overhead cost allocation plan and OMB A-87 cost allocation plan, along with a comprehensive master user fee study. He has worked with City and Willdan staff to gather the necessary data, and oversaw Willdan's development of the cost allocation model. The City has a complicated and detailed budget and the cost allocation plan that Willdan developed is tailored to their structure, and includes provision for several Internal Service Funds.

City of Irvine, CA — OMB A-87 Cost Allocation Plan and Comprehensive User Fee Study: Willdan completed a cost allocation plan and user fee study for the City of Irvine. Mr. Fisher managed and provided quality assurance to this project, ensuring the accuracy of the models, as well as the final reports. He also presented the results to the City's Finance Commission and to the City Council.

City of Hemet, CA — Cost Allocation Plan and Comprehensive User Fee Study: Mr. Fisher oversaw the update of the City's general overhead allocation plan and cost-of-service user fees. Willdan had provided similar financial consulting services to the City in 2007 and were called upon in 2012 to update these analyses. Service fees included those charged by the City Clerk, Finance, Police, Fire, Library and Community Development departments.

City of Placentia, CA — Cost Allocation Plan and User Fee Study Studies: Mr. Fisher oversaw the development of an overhead cost allocation study, as well as a User Fee Study for the development of the City of Placentia's master list of fees.

City of Covina, CA — Cost Allocation Plan and User Fee Study: Mr. Fisher served in the role of project manager for the City's engagement. The cost allocation plan developed will aid the City in the recovery of overhead costs related to central service activities. The user fee study was focused on fees charged by the following departments: City Clerk, Finance, Police, Fire, Library and Community Development.



Tony Thrasher

Analytical Support

Education
Bachelor of Science
in Finance
(Econometrics);
California State
Polytechnic
University, Pomona

Due to his prior cost allocation and user fee analyses experience, Mr. Tony Thrasher has been selected to provide analytical support for the City's engagement. Currently, Mr. Thrasher is a senior analyst within the Financial Consulting Services group, whereby his responsibilities include supporting project managers and conducting fiscal analyses for cost allocation plans, user fees, and utility rate studies.

Areas of Expertise
Cost Allocation
Plans

Mr. Thrasher's prior employment was as a financial analyst working in bond, equity, and mortgage-backed security markets for Wells Fargo Bank, Bank of New York Mellon, and Deutsche Bank. His experience includes portfolio accounting, differential analysis, and forecasting.

Fiscal Analysis for
User Fees and
Rates

Related Experience

City of Placentia, CA — Cost Allocation Plan and User Fee Study: As the assigned analyst, Mr. Thrasher provided analytical support; and designed micro-level allocation models to ensure full-cost recovery for police, community services, engineering, planning, and building departments.

Utility Rate Studies

City of Petaluma, CA — Overhead Cost Allocation Plan and OMB Circular A-87 Plan, User Fee Study, CIP Rate Analysis, and Hourly Overhead Rate Study: Mr. Thrasher is providing analytical support for this engagement. His primary duties are to work with City staff to gather data, provide assistance to the project manager, and produce reports.

9 Years Experience

Sacramento Public Library Authority, CA — Cost Allocation Plan and OMB Circular A-87: Mr. Thrasher provided analytical support. His primary duties included finalizing model figures and generating reports.

City of Irvine, CA — OMB A-87 Cost Allocation Plan and Comprehensive User Fee Study: Serving as the project's analyst, Mr. Thrasher provided analytical support; and designed micro-level allocation models to ensure full-cost recovery for public safety, public works, community development, community services, and administrative departments.

City of Bellflower, CA — OMB A-87 Cost Allocation Plan and Comprehensive User Fee Study Update: Provided analytical support, his primary duties included finalizing model figures and generating reports.

Town of Los Altos Hills, CA — Cost Allocation Plan and User Fee Study: Mr. Thrasher was assigned to work with the Town on this project, providing analytical support, gathering data, working with staff to make refinements, and developing cost allocation and fee models to ensure full-cost recovery for building and safety, planning, community development, and public works departments.

Town of Danville, CA — Cost Allocation Plan: Provided analytical support for this engagement. Primary duties included finalizing model figures and generating reports.

City of Hayward, CA — Cost Allocation Plan and User Fee Study: For this ongoing project, providing analytical support, and primarily responsible for the development of the models. Primary duties include gathering and verifying necessary data, finalizing model figures and generating reports.

City of Murray, UT — OMB A-87-compliant Cost Allocation Plan: Provided analytical support. Primary duties included finalizing model figures and generating reports.



Robert Quaid, CPA

Quality Assurance/Quality Control

With his 35 years of extensive experience in public financing, Mr. Robert Quaid has been selected to provide quality assurance/quality control. In his position as a Principal Consultant at Willdan, Mr. Quaid provides project management, procedural support, technical support, and quality review for Willdan's District Administration group, as well as the Financial Services Consulting group specific to cost allocation plans, user fee studies, and special financial analysis.

Prior to joining Willdan, Mr. Quaid worked in the private industry of real estate accounting and finance. He began his career with the public accounting firm formerly known as Haskins & Sells (currently known as "Deloitte & Touche"). His experience includes financial statement analyses, asset administration, computer conversion, and reporting to the Securities and Exchange Commission for several public real estate partnerships. In 1979, Mr. Quaid became a licensed California CPA.

Related Experience

City of Thousand Oaks, CA — Cost Allocation Plan: Mr. Quaid served as project manager for the development of an OMB A-87 compliant cost allocation plan model using fiscal year 2009 actual costs as the basis for the allocations. He was responsible for the preparation of the Cost Allocation Plan report and provided cost allocation model training to City staff.

The objective of this project was to determine the appropriate allocation of indirect costs from City General Fund central service departments to the General Fund operating departments/programs and the non-General Fund departments/programs. The plan model included 16 allocation bases allocating costs to over 100 departments and divisions. Both full and OMB A-87 cost allocation models were delivered to the City. Willdan was awarded a four-year contract, and will be updating the plan annually over the next four years.

Cities of Fontana, Gardena and Hawthorne, CA — Cost Allocation Plan Projects: For each of these cities, Mr. Quaid served in the role of task manager for the development of an OMB A-87 compliant cost allocation plan model using Microsoft Excel. He was responsible for the preparation of the cost allocation plan report and trained City staff on how to use the cost allocation model.

City of Rialto, CA — Comprehensive User Fee Study: Project manager for the Comprehensive User Fee Study to develop a user fee model in Microsoft Excel and update fees for Planning, Engineering, Building, Public Works, Recreation, Police, Fire, City Clerk, Treasurer and Finance.

City of Cathedral City, CA — Comprehensive User Fee Study: Project manager for a user fee study that required updating fees for Planning, Engineering, Building, Police, Fire, City Clerk, and Finance.

Education

Bachelor of Science,
University of Southern
California

Areas of Expertise

Fiscal Analysis for
User Fees and Rates

Cost Allocation Plans

Acquisition Audit
Services

Statutory Financial
Reporting

Fund Audits

Quality Review of
Community Facilities,
Lighting &
Landscaping, and
Assessment Districts

Affiliations

California Society of
Municipal Finance
Officers

California Society of
CPAs

Certifications/Licenses

Certified Public
Accountant

35 Years Experience



James Edison

Project Manager

Education

*Juris Doctorate,
Boalt Hall School of
Law, University of
California, Berkeley*

*Master of Public Policy,
Richard and Rhoda
Goldman School of
Public Policy,
University of California,
Berkeley*

*Bachelor of Arts,
magna cum laude,
Harvard University*

Professional Registrations

*Member of State Bar,
California*

*Licensed Real Estate
Broker, California*

Affiliations

*Council of
Development Finance
Agencies*

*CFA Society of
San Francisco*

*Congress for the
New Urbanism*

Urban Land Institute

Seaside Institute

*International Economic
Development Council*

15 Years Experience

Mr. Edison has been selected to serve in the capacity of project manager, due to his extensive experience, innovative approaches to funding public facilities and recent legislative and case law changes that dictate how public agencies can utilize the Mitigation Fee Act.

Mr. Edison specializes in the nexus between public and private, with particular expertise in public-private partnerships, and the benefits of economic development to municipalities and state, provincial, regional and national governments. He possesses deep expertise in land use economics, with a specialty in finance and implementation, including fiscal impact and the public and private financing of infrastructure and development projects, both in the U.S. and internationally. Mr. Edison's public sector experience includes local and regional economic impact studies; fiscal impact evaluations; new government formation strategies; and the creation of impact fees, assessments, and special taxes to fund infrastructure and public facilities. Mr. Edison has conducted numerous evaluations of the economic and fiscal impact of specific plans, and consulted on a wide variety of land use planning topics related to community revitalization and the economic and fiscal impacts of development.

As a former bond attorney, Mr. Edison understands the legal underpinnings and technical requirements of public financing instruments, and has advised both public and private clients on the use of individual instruments, and the interaction between those instruments and the needs of developers and project finance.

Project Experience

Tulare County Association of Governments – Regional Traffic Impact Fee: Mr. Edison has been engaged by the Tulare County Association of Governments to update the regional transportation impact fee that funds Countywide transportation improvements.

Stanislaus Council of Governments – Regional Traffic Impact Fee: Mr. Edison was hired by the Stanislaus Council of Governments (StanCOG) to update StanCOG's regional traffic impact fee.

County of Riverside, CA – Comprehensive Impact Fee Update: Mr. Edison is leading the effort to establish a comprehensive fee program for the County, including facilities fees for fire, police, parks, criminal justice, libraries, and traffic. He has prepared the technical and analytical documents necessary to calculate the fee and establish the necessary nexus to collect it, as well as presented the fees during public hearings to the County Board of Supervisors.

City of Murrieta, CA – Master Facilities Plan and Development Impact Fee Calculation Report Update: Mr. Edison is currently serving as the principal-in-charge of the City's study to update their Master Facilities Plan and Development Impact Fee Calculation Report, to ensure that new development pays the capital costs associated with growth. The existing fees were adopted in 1998.

City of Alameda, CA – Comprehensive Impact Fee Update: Mr. Edison is currently leading the Willdan team updating the impact fee programs of the City of Alameda, and creating a separate impact fee program for Alameda Point, the former Alameda Naval Air Station.

County of Tulare, CA – Countywide Impact Fees: Mr. Edison is currently serving as project manager for a study that involves the creation of an impact fee program for the County. The study includes a range of facilities including public protection, library and parks facilities, as well as a transportation facilities impact fee, with different fees calculated for two zones in the County.

City of Fremont, CA – Comprehensive Impact Fee Update: Mr. Edison led the Willdan Team in the successful update of the impact fee programs for the City of Fremont. The effort included an update of the City's transportation impact fee program and capital improvement program.

City of Manteca, CA – Fire Impact Fee Update: Mr. Edison served in the capacity of project manager for the update of the City's fire services impact fee program.



Carlos Villarreal

Task Manager

Education

*Bachelor of Arts,
Geography, University
of California, Los
Angeles; Minor in
Public Policy and
Urban Planning*

Areas of Expertise

Fiscal Impact Analyses

*Development Impact
Fees*

*Public Facilities
Financing Plans*

GIS Analysis

10 Years Experience

Mr. Villarreal will serve in the role of Task Manager for the City's engagement. He has been selected for this role due to his prior experience documenting nexus findings for development impact fees, preparing capital improvement plans, facilitating stakeholder involvement, and analyzing the economic impacts of fee programs. He has supported adoption of fee programs funding a variety of facility types, including, but not limited to transportation, parks, library, fire, law enforcement, and utilities.

Project Experience

City of Alameda, CA – Alameda Development Impact Fee Update: Mr. Villarreal served as the Lead Project Analyst for the the City of Alameda engagement to update the City's impact fee program. He coordinated with the City to gather the pertinent data for the project, and was instrumental in preparing the nexus study, in addition to participating in the presentation to stakeholders and City Council

City of Morgan Hill, CA – Development Impact Fee Update: Mr. Villarreal is currently serving as Project Manager for a study to update the City's existing nexus study, including general government, fire, police, parks and recreation, library and storm drain fee categories. Project scope includes stakeholder outreach.

City of Santa Clara, CA – Parks Fee Update: As Assistant Project Manager to Mr. Edison, Mr. Villarreal collected the necessary data to update the City's parks fee. Willdan prepared a comprehensive update of the City's parks fee, including demographic analysis and estimation of the cost of acquiring and improving public park land.

City of Upland, CA – Impact Fee Study Update: Conducted a study to update the City's impact fee program, including general government, regional transportation, water, sewer, storm drain and park fees. Traffic fees were established within the San Bernardino Associated Governments' (SANBAG) guidelines to provide a local funding source for improvements of regional significance.

County of Stanislaus, CA – Impact Fee Study Update: Mr. Villarreal served in the role of project manager for a study updating the County's existing impact fee program. The program includes a range of facilities including public protection, library, and park facilities. The study also includes a transportation facilities impact fee, with different fees calculated for two zones in the County. Considerable stakeholder outreach was an integral component of this project.

County of San Benito, CA – Comprehensive Impact Fee Study: In the role of project manager, Mr. Villarreal assisted the County of San Benito with the preparation of an updated and expanded impact fee program. The fee programs included: 1) Capital Improvements Impact Fee; 2) Road Equipment Impact Fee; 3) Fire Mitigation Impact Fee; and 4) Park and Recreation Impact Fee.

City of Soledad, CA – Development Impact Fee Study Update: Mr. Villarreal managed the update of the City's impact fee program, specifically changes in demographics, growth projections, project costs, and facility standards. In particular, the City needed to revise its capital facilities needs to accommodate a much lower amount of growth than what was projected before 2007. The resulting fees funded new development's share of planned facilities, while not overburdening development with unnecessary costs.

Rodeo-Hercules Fire Protection District, CA – Fire Impact Fee Update: Mr. Villarreal served as Project Manager for the District's fire impact fees update. The fee will be charged in two jurisdictions, the City of Hercules, and the unincorporated community of Rodeo. The fees were adopted by the City Council in September 2009, and were presented to the Board of Supervisors in December 2009.



Michael Medve

Project Analyst

Education

*Bachelor of Science
Information and
Computer Science,
Management and
Mathematics Minors,
Cum Laude
University of
California Irvine,*

Areas of Expertise

Public Finance

*Public Facility
Financing*

*Special District
Formation and
Administration*

Proposition 218

*New Markets Tax
Credits*

Grant Writing

10 Years Experience

Mr. Medve joined Willdan as a project manager in the Financial Consulting Services group; he will serve in the role of Project Analyst for this engagement. He brings ten years of experience to the Financial Consulting Services group with expertise in public finance, including special district formation and administration, fiscal impact analysis, public facilities financing plans, integrated financing districts, Proposition 218, tax credit financing, state and federal grant and loan programs, sales tax revenue bonds, and infrastructure financing districts. He has developed financial pro formas and cash flow analyses for numerous types of public and private project financing programs.

Prior to joining Willdan, Mr. Medve was a consultant in the field of public finance for other consultants. Over the years, he has been a financing team member for over \$130 million in limited obligation bonds and over \$30 million in grant funds. He has served as the lead consultant for over two dozen clients, both public and private, throughout the country.

Project Experience

County of San Diego – Special Tax Consulting: Mr. Medve is currently assisting the County with their special tax consultant projects, specifically CFDs formed within unincorporated areas. To meet the demands of continued growth within the County, he is currently involved with the initial steps of forming two separate CFDs that will fund services and improvements ranging from flood control maintenance and fire protection services, to necessary capital improvements. He is also helping to replace an existing Permanent Road Division special assessment with a special tax to fund street rehabilitation and maintenance.

Valley Metro (Phoenix Metropolitan Area): Provided assessment consulting services to the public transit authority for the Phoenix metropolitan area exploring the possibility of using assessment districts to supplement transit construction, operations and maintenance funding (in transit funding, this is often called a "value capture" strategy). This involved developing a financing plan that prioritized the various transit projects to find the ones that would benefit the most from a value capture strategy.

City of Irvine – Great Park Financing Plan: Mr. Medve assisted the City's Orange County Great Park (OCGP) subsidiary with the formation of a CFD and Redevelopment Area for the Great Park project. After the abolishment of redevelopment, he assisted OCGP with approving land use modifications and CFD change proceedings to assure adequate funding.

High Speed Rail Business Plan 2012, California High Speed Rail Authority – Statewide, CA: Mr. Medve performed research and compiled data comparing the economic conditions of station areas for the proposed California High Speed Rail project and the Northeast Corridor High Speed Rail project. Services provided included planning, oversight of the environmental review/preliminary engineering (30% design), construction management, testing and commissioning for the line and every other phase up to revenue service for the 800-mile HSR system connecting San Francisco and Sacramento in Northern California with Los Angeles/Anaheim and San Diego in the south.

Newark Regional Transportation Center, DE – TIGER Grant Application: Mr. Medve prepared a Benefit-Cost Analysis to demonstrate employment accessibility and reduced vehicle miles traveled that would result from expanding the Newark station to eliminate conflicts with freight trains and allow passenger trains to make more stops during peak travel hours. This analysis was used in a TIGER III application to the US Department of Transportation and was successful in securing a \$10 million grant to fund the project.



Cost Allocation Work Plan

Our proposed work plan, described in detail by task, is provided below. We propose to maximize efficiency and cost-effectiveness by combining meetings and data gathering efforts between the cost allocation study and fee and rate study wherever possible. We explain how each task will be accomplished, and identify associated meetings and deliverables. We want to ensure our scope provides quality and clarity, and is responsive to the City's needs and specific local circumstances. We will work in concert with the City to adjust scopes as needed during the course of the studies.

Task 1: Initial Document Request

Objective: Initial due diligence.

Description: Prior to the kick-off meeting, relevant documentation will be obtained and reviewed in order to enhance our understanding of the City's current cost allocation plan and internal structure of the agency. A written request for specific data will be sent to the City. The data provided in this task will provide the building blocks for later model development.

Our request may include (but is not limited to):

- Detailed budget and accounting data;
- Prior year's financial data, salary, position and staffing data;
- Organizational structure;
- Prior cost allocation plan and/or user fee documentation and models; and
- Data related to various allocation bases that may be incorporated as part of the methodology, i.e. City Council agenda frequencies by department, AP/AR transactions by department, IT equipment distribution by department, etc.

Deliverables: **Willdan:** Submit information request to City.

City: Provide requested data to Willdan (prior to Task 2, Kick-off Meeting Call/Refine Scope). We will follow up with the City to confirm in writing the data that we have received, or which is still outstanding.

Task 2: Kick-off Meeting / Refine Scope

Objective: Identify and resolve policy issues raised by the study and determine appropriate fee categories.

Description: Willdan will identify and resolve policy issues typically raised by these studies and address data gaps in order to gain a full understanding of the City's goals for the cost allocation plan. We will establish effective lines of communication and processes for information gathering and review.

During this meeting, we will ask that the City assign a project manager to serve as its primary contact. The selected City project manager will ensure that available data is provided to Willdan in a timely manner, thereby maintaining adherence to the project's schedule.

We will obtain and review the current cost allocation methodology and discuss with City staff. The objective of this review is to determine specific areas of focus as they relate to the City's objectives, and to discuss and evaluate current and potential allocation factors.

Meetings: One (1) project kick-off meeting to initiate the project, discuss data needs and methodologies and to address policy issues. We would propose to conduct the user fee study kick-off at this same meeting to maximize efficiency and cost effectiveness of staff and Willdan time.

Deliverables: **Willdan:** If needed, a revised project scope and schedule.

City: Provide further data requirements and select / introduce City's project manager.

Task 3: Gather Staffing Information and Develop Cost Allocation Plan Model

Objective: Gather information related to indirect staffing and functions. Prepare draft cost allocation plan and model.

Description: This task involves the gathering of specific information, directly from City staff, through interviews and discussion, related to the functions served by indirect staff and the departments served by their activities. This task also focuses on the development of, and/or adjustment of existing, allocation bases, and the development and testing of a model that will ultimately be used to calculate the proper cost allocations derived from data gathered in prior tasks.



The model will be developed to incorporate any recent changes in the provision of City services, and fully allocate central service costs, as well as to allocate only those costs eligible under OMB A-87 guidelines. This is accomplished by loading relevant data into the model, then employing a toggle that will remove the OMB A-87 ineligible costs as appropriate. The OMB A-87 compliant model is valuable as the City may receive Federal or State grant funding that mandates compliance with the Federal OMB regulations.

We will utilize budget and organizational information, and other required information gathered from City staff to complete the work in this task. Specific discussions will be held to discuss bases, how central overhead services are provided to and utilized by other departments, cost categories and allocation criteria, and how these will factor into the overall cost allocation methodology.

We will work with the City to review any existing Internal Service Funds (ISF) and their functions and structures, and incorporate them into the model and methodology.

The model and methodology will also produce fully loaded hourly billing rates for City staff positions. These rates will be suitable for a variety of uses, including billing to CIP projects, and in the OMB A-87 compliant CAP, to Federal grants.

Meetings: Conference call with staff to understand structure and operations as model and allocation bases are developed. Key staff will be interviewed to best understand central overhead staffing and functions and the departments served.

Deliverables: **Willdan:** One (1) user-friendly model in Microsoft Excel format that provides both a full cost allocation plan and an OMB A-87 compliant cost allocation plan.

Task 4: Test and Review Cost Allocation Methodology

Objective: Test and review model and results with City.

Description: The draft cost allocation plan model will be reviewed with City staff, and adjusted as necessary, to ensure that preliminary allocations provide an accurate depiction of how the central overhead costs should be borne by the operating programs and funds. Over the past several years, we have successfully integrated online meetings by using GoToMeeting™ as an element to our approach. This allows us to remotely guide staff through the model review, and allows you the opportunity to interactively change inputs and test approaches.

Meetings: One (1) conference call and online demonstration (GoToMeeting) to review the model.

Deliverables: **Willdan and City:** Draft cost allocation plan model review.

Task 5: Prepare and Present Draft Report

Objective: Prepare the draft cost allocation report.

Description: This task involves the draft report preparation. The cost allocation plan's background, model methodologies, and results will be discussed; calculations and supporting data will be presented textually and in easily understood tables, and provided to the City.

Meetings: One (1) meeting to present the draft report to the City Manager, City Staff, and if called upon to do so, the City Council.

Deliverables: **Willdan:** Draft report for City review and input.
City: Review of draft report, with comments, and edits.

Task 6: Discuss and Revise Report

Objective: Review of draft report, cost distribution methods, and model.

Description: An in-depth review of the draft report and model will be conducted to arrive at an optimum allocation method for each expenditure type. Often, through the course of an engagement, comments usually revolve around issues of: understandability; appropriate levels of enterprise funds' cost recovery, etc.; ease of calculation; and overhead costs' distribution methods.

Following a round of comments from City staff concerning the draft report, the final report will be prepared for presentation to the Council.

Meetings: One (1) conference call with City staff to review the report.

Deliverables: Draft report, and revised draft/final report.



Task 7: Prepare and Present Final Report/Train Staff on Model

Objective: Prepare and present the final report to City Council. Educate City staff on the operation and use of the model for future modifications.

Description: This task is the culmination of the cost allocation plan project. Based on staff comments on the draft report, Willdan will prepare the final report for presentation to City Council.

Meetings: One (1) meeting with the City Council to present the final cost allocation plan. This meeting may be held in conjunction with the presentation of the fee and rate study results.

We will also provide staff training on the operation and use of the model on the same day during regular business hours.

Deliverables: **Willdan:** Provide five (5) bound copies, one (1) unbound copy, and one (1) electronic PDF file copy of the final report and models (overhead and OMB A-87 compliant) to the City. Using Microsoft Word and Excel, an updateable electronic copy of the study and models, as well as related schedules, will also be provided on CD/ROM.

User Fee Study Work Plan

Task 1: Initial Document Request

Objective: Initial due diligence; obtain study-related data.

Description: Prior to the kick-off meeting, we will obtain and review relevant documentation to further enhance our understanding of the services, fees, and rates to be studied. A written request for data will be sent to the City. Please note that Time Survey data is not part of this request and will be gathered during the on-site interviews described in Task 5.

We will request information and documentation on current fees and fee programs, activity levels, and budget and staffing information (to the extent not already available) related specifically to programs and activities which have associated fees, and for which the City has this level of detail.

Deliverables: **Willdan:** Submit information request to City.

City: Provide requested data to Willdan (prior to Task 3, Kick-off Meeting/Refine Scope). As with the cost allocation plan, we will follow up with the City to confirm receipt of requested data and information, and highlight data elements that are outstanding.

Task 2: Compile Inventory of Current and Potential Fees

Objective: Willdan will identify a schedule of fees and methodology for calculating the fees.

Description: Based on the results of the initial document request and independent research, incorporate into our model the existing fees, provided by the City, to comprise the parameters of the fee study.

Meetings: None. It is possible that a conference call with the City may be necessary to discuss new fees to implement or existing fees that may no longer be required.

Deliverables: **Willdan:** One (1) draft list of current fees based on initial data provided (to be discussed and finalized during the kick-off meeting).

City: Review completed fee schedule with comments/revisions to be discussed during the kick-off meeting.

Task 3: Kick-off Meeting/Refine Scope

Objective: Identify and resolve policy issues typically raised by a User Fee Study, address gaps in data, and refine appropriate existing or new fee categories (based on Task 2).

Description: Verify our understanding of the City's goals, the City's cost-recovery policy for user fees, and to fill any gaps in data/information necessary for the project. It is important for the City and Willdan to identify and address any foreseeable problems and maintain open communication throughout the process.

During this meeting, we will ask that the City identify a project manager who will serve as the primary contact for the project. The project manager shall have responsibility for ensuring that all available data is provided in a timely manner, thereby maintaining adherence to the project's schedule.



Meetings: One (1) project kick-off meeting to initiate the entire project, discuss data needs, and address policy issues. This meeting will be held in conjunction with the kick-off for the cost allocation plan. As mentioned in the cost allocation plan work plan, we suggest combining the kick-off meetings to increase efficiency.

Deliverables: **Willdan:** 1) Revised project scope and schedule (if needed); and 2) brief summary of policy decisions (if needed).

City: 1) Provide further data needs; and 2) determine/introduce City's project manager.

Task 4: Develop Comprehensive Fee Model

Objective: Develop and test model.

Description: This task involves the development of the model ultimately used to calculate the departmental fees, based on data and information gathered in previous tasks and in the Time Survey Interviews described in Task 5. To ensure that City policies are met through the imposition of the calculated fees, the model will be formatted to include appropriate costs.

Key model inputs will include staff and allocated overhead costs per position, and relevant budget data on salaries and benefits. Most of this information will be developed during the cost allocation plan phase of this project, and will be incorporated directly into the user fee model. We will request clarification and/or additional data if necessary.

The model will build upon the cost allocation plan results, to provide an allocation of administrative and overhead costs to fee related activities and departments providing services to customers, so that fees and billable rate schedules incorporate applicable costs. Furthermore, the fees and rates charged to customers will also reflect the cost of the services being provided, to the extent possible given policy and/or political considerations.

Deliverables: **Willdan:** One (1) user-friendly model in Microsoft Excel format, which, when finalized, City staff can use to calculate fee changes annually, or as often as deemed appropriate by the City Council.

Task 5: Time Survey Interviews and On-site Information Gathering

Objective: Meet with City staff to complete Time Surveys and understand service delivery processes.

Description: In order to assist staff with the completion of the survey worksheets, we will schedule one (1) full day of on-site meetings with staff; however, the number of meetings needed may vary depending on the number of staff and departments involved.

The Willdan Team will conduct interviews with supervisors/managers, as well as other staff, as deemed appropriate and/or necessary, from each department involved in the user fee and rate study to determine the average time required by City staff to provide each of the services for which a fee is collected.

The fee model is designed so that full cost recovery fees are calculated immediately upon input of staff time. This will allow Willdan and City staff to conclude with a final meeting to review the draft full cost recovery fees, and adjust any times as necessary, once all information has been compiled and input into the fee model. We will schedule the interviews with staff to minimize any disruption to their normal workflow.

Meetings: One (1) full business day of on-site meetings/staff interviews.

Deliverables: **Willdan and City:** Time surveys and draft full cost recovery fees.

Task 6: Common Fees Comparison

Objective: Examine the user fees charged by comparable Riverside County, or jurisdictions that are similar to the City of Banning.

Description: We will access and use our knowledge of other jurisdictions to benchmark the City's five (5) most common fees or highest yielding fees with comparable jurisdictions agreed.

Fee schedules are rarely readily or directly comparable from agency to agency due to definitional and operational differences. For example, a grading permit in one jurisdiction may include the plan check service, while the same permit in another jurisdiction may not, resulting in similar sounding services with widely varying costs. For this reason, Willdan takes a selection of the City's most commonly used and/or highest yielding fees.



The survey will contain the following:

- Comparison of common or similar fees and charges used by the City and other jurisdictions;
- Current and proposed fees and charges unique to the City of Banning;
- Fees and charges used by other public entities not currently used in the City; and
- If possible, identify characteristics and processes unique to the City that account for significant variances in fees and charges used by other jurisdictions.

Deliverables: **Willdan:** Recommendations provided in Task 8 will incorporate the data gathered during our examination

Task 7: Data Analysis and Final Fee and Rate Schedule

Objective: Incorporate information obtained from on-site surveys to fully develop model.

Description: We will update the model, based on information received during the on-site surveys, to generate a comprehensive user fee schedule. In addition, it is very common that a supplemental data request may be necessary, based on new fees identified that the City is not currently collecting. Where appropriate, we will suggest and discuss with staff alternate approaches to existing fee programs (i.e. building fees), and suggest potential areas where fees could be collected where they are not currently. We will present the full cost recovery level for fees, and revenue projections, given certain assumptions about the levels of subsidy for different fees. Cost will be calculated at reasonable activity levels, and include all appropriate direct and indirect costs and overhead. We will review fee programs for compliance with Propositions 218 and 26.

The user fee data analysis and model development may take three (3) to four (4) weeks with frequent correspondence with City staff to discuss current cost recovery amounts, necessary to recover full cost and frequency activity.

Meetings: Conference calls to finalize fee schedule.

Deliverables: Final user fee and rate model for City Council presentation and discussion.

Task 8: Prepare and Present Draft Report

Objective: Prepare draft report.

Description: This task involves the preparation of the draft report that discusses the study's background, the methodologies utilized in the study, and the results and presentation to various stakeholder groups. As noted below, meetings may occur during this or the next task as appropriate. The calculations used to generate the fee and rate study will be included textually, as well as in easy to understand tables. Individual fee summaries by department, and a comprehensive fee schedule will be included. The draft report will include the following:

- Key results and findings;
- Basic descriptions of each service;
- The full cost of each service and current cost recovery levels;
- Costs broken down graphically into indirect and direct components, with a graphic display of the level of cost recovery;
- Fee recommendations with associate levels of cost recovery;
- Projections of potential fee revenue;
- Assessment of reasonableness of each City's costs;
- Review of reasonableness of current consultant cost structure (for Building Division services);
- As appropriate, recommend alternative methodologies for building permit fee calculation; and
- Summary and recommendations.

The objective of the report is to communicate the recommendation of appropriate fees, which include the appropriate subsidy percentage for those fees where full cost recovery may be unrealistic.

Meetings: One (1) conference call or online meeting to present the draft report to City Staff and the City Manager.



Deliverables: **Willdan:** Draft report for City review and comment.
City: Review of draft report, with comments and edits.

Task 9: Revise Draft Report/Determine Cost Recovery Levels for Recommended Adoption

Objective: Review of draft report and fee model.

Description: The goal of this task is to conduct an in-depth review of the draft report and model, and finally arrive at an optimum fee structure. Often through the course of an engagement, City staff will volunteer insightful likes and dislikes regarding the existing fee structure. We listen to this feedback carefully because your staff members know the community best. Comments usually revolve around issues of:

- Understandability;
- Fairness to applicants;
- Ease of calculation;
- Appropriate levels of cost recovery; and
- Full cost recovery hourly rates.

When adjusting fee recovery levels, we believe it is important to address these concerns.

Following one (1) round of comments from City staff on the draft report, we will prepare the final report for presentation to the City Council.

Meetings: One (1) online demonstration (GoToMeeting) to review the model.

Deliverables: Draft report, revised draft /final report.

Task 10: Prepare and Present Final Report/Train Staff on Model

Objective: Prepare and present final report to City Council. Train staff on the operation and use of the model for future modifications.

Description: This task is the culmination of the entire project. Based on staff comments received regarding the draft report, we will prepare the final report for presentation.

Meetings: One (1) meeting with City Council to present the results. We will also provide staff training on the operation and use of the model on the same day, during regular business hours.

Deliverables: We will provide up to five (5) bound copies, one (1) unbound copy and one (1) electronic PDF file copy of the final report and model to the City. Using Microsoft Word and Excel, an updateable electronic copy of the study and model, as well as related schedules, will also be provided on CD/ROM.

Development Impact Fee Study Work Plan

Task 1: Identify and Resolve Policy Issues

Objective: Identify and resolve policy issues raised by the study.

Description: Review agency documents related to existing capital planning policies and funding programs, including existing impact fees. Bring policy issues to City staff's attention, as appropriate, during the project and seek guidance prior to proceeding. Potential policy issues include:

- Adequacy of the City's General Plan, specific plans and other public facility planning policies (e.g. level of service standards); impact fee ordinances and resolutions, and prior nexus studies;
- Availability of existing public facility master plans and CIPs to identify needed facilities;
- Types of facilities to be funded by each fee;
- Land use categories for imposition of fees;
- Assessing residential fees, per square foot, per bedroom or per dwelling unit;
- Nexus approach to determining facility standards;
- Nexus approach to allocating cost burden among land uses, including need for separate fee zones;
- Potential alternative funding sources, if needed;
- Funding existing deficiencies, if identified;
- Implementation concerns and strategies; and



- Identify and clarify existing fees, and interview City staff regarding service levels for specific services;

Deliverables: **Willdan:** 1) Information requests; 2) revised project scope and schedule (if needed); and 3) brief summary of policy decisions (if needed).

Task 2: Identify Existing Development and Future Growth

Objective: 1) Identify estimates of existing levels of development; and 2) identify a projection of future growth, consistent with current planning policy.

Description: Identify base year for estimating existing levels of development and for calculating facility standards based on existing facility inventories (see Task 3). Include entitled development that would be exempt from the fee program.

Consult with the City staff to identify growth projections to a defined long-range planning horizon (10 to 30 years). Projections provide a basis for determining the facilities needed to accommodate growth (see Task 4). Willdan will typically start with the City's current General Plan, and make any necessary adjustments.

Develop an approach for converting land use data to measure facility demand. For example, identify population and employment density factors to convert population and employment estimates to dwelling units and building square. Select appropriate approach for each impact fee, based on:

- Available local data on facility demand by land use category;
- Approaches used by other agencies; and
- Support for other agency policy objectives.

Changes to estimates and projections during subsequent tasks could cause unanticipated effort and require an amendment to the scope and budget. Obtain approval of estimates and projections from City staff prior to proceeding.

Task 3: Determine Facility Standards

Note: Conduct tasks concurrently because of the effect of facility standards (Task 3), facility needs (Task 4), and alternative funding (Task 5) on the fee calculation.

Objective: Determine standards to identify facilities required to accommodate growth.

Description: Identify and evaluate possible facility standards depending on the facility type, current facility inventory data, and available facility planning documents. Consider use of: 1) adopted policy standards (e.g. General Plan, master facility plans); 2) standards derived from existing facility inventories; or 3) standards derived from a list of planned facility projects. City staff to provide policies, inventories, and project lists.

Task 4: Determine Facilities Needs and Costs

Objective: Willdan will develop a methodology for each proposed fee component to identify existing deficiencies in current facilities and improvements and assist City staff in determining the portion of estimated costs that are attributable to new development versus the portion attributable to existing deficiencies.

Description: Quantify total planned facilities, based on growth projection from Task 2 and facility standards from Task 3. Express planned facilities in general quantities, such as acres of parkland or as a specific list of capital projects from a master facility plan. Location of planned facilities may or may not be specified. If only a general description of planned facilities is available through the planning horizon, City staff to provide a list of specific capital projects for use of fee revenues during the short-term (e.g. five years).

Distinguish between: 1) facilities needed to serve growth (that can be funded by impact fees); and 2) facilities needed to correct existing deficiencies (that cannot be funded by impact fees). Use one of three cost allocation methods (existing inventory, system plan, or planned facilities).

Gather planning-level data on new facilities costs, based on lump sum project cost estimates or unit costs and project quantities (acres, building square feet, lane miles, etc.). Willdan will also examine local market data, such as land transactions and consultant team experience from prior projects. Inflate older cost estimates to base year using appropriate cost indices.



Note: We assume that information on facilities and costs will be provided by the City. Our scope of work does not include engineering analysis to identify total facility needs, existing deficiencies, or cost estimates. We can add this service at an additional cost, if needed.

Task 5: Identify Funding and Financing Alternatives

Objective: Determine the extent of alternative (non-fee) funding available for new facilities.

Description: If impact fees are going to only partially fund a capital project, the California Mitigation Fee Act requires the agency report on the anticipated source and timing of the additional funding every five years. There are two types of alternative funding sources that we will identify:

- 1) Funding from non-impact fee sources to correct existing deficiencies; and
- 2) Funding from new development other than impact fees that must be credited against new development's impact fee contributions, possibly including taxes paid to finance facilities.

Identify anticipated alternative funding based on information from City staff or note that funds are still to be identified based on a list of probable funding alternatives. If fees will fund debt service, include financing costs in the total cost of facilities.

This scope assumes facilities to be funded predominantly on a pay-as-you-go basis.

Note: Our scope does not include a cash flow analysis to analyze effect of timing of fee revenues on financing costs.

Task 6: Calculate Fees and Prepare Report

Objective: Provide technically defensible fee report that comprehensively documents project assumptions, methodologies, and results.

Description: Generate a fee schedule to apportion facility costs to individual development projects. The fee will be calculated to provide for facilities, equipment, infrastructure, and services needed to support growth based on forecasted growth. Use facility costs per unit of demand multiplied by demand by land use category, based on data developed in prior tasks.

Willdan will take into account any existing fees and compare the projected fees to nearby and comparable cities.

Prepare draft report tables for City staff to review that document each step of the analysis, including schedule of maximum justified fees by facility type land use category.

Following one round of comments from City staff on the quantitative analysis and fee schedules, prepare administrative draft report. The report will comply with the requirements of the Mitigation Fee Act, including:

- The purpose of any proposed new fees;
- How those proposed new fees would be used;
- The relationship between the fee's use and the type of project on which the fee would be imposed;
- The need for any type of project for which the fee would be imposed; and
- Any additional matters of which City staff should be made aware.

Following one round of comments on the administrative draft, prepare public draft for presentation to interested parties, the public and elected officials. Prepare a final report, if necessary, based on one round of comments received on the public draft report. If requested, post report on corporate Web site for public access.

Deliverables: We will provide up to five (5) bound copies, one (1) unbound copy, one Microsoft Word copy, and one (1) electronic PDF file copy of the final report and model to the City.

Task 7: Meetings

Description: Mr. James Edison, will attend all project meetings, including the kick-off meeting, and will present the findings at public meetings. Mr. Medve will attend other meetings, as requested by the City. The fee and scope includes three meetings: one kick-off meeting with City staff; one meeting with City staff; and one City Council meeting. Phone conferences are not considered meetings for the



purposes of this scope. Additional meetings may be requested for an additional fee, based on our hourly billing rates.

City Staff Support

To complete our tasks, we will need the cooperation of City staff. We suggest that the City of Banning assign a key individual to represent the City as the project manager who can function as our primary contact. We anticipate that the City's project manager will:

- 1) Coordinate responses to requests for information;
- 2) Coordinate review of work products; and
- 3) Help resolve policy issues.

We will ask for responses to initial information requests in a timely manner. If there are delays on the part of the City, we will contact the City's project manager to steer the project back on track. We will keep the City's project manager informed of data or feedback we need to keep the project on schedule.

Willdan will endeavor to minimize the impact on City staff in the completion of this project.

The Willdan Team will rely on the validity and accuracy of the City's data and documentation to complete this project. The City of Banning acknowledges that Willdan is relying upon the accuracy of the information provided by the City or their designees, and that Willdan shall not be liable for any inaccuracies contained therein.

CITY OF BANNING

PROPOSAL REQUIREMENTS

PROPOSAL LETTER/CERTIFICATE OF ACCEPTANCE

PROPOSER Willdan Financial Services

Dean Martin, Interim Administrative Services Director/
Deputy City Manager
CITY OF BANNING
99 East Ramsey Street
Banning, Ca 92220

In response to the Request for Proposal (RFP), for Overhead Cost Allocation Study/User Fee Study/ Development Impact Study, we the undersigned hereby declare that we have carefully read and examined the RFP documents including any plans and specifications, and hereby propose to perform and complete the Work as required in the Contract.

This Contract is not exclusive. CITY OF BANNING expressly reserves the right to contract for performance of services such as those described herein through other Contractors.

The undersigned agrees to supply the Scope of Work at the costs indicated in its cost proposal if its Proposal is accepted within 120 days from the date specified in the RFP for receipt of proposals.

The undersigned has reviewed the enclosed contract terms and conditions and agrees to accept all terms and conditions of CITY OF BANNING's contract unless otherwise noted in the proposal response.

If recommended for Contract award, the undersigned agrees to execute a Contract which will be prepared by CITY OF BANNING for execution, within 10 calendar days following Notification of Award.

The undersigned will also deliver to CITY OF BANNING prior to the commencement of Scope of Work the necessary original Certificates of Insurance. If services are authorized to commence prior to the execution of the Contract pursuant to a Notice to Proceed issued by CITY OF BANNING, pending the execution of the Contract, the services shall be subject to the terms and conditions of the Scope of Work and the Contract as set forth in Parts A and B respectively of the RFP Documents.

Incorporated herein and made a part of this Proposal are the Response Data and Proposal Forms required by the Proposal Requirements.

The undersigned acknowledges receipt, understanding and full consideration of the following Addenda to the RFP Documents:

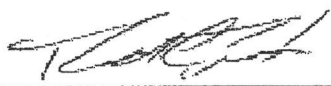
Addenda No. N/A

Proposer represents that the following person is authorized to negotiate on its behalf with CITY OF BANNING in connection with this RFP:

<u>(Name)</u>	<u>(Title)</u>	<u>(Phone)</u>
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The undersigned certifies that it has examined and is fully familiar with all of the provisions of the RFP Documents and is satisfied that they are accurate; that it has carefully checked all the words and figures and all statements made in the Proposal Requirements; that it has satisfied itself with respect to other matters pertaining to the proposal which in any way affect the Work or the cost thereof. The undersigned hereby agrees that CITY OF BANNING will not be responsible for any errors or omissions in these RFP Documents.

BY:


(Signature)

Chris Fisher
(Type or Print Name)

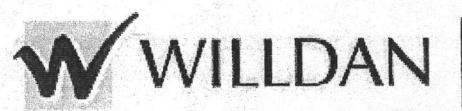
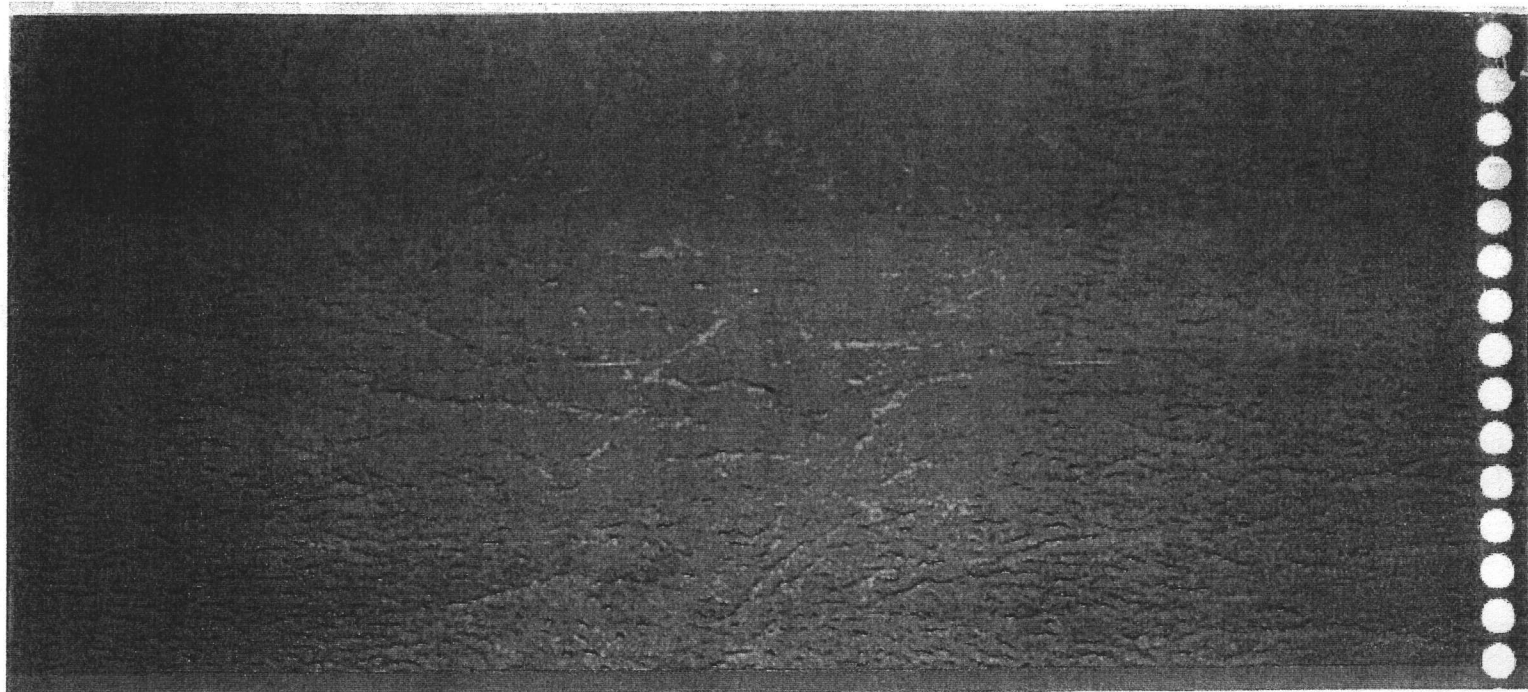
Vice President
(Title)

Proposer's Business Address
and Telephone/Fax Numbers:

27368 Via Industria, Suite 200

Temecula, CA 92590

(951) 587-3500 / (951) 587-3510



27368 Via Industria, Suite 200
Temecula, California 92590-4556
951.587.3500 | Fax: 951.587.3510
www.willdan.com

EXHIBIT "B"

**SPECIAL REQUIREMENTS
(Superseding Contract Boilerplate)**

Update the following on an annually:

- A. Overhead Cost Allocation Plan – over five (5) years**
- B. User Fee Study – over three (3) years**
- C. Development Impact Fee Study – over (3) years**

EXHIBIT "C"

SCHEDULE OF COMPENSATION

I. Consultant shall perform the following tasks at the following rates:

	COST	TOTAL COST WITH UPDATES
A. Cost Allocation Plan	\$10,470	\$26,020
B. Fee Study	\$22,970	\$27,120
C. Development Impact Fee Study	\$49,640	\$55,640

II. A retention of ten percent (10%) shall be held from each payment as a contract retention to be paid as part of the final payment upon satisfactory completion of services.

III. Within the budgeted amounts for each Task, and with the approval of the Contract Officer, funds may be shifted from one Task sub-budget to another so long as the Contract Sum is not exceeded per Section 2.1, unless Additional Services are approved per Section 1.9.

IV. The City will compensate Consultant for the Services performed upon submission of a valid invoice. Each invoice is to include:

- A. Line items for all personnel describing the work performed, the number of hours worked, and the hourly rate.**
- B. Line items for all materials and equipment properly charged to the Services.**
- C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.**
- D. Line items for all approved subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.**

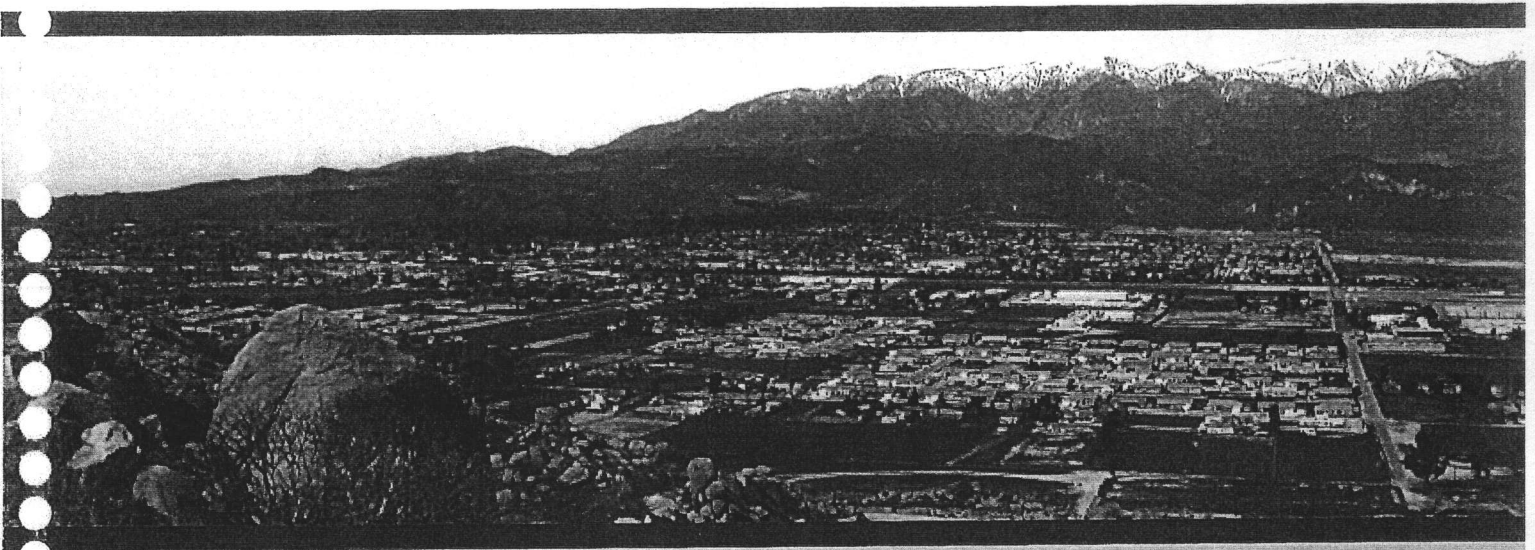
V. The total compensation for the Services shall not exceed \$108,780.00 as provided in Section 2.1 of this Agreement.

VI. The Consultant's billing rates for all personnel are attached as Exhibit C-1.

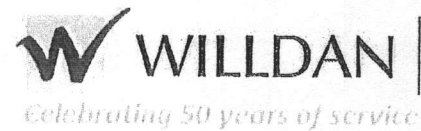
Fee Proposal for

Exhibit C-1

**Cost Allocation Plan
User Fee Study
Development Impact Fee Study**



W WILLDAN |



June 4, 2015

Mr. Dean Martin
Administrative Services Director/Deputy City Manager
City of Banning
99 East Ramsay Street
Banning, CA 92220

Re: Proposal to Conduct a User Fee Study for the City of Banning

Dear Mr. Martin:

Willdan Financial Services ("Willdan") is pleased to present the following Cost Proposal to the City of Banning ("City") to provide a Cost Allocation Plan, User Fee Study and Development Impact Fee Study. This submission reflects our understanding of the City's Request for Proposal (RFP).

Willdan is excited about this opportunity to serve the City of Banning. To discuss any aspect of our technical and/or cost proposal, please contact me directly at (951) 587-3528 or via e-mail at CFisher@Willdan.com.

Sincerely,
Willdan Financial Services

Chris Fisher
Vice President - Group Manager
Financial Consulting Services



E. Fees

Not to Exceed Fee

Willdan proposes a **not to exceed fee of \$83,080** for the initial project as a whole. The yearly updates have not been included in the initial not to exceed fee.

Below we have presented a breakdown of each specific phase of the project.

Cost Allocation Plan

Based on our outlined Work Plan, we propose a **not-to-exceed fixed fee of \$10,470**. The table below provides a breakdown of this fee by task and project team member.

City of Banning Overhead Cost Allocation Plan						
	C. Fisher Principal-in- Charge	T. Thrasher Analytical Support	R. Quaid QA/Tech Advisor	Total		
	\$ 200	\$ 120	\$ 165	Hours	Cost	
Task 1: Initial Document Request	-	2.0	-	2.0	\$	240
Task 2: Kick-off /Refine Scope	2.0	2.0	-	4.0		640
Task 3: Gather Staffing Information, Develop Cost Allocation Plan Model	1.0	12.0	1.0	14.0		1,805
Task 4: Test and Review Cost Allocation Methodology	2.0	16.0	2.0	20.0		2,650
Task 5: Prepare and Present Draft Report	2.0	12.0	2.0	16.0		2,170
Task 6: Discuss and Revise Report	2.0	4.0	1.0	7.0		1,045
Task 7: Prepare and Present Final Report/Train Staff on Model	6.0	6.0	-	12.0		1,920
Subtotal - Cost Allocation Plan Study:	15.0	54.0	6.0	75.0	\$	10,470
Total Willdan Labor Costs	15.0	54.0	6.0	75.0	\$	10,470

Plan Updates:

- **Year Two:** Willdan proposes to complete an update to the plan for a **not-to-exceed fixed fee of \$4,900**
- **Year Three:** Willdan proposes to complete an update to the plan for a **not-to-exceed fixed fee of \$4,000**
- **Year Four:** Willdan proposes to complete an update to the plan for a **not-to-exceed fixed fee of \$3,750**
- **Year Five:** Willdan proposes to complete an update to the plan for a **not-to-exceed fixed fee of \$2,900**



User Fee Study

Based on our outlined Work Plan, we propose a **not-to-exceed fixed fee of \$22,970**. The table below provides a breakdown of this fee by task and project team member.

City of Banning User Fee Study						
	C. Fisher Principal-in- Charge	T. Thrasher Analytical Support	R. Quaid QA/Tech Advisor	Total		
	\$ 200	\$ 120	\$ 165	Hours	Cost	
Task 1: Initial Document Request	-	2.0	-	2.0	\$	240
Task 2: Compile Inventory of Current and Potential Fees	2.0	4.0	-	6.0		880
Task 3: Kick-off /Refine Scope	2.0	2.0	-	4.0		640
Task 4: Develop Comprehensive Fee Model	2.0	22.0	2.0	26.0		3,370
Task 5: Time Survey Interviews and On-site Information Gathering	10.0	16.0	-	26.0		3,920
Task 6: Common Fees Comparison	2.0	12.0	1.0	15.0		2,005
Task 7: Data Analysis and Final Fee and Rate Schedule	6.0	20.0	2.0	28.0		3,930
Task 8: Prepare and Present Draft Report	3.0	18.0	3.0	24.0		3,255
Task 9: Revise Draft/Determine Cost Recovery Levels	4.0	14.0	2.0	20.0		2,810
Task 10 Prepare and Present Final Report/Train Staff on Model	6.0	6.0	-	12.0		1,920
Subtotal – User Fee Study:	37.0	116.0	10.0	163.0	\$	22,970
Total Willdan Labor Costs	37.0	116.0	10.0	163.0	\$	22,970

Study Updates:

- **Year Two:** Willdan proposes to complete an update to the study for a **not-to-exceed fixed fee of \$2,300**
- **Year Three:** Willdan proposes to complete an update to the study for a **not-to-exceed fixed fee of \$1,850**



Development Impact Fee Study

Based on our outlined Work Plan, we propose a **not-to-exceed fixed fee of \$49,640**. The table below provides a breakdown of this fee by task and project team member.

City of Banning Development Impact Fee Study					
	J. Edison Project Manager	M. Medve Analytical Support	Carlos Villarreal Tech Adv	<u>Total</u>	
	\$ 200	\$ 145	\$ 165	Hours	Cost
Task 1: Identify and Resolve Policy Issues	6.0	12.0	8.0	26.0	\$ 4,260
Task 2: Identify Existing Development and Future Growth	6.0	20.0	6.0	32.0	5,090
Task 3: Determine Facility Standards	12.0	32.0	12.0	56.0	9,020
Task 4: Determine Facilities Needs and Costs	16.0	24.0	8.0	48.0	8,000
Task 5: Identify Funding and Financing Alternatives	8.0	12.0	6.0	26.0	4,330
Task 6: Calculate Fees and Prepare Report	18.0	36.0	8.0	62.0	10,140
Task 7: Meetings	20.0	24.0	8.0	52.0	8,800
Subtotal – Development Impact Fee Study:	86.0	160.0	56.0	302.0	\$ 49,640
Total Willdan Labor Costs	86.0	160.0	56.0	302.0	\$ 49,640

Annual Reporting Updates:

- **Year Two:** Willdan proposes to complete an update to the study for **a not-to-exceed fixed fee of \$3,000**
- **Year Three:** Willdan proposes to complete an update to the study for **a not-to-exceed fixed fee of \$3,000**

**Notes:**

- The cost of preparing the User Fee Study can be included in the resulting new fee schedule. Therefore, over time, the City can recover the initial outlay of funds that was required to complete the study.
- There is no additional expense for the proprietary software program.
- Our fee includes all direct expenses associated with the project.
- We will invoice the City monthly based on percentage of project completed.
- Additional services may be authorized by the City, and will be billed at our then-current hourly overhead consulting rates.

Development Impact Fee Limitations

Our fees stated in the Development Impact Fee Schedule on the preceding page include attendance at a total of three meetings with City staff, stakeholders, and City Council. Attendance at more than three meetings shall be billed at the fee indicated in the hourly rate schedule table presented below.

Comprehensive written responses to resolve conflicts or preparation of more than one set of major revisions to the draft report, will be classified as Additional Services, and may require additional billing at hourly rates stated in the Hourly Rates table listed below. These additional fees shall only take effect once the fixed fee stated above has been exceeded.

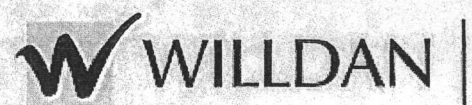
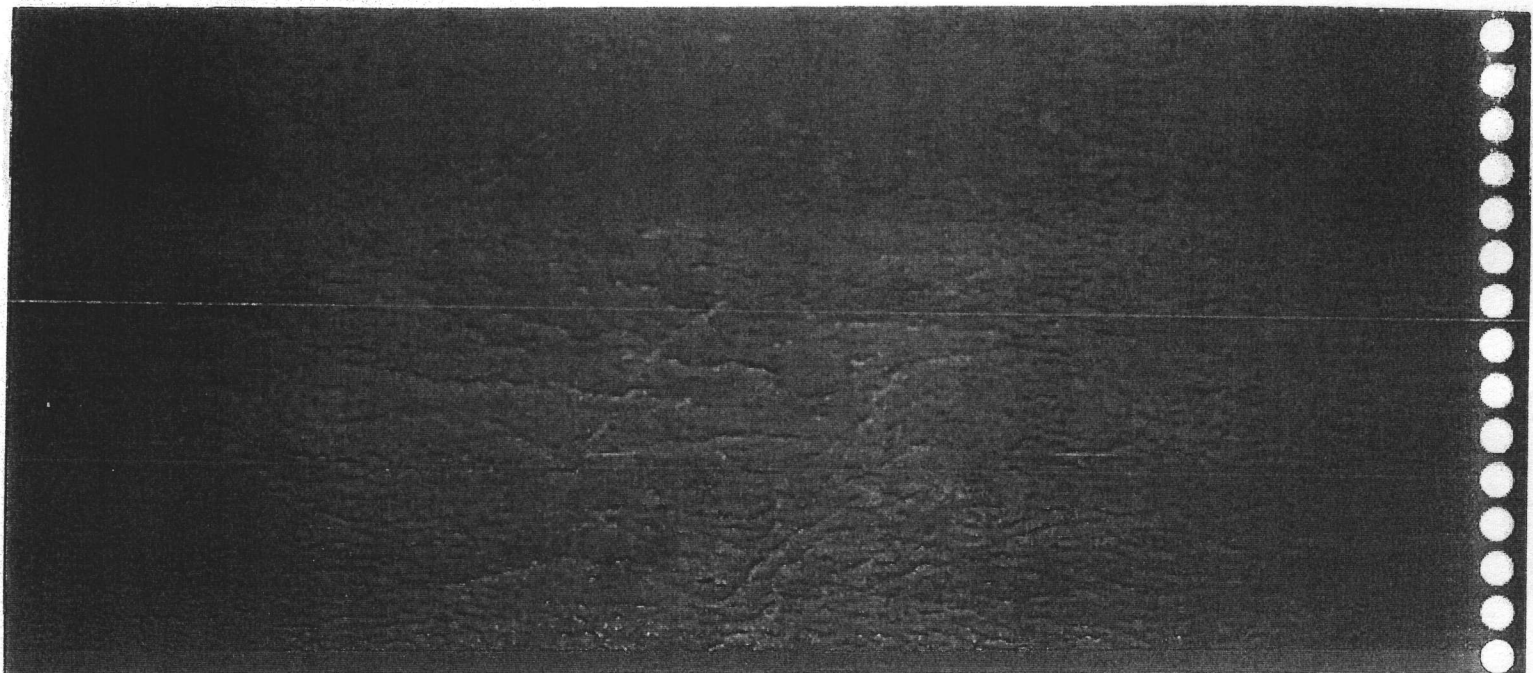
Examples of Additional Services include:

- Additional analysis based on revised assumptions requested by the City, including possible changes in Facilities needs list, infrastructure costs, populations projections, and related data once preparation of draft administrative report has been approved;
- Negotiations with stakeholders once the report has been prepared; and
- Time expended related to obtaining data assigned to City under "City Staff Support", as stated in our work plan.

Hourly Fee Schedule

Our current hourly rates are listed below.

Hourly Rate Schedule	
Position	Hourly Rate
Group Manager	\$210
Principal	\$200
Senior Project Manager	\$165
Project Manager	\$145
Senior Project Analyst	\$130
Senior Analyst	\$120
Analyst	\$100
Assistant Analyst	\$75



27303 Via Industria, Suite 200
Temecula, California 92590-4856
951.587.3500 | Fax: 951.587.3510
www.willdan.com

EXHIBIT "D"

SCHEDULE OF PERFORMANCE

- I. Consultant shall perform all Services timely in accordance with the schedule to be developed by Consultant and subject to the written approval of the Contract Officer and the City Attorney's office.**
- II. Consultant shall deliver the following tangible work products to the City by the following dates.**
 - A. Overhead Cost Allocation Plan by September 28, 2015**
 - B. User Fee Study by October 19, 2015**
 - C. Development Impact Fee Study by October 26, 2015**
- III. The Contract Officer may approve extensions for performance of the services in accordance with Section 3.2.**

**Cost Allocation Plan
User Fee Study
Development Impact Fee Study**

Firm Name	Rater #1	Rater #2	Rater #3	Rater #4	Total
Willdan	47	36	41	37	161
Revenue & Cost Specialists, LLC	43	42	35	34	154
Black & Veatch	40	39	37	31	147
MGT of America, Inc.	41	32	37	27	137

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CONSULTANT EVALUATION FOR FEE STUDIES

Project: *Overhead Cost Allocation Study, User Fee Study,
Development Impact Fee Study*

Consultant: *Willdan*

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart <i>yes</i>	10	9	- Staff appears well qualified - Willdan has a history of providing contract staff to municipalities can relate to the needs - develop and implement fee schedule, easy to communicate/ implement
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	9	- proposal is for all 3 plans/studies - extensive client list - similar projects
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required • Understanding of federal cost principles • Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule <i>yes</i> - Included innovative approaches	15	14	- Excel based models will be created specific to Banning, mirror budget format - schedule & deliverables provided in detail
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	5	- Corporate headquarters in Tempe
5	COST <i>not provided</i>	10		
GENERAL NOTES: <i>Current relationship with the City in developing water/waste water Utility Rate Schedule & Fiscal Analysis for local development project</i>		TOTAL /50		
NAME: <i>Tally Stuart</i> TITLE: <i>Public Works Analyst</i> DATE: <i>5/3/15</i>				

CONSULTANT EVALUATION FOR FEE STUDIES

Project: CAP, user FEE, DIF

Consultant: WILLDAN

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart	10	8	EXPERIENCED team.
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	8	LONG HISTORY OF DOING THESE STUDIES.
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required - Understanding of federal cost principles - Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	8	EXPLAINED METHODOLOGIES -
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	8	LOCAL FIRM - 40 MILES FROM BANNING.
5	COST	10	9	HIGHLY competitive Price
GENERAL NOTES: EXPERIENCED FIRM WITH EXPERIENCED PRINCIPLES (STAFF). WILLDAN IS FAMILIAR WITH BANNING. CAPABLE & EXPERIENCED AT DOING ALL 3 STUDIES. LOCAL FIRM, REDUCED TRAVEL EXPENSES RESULTING IN competitive COST.		TOTAL /50 41/50		
NAME: Jim Steffens TITLE: Power Resource DATE: 7-23-15 + revenue Administration				

CONSULTANT EVALUATION FOR FEE STUDIES

Project: COST ALLOCATION

Consultant: WILLOW

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart	10	7 70	LARGE STAFF - 6
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	8 80	RECENT FEE STUDY AND FEE STUDY
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required • Understanding of federal cost principles • Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	11 165	
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	4 20	TOYOTA
5	COST	10	6 60	83,000 / 108,780
GENERAL NOTES:		TOTAL /50 395		
NAME: B. GUILLOT TITLE: ACTING CDD DATE: 7-23-15				

CONSULTANT EVALUATION FOR FEE STUDIES

Project:

Consultant: *Wilkins*

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart	10	8	
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	9	
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required • Understanding of federal cost principles • Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	15	
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	5	
5	COST	10	10	
GENERAL NOTES:		TOTAL /50 47		
NAME: <i>Sam</i> TITLE: _____ DATE: <i>7/21/15</i>				

CITY OF BANNING | CALIFORNIA

Proposal for

Cost Allocation Plan

User Fee Study

Development Impact Fee Study



W WILLDAN |

V. QUESTIONNAIRE

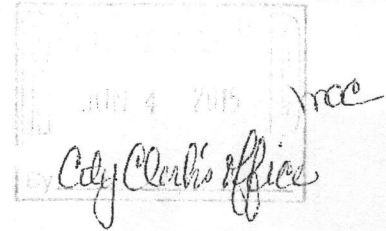
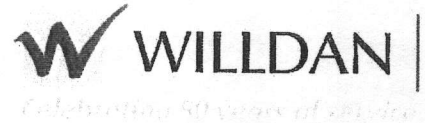
A. Company and General Information

A. 1 – 3)

Questions 1 through 3 are addressed throughout the cover letter.

June 4, 2015

Mr. Dean Martin, Administrative Services Director/Deputy City Manager
City of Banning
99 East Ramsay Street
Banning, CA 92220



Re: Proposal to Conduct a User Fee Study for the City of Banning

Dear Mr. Martin:

As you are well aware, even as the recent recession has eased over the past few years, many municipalities throughout the state are still faced with limited financial resources, while striving to maintain high standards of service to their communities. In light of this, it is critical for cities to ensure that their fees for requested services, or to offset the impacts of new development, have been developed or updated to ensure maximum appropriate cost recovery, so that the revenues generated by fees cover the cost of those required facilities and/or services to the best extent possible. Policymakers need a clear understanding of standards, service levels, facilities, and the associated costs to maintain them. Recognizing this, the City of Banning ("City") has responded by soliciting proposals for a User Fee Study, a Full Cost Allocation Plan and OMB A-87 Plan, and Development Impact Fee Study.

Collaborative Approach and User-friendly Models and Reports — Willdan prides itself on working closely with City staff to develop an approach that is targeted toward your specific objectives and accounts for your reality, and then working with staff to gather first-hand information regarding the processes and tasks required to provide services to those requesting them. We create user-friendly Excel-based models that the City can retain, and **conduct our analysis and develop models collaboratively with City staff**. Rather than using an inflexible proprietary software program, we construct our models from the ground up, mirroring the City's budget format wherever possible.

Experience Working with the City of Banning — We are currently working with the City on the completion of a Water and Wastewater Utility Rate Study, and we worked previously on a Fiscal Impact Analysis for development in the Butterfield Specific Plan Area. We are proud of the work we have done, the relationships we have developed, and our knowledge of the City. We will use this experience to streamline our work plan and approach for this engagement, and minimize costs.

Unique Combination of Services and Expertise/Public Engagement — Willdan has provided the requested services to municipal clients for well over a decade; and is the only firm providing **all three** of the requested types of consulting services that also has a long history of providing contract staff support to public agencies for the delivery of municipal services. This direct experience as "city staff" provides us with first-hand understanding of city operations and is uniquely useful in determining the full effort associated with service delivery and in developing a fee schedule that is easy to communicate and implement.

Our objective is to provide useful, detailed information to City Council and staff, so that they have the information necessary to make important decisions. Our experience ensures that we can meet this objective. Whether policymakers are considering subsidizing or increasing fees, the process may be subject to public discussion among Council and community stakeholders. Our response to these sensitive political issues is to employ a real world approach to completing user fee studies, in determining the technically defensible reasonable costs of providing services.

We are excited about this opportunity to use our skills and expertise to assist the City of Banning. Our contact information is Willdan Financial Services, 27368 Via Industria, Suite 200, Temecula, CA 92590 Tel #: (951) 587-3500 / Fax #: (951) 587-3510. I will serve as the Primary Contact person for this proposal; my direct contact information is Tel #: (951) 587-3528 email, CFisher@Willdan.com. As an officer of the firm, I am authorized to bind the firm, we affirm that we have read and will comply with the terms and conditions.

Sincerely,
Willdan Financial Services

Chris Fisher, Vice President - Group Manager



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B. Qualifications and Experience of the Firm

B.1) Firm History, Size, and Organizational Structure

Founded twenty-seven years ago in 1988, Willdan Financial Services, a California Corporation, is a wholly-owned subsidiary of Willdan Group, Inc. (WGI) and is one of the largest public sector financial consulting firms in the United States. Since that time, we have helped over 800 public agencies successfully address a broad range of financial challenges, such as financing the costs of growth and generating revenues to fund desired services.

Willdan Financial Services is one of four operating divisions within Willdan Group, Inc. (WGI), which was founded in 1964 as an engineering firm working with local governments. Today, WGI is a publically-owned company on NASDAQ (NASDAQ ticker: WLDN).

Our staff of over 60 full-time employees supports our clients by conducting year-round workshops and on-site training to assist them in keeping current with the latest developments in our areas of expertise.

Corporate Headquarters
27368 Via Industria, Ste 110
Temecula, California 92590

Oakland, CA
1939 Harrison Street, Ste 430
Oakland, California 94612

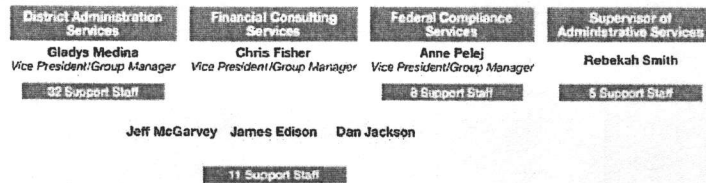
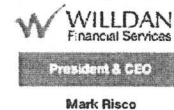
Phoenix, AZ
1440 E. Missouri Ave, Ste C-170
Phoenix, Arizona 85014

Aurora, CO
1555 South Havana Street, Ste F-305
Aurora, Colorado 80012

Orlando, FL
200 South Orange Avenue, Ste 1550
Orlando, Florida 32801

Washington, DC
1025 Connecticut Avenue NW, Ste 1000
Washington, District of Columbia 20036

The organization chart located to the right represents Willdan's reporting structure, including the operating groups and the responsible manager; it as well defines the assets available to the City, and this project



B.2) Primary Business

WGI provides technical and consulting services that ensure the quality, value and security of our nation's infrastructure, systems, facilities, and environment. The firm has been a consistent industry leader in providing all aspects of municipal and infrastructure engineering, public works contracting, public financing, planning, building and safety, construction management, homeland security, and energy efficiency and sustainability services. Willdan Financial Services assists local public agencies by providing the following services: Utility rate and cost of service studies; Cost allocation studies; Real estate economic analysis; Economic development plans and strategies; Tax increment finance district formation and amendment; Housing development and implementation strategies; Financial consulting; Real estate acquisition; Development impact fee establishment and analysis; Feasibility studies; Debt issuance support; Long-term financial plans and cash flow modeling; and Property tax audits.

B.3) User Fee Primary Location

The City of Banning User Fee Study engagement will be managed from our Temecula office.

B.4) Experience Conducting Cost Allocation Plans, User Fee Studies and Development Impact Fee Studies

For the purposes of brevity we have provided a chart below of the the requested information for the Riverside, San Bernardino, Los Angeles, and Orange County areas.

Client	County	User Fee Study	Cost Allocation Plan	Development Impact Fee
City of Adelanto, CA	San Bernardino	◆	◆	
City of Agoura Hills, CA	Los Angeles	◆	◆	
City of Arcadia, CA	Los Angeles			◆
City of Artesia, CA	Los Angeles	◆		
City of Bellflower, CA	Los Angeles	◆	◆	◆
City of Beverly Hills, CA	Los Angeles			◆
City of Brea, CA	Orange			◆



Client	County	User Fee Study	Cost Allocation Plan	Development Impact Fee
City of Calimesa, CA	Riverside			◆
City of Cathedral City, CA	Riverside	◆	◆	◆
City of Coachella, CA	Riverside	◆	◆	◆
City of Colton, CA	San Bernardino	◆		
City of Compton, CA	Los Angeles	◆		◆
City of Covina, CA	Los Angeles	◆	◆	◆
City of El Monte, CA	Los Angeles	◆		◆
City of El Segundo, CA	Los Angeles			◆
City of Fontana, CA	San Bernardino	◆	◆	
City of Gardena, CA	Los Angeles	◆		
City of Hawthorne, CA	Los Angeles	◆	◆	◆
City of Hemet, CA	Riverside	◆	◆	
City of Hesperia, CA	San Bernardino	◆	◆	
City of Huntington Beach, CA	Orange			◆
City of Huntington Park, CA	Orange			◆
City of Indian Wells, CA	Riverside		◆	◆
City of Irvine, CA	Orange	◆	◆	
City of Irwindale, CA	Los Angeles		◆	◆
City of La Mirada, CA	Los Angeles	◆	◆	
City of Laguna Hills, CA	Orange	◆		
City of Lake Elsinore, CA	Riverside	◆	◆	◆
City of Lancaster, CA	Los Angeles			◆
City of Long Beach, CA	Los Angeles		◆	◆
City of Lynwood, CA	Los Angeles		◆	
City of Montebello, CA	Los Angeles	◆	◆	◆
City of Monterey Park, CA	Los Angeles	◆	◆	
City of Norwalk, CA	Orange	◆	◆	
City of Orange, CA	Orange	◆		
City of Palm Desert, CA	Riverside		◆	
City of Palm Springs, CA	Riverside	◆	◆	
City of Palmdale, CA	Los Angeles			◆
City of Placentia, CA	Orange	◆	◆	
City of Redlands, CA	San Bernardino			◆
City of Rialto, CA	San Bernardino			◆
Rolling Hills Estates, CA	Los Angeles			◆
City of Santa Clarita, CA	Los Angeles			◆
City of Sierra Madre, CA	Los Angeles	◆		◆
City of South El Monte, CA	Los Angeles	◆	◆	
City of South Gate, CA	Los Angeles			◆
City of Upland, CA	San Bernardino	◆	◆	◆
County of Los Angeles, CA	Los Angeles			◆
County of Riverside, CA	Riverside			◆
Town of Yucca Valley, CA	San Bernardino	◆		◆

B.5) Cost Allocation Plan Primary Location

The City of Banning Cost Allocation Plan engagement will be managed from our Temecula office.

B.6) Experience Conducting Full Cost Allocation Plans and OMB A-87 Cost Allocation Plans

Willdan has provided cost allocation services to municipal clients for sixteen years; and has prepared Full Cost and Federal OMB A-87 Cost Allocation Plans for clients throughout California.

B.7) Firm Distinctiveness

Willdan is the only firm providing these types of consulting services that also have a long history of providing contract staff support to public agencies for the delivery of municipal services.



C. Qualifications and Experience of Proposed Project Team

C.1) Qualifications of Proposed Staff

Our management and supervision of the project team is very simple: staff every position with experienced, capable personnel in sufficient numbers to deliver a superior product to the City, on time and on budget. With that philosophy in mind, we have selected experienced professionals for this engagement. We are confident that our team possesses the depth of experience that will successfully fulfill your desired work performance.

Cost Allocation Plan and User Fee Study

Mr. **Chris Fisher** will serve as the **Project Manager** and primary City contact for the Cost Allocation Plan and User Fee Study, as well as the Project Team **Principal-in-Charge**, whereby he will apply his extensive financial rate design/modeling and City experience and ability to clearly communicate results through the facilitation of numerous stakeholder forums. In this role, he will attend meetings and presentations, produce key study elements, and will be responsible for work deliverables.

Mr. **Robert Quaid, CPA**, will provide quality assurance/quality control to this engagement in the role of **Technical Advisor**. Mr. Quaid will review the models as a third-party internal reviewer prior to their submittal to City staff. His continual review of data entry and model development assures that the draft and final products have been thoroughly evaluated for potential errors; thus providing quality client deliverables, and high levels of integrity and outcomes throughout the duration of the project.

Mr. **Tony Thrasher** will provide **Analytical Support**, and will work closely with Mr. Fisher, and the City to develop complete and accurate models that will best fit the City's needs. He will ensure that data is collected, interpreted, researched, and correctly entered into the model. Experience gained assisting with cost allocation plan and user fee projects for the Cities of Placentia, Bellflower, Irvine, Lynwood, Agoura Hills, and Thousand Oaks will be utilized throughout this engagement.

Furthermore, to ensure that the project stays on schedule, and is properly focused on City objectives, Mr. Fisher, in collaboration with Mr. Thrasher, will provide City staff with updates to summarize our progress against the project timeline, and update the status of upcoming deliverables. We will also document discussions leading to important policy decisions and/or the choice of critical assumptions used in constructing the analysis and rate model.

Finally, following key stakeholder discussions, we will schedule a call to summarize findings and direction with City staff, to make certain that we are in agreement with stated objectives, and that feedback is incorporated as appropriate. All of these steps guarantee that as the project moves forward success will be achieved by continually aligning our approach and work with stakeholder and City objectives, adjusting where necessary.

Development Impact Fee Study

Mr. **James Edison**, Managing Principal, will serve as the **Project Manager** for the City's Development Impact Fee Study project. His responsibilities will include leading tasks, overseeing the quality of work products, and assuring timely completion of the project; as well as serve as the day-to-day contact and will be present at key meetings. He has been selected for this role because of his familiarity with innovative approaches to funding public facilities and recent legislative and case-law changes that alter how California agencies can use the Mitigation Fee Act.

Mr. Edison is a former bond attorney, and an active member of the California State BAR. With this knowledge and expertise overseeing the City's project, he can be of assistance in advising, and addressing matters that are related to the review or preparation of a nexus study.

Mr. **Carlos Villarreal** will serve as **Task Manager** and Mr. **Mike Medve**, will serve as **Senior Analyst**, they will provide support to Mr. Edison.

C.2) Project Team Resumes

Bios for Willdan's project team are presented on the following page. Full detailed resumes, with specific project information, are included in the appendix.

Chris Fisher

Project Manager – User Fee and Cost Allocation Plan

Mr. Chris Fisher, Vice President and Group Manager of Willdan's Financial Consulting Services group, will serve as project manager for the City of Banning project. He will also share his extensive knowledge related to cost-of-service principles with members of the project team. Mr. Fisher joined Willdan in April of 1999, and during that time has managed an array of financial consulting projects for public agencies in California, Arizona, and Florida, coordinating the activities of resources within Willdan, as well as those from other firms working on these projects. He is one of the firm's leading experts for special district financing related to public infrastructure, maintenance, and services, including public safety.



Tony Thrasher

Analytical Support – User Fee and Cost Allocation Plan

Due to his prior cost allocation and user fee analyses experience, Mr. Tony Thrasher has been selected to provide analytical support for the City's engagement. Currently, Mr. Thrasher is a senior analyst within the Financial Consulting Services group, whereby his responsibilities include supporting project managers and conducting fiscal analyses for cost allocation plans, user fees, and utility rate studies.

Robert Quaid, CPA

Quality Assurance/Quality Control – User Fee and Cost Allocation Plan

With his 35 years of extensive experience in public financing, Mr. Robert Quaid has been selected to provide quality assurance/quality control. In his position as a Principal Consultant at Willdan, Mr. Quaid provides project management, procedural support, technical support, and quality review for Willdan's District Administration group, as well as the Financial Services Consulting group specific to cost allocation plans, user fee studies, and special financial analysis.

James Edison

Project Manager – Development Impact Fee

Mr. Edison specializes in the nexus between public and private, with particular expertise in public-private partnerships, and the benefits of economic development to municipalities and state, provincial, regional and national governments. He possesses deep expertise in land use economics, with a specialty in finance and implementation, including fiscal impact and the public and private financing of infrastructure and development projects, both in the U.S. and internationally. Mr. Edison's public sector experience includes local and regional economic impact studies; fiscal impact evaluations; new government formation strategies; and the creation of impact fees, assessments, and special taxes to fund infrastructure and public facilities.

Carlos Villarreal

Task Manager - Development Impact Fee

Mr. Villarreal will serve in the role of Task Manager for the City's engagement. He has been selected for this role due to his prior experience documenting nexus findings for development impact fees, preparing capital improvement plans, facilitating stakeholder involvement, and analyzing the economic impacts of fee programs. He has supported adoption of fee programs funding a variety of facility types, including, but not limited to transportation, parks, library, fire, law enforcement, and utilities.

Michael Medve

Project Analyst – Development Impact Fee

Mr. Medve joined Willdan in the role of project manager. He brings ten years of experience to the Financial Consulting Services group with expertise in public finance, including special district formation and administration, fiscal impact analysis, public facilities financing plans, integrated financing districts, Proposition 218, tax credit financing, state and federal grant and loan programs, sales tax revenue bonds, and infrastructure financing districts. He has developed financial pro formas and cash flow analyses for numerous types of public and private project financing programs.

D. Questions / Response to Scope of Services

The following describes our project understanding, proposed approach, and work plan for a Cost Allocation Plan, User Fee Study, and Development Impact Fee Study.

D.1) Cost Allocation Plan Methodology

The purpose of this cost allocation plan engagement is to ensure that the City of Banning is maximizing the recovery of indirect costs from identified operating departments, as well as enterprise and other chargeable funds and capital projects. Furthermore, a sound cost allocation plan is a foundational element of a user fee study, and the development of internal hourly rates, including CIP billing rates. We will work closely with staff in identifying the proper balance of allocation factors appropriate for the City. In order to achieve the maximum cost recovery objective, the City must have a method of identifying and distributing administrative costs that is fair, comprehensive, well documented, and fully defensible. A cost allocation plan coupled with comprehensive overhead rates will enable the City to achieve this goal.

Approach for Managing the Project

Willdan's "hands-on" supervision of Cost Allocation Plan studies, include the following methods:

- **Effective Project Management** — Principal-in-Charge and Project Manager, Chris Fisher will manage the entire project with an eye toward high responsiveness, while ensuring that all stakeholders are "on board" with



the direction of the project, as well as with the final results. Mr. Fisher will ensure that regular status updates are provided to City staff, conference calls are scheduled, and that in-person meetings are conducted (as necessary).

- **Adherence to Time Schedule** — Willdan recognizes that the use of "timelines" is highly effective in meeting all required deadlines. To keep the project on schedule, there are several tasks that must be completed in a timely manner. Therefore, we will present a project timeline at the kick-off meeting that should be closely followed.

Although the establishment of an experienced project team and a detailed project timeline work extremely well in general, Willdan understands that outside influences can create uncontrollable situations for everyone involved in the project. In rare circumstances like these, our team quickly adapts to changes, and communicates our recommended schedule adjustments to the City.

Approach in Communicating with the City

Willdan staff is accustomed to interfacing with local government councils, boards, staff, community organizations, and the public in general in a friendly and helpful manner; we are always mindful that we represent the public agency. We are sensitive to the need of delivering a quality product, with the highest level of service and professionalism. Therefore, as the work on the project progresses, we understand that it will be necessary for our staff to work closely with you and City personnel. To accomplish this, we employ a variety of tools, including monitoring project status and budget costs; and ensuring effective communication through several options that are based on the City's preferences.

Experience with Development Service Processes

A unique aspect of our firm is our relationship with our Engineering Division. For many agencies throughout California and other Western states, this division provides contracted services in planning, engineering, and building and safety. When conducting cost recovery studies, we regularly consult with our engineering and land-development staff of experts on development-related issues. By working with our planners, engineers, and building officials, we understand development-related agency service procedures and workflow functions, which often make the entire user fee and rate study process smoother for your staff.

D.1) User Fee Study Methodology

In order to comprehensively update fees, the City should develop a comprehensive user fee schedule that accurately accounts for the true cost of providing services. Once the study is complete, the fee and rate study model must be flexible so that the City can add, delete, and revise fees in the future. To meet this goal, we will bring our expertise and unique perspectives to your fee study by approaching the project with these three principles:

1) Defensibility

Our user fee projects have not been legally challenged since the inception of this practice area in our firm. We have accomplished this by closely working with legal counsel familiar with user fee studies, our engineering division and with agency staff. In this way, we can tailor the correct approach to ensure full cost recovery combined with a sound and reasonable basis for each user fee you implement.

While Proposition 218 does not directly apply to non-property-related fees, we employ principles from this important constitutional article to make certain that your user fee and rate schedule is developed with fairness, equity, and proportionate cost recovery principles in mind. With the addition of Proposition 26, Willdan will review each analyzed user fee for compliance and appropriateness to ensure continued defensibility.

2) Project and Staff Time

The City must have a sound and technically defensible fee schedule to ensure costs are appropriately recovered, as applicants approach the City for its services. Our standards and approaches serve to get to the issues of your fee study quickly. Starting with the project kick-off, we will make certain that your staff understands the purpose and scope of the study and its corresponding on-site departmental interview. As Willdan is able to communicate directly with the service providers, this face-to-face interaction provides valuable time estimates.

3) Responsiveness

We take great pride in providing responsive service to our client agencies. Frequent communication is critical to a successful user fee study experience. We will provide a list of data requirements in advance of the project kick-off meeting. Due to this simple step, the introductory meeting can focus on the survey input process, answering questions, determining policy goals, and defining next steps in the project. We will follow up weekly with you at each step in the fee study process to make sure that staff "buys in" to the fee study approach and results.

Approach

Our approach to preparing the user fee study and documentation for Banning includes:



- Close coordination with your staff to devise a consensus approach. Different programs and/or different service delivery methods will necessitate different approaches. We will discuss specific pros and cons with City staff as we determine which methods work best for various categories of fees;
- Strict adherence to key legal and policy issues with regard to user fees, including the percent of cost recovery that the City seeks to achieve. A user fee shall not be set higher than the reasonable cost of providing a fee-generating service. Our approach provides you with a fee schedule that achieves maximum legal cost recovery while ensuring that each fee is supported by technically defensible documentation; and
- Technical analysis necessary for project participants to resolve policy issues.

As described below, there are two basic approaches to calculating user fees:

Approach 1: Case Study Method

This is also sometimes referred to as a cost build-up approach. Using a time and materials approach, the "Case Study Method" examines the tasks, steps and City staff involved in providing a particular 'unit' of service, such as a permit review, and then uses that information to develop estimates of the actual labor and material costs associated with providing a unit of service to a single user. It is often used when a service is provided on a regular basis, and staff and other costs associated with the service can be segregated from available budget data.

A typical case study fee model should comprise the following three general cost layers:

- 1) **Central Services Overhead:** This category may involve such costs as labor, services, and supplies that benefit more than one department, division, or project. The exact benefits to specific areas are impossible to ascribe to a single activity. Examples are purchasing, human resources, and liability insurance. As part of the user fee and rate study, these costs are calculated in the overhead cost review.
- 2) **Department Overhead:** This category may include expenses related to such items as office supplies, outside consultants, and membership dues. It may include management, supervision, and administrative support that are not provided to a direct fee-generating service. Typically, these items are charged, on an item-by-item basis, directly to the department, division, or project.
- 3) **Personnel Costs:** This category refers to direct salary and benefit costs of staff hours spent on providing a fee-generating service (e.g., on-site building inspector).

Approach 2: Average Cost Method

This is also sometimes referred to as a programmatic approach, because it looks at costs at a program level, and then allocates them to participants on an occurrence basis. By taking total service costs across a substantial sample period (a year), and dividing by the total number of service units delivered over that same period, costs per unit of service is estimated.

This approach is useful when services or programs are provided in a more aggregate manner, where it might be difficult to identify a specific sequence of steps associated with one user or participant; or where it is not feasible to cost-effectively segregate costs associated with specific activities.

D.1) Development Impact Fee Study Methodology

Willdan's methodology for calculating public facilities fees is both simple and flexible. Simplicity is important so that the development community and the public can easily understand the justification for the fee program. At the same time we use our expertise to reasonably ensure that the program is technically defensible.

Flexibility is important so we can tailor our approach to the available data, and the agency's policy objectives. Our understanding of the technical standards established by statutes and case law suggests that a range of approaches are technically defensible. Consequently, we can address policy objectives related to the fee program, such as economic development and affordable housing. Flexibility also enables us to avoid excessive engineering costs associated with detailed facility planning. We calculate the maximum justifiable impact fee and provide flexibility for the agency to adopt fees up to that amount.

Development impact fees are calculated to fund the cost of facilities required to accommodate growth. The four steps followed in an impact fee study include:

- **Estimate existing development and future growth:** Identify a base year for existing development and a growth forecast that reflects increased demand for public facilities;
- **Identify facility standards:** Determine the facility standards used to plan for new and expanded facilities;
- **Determine facilities required to serve new development and their costs:** Estimate the total amount and cost of planned facilities, and identify the share required to accommodate new development; and
- **Calculate fee schedule:** Allocate facilities costs per unit of new development to calculate the public facilities fee schedule.



We discuss key aspects of our approach to each of these steps in the subsections that follow.

Growth Projections

In most cases, we recommend use of long-range market-based projections of new development. By "long-range" we suggest 20 to 30 years to: 1) capture the total demand often associated with major public facility investments; and 2) support analysis of debt financing, if needed. In contrast to build out projections, market based projections provide a more realistic estimate of development across all land uses. Build out projections typically overestimate commercial and industrial development because of the oversupply of these land uses relative to residential development.

Facility Standards

The key public policy issue in development impact fee studies is the identification of facility standards (step #2, above). Facility standards document a reasonable relationship between new development and the need for new facilities. Standards ensure that new development does not fund deficiencies associated with existing development.

Our approach recognizes three separate components of facility standards:

- 1) **Demand standards** determine the amount of facilities required to accommodate growth. Examples include park acres per thousand residents, square feet of library space per capita, or gallons of water per day. Demand standards may also reflect a level of service such as the vehicles-to-capacity (V/C) ratio used in traffic planning;
- 2) **Design standards** determine how a facility should be designed to meet expected demand, for example park improvement requirements and technology infrastructure for office space. Design standards are typically not explicitly evaluated as part of an impact fee analysis but can have a significant impact on the cost of facilities. Our approach incorporates current facility design standards into the fee program to reflect the increasing construction cost of public facilities; and
- 3) **Cost standards** are an alternate method for determining the amount of facilities required to accommodate growth based on facility costs per unit of demand. Cost standards are useful when demand standards were not explicitly developed for the facility planning process. Cost standards also enable different types of facilities to be analyzed based on a single measure (cost or value), useful when disparate facilities are funded by a single fee program. Examples include facility costs per capita, per vehicle trip, or cost per gallon of water per day.

Identifying New Development Facility Needs and Costs

We have a number of approaches that can be used to identify facility needs and costs to serve new development. Often this is a two step process: 1) identify total facility needs; and 2) allocate to new development its fair share of those needs. Total facility needs are often identified through a master facility planning process that typically takes place concurrent with or prior to conducting the fee study. Engineered facility plans are particularly important in the areas of traffic, water, sewer, and storm drain because of the specialized technical analysis required to identify facility needs.

There are three common methods for determining new development's fair share of planned facilities costs: 1) the existing inventory method; 2) the planned facilities method; and 3) the system plan method. Often the method selected depends on the degree to which the community has engaged in comprehensive facility master planning to identify facility needs. The formula used by each approach and the advantages and disadvantages of each method is summarized on the page that follows:

Existing Inventory Method

The existing inventory method allocates costs based on the ratio of existing facilities to demand from existing development as follows:

$$\frac{\text{Current Value of Existing Facilities}}{\text{Existing Development Demand}} = \$/\text{unit of demand}$$

Under this method new development funds the expansion of facilities at the same standard currently serving existing development. By definition, the existing inventory method results in no facility deficiencies attributable to existing development. This method is often used when a long-range plan for new facilities is not available. Only the initial facilities to be funded with fees are identified in the fee study. Future facilities to serve growth are identified through an annual Capital Improvement Plan ("CIP") and budget process, possibly after completion of a new facility master plan.

Planned Facilities Method

The planned facilities method allocates costs based on the ratio of planned facility costs to demand from new development as follows:

$$\frac{\text{Cost of Planned Facilities}}{\text{New Development Demand}} = \$/\text{unit of demand}$$



This method is appropriate when specific planned facilities can be identified that only benefit new development. Examples include street improvements to avoid deficient levels of service or a sewer trunk line extension to a previously undeveloped area. This method is appropriate when planned facilities would not serve existing development. Under this method new development funds the expansion of facilities at the standards used for the master facility plan.

System Plan Method

This method calculates the fee based on the ratio of the value of existing facilities plus the cost of planned facilities divided by demand from existing plus new development:

$$\frac{\text{Value of Existing Facilities} + \text{Cost of Planned Facilities}}{\text{Existing} + \text{New Development Demand}} = \$/\text{unit of demand}$$

This method is useful when planned facilities need to be analyzed as part of a system that benefits both existing and new development. It is difficult, for example, to allocate a new fire station solely to new development when that station will operate as part of an integrated system of fire stations that together to achieve the desired level of service. Police substations, civic centers, and regional parks are examples of similar facilities.

The system plan method ensures that new development does not pay for existing deficiencies. Often, facility standards based on policies such as those found in General Plans are higher than existing facility standards. This method enables the calculation of the existing deficiency required to bring existing development up to the policy-based standard. The local agency must secure non-fee funding for that portion of planned facilities, required to correct the deficiency, to ensure that new development receives the level of service funded by the impact fee.

Calculating the Fee Schedule

The fee schedule uses the cost per unit of demand discussed in the last subsection to generate the fee schedule. This unit cost is multiplied by the demand associated with a new development project to calculate the fee for that project. The fee schedule uses different demand measures by land use category to provide a reasonable relationship between the type of development and the amount of the fee. We are familiar with a wide range of methods for identifying appropriate land use categories and demand measures depending on the particular study.

Related Approach Issues

Funding and Financing Strategies

In our experience, one of the most common problems with impact fee programs and with many CIPs is that the program or plan is not financially constrained to anticipated revenues. The result is a "wish list" of projects that generate community expectations that often cannot be fulfilled. Our approach is to integrate the impact fee program into the local agency's existing CIPs while encouraging those plans to be financially constrained to available resources. We clearly state the cost of correcting existing deficiencies, if any, to document the relationship between the fee program and the need for additional non-fee funding.

Stakeholder Participation

Stakeholder participation throughout the study supports a successful adoption process. Our approach is to create consensus first, around the need for facilities based on agreed upon facility standards. Second, we seek consensus around a feasible funding strategy for these needs, leading to an appropriate role for impact fees.

Program Implementation

Fee programs require a certain level of administrative support for successful implementation. Our final report will include recommendations for appropriate procedures, such as:

- Regularly updating development forecasts;
- Regularly updating fees for capital project cost inflation;
- Regularly updating capital facility needs based on changing demands;
- Developing procedures for developer credits and reimbursements; and
- Including an administrative charge in the fee program.

D.2) Statement of Differentiated Services

Willdan has conducted studies for public agencies throughout California. Our employees know and understand the problems facing local government under the current economic climate, and we have oriented our practice to support an agency's modified budget policies and public service priorities. ***In fact, Willdan is one of the few firms providing all three services in-house, and as one body of work. The team presented within this proposal has worked collectively on numerous projects, such as the one requested by the City of Banning; an established work practice between the team members has been forged, this proven long-standing system has benefited our clients.***



Another advantage is our breadth of knowledge of city finance and community development operations. Our public finance teams often draw on a broad base of city finance, engineering, and building safety expertise that is not confined to project infrastructure and service funding plans. Over the past 50 years, Willdan's services have become increasingly tied to the long-term success of cities and their management of proposed development.

References

F.1) Agency Listing

For the sake of brevity, please refer to Section B, Question 3, a listing of similar clients has been provided.

F.2) References

Provided below are project descriptions, including client contact information, that are similar in nature to those requested by the City. We are proud of our reputation for customer service, and encourage you to contact these clients in regards to our commitment to completing the projects within budget and agreed upon timelines.

City of Hemet | Comprehensive User Fee Study and Cost Allocation Plan

In 2007, Willdan assisted the City of Hemet with the preparation of a Cost Allocation Plan and User Fee Study. This engagement included an in-depth review of the cost incurred by to the City in order to perform services.

In 2012 the City of Hemet retained Willdan's services again to update their CAP, in addition to updating the 2007 cost-of-service user fee study. This update included a study of the full cost to the City for requested services provided as a part of the Building and Safety function, as well as other City departments, including City Clerk, Finance, Police, Fire, Library and Community Development departments.

Client Contact: Ms. Donna Rowley, Principal Accountant, 445 E. Florida Avenue, Hemet, CA 92543
Tel. #: (951) 765-2355

Start Date: March 2012

Completion Date: September 2014

City of Covina, CA | Comprehensive Cost Allocation Plan and User Fee Study

The City of Covina engaged Willdan to complete a comprehensive Cost Allocation Plan (CAP), including the preparation of fully-burdened hourly rates to be used for other City purposes, including the updating of some user fees. Willdan staff met with City staff to verify the City's objectives for the study, independently gathered most of the necessary data for the development of the CAP model and methodology, and worked directly with City staff to gather additional detail or clarify information where necessary. We worked directly with City staff to understand the various functions served by indirect staff in various City departments, and which operating departments or funds they served. We worked directly with City staff to develop and verify allocation bases, and make adjustments through several iterations of the CAP model as necessary. Willdan finalized the model, and completed a draft report, which after comment and review, was updated to reflect feedback received from City staff.

The report, which explained the background, approach, data gathering and model development processes, and provided narrative interpretation of the results, was then finalized and presented to the City Council. Since the completion of the full CAP, we were asked to prepare an update in 2014.

Client Contact: Mr. Steve Smith, Senior Management Analyst, 125 East College Street, Covina, CA.
Tel #: (626) 384-5504

Start Date: February 2014, *(most recent project)*

Completion Date: September 2014

County of Riverside | Comprehensive Impact Fee Update

The County of Riverside engaged Willdan to perform an update of its comprehensive impact fee program. The fee categories were broad and diverse, including countywide facilities, such as: jail detention facilities and county parks and trails; unincorporated only facilities such as fire stations and libraries; and County planning area specific facilities including storm drain facilities and traffic improvements. Other facilities needed to be differentiated between the Eastern and Western portions of the County, due to separation by distance as well as varying level of facilities by region.

The process has been lengthy, involving significant efforts to inform staff of methodological differences between the Willdan methodology, and the methodology of the previous consultant.

Client Contact: Ms. Serena Chow, Principal Management Analyst, 4080 Lemon Street, Riverside, CA 92501, Tel #: (951) 955-8741

Start Date: August 2011

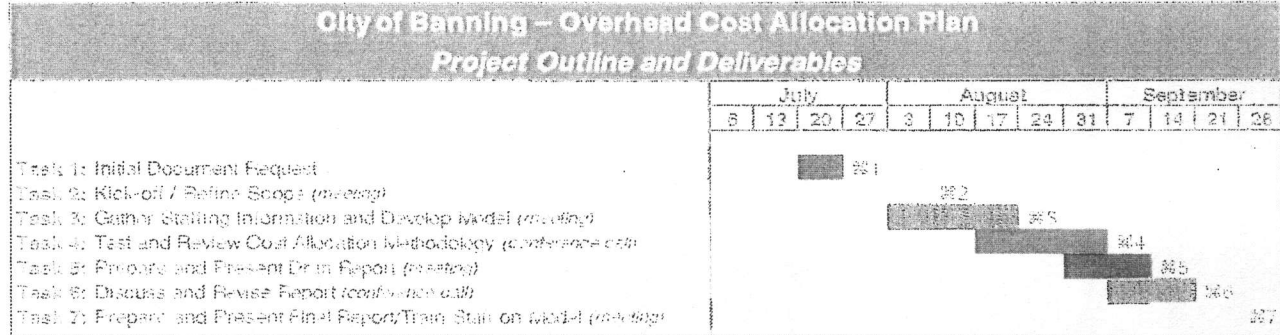
Completion Date: Current Project



G. Implementation Schedule

Willdan understands time is of the essence for the City of Banning to begin this engagement. This schedule can only be met with the cooperation of City staff. Delays in responding to our requests for data and review will result in corresponding delays to the project schedule. If that is the case, we will notify the City immediately of the possible impact on the schedule. Larger versions of the Project Schedules can be provided.

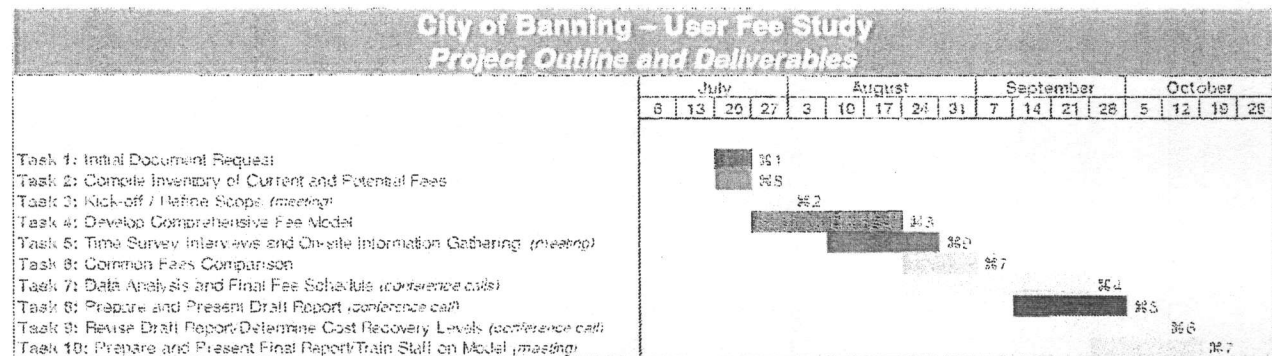
Cost Allocation Plan



Legend:

- | | |
|--|---|
| #1: Information Request | #5: Draft Report |
| #2: Revised Project Scope and Schedule (if needed) | #6: Revised Draft Report/Final Report |
| #3: User-friendly Model in Microsoft Excel | #7: Final Report – Hard and Electronic Copies |
| #4: Draft Cost Allocation Plan Model Review | |

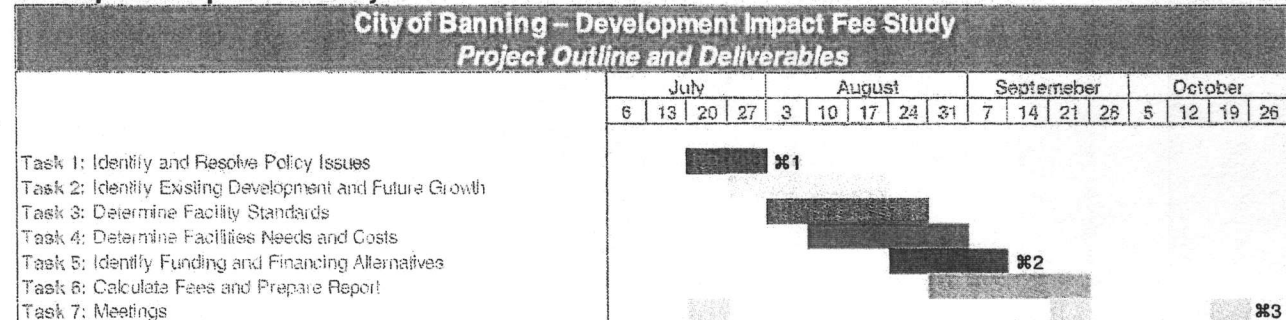
User Fee Study



Legend:

- | | |
|--|--|
| #1: Information Request | #6: Revised Draft Report/Final Report |
| #2: Revised Project Scope and Schedule (if needed) | #7: Final Report – Hard and Electronic Copies |
| #3: User-friendly Model in Microsoft Excel | #8: Draft List of Current Fees |
| #4: Draft Fee and Rate Model Review | #9: Time Surveys and Draft Full Cost Recovery Fees |
| #5: Draft Report | |

Development Impact Fee Study



Legend:

- | |
|---|
| #1: Information Request; Revised Scope and Schedule (if needed); and Policy Decisions Summary (if needed) |
| #2: Administrative Draft Document |
| #3: Final Draft Document and Copies of Necessary Documents for Presentations and Public Hearings |



Appendix

C.2) Project Team Resumes

Resumes for Willdan's project team are presented on the following pages

D.1) Work Plan

Detailed work plans have been provided subsequent to the resumes.



Chris Fisher

Project Manager

Education

San Francisco State University, Bachelor of Science, Finance

Areas of Expertise

Cost of Service Analyses

Multi-disciplinary Team Management

Special District Formations

Client Presentations

Proposition 218

Affiliations

California Society of Municipal Finance Officers

Municipal Management Association of Northern California

California Municipal Treasurers Association

Mr. Chris Fisher, Vice President and Group Manager of Willdan's Financial Consulting Services group, will serve as project manager for the City of Banning project. He will also share his extensive knowledge related to cost-of-service principles with members of the project team.

Mr. Fisher joined Willdan in April of 1999, and during that time has managed an array of financial consulting projects for public agencies in California, Arizona, and Florida, coordinating the activities of resources within Willdan, as well as those from other firms working on these projects. He is one of the firm's leading experts for special district financing related to public infrastructure, maintenance, and services, including public safety.

Related Experience

City of Petaluma, CA — Overhead Cost Allocation Plan and OMB Circular A-87 Plan, User Fee Study, CIP Rate Analysis, and Hourly Overhead Rate Study: Mr. Fisher is currently serving as project manager for the project team, and is providing oversight for this thorough and intensive study for the City of Petaluma.

Sacramento Public Library Authority, CA — Cost Allocation Plan and OMB Circular A-87: In April 2014, as Project Manager, Mr. Fisher completed the final report for the Sacramento Public Library Authority. Throughout the project he provided quality assurance to the project, which involved the development of a methodology for this unique venture. Mr. Fisher presented the final report to the Library Authority Board, as well as the Joint Powers Authority.

City of Salinas, CA — Comprehensive Fee Study and Full Cost Allocation Plan: Currently working with the City to prepare an OMB A-87-compliant full cost allocation plan and comprehensive fee study for the development of a master list of fees. Mr. Fisher led an all-departments overview meeting, where the framework and general process was reviewed, and global practical and policy questions were addressed. Immediately following the overview meeting, individual meetings were held with representatives from each department to discuss their specific fee related activities, and gather necessary information to update fees.

City of Hayward, CA — Cost Allocation Plan and User Fee Study: Mr. Fisher served as the project manager for the City's full overhead cost allocation plan and OMB A-87 cost allocation plan, along with a comprehensive master user fee study. He has worked with City and Willdan staff to gather the necessary data, and oversaw Willdan's development of the cost allocation model. The City has a complicated and detailed budget and the cost allocation plan that Willdan developed is tailored to their structure, and includes provision for several Internal Service Funds.

City of Irvine, CA — OMB A-87 Cost Allocation Plan and Comprehensive User Fee Study: Willdan completed a cost allocation plan and user fee study for the City of Irvine. Mr. Fisher managed and provided quality assurance to this project, ensuring the accuracy of the models, as well as the final reports. He also presented the results to the City's Finance Commission and to the City Council.

City of Hemet, CA — Cost Allocation Plan and Comprehensive User Fee Study: Mr. Fisher oversaw the update of the City's general overhead allocation plan and cost-of-service user fees. Willdan had provided similar financial consulting services to the City in 2007 and were called upon in 2012 to update these analyses. Service fees included those charged by the City Clerk, Finance, Police, Fire, Library and Community Development departments.

City of Placentia, CA — Cost Allocation Plan and User Fee Study Studies: Mr. Fisher oversaw the development of an overhead cost allocation study, as well as a User Fee Study for the development of the City of Placentia's master list of fees.

City of Covina, CA — Cost Allocation Plan and User Fee Study: Mr. Fisher served in the role of project manager for the City's engagement. The cost allocation plan developed will aid the City in the recovery of overhead costs related to central service activities. The user fee study was focused on fees charged by the following departments: City Clerk, Finance, Police, Fire, Library and Community Development.



Tony Thrasher

Analytical Support

Due to his prior cost allocation and user fee analyses experience, Mr. Tony Thrasher has been selected to provide analytical support for the City's engagement. Currently, Mr. Thrasher is a senior analyst within the Financial Consulting Services group, whereby his responsibilities include supporting project managers and conducting fiscal analyses for cost allocation plans, user fees, and utility rate studies.

Mr. Thrasher's prior employment was as a financial analyst working in bond, equity, and mortgage-backed security markets for Wells Fargo Bank, Bank of New York Mellon, and Deutsche Bank. His experience includes portfolio accounting, differential analysis, and forecasting.

Related Experience

City of Placentia, CA — Cost Allocation Plan and User Fee Study: As the assigned analyst, Mr. Thrasher provided analytical support; and designed micro-level allocation models to ensure full-cost recovery for police, community services, engineering, planning, and building departments.

City of Petaluma, CA — Overhead Cost Allocation Plan and OMB Circular A-87 Plan, User Fee Study, CIP Rate Analysis, and Hourly Overhead Rate Study: Mr. Thrasher is providing analytical support for this engagement. His primary duties are to work with City staff to gather data, provide assistance to the project manager, and produce reports.

Sacramento Public Library Authority, CA — Cost Allocation Plan and OMB Circular A-87: Mr. Thrasher provided analytical support. His primary duties included finalizing model figures and generating reports.

City of Irvine, CA — OMB A-87 Cost Allocation Plan and Comprehensive User Fee Study: Serving as the project's analyst, Mr. Thrasher provided analytical support; and designed micro-level allocation models to ensure full-cost recovery for public safety, public works, community development, community services, and administrative departments.

City of Bellflower, CA — OMB A-87 Cost Allocation Plan and Comprehensive User Fee Study Update: Provided analytical support, his primary duties included finalizing model figures and generating reports.

Town of Los Altos Hills, CA — Cost Allocation Plan and User Fee Study: Mr. Thrasher was assigned to work with the Town on this project, providing analytical support, gathering data, working with staff to make refinements, and developing cost allocation and fee models to ensure full-cost recovery for building and safety, planning, community development, and public works departments.

Town of Danville, CA — Cost Allocation Plan: Provided analytical support for this engagement. Primary duties included finalizing model figures and generating reports.

City of Hayward, CA — Cost Allocation Plan and User Fee Study: For this ongoing project, providing analytical support, and primarily responsible for the development of the models. Primary duties include gathering and verifying necessary data, finalizing model figures and generating reports.

City of Murray, UT — OMB A-87-compliant Cost Allocation Plan: Provided analytical support. Primary duties included finalizing model figures and generating reports.

Education

*Bachelor of Science
in Finance
(Econometrics);
California State
Polytechnic
University, Pomona*

Areas of Expertise

*Cost Allocation
Plans*

*Fiscal Analysis for
User Fees and
Rates*

Utility Rate Studies

9 Years Experience



Robert Quaid, CPA

Quality Assurance/Quality Control

With his 35 years of extensive experience in public financing, Mr. Robert Quaid has been selected to provide quality assurance/quality control. In his position as a Principal Consultant at Willdan, Mr. Quaid provides project management, procedural support, technical support, and quality review for Willdan's District Administration group, as well as the Financial Services Consulting group specific to cost allocation plans, user fee studies, and special financial analysis.

Prior to joining Willdan, Mr. Quaid worked in the private industry of real estate accounting and finance. He began his career with the public accounting firm formerly known as Haskins & Sells (currently known as "Deloitte & Touche"). His experience includes financial statement analyses, asset administration, computer conversion, and reporting to the Securities and Exchange Commission for several public real estate partnerships. In 1979, Mr. Quaid became a licensed California CPA.

Related Experience

City of Thousand Oaks, CA — Cost Allocation Plan: Mr. Quaid served as project manager for the development of an OMB A-87 compliant cost allocation plan model using fiscal year 2009 actual costs as the basis for the allocations. He was responsible for the preparation of the Cost Allocation Plan report and provided cost allocation model training to City staff.

The objective of this project was to determine the appropriate allocation of indirect costs from City General Fund central service departments to the General Fund operating departments/programs and the non-General Fund departments/programs. The plan model included 16 allocation bases allocating costs to over 100 departments and divisions. Both full and OMB A-87 cost allocation models were delivered to the City. Willdan was awarded a four-year contract, and will be updating the plan annually over the next four years.

Cities of Fontana, Gardena and Hawthorne, CA — Cost Allocation Plan Projects: For each of these cities, Mr. Quaid served in the role of task manager for the development of an OMB A-87 compliant cost allocation plan model using Microsoft Excel. He was responsible for the preparation of the cost allocation plan report and trained City staff on how to use the cost allocation model.

City of Rialto, CA — Comprehensive User Fee Study: Project manager for the Comprehensive User Fee Study to develop a user fee model in Microsoft Excel and update fees for Planning, Engineering, Building, Public Works, Recreation, Police, Fire, City Clerk, Treasurer and Finance.

City of Cathedral City, CA — Comprehensive User Fee Study: Project manager for a user fee study that required updating fees for Planning, Engineering, Building, Police, Fire, City Clerk, and Finance.

Education

Bachelor of Science,
University of Southern
California

Areas of Expertise

Fiscal Analysis for
User Fees and Rates

Cost Allocation Plans

Acquisition Audit
Services

Statutory Financial
Reporting

Fund Audits

Quality Review of
Community Facilities,
Lighting &
Landscaping, and
Assessment Districts

Affiliations

California Society of
Municipal Finance
Officers

California Society of
CPAs

Certifications/Licens
es

Certified Public
Accountant

35 Years Experience



James Edison

Project Manager

Education

*Juris Doctorate,
Boalt Hall School of
Law, University of
California, Berkeley*

*Master of Public Policy,
Richard and Rhoda
Goldman School of
Public Policy,
University of California,
Berkeley*

*Bachelor of Arts,
magna cum laude,
Harvard University*

Professional Registrations

*Member of State Bar,
California*

*Licensed Real Estate
Broker, California*

Affiliations

*Council of
Development Finance
Agencies*

*CFA Society of
San Francisco*

*Congress for the
New Urbanism*

Urban Land Institute

Seaside Institute

*International Economic
Development Council*

15 Years Experience

Mr. Edison has been selected to serve in the capacity of project manager, due to his extensive experience, innovative approaches to funding public facilities and recent legislative and case law changes that dictate how public agencies can utilize the Mitigation Fee Act.

Mr. Edison specializes in the nexus between public and private, with particular expertise in public-private partnerships, and the benefits of economic development to municipalities and state, provincial, regional and national governments. He possesses deep expertise in land use economics, with a specialty in finance and implementation, including fiscal impact and the public and private financing of infrastructure and development projects, both in the U.S. and internationally. Mr. Edison's public sector experience includes local and regional economic impact studies; fiscal impact evaluations; new government formation strategies; and the creation of impact fees, assessments, and special taxes to fund infrastructure and public facilities. Mr. Edison has conducted numerous evaluations of the economic and fiscal impact of specific plans, and consulted on a wide variety of land use planning topics related to community revitalization and the economic and fiscal impacts of development.

As a former bond attorney, Mr. Edison understands the legal underpinnings and technical requirements of public financing instruments, and has advised both public and private clients on the use of individual instruments, and the interaction between those instruments and the needs of developers and project finance.

Project Experience

Tulare County Association of Governments – Regional Traffic Impact Fee: Mr. Edison has been engaged by the Tulare County Association of Governments to update the regional transportation impact fee that funds Countywide transportation improvements.

Stanislaus Council of Governments – Regional Traffic Impact Fee: Mr. Edison was hired by the Stanislaus Council of Governments (StanCOG) to update StanCOG's regional traffic impact fee.

County of Riverside, CA – Comprehensive Impact Fee Update: Mr. Edison is leading the effort to establish a comprehensive fee program for the County, including facilities fees for fire, police, parks, criminal justice, libraries, and traffic. He has prepared the technical and analytical documents necessary to calculate the fee and establish the necessary nexus to collect it, as well as presented the fees during public hearings to the County Board of Supervisors.

City of Murrieta, CA – Master Facilities Plan and Development Impact Fee Calculation Report Update: Mr. Edison is currently serving as the principal-in-charge of the City's study to update their Master Facilities Plan and Development Impact Fee Calculation Report, to ensure that new development pays the capital costs associated with growth. The existing fees were adopted in 1998.

City of Alameda, CA – Comprehensive Impact Fee Update: Mr. Edison is currently leading the Willdan team updating the impact fee programs of the City of Alameda, and creating a separate impact fee program for Alameda Point, the former Alameda Naval Air Station.

County of Tulare, CA – Countywide Impact Fees: Mr. Edison is currently serving as project manager for a study that involves the creation of an impact fee program for the County. The study includes a range of facilities including public protection, library and parks facilities, as well as a transportation facilities impact fee, with different fees calculated for two zones in the County.

City of Fremont, CA – Comprehensive Impact Fee Update: Mr. Edison led the Willdan Team in the successful update of the impact fee programs for the City of Fremont. The effort included an update of the City's transportation impact fee program and capital improvement program.

City of Manteca, CA – Fire Impact Fee Update: Mr. Edison served in the capacity of project manager for the update of the City's fire services impact fee program.



Carlos Villarreal

Task Manager

Education

*Bachelor of Arts,
Geography, University
of California, Los
Angeles; Minor in
Public Policy and
Urban Planning*

Areas of Expertise

Fiscal Impact Analyses

*Development Impact
Fees*

Public Facilities

Financing Plans

GIS Analysis

10 Years Experience

Mr. Villarreal will serve in the role of Task Manager for the City's engagement. He has been selected for this role due to his prior experience documenting nexus findings for development impact fees, preparing capital improvement plans, facilitating stakeholder involvement, and analyzing the economic impacts of fee programs. He has supported adoption of fee programs funding a variety of facility types, including, but not limited to transportation, parks, library, fire, law enforcement, and utilities.

Project Experience

City of Alameda, CA – Alameda Development Impact Fee Update: Mr. Villarreal served as the Lead Project Analyst for the the City of Alameda engagement to upate the City's impact fee program. He coordinated with the City to gather the pertinent data for the project, and was instrumental in preparing the nexus study, in addition to participating in the presentation to stakeholders and City Council

City of Morgan Hill, CA – Development Impact Fee Update: Mr. Villarreal is currently servings as Project Manager for a study to update the City's existing nexus study, including general government, fire, police, parks and recreation, library and storm drain fee categories. Project scope includes stakeholder outreach.

City of Santa Clara, CA – Parks Fee Update: As Assistant Project Manager to Mr. Edison, Mr. Villarreal collected the necessary data to update the City's parks fee. Willdan prepared a comprehensive update of the City's parks fee, including demographic analysis and estimation of the cost of acquiring and improving public park land.

City of Upland, CA – Impact Fee Study Update: Conducted a study to update the City's impact fee program, including general government, regional transportation, water, sewer, storm drain and park fees. Traffic fees were established within the San Bernardino Associated Governments' (SANBAG) guidelines to provide a local funding source for improvements of regional significance.

County of Stanislaus, CA – Impact Fee Study Update: Mr. Villarreal served in the role of project manager for a study updating the County's existing impact fee program. The program includes a range of facilities including public protection, library, and park facilities. The study also includes a transportation facilities impact fee, with different fees calculated for two zones in the County. Considerable stakeholder outreach was an integral component of this project.

County of San Benito, CA – Comprehensive Impact Fee Study: In the role of project manager, Mr. Villarreal assisted the County of San Benito with the preparation of an updated and expanded impact fee program. The fee programs included: 1) Capital Improvements Impact Fee; 2) Road Equipment Impact Fee; 3) Fire Mitigation Impact Fee; and 4) Park and Recreation Impact Fee.

City of Soledad, CA – Development Impact Fee Study Update: Mr. Villarreal managed the update of the City's impact fee program, specifically changes in demographics, growth projections, project costs, and facility standards. In particular, the City needed to revise its capital facilities needs to accommodate a much lower amount of growth than what was projected before 2007. The resulting fees funded new development's share of planned facilities, while not overburdening development with unnecessary costs.

Rodeo-Hercules Fire Protection District, CA – Fire Impact Fee Update: Mr. Villarreal served as Project Manager for the District's fire impact fees update. The fee will be charged in two jurisdictions, the City of Hercules, and the unincorporated community of Rodeo. The fees were adopted by the City Council in September 2009, and were presented to the Board of Supervisors in December 2009.



Michael Medve

Project Analyst

Education

*Bachelor of Science
Information and
Computer Science,
Management and
Mathematics Minors,
Cum Laude
University of
California Irvine,*

Mr. Medve joined Willdan as a project manager in the Financial Consulting Services group; he will serve in the role of Project Analyst for this engagement. He brings ten years of experience to the Financial Consulting Services group with expertise in public finance, including special district formation and administration, fiscal impact analysis, public facilities financing plans, integrated financing districts, Proposition 218, tax credit financing, state and federal grant and loan programs, sales tax revenue bonds, and infrastructure financing districts. He has developed financial pro formas and cash flow analyses for numerous types of public and private project financing programs.

Areas of Expertise

Public Finance

Prior to joining Willdan, Mr. Medve was a consultant in the field of public finance for other consultants. Over the years, he has been a financing team member for over \$130 million in limited obligation bonds and over \$30 million in grant funds. He has served as the lead consultant for over two dozen clients, both public and private, throughout the country.

*Public Facility
Financing*

*Special District
Formation and
Administration*

Project Experience

Proposition 218

County of San Diego – Special Tax Consulting: Mr. Medve is currently assisting the County with their special tax consultant projects, specifically CFDs formed within unincorporated areas. To meet the demands of continued growth within the County, he is currently involved with the initial steps of forming two separate CFDs that will fund services and improvements ranging from flood control maintenance and fire protection services, to necessary capital improvements. He is also helping to replace an existing Permanent Road Division special assessment with a special tax to fund street rehabilitation and maintenance.

*New Markets Tax
Credits*

Grant Writing

Valley Metro (Phoenix Metropolitan Area): Provided assessment consulting services to the public transit authority for the Phoenix metropolitan area exploring the possibility of using assessment districts to supplement transit construction, operations and maintenance funding (in transit funding, this is often called a "value capture" strategy). This involved developing a financing plan that prioritized the various transit projects to find the ones that would benefit the most from a value capture strategy.

10 Years Experience

City of Irvine – Great Park Financing Plan: Mr. Medve assisted the City's Orange County Great Park (OCGP) subsidiary with the formation of a CFD and Redevelopment Area for the Great Park project. After the abolishment of redevelopment, he assisted OCGP with approving land use modifications and CFD change proceedings to assure adequate funding.

High Speed Rail Business Plan 2012, California High Speed Rail Authority – Statewide, CA:

Mr. Medve performed research and compiled data comparing the economic conditions of station areas for the proposed California High Speed Rail project and the Northeast Corridor High Speed Rail project. Services provided included planning, oversight of the environmental review/preliminary engineering (30% design), construction management, testing and commissioning for the line and every other phase up to revenue service for the 800-mile HSR system connecting San Francisco and Sacramento in Northern California with Los Angeles/Anaheim and San Diego in the south.

Newark Regional Transportation Center, DE – TIGER Grant Application: Mr. Medve prepared a Benefit-Cost Analysis to demonstrate employment accessibility and reduced vehicle miles traveled that would result from expanding the Newark station to eliminate conflicts with freight trains and allow passenger trains to make more stops during peak travel hours. This analysis was used in a TIGER III application to the US Department of Transportation and was successful in securing a \$10 million grant to fund the project.



Cost Allocation Work Plan

Our proposed work plan, described in detail by task, is provided below. We propose to maximize efficiency and cost-effectiveness by combining meetings and data gathering efforts between the cost allocation study and fee and rate study wherever possible. We explain how each task will be accomplished, and identify associated meetings and deliverables. We want to ensure our scope provides quality and clarity, and is responsive to the City's needs and specific local circumstances. We will work in concert with the City to adjust scopes as needed during the course of the studies.

Task 1: Initial Document Request

Objective: Initial due diligence.

Description: Prior to the kick-off meeting, relevant documentation will be obtained and reviewed in order to enhance our understanding of the City's current cost allocation plan and internal structure of the agency. A written request for specific data will be sent to the City. The data provided in this task will provide the building blocks for later model development.

Our request may include (but is not limited to):

- Detailed budget and accounting data;
- Prior year's financial data, salary, position and staffing data;
- Organizational structure;
- Prior cost allocation plan and/or user fee documentation and models; and
- Data related to various allocation bases that may be incorporated as part of the methodology, i.e. City Council agenda frequencies by department, AP/AR transactions by department, IT equipment distribution by department, etc.

Deliverables: **Willdan:** Submit information request to City.

City: Provide requested data to Willdan (prior to Task 2, Kick-off Meeting Call/Refine Scope). We will follow up with the City to confirm in writing the data that we have received, or which is still outstanding.

Task 2: Kick-off Meeting / Refine Scope

Objective: Identify and resolve policy issues raised by the study and determine appropriate fee categories.

Description: Willdan will identify and resolve policy issues typically raised by these studies and address data gaps in order to gain a full understanding of the City's goals for the cost allocation plan. We will establish effective lines of communication and processes for information gathering and review.

During this meeting, we will ask that the City assign a project manager to serve as its primary contact. The selected City project manager will ensure that available data is provided to Willdan in a timely manner, thereby maintaining adherence to the project's schedule.

We will obtain and review the current cost allocation methodology and discuss with City staff. The objective of this review is to determine specific areas of focus as they relate to the City's objectives, and to discuss and evaluate current and potential allocation factors.

Meetings: One (1) project kick-off meeting to initiate the project, discuss data needs and methodologies and to address policy issues. We would propose to conduct the user fee study kick-off at this same meeting to maximize efficiency and cost effectiveness of staff and Willdan time.

Deliverables: **Willdan:** If needed, a revised project scope and schedule.

City: Provide further data requirements and select / introduce City's project manager.

Task 3: Gather Staffing Information and Develop Cost Allocation Plan Model

Objective: Gather information related to indirect staffing and functions. Prepare draft cost allocation plan and model.

Description: This task involves the gathering of specific information, directly from City staff, through interviews and discussion, related to the functions served by indirect staff and the departments served by their activities. This task also focuses on the development of, and/or adjustment of existing, allocation bases, and the development and testing of a model that will ultimately be used to calculate the proper cost allocations derived from data gathered in prior tasks.



The model will be developed to incorporate any recent changes in the provision of City services, and fully allocate central service costs, as well as to allocate only those costs eligible under OMB A-87 guidelines. This is accomplished by loading relevant data into the model, then employing a toggle that will remove the OMB A-87 ineligible costs as appropriate. The OMB A-87 compliant model is valuable as the City may receive Federal or State grant funding that mandates compliance with the Federal OMB regulations.

We will utilize budget and organizational information, and other required information gathered from City staff to complete the work in this task. Specific discussions will be held to discuss bases, how central overhead services are provided to and utilized by other departments, cost categories and allocation criteria, and how these will factor into the overall cost allocation methodology.

We will work with the City to review any existing Internal Service Funds (ISF) and their functions and structures, and incorporate them into the model and methodology.

The model and methodology will also produce fully loaded hourly billing rates for City staff positions. These rates will be suitable for a variety of uses, including billing to CIP projects, and in the OMB A-87 compliant CAP, to Federal grants.

Meetings: Conference call with staff to understand structure and operations as model and allocation bases are developed. Key staff will be interviewed to best understand central overhead staffing and functions and the departments served.

Deliverables: **Willdan:** One (1) user-friendly model in Microsoft Excel format that provides both a full cost allocation plan and an OMB A-87 compliant cost allocation plan.

Task 4: Test and Review Cost Allocation Methodology

Objective: Test and review model and results with City.

Description: The draft cost allocation plan model will be reviewed with City staff, and adjusted as necessary, to ensure that preliminary allocations provide an accurate depiction of how the central overhead costs should be borne by the operating programs and funds. Over the past several years, we have successfully integrated online meetings by using GoToMeeting™ as an element to our approach. This allows us to remotely guide staff through the model review, and allows you the opportunity to interactively change inputs and test approaches.

Meetings: One (1) conference call and online demonstration (GoToMeeting) to review the model.

Deliverables: **Willdan and City:** Draft cost allocation plan model review.

Task 5: Prepare and Present Draft Report

Objective: Prepare the draft cost allocation report.

Description: This task involves the draft report preparation. The cost allocation plan's background, model methodologies, and results will be discussed; calculations and supporting data will be presented textually and in easily understood tables, and provided to the City.

Meetings: One (1) meeting to present the draft report to the City Manager, City Staff, and if called upon to do so, the City Council.

Deliverables: **Willdan:** Draft report for City review and input.
City: Review of draft report, with comments, and edits.

Task 6: Discuss and Revise Report

Objective: Review of draft report, cost distribution methods, and model.

Description: An in-depth review of the draft report and model will be conducted to arrive at an optimum allocation method for each expenditure type. Often, through the course of an engagement, comments usually revolve around issues of: understandability; appropriate levels of enterprise funds' cost recovery, etc.; ease of calculation; and overhead costs' distribution methods.

Following a round of comments from City staff concerning the draft report, the final report will be prepared for presentation to the Council.

Meetings: One (1) conference call with City staff to review the report.

Deliverables: Draft report, and revised draft/final report.



Task 7: Prepare and Present Final Report/Train Staff on Model

Objective: Prepare and present the final report to City Council. Educate City staff on the operation and use of the model for future modifications.

Description: This task is the culmination of the cost allocation plan project. Based on staff comments on the draft report, Willdan will prepare the final report for presentation to City Council.

Meetings: One (1) meeting with the City Council to present the final cost allocation plan. This meeting may be held in conjunction with the presentation of the fee and rate study results.

We will also provide staff training on the operation and use of the model on the same day during regular business hours.

Deliverables: **Willdan:** Provide five (5) bound copies, one (1) unbound copy, and one (1) electronic PDF file copy of the final report and models (overhead and OMB A-87 compliant) to the City. Using Microsoft Word and Excel, an updateable electronic copy of the study and models, as well as related schedules, will also be provided on CD-ROM.

User Fee Study Work Plan

Task 1: Initial Document Request

Objective: Initial due diligence; obtain study-related data.

Description: Prior to the kick-off meeting, we will obtain and review relevant documentation to further enhance our understanding of the services, fees, and rates to be studied. A written request for data will be sent to the City. Please note that Time Survey data is not part of this request and will be gathered during the on-site interviews described in Task 5.

We will request information and documentation on current fees and fee programs, activity levels, and budget and staffing information (to the extent not already available) related specifically to programs and activities which have associated fees, and for which the City has this level of detail.

Deliverables: **Willdan:** Submit information request to City.

City: Provide requested data to Willdan (prior to Task 3, Kick-off Meeting/Refine Scope). As with the cost allocation plan, we will follow up with the City to confirm receipt of requested data and information, and highlight data elements that are outstanding.

Task 2: Compile Inventory of Current and Potential Fees

Objective: Willdan will identify a schedule of fees and methodology for calculating the fees.

Description: Based on the results of the initial document request and independent research, incorporate into our model the existing fees, provided by the City, to comprise the parameters of the fee study.

Meetings: None. It is possible that a conference call with the City may be necessary to discuss new fees to implement or existing fees that may no longer be required.

Deliverables: **Willdan:** One (1) draft list of current fees based on initial data provided (to be discussed and finalized during the kick-off meeting).

City: Review completed fee schedule with comments/revisions to be discussed during the kick-off meeting.

Task 3: Kick-off Meeting/Refine Scope

Objective: Identify and resolve policy issues typically raised by a User Fee Study, address gaps in data, and refine appropriate existing or new fee categories (based on Task 2).

Description: Verify our understanding of the City's goals, the City's cost-recovery policy for user fees, and to fill any gaps in data/information necessary for the project. It is important for the City and Willdan to identify and address any foreseeable problems and maintain open communication throughout the process.

During this meeting, we will ask that the City identify a project manager who will serve as the primary contact for the project. The project manager shall have responsibility for ensuring that all available data is provided in a timely manner, thereby maintaining adherence to the project's schedule.



Meetings: One (1) project kick-off meeting to initiate the entire project, discuss data needs, and address policy issues. This meeting will be held in conjunction with the kick-off for the cost allocation plan. As mentioned in the cost allocation plan work plan, we suggest combining the kick-off meetings to increase efficiency.

Deliverables: **Willdan:** 1) Revised project scope and schedule (if needed); and 2) brief summary of policy decisions (if needed).

City: 1) Provide further data needs; and 2) determine/introduce City's project manager.

Task 4: Develop Comprehensive Fee Model

Objective: Develop and test model.

Description: This task involves the development of the model ultimately used to calculate the departmental fees, based on data and information gathered in previous tasks and in the Time Survey Interviews described in Task 5. To ensure that City policies are met through the imposition of the calculated fees, the model will be formatted to include appropriate costs.

Key model inputs will include staff and allocated overhead costs per position, and relevant budget data on salaries and benefits. Most of this information will be developed during the cost allocation plan phase of this project, and will be incorporated directly into the user fee model. We will request clarification and/or additional data if necessary.

The model will build upon the cost allocation plan results, to provide an allocation of administrative and overhead costs to fee related activities and departments providing services to customers, so that fees and billable rate schedules incorporate applicable costs. Furthermore, the fees and rates charged to customers will also reflect the cost of the services being provided, to the extent possible given policy and/or political considerations.

Deliverables: **Willdan:** One (1) user-friendly model in Microsoft Excel format, which, when finalized, City staff can use to calculate fee changes annually, or as often as deemed appropriate by the City Council.

Task 5: Time Survey Interviews and On-site Information Gathering

Objective: Meet with City staff to complete Time Surveys and understand service delivery processes.

Description: In order to assist staff with the completion of the survey worksheets, we will schedule one (1) full day of on-site meetings with staff; however, the number of meetings needed may vary depending on the number of staff and departments involved.

The Willdan Team will conduct interviews with supervisors/managers, as well as other staff, as deemed appropriate and/or necessary, from each department involved in the user fee and rate study to determine the average time required by City staff to provide each of the services for which a fee is collected.

The fee model is designed so that full cost recovery fees are calculated immediately upon input of staff time. This will allow Willdan and City staff to conclude with a final meeting to review the draft full cost recovery fees, and adjust any times as necessary, once all information has been compiled and input into the fee model. We will schedule the interviews with staff to minimize any disruption to their normal workflow.

Meetings: One (1) full business day of on-site meetings/staff interviews.

Deliverables: **Willdan and City:** Time surveys and draft full cost recovery fees.

Task 6: Common Fees Comparison

Objective: Examine the user fees charged by comparable Riverside County, or jurisdictions that are similar to the City of Banning.

Description: We will access and use our knowledge of other jurisdictions to benchmark the City's five (5) most common fees or highest yielding fees with comparable jurisdictions agreed.

Fee schedules are rarely readily or directly comparable from agency to agency due to definitional and operational differences. For example, a grading permit in one jurisdiction may include the plan check service, while the same permit in another jurisdiction may not, resulting in similar sounding services with widely varying costs. For this reason, Willdan takes a selection of the City's most commonly used and/or highest yielding fees.



The survey will contain the following:

- Comparison of common or similar fees and charges used by the City and other jurisdictions;
- Current and proposed fees and charges unique to the City of Banning;
- Fees and charges used by other public entities not currently used in the City; and
- If possible, identify characteristics and processes unique to the City that account for significant variances in fees and charges used by other jurisdictions.

Deliverables: **Willdan:** Recommendations provided in Task 8 will incorporate the data gathered during our examination

Task 7: Data Analysis and Final Fee and Rate Schedule

Objective: Incorporate information obtained from on-site surveys to fully develop model.

Description: We will update the model, based on information received during the on-site surveys, to generate a comprehensive user fee schedule. In addition, it is very common that a supplemental data request may be necessary, based on new fees identified that the City is not currently collecting. Where appropriate, we will suggest and discuss with staff alternate approaches to existing fee programs (i.e. building fees), and suggest potential areas where fees could be collected where they are not currently. We will present the full cost recovery level for fees, and revenue projections, given certain assumptions about the levels of subsidy for different fees. Cost will be calculated at reasonable activity levels, and include all appropriate direct and indirect costs and overhead. We will review fee programs for compliance with Propositions 218 and 26.

The user fee data analysis and model development may take three (3) to four (4) weeks with frequent correspondence with City staff to discuss current cost recovery amounts, necessary to recover full cost and frequency activity.

Meetings: Conference calls to finalize fee schedule.

Deliverables: Final user fee and rate model for City Council presentation and discussion.

Task 8: Prepare and Present Draft Report

Objective: Prepare draft report.

Description: This task involves the preparation of the draft report that discusses the study's background, the methodologies utilized in the study, and the results and presentation to various stakeholder groups. As noted below, meetings may occur during this or the next task as appropriate. The calculations used to generate the fee and rate study will be included textually, as well as in easy to understand tables. Individual fee summaries by department, and a comprehensive fee schedule will be included. The draft report will include the following:

- Key results and findings;
- Basic descriptions of each service;
- The full cost of each service and current cost recovery levels;
- Costs broken down graphically into indirect and direct components, with a graphic display of the level of cost recovery;
- Fee recommendations with associate levels of cost recovery;
- Projections of potential fee revenue;
- Assessment of reasonableness of each City's costs;
- Review of reasonableness of current consultant cost structure (for Building Division services);
- As appropriate, recommend alternative methodologies for building permit fee calculation; and
- Summary and recommendations.

The objective of the report is to communicate the recommendation of appropriate fees, which include the appropriate subsidy percentage for those fees where full cost recovery may be unrealistic.

Meetings: One (1) conference call or online meeting to present the draft report to City Staff and the City Manager.



Deliverables: **Willdan:** Draft report for City review and comment.
City: Review of draft report, with comments and edits.

Task 9: Revise Draft Report/Determine Cost Recovery Levels for Recommended Adoption

Objective: Review of draft report and fee model.

Description: The goal of this task is to conduct an in-depth review of the draft report and model, and finally arrive at an optimum fee structure. Often through the course of an engagement, City staff will volunteer insightful likes and dislikes regarding the existing fee structure. We listen to this feedback carefully because your staff members know the community best. Comments usually revolve around issues of:

- Understandability;
- Fairness to applicants;
- Ease of calculation;
- Appropriate levels of cost recovery; and
- Full cost recovery hourly rates.

When adjusting fee recovery levels, we believe it is important to address these concerns.

Following one (1) round of comments from City staff on the draft report, we will prepare the final report for presentation to the City Council.

Meeting: One (1) online demonstration (GoToMeeting) to review the model.

Deliverables: Draft report, revised draft /final report.

Task 10: Prepare and Present Final Report/Train Staff on Model

Objective: Prepare and present final report to City Council. Train staff on the operation and use of the model for future modifications.

Description: This task is the culmination of the entire project. Based on staff comments received regarding the draft report, we will prepare the final report for presentation.

Meetings: One (1) meeting with City Council to present the results. We will also provide staff training on the operation and use of the model on the same day, during regular business hours.

Deliverables: We will provide up to five (5) bound copies, one (1) unbound copy and one (1) electronic PDF file copy of the final report and model to the City. Using Microsoft Word and Excel, an updateable electronic copy of the study and model, as well as related schedules, will also be provided on CD/ROM.

Development Impact Fee Study Work Plan

Task 1: Identify and Resolve Policy Issues

Objective: Identify and resolve policy issues raised by the study.

Description: Review agency documents related to existing capital planning policies and funding programs, including existing impact fees. Bring policy issues to City staff's attention, as appropriate, during the project and seek guidance prior to proceeding. Potential policy issues include:

- Adequacy of the City's General Plan, specific plans and other public facility planning policies (e.g. level of service standards); impact fee ordinances and resolutions, and prior nexus studies;
- Availability of existing public facility master plans and CIPs to identify needed facilities;
- Types of facilities to be funded by each fee;
- Land use categories for imposition of fees;
- Assessing residential fees, per square foot, per bedroom or per dwelling unit;
- Nexus approach to determining facility standards;
- Nexus approach to allocating cost burden among land uses, including need for separate fee zones;
- Potential alternative funding sources, if needed;
- Funding existing deficiencies, if identified;
- Implementation concerns and strategies; and



- Identify and clarify existing fees, and interview City staff regarding service levels for specific services;

Deliverables: **Willdan:** 1) Information requests; 2) revised project scope and schedule (if needed); and 3) brief summary of policy decisions (if needed).

Task 2: Identify Existing Development and Future Growth

Objective: 1) Identify estimates of existing levels of development; and 2) identify a projection of future growth, consistent with current planning policy.

Description: Identify base year for estimating existing levels of development and for calculating facility standards based on existing facility inventories (see Task 3). Include entitled development that would be exempt from the fee program.

Consult with the City staff to identify growth projections to a defined long-range planning horizon (10 to 30 years). Projections provide a basis for determining the facilities needed to accommodate growth (see Task 4). Willdan will typically start with the City's current General Plan, and make any necessary adjustments.

Develop an approach for converting land use data to measure facility demand. For example, identify population and employment density factors to convert population and employment estimates to dwelling units and building square. Select appropriate approach for each impact fee, based on:

- Available local data on facility demand by land use category;
- Approaches used by other agencies; and
- Support for other agency policy objectives.

Changes to estimates and projections during subsequent tasks could cause unanticipated effort and require an amendment to the scope and budget. Obtain approval of estimates and projections from City staff prior to proceeding.

Task 3: Determine Facility Standards

Note: Conduct tasks concurrently because of the effect of facility standards (Task 3), facility needs (Task 4), and alternative funding (Task 5) on the fee calculation.

Objective: Determine standards to identify facilities required to accommodate growth.

Description: Identify and evaluate possible facility standards depending on the facility type, current facility inventory data, and available facility planning documents. Consider use of: 1) adopted policy standards (e.g. General Plan, master facility plans); 2) standards derived from existing facility inventories; or 3) standards derived from a list of planned facility projects. City staff to provide policies, inventories, and project lists.

Task 4: Determine Facilities Needs and Costs

Objective: Willdan will develop a methodology for each proposed fee component to identify existing deficiencies in current facilities and improvements and assist City staff in determining the portion of estimated costs that are attributable to new development versus the portion attributable to existing deficiencies.

Description: Quantify total planned facilities, based on growth projection from Task 2 and facility standards from Task 3. Express planned facilities in general quantities, such as acres of parkland or as a specific list of capital projects from a master facility plan. Location of planned facilities may or may not be specified. If only a general description of planned facilities is available through the planning horizon, City staff to provide a list of specific capital projects for use of fee revenues during the short-term (e.g. five years).

Distinguish between: 1) facilities needed to serve growth (that can be funded by impact fees); and 2) facilities needed to correct existing deficiencies (that cannot be funded by impact fees). Use one of three cost allocation methods (existing inventory, system plan, or planned facilities).

Gather planning-level data on new facilities costs, based on lump sum project cost estimates or unit costs and project quantities (acres, building square feet, lane miles, etc.). Willdan will also examine local market data, such as land transactions and consultant team experience from prior projects. Inflate older cost estimates to base year using appropriate cost indices.



Note: We assume that information on facilities and costs will be provided by the City. Our scope of work does not include engineering analysis to identify total facility needs, existing deficiencies, or cost estimates. We can add this service at an additional cost, if needed.

Task 5: Identify Funding and Financing Alternatives

Objective: Determine the extent of alternative (non-fee) funding available for new facilities.

Description: If impact fees are going to only partially fund a capital project, the California Mitigation Fee Act requires the agency report on the anticipated source and timing of the additional funding every five years. There are two types of alternative funding sources that we will identify:

- 1) Funding from non-impact fee sources to correct existing deficiencies; and
- 2) Funding from new development other than impact fees that must be credited against new development's impact fee contributions, possibly including taxes paid to finance facilities.

Identify anticipated alternative funding based on information from City staff or note that funds are still to be identified based on a list of probable funding alternatives. If fees will fund debt service, include financing costs in the total cost of facilities.

This scope assumes facilities to be funded predominantly on a pay-as-you-go basis.

Note: Our scope does not include a cash flow analysis to analyze effect of timing of fee revenues on financing costs.

Task 6: Calculate Fees and Prepare Report

Objective: Provide technically defensible fee report that comprehensively documents project assumptions, methodologies, and results.

Description: Generate a fee schedule to apportion facility costs to individual development projects. The fee will be calculated to provide for facilities, equipment, infrastructure, and services needed to support growth based on forecasted growth. Use facility costs per unit of demand multiplied by demand by land use category, based on data developed in prior tasks.

Willdan will take into account any existing fees and compare the projected fees to nearby and comparable cities.

Prepare draft report tables for City staff to review that document each step of the analysis, including schedule of maximum justified fees by facility type land use category.

Following one round of comments from City staff on the quantitative analysis and fee schedules, prepare administrative draft report. The report will comply with the requirements of the Mitigation Fee Act, including:

- The purpose of any proposed new fees;
- How those proposed new fees would be used;
- The relationship between the fee's use and the type of project on which the fee would be imposed;
- The need for any type of project for which the fee would be imposed; and
- Any additional matters of which City staff should be made aware.

Following one round of comments on the administrative draft, prepare public draft for presentation to interested parties, the public and elected officials. Prepare a final report, if necessary, based on one round of comments received on the public draft report. If requested, post report on corporate Web site for public access.

Deliverables: We will provide up to five (5) bound copies, one (1) unbound copy, one Microsoft Word copy, and one (1) electronic PDF file copy of the final report and model to the City.

Task 7: Meetings

Description: Mr. James Edison, will attend all project meetings, including the kick-off meeting, and will present the findings at public meetings. Mr. Medve will attend other meetings, as requested by the City. The fee and scope includes three meetings: one kick-off meeting with City staff; one meeting with City staff; and one City Council meeting. Phone conferences are not considered meetings for the



purposes of this scope. Additional meetings may be requested for an additional fee, based on our hourly billing rates.

City Staff Support

To complete our tasks, we will need the cooperation of City staff. We suggest that the City of Banning assign a key individual to represent the City as the project manager who can function as our primary contact. We anticipate that the City's project manager will:

- 1) Coordinate responses to requests for information;
- 2) Coordinate review of work products; and
- 3) Help resolve policy issues.

We will ask for responses to initial information requests in a timely manner. If there are delays on the part of the City, we will contact the City's project manager to steer the project back on track. We will keep the City's project manager informed of data or feedback we need to keep the project on schedule.

Willdan will endeavor to minimize the impact on City staff in the completion of this project.

The Willdan Team will rely on the validity and accuracy of the City's data and documentation to complete this project. The City of Banning acknowledges that Willdan is relying upon the accuracy of the information provided by the City or their designees, and that Willdan shall not be liable for any inaccuracies contained therein.

CITY OF BANNING

PROPOSAL REQUIREMENTS

PROPOSAL LETTER/CERTIFICATE OF ACCEPTANCE

PROPOSER Willdan Financial Services

Dean Martin, Interim Administrative Services Director/
Deputy City Manager
CITY OF BANNING
99 East Ramsey Street
Banning, Ca 92220

In response to the Request for Proposal (RFP), for Overhead Cost Allocation Study/User Fee Study/ Development Impact Study, we the undersigned hereby declare that we have carefully read and examined the RFP documents including any plans and specifications, and hereby propose to perform and complete the Work as required in the Contract.

This Contract is not exclusive. CITY OF BANNING expressly reserves the right to contract for performance of services such as those described herein through other Contractors.

The undersigned agrees to supply the Scope of Work at the costs indicated in its cost proposal if its Proposal is accepted within 120 days from the date specified in the RFP for receipt of proposals.

The undersigned has reviewed the enclosed contract terms and conditions and agrees to accept all terms and conditions of CITY OF BANNING's contract unless otherwise noted in the proposal response.

If recommended for Contract award, the undersigned agrees to execute a Contract which will be prepared by CITY OF BANNING for execution, within 10 calendar days following Notification of Award.

The undersigned will also deliver to CITY OF BANNING prior to the commencement of Scope of Work the necessary original Certificates of Insurance. If services are authorized to commence prior to the execution of the Contract pursuant to a Notice to Proceed issued by CITY OF BANNING, pending the execution of the Contract, the services shall be subject to the terms and conditions of the Scope of Work and the Contract as set forth in Parts A and B respectively of the RFP Documents.

Incorporated herein and made a part of this Proposal are the Response Data and Proposal Forms required by the Proposal Requirements.

The undersigned acknowledges receipt, understanding and full consideration of the following Addenda to the RFP Documents:

Addenda No. N/A

Proposer represents that the following person is authorized to negotiate on its behalf with CITY OF BANNING in connection with this RFP:

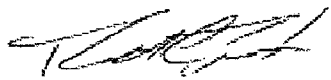
(Name)

(Title)

(Phone)

The undersigned certifies that it has examined and is fully familiar with all of the provisions of the RFP Documents and is satisfied that they are accurate; that it has carefully checked all the words and figures and all statements made in the Proposal Requirements; that it has satisfied itself with respect to other matters pertaining to the proposal which in any way affect the Work or the cost thereof. The undersigned hereby agrees that CITY OF BANNING will not be responsible for any errors or omissions in these RFP Documents.

BY:



(Signature)

Chris Fisher

(Type or Print Name)

Vice President

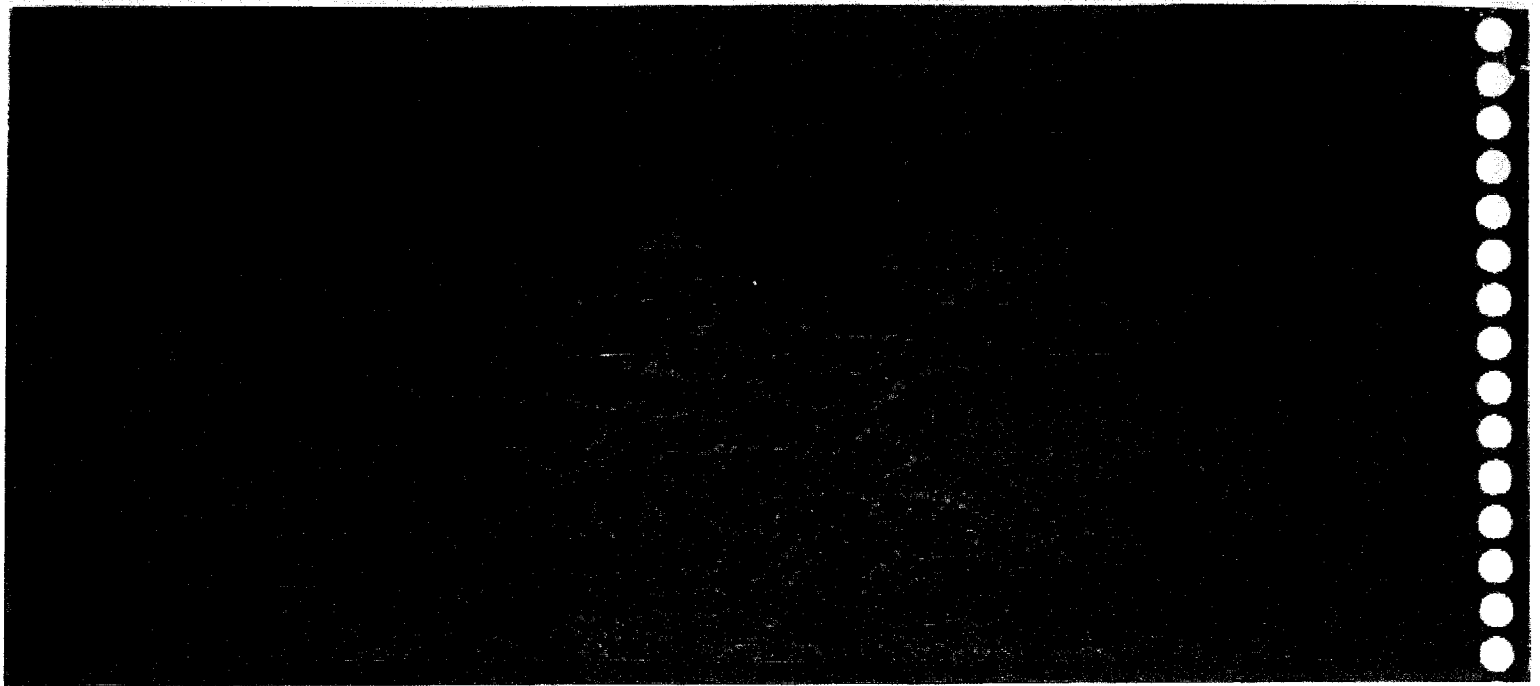
(Title)

Proposer's Business Address
and Telephone/Fax Numbers:

27368 Via Industria, Suite 200

Temecula, CA 92590

(951) 587-3500 / (951) 587-3510



W WILLDAN |

27300 Via Industrial, Suite 200
Tomball, Texas 77375-4100
936.667.3000 | Fax: 936.667.3513

www.willdan.com 364

CONSULTANT EVALUATION FOR FEE STUDIES

Project: *Overhead Cost Allocation Study, User Fee Study*

Consultant: *Revenue & Cost Specialists, LLC*

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart <i>- NO</i>	10	8	<i>- Incorporated in 1980 Mr. Thorpe & Mr. Johnson appear to have extensive experience</i>
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	8	<i>- References provided for local cities</i>
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required - Understanding of federal cost principles - Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule <i>YES</i> - Included innovative approaches	15	13	<i>- developed software that is windows based that the city could open access to update info - appeared to have a thorough understanding of what is needed and has the ability to execute the work</i>
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	5	<i>Fullerton based, local reference</i>
5	COST <i>provided under separate cover \$80,700 initial cost w/ additional cost for updates</i>	10		
GENERAL NOTES: <i>Proposal includes Master Facilities plan as part of the development fee study</i>		TOTAL /50		
NAME: <i>Holly Stuart</i> TITLE: <i>Public Works Analyst</i> DATE: <i>8/31/15</i>				

CONSULTANT EVALUATION FOR FEE STUDIES

Project: CAP, user fees, DIF.

Consultant: Revenue + Cost specialists

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart	10	6	Average Team.
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	6	EXPERIENCED, BUT SMALL FIRM
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required - Understanding of federal cost principles - Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	7	EXHIBITED UNDERSTANDING TOUCHED UPON METHODOLOGY.
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	7	SMALL ORANGE COUNTY FIRM
5	COST	10	9	VERY COMPETITIVE PRICING, LIKELY DUE TO SMALL FIRM & PROPRIETARY SOFTWARE
GENERAL NOTES: SMALL 2-PERSON FIRM IN ORANGE COUNTY. THIS FIRM IS UNIQUE IN THAT THEY USE A PROPRIETARY SOFTWARE TO DO THE STUDIES - I WOULD HAVE TO SEE THE SOFTWARE TO PASS FINAL JUDGEMENT, BUT THIS CONCERNS ME. THE MODELS MAY BE MORE BOILER-PLATE THAN MOST & LESS CUSTOMIZED TO THE CITY'S NEEDS. PLUS, STAFF WOULD NEED TO LEARN THE SOFTWARE.		TOTAL /50 35 / 50		REQUIRING LESS MANUAL MODELING -
NAME: Jim Steffen TITLE: Power Resource DATE: 7-23-15				
+ Revenue Administrator				

CONSULTANT EVALUATION FOR FEE STUDIES

Project: COST ALLOCATION

Consultant: ROTHMAN & COST INC

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart	10	(8) 80	PROVIDE LOCAL WORKSHEET
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	(9) 90	WORKING WITH SERVICES PROVIDED MANIFEST OUTSIDE LOCALITY
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required • Understanding of federal cost principles • Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	(13) 195	LONG TERM LITIGATION WELL ORGANIZED WORK AREA
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	(4) 20	FULLY WORKING
5	COST	10	(8) 80	40,700 / 70,000
GENERAL NOTES:		TOTAL /50 465		
NAME: P. WILSON TITLE: ACTING CDD DATE: 7-23-15				

CONSULTANT EVALUATION FOR FEE STUDIES

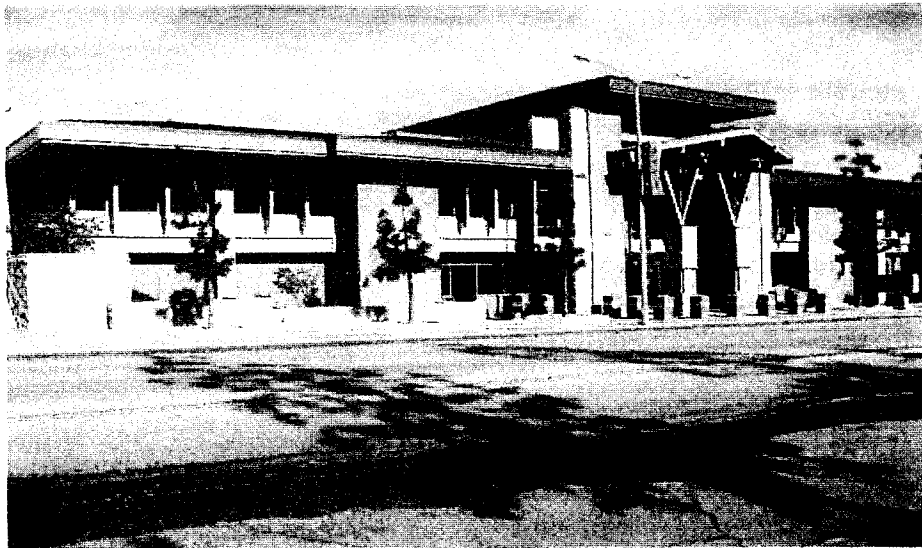
Project:

Consultant: *Revenue & Cost Specialists*

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart	10	8	
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	9	
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required • Understanding of federal cost principles • Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	14	
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	4	
5	COST	10	8	
GENERAL NOTES:		TOTAL /50 43		
NAME: <i>Sam</i> TITLE: _____ DATE: <i>7/20/15</i>				



Proposal for a
User & Development Impact Fee Study
for the City of Banning



**& Revenue
Cost
Specialists, LLC**

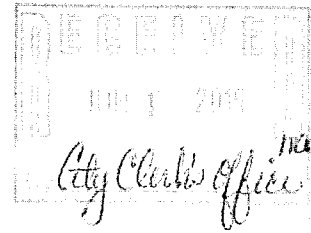
1519 East Chapman Avenue, Suite C
Fullerton, CA 92831
(714) 992-9020
www.revenuecost.com

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June 1, 2015

Ms. Marie Calderon, City Clerk
City of Banning
99 E. Ramsey Street
Banning, CA 92220



RE: Request for Proposal – User Fee & Development Impact Fee Study

Revenue & Cost Specialists, LLC (RCS) appreciates the opportunity to respond with this Proposal to perform a User Fee Study and Development Impact Fee Study for the City of Banning to allow the City to fairly identify and recover the appropriate costs for services and capital impacts. RCS has been providing fee and costing services since 1980.

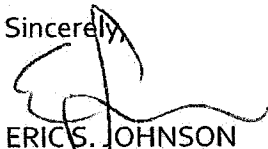
Specifically, the City wants to identify the full costs of all General Fund operational services that are either currently charged a fee or could be charged a fee. As part of the full costs of services, the City wants a Cost Allocation Plan which would fairly distribute the overhead costs to the end-user services provided to the public. In addition, the City wants an A-87 Cost Allocation Plan for calculation of overhead rates for grant programs. As the result of this review, a master fee resolution will be developed that will accurately represent the costs of providing services.

The City also wants to identify the impacts to the capacity its capital infrastructure to serve due to increased development in the City. This effort will include a Master Facilities Plan to identify and detail all of the capital infrastructure needs. The resulting Development Impact Fee Calculation and Nexus Report will provide the nexus detail necessary to support defensible capital development impact fees for new development.

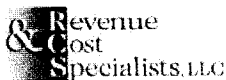
To achieve these goals RCS will work with City staff in a collaborative way that minimizes the impact on City staff while still collecting accurate information that reflects the costs and services in Banning. We will use our superior experience to efficiently gather information from staff during personal meetings with the appropriate staff. As former City staff ourselves, we understand that time is precious. We will also insure that City staff will be able to stand behind the information and recommendations in the Report.

The terms of this proposal will be honored until August 31, 2015. RCS looks forward to being of assistance to the City of Banning and appreciates the opportunity to respond with this proposal. If there are any questions please contact Mr. Johnson at (714) 992-9027 or eric@revenuecost.com.

Sincerely,



ERIC S. JOHNSON
Vice President





EXECUTIVE SUMMARY

The City wants to identify the full costs of all General Fund operational services that are either currently charged a fee or could be charged a fee. As part of the full costs of services, the City wants a full-cost Cost Allocation Plan which would fairly distribute the overhead costs to the end-user services provided to the public. In addition, the Cost Allocation Plan will provide detail on the amounts that the General Plan could recover from other funds that receive services from the General Fund. This would allow for fair and defensible transfers from these funds to the General Fund.

The City also wants an A-87 Cost Allocation Plan which complies with Federal Circular A-87 as well as the State Controller's Office Guidelines for Cost Claiming. This Plan will use the most recent audited actual expenditures.

Based on the full cost information, RCS will review with staff a proposed fee structure that will recover these costs in the most equitable and efficient way possible. This may involve flat fees, deposits, valuation-based fees, step-increase fees, or a combination of these. But the eventual fee recommendations included in the final report and master fee resolution will be defensible, easy to understand, and be supported by City staff.

The Level of Service (LOS) of any City service is based upon, or limited by, the capacity of that capital infrastructure to support that service. To insure that the City can continue to provide basic municipal services by increasing its inventory of capital infrastructure capacity RCS will prepare a Development Impact Fee Calculation and Nexus Report as fully supported by the long-range Master Facilities Plan.

The Master Facilities Plan (MFP) consists of a detail page for each project identified as necessary to accommodate new development. It provides General Plan build-out detail necessary to support the Development Impact Fee calculation and nexus process described herein. While the MFP component is somewhat discretionary, the data generated and compiled is critical to serving the community, Council and staff in terms of improved public policy making, public information and long-term planning.

Upon completion of the City's MFP, RCS staff will use that project detail to complete the Development Impact Fee calculation and quantify the costs generated by new development in terms of a DIF schedule by land use.

We will use our experience from previous work in the City and in other similar cities to efficiently construct and update the model that represents how operations are conducted in Banning and quickly identify what those operations cost. This will be done through the use of **on-site meetings with staff**. It is these face to face meetings with the City staff who perform the work that insures that the data is accurate.



User & Development Impact Fee Study for the City of Planning

We will use a series of focused meetings to review the time information that is generated. We have found that this method is preferable and generates better data than one big meeting to collect this data. This gives City staff time to digest and reflect on the information that is being generated. We also identify the total time of City staff for all services that they are involved in. **For the User Fee Study we will identify 100% of the staff time on 100% of the services that they provide.** This gives City staff a fuller perspective on their time allocations instead of merely looking at time allocations for individual services in a vacuum. These methods will insure that City staff feels confident about the data and, therefore, confident in supporting the results in public hearings.

The other key result of identifying 100% of City services is that we are identifying not only the cost of fee services, but also of community-supported services, such as police services, and street and park maintenance services. This allows us to have a real discussion with real numbers with the City Council about tax subsidy policy. Since we are identifying the full costs of fee services, we are also therefore identifying the current subsidy of general tax dollars for these services. Therefore we can show the City Council how much they are subsidizing fee services at the expense of community-supported services. Does the City want to continue to use precious tax dollars to support a zone change on a particular parcel that only benefits that particular property owner or use those tax dollars on things that can only be supported by tax dollars, like police and maintenance services? They will now have that information to be able to make that conscious choice.

Thus, the support of staff, changing the discussion to tax subsidy policy instead of fee increases, and the experience of RCS in successfully presenting the results of similar studies to City Councils insures that the City Council will be able to meet the objectives of the City.

SOFTWARE

RCS has developed a unique and sophisticated Windows-based stand-alone software package for the Cost Allocation Plan and User Fee Study that is both user-friendly and comprehensive at the same time. The Governmental Business System is designed to be used in any organization and allows for the flexibility to easily make changes to your organization and your services. It includes easy-to-use interfaces and easy-to-understand reports, without the worry of incorrect formulas inherent in Excel-based systems. The system is based on an easily downloaded package. It is not a spreadsheet based format, but uniquely designed for municipal purposes in determining cost allocations and service costs. This will allow the City to continuously update the Cost Allocation and User Fee Studies, as well as input hypothetical services to calculate the estimated costs of providing new services. The software for the Development Impact Fee System is proprietary and not yet available to clients.

The software will be installed at the City with no licensing limitations at the completion of the Study. A demonstration of the software can be downloaded at www.costallocation.com.



SCOPE OF WORK/METHODOLOGY

WORK PLAN

The proposed Work Plan is described below for the Cost Allocation Plan, User Fee Study, and Development Impact Fee Study. The Work Plan for the various parts of the Study will be done concurrently as there are overlapping steps and the results of the Cost Allocation Plan are needed for the overhead component of the Fee Study.

As is detailed in the task list below, RCS uses only firm principals to perform the necessary meetings with the departments. All meetings will be on-site at the City. We use our experience to work with staff, which makes the process quicker and the results more accurate.

This process will allow the City to have well documented and defensible service costs which will be used to develop fees that will be in compliance with Propositions 4, 218, and 26, as well as applicable codes.

Cost Allocation Plan

Task 1: Update and Review Central Services and Allocate Staff Time

RCS will meet with City staff to Update and review central services for indirect departments and allocate staff time and costs to those central services. City staff time would be approximately 1-2 hours per central service department in this process and would need to meet with RCS to establish the central service listing, quantify the department staff time involved in those central services, and review the results.

Task 2: Update and Review Allocation Factors

RCS will meet with City staff to Update and review the factors for allocating each central service identified. These factors will form the basis for allocating the central service costs. This meeting will be concurrent with the time allocation meeting. City staff involvement for data gathering is a function of the availability of the required information, but RCS will use its experience to develop allocation factors which are easily reproducible from year to year but still fairly allocate the central service costs.

Task 3: Review Results with Departments

RCS will calculate allocations to the functional centers and review the results with the managers of the various central service departments. City staff time for this process will be less than 1 hour per department to review the results of the allocations.



User & Development Impact Fee Study for the City of Danbury

Task 4: Prepare Draft Cost Allocation Plan and Review with City Staff

RCS will make any changes and prepare a Draft Report with allocations to end user departments using our 20-step allocation model. RCS will review this Draft Report with the City's management group and make any necessary adjustments.

Task 5: Prepare Final Cost Allocation Plan

RCS will make any changes and prepare a Final Report with allocations to end user departments. It will be these results that will be used for the City general overhead component of the Fee Study and can also be used to determine the amounts for transfers to the General Fund for support provided to other funds. RCS will provide five bound copies, one unbound copy, and a PDF file of the Final Report.

A-87 Cost Allocation Plan

The A-87 Cost Allocation Plan is required to be based on audited actual expenditures. Therefore, RCS will use the most recent audited expenditures once the audit process is complete. For the time allocations to the various central services the OMB Circular requires verifiable time allocations. Therefore, RCS will work with City staff to determine the level of time detail that exists. Most likely this will require time allocations at the divisional level.

The end result will be a Cost Plan with appropriate overhead rates for each department and division so that staff may be charged to Federal grant programs. RCS will provide three bound copies and a PDF file of the Final Report.

RCS will then work with City staff on submitting the A-87 Plan to the relevant cognizant agency and work with that agency until the A-87 Plan is approved.

User Fee Study

Task 1: Kick-off Meeting

RCS will conduct a meeting with City staff explaining the operational methodology of the study and the role of City staff. We will review any possible issues that may arise as well as answer any questions from City staff about the process. This meeting is crucial for the process as we want to insure that everyone understands the various steps in the process and what is expected of them.

Task 2: Review the Service List with Departmental Staff

RCS will review service list through meetings with City staff. We will also work with Departmental staff to determine any changes to the fee calculation methods. For



User & Development Impact Fee Study for the City of Banning

instance, for Building Permits we could determine that we want to continue to use square footage for new Building Plan Check and Inspection, or use a different method instead. The end result, whichever method is utilized, will be a fee structure that best fits the City of Banning going forward. While this list will change during the course of the Study as it is refined, it will be the initial basis from where we start. City staff time for this review will be less than 1 hour per department.

Task 3: Review Staff Time Allocations

RCS will interview personnel providing end-user services to insure that costs from all functional areas directly involved with a service are included in the cost of that service. This component will form the bulk of the time spent by staff. There will be two to four meetings with supervisory level staff in each functional area to create and verify the amount of time spent by staff on the services identified in the task above. We do not ask City staff to do our job by filling out forms detailing where they spend their time. **This iterative process, and the fact that we allocate 100% of all departmental staff, allows everyone to insure that the information being generated is valid and reliable.**

Task 4: Develop Fully Allocated Hourly Rates

RCS will develop a fully allocated hourly rate for each departmental employee, including salaries and benefits, miscellaneous operating service and supply costs, overhead costs from the above Cost Allocation Plan, debt service, and other direct costs as identified, which can be used for all charging and costing processes.

Task 5: Prepare Draft Report

RCS will prepare a Draft Report that identifies the total costs for each service, the current fees, and makes fee recommendations for each service presented. RCS will review this draft report with the departments, so that each department will have final input on the fees presented in the final report. City staff time would be approximately 1-2 hours per department for those departments that have fee services. A sample of the Service Summary and Cost Detail Reports that are provided for each service is included in the following pages.

Task 6: Prepare a Fee Survey

RCS will compare existing and proposed fees in key benchmark areas with those charged by other agencies. To insure that this process is comparing like services, RCS recommends that the City compare the fees involved in moving a typical development from the beginning to the end of the development process.



User & Development Impact Fee Study for the City of San Bernardino

Task 7: Prepare Final Report

Based on staff input, RCS will prepare a Final Report, which will have recommendations for new fees and subsidy percentages and projections of new revenues from those fees. The Report will also include explanatory text and various summary tables to easily explain the results and the context. All recommended fees will be in compliance with Propositions 4, 218, 26, and any other applicable laws. RCS will provide ten bound copies, one unbound copy, and a PDF file of the Final Report, as well as an electronic copy of a Master Fee Resolution with the City's proposed fees included in it.

Task 7: Present Report to the City Council

RCS will assist the City Council in the review and adoption of revised service fees and subsidy percentages and assist the staff in the implementation of the revised service fees at up to two meetings.

Master Facilities Plan and Development Impact Fee Calculation and Nexus Report

To insure that the City can continue to provide basic municipal services, RCS proposes to complete a Development Impact Fee (DIF) Calculation Report fully supported by a Master Facilities Plan (MFP). The two components are now described in detail (and are further referred to as MFP or the DIFs).

Task 1: Kick-off Meeting - Identify Infrastructure and Infrastructure Managers

Meet with planning staff to identify the service area boundaries of the City and distribute the information to the other participating departments. Identify the "infrastructure managers," e.g. those staff members most responsible for the planned expansion of the following infrastructure categories:

- Law Enforcement Improvements, (facilities/vehicles/equipment),
 - Fire Suppression/Medic Improvements, (facilities/vehicles/equipment),
 - Circulation Improvements, (streets, traffic signals, bridges),
 - Storm Drainage Collection System Facilities,
 - General Facilities, Vehicles and Equipment (city hall, city yard, and fleet),
 - Public Use Facilities (community, senior, teen centers, et. al.),
 - Library Facilities and Collection Items (via District); and,
 - Parkland/Open Space Acquisition and Recreation Facilities Development,
- and any other Americans with Disabilities Act compliance needed for any of the above infrastructure areas and any infrastructure allowed by Government Code §66000, et. seq.



User & Development Impact Fee Study for the City of Phoenix

Identify the existing Levels of Service (LOS) provided by the infrastructure and appropriations currently afforded by the City.

Task 2: Acquire/Review Available Current Documents

Acquire and review all City maps, land use documents and available master plans, especially the Comprehensive General Plan. Discuss the City planning and capital financing process and community development standards with the City Engineer, City Planner, Finance Director and any other consultant(s) employed by the City, to determine the level of improvements which most likely will evolve from the project planning documents and are needed to support, and give validity to, the City's Comprehensive General Plan.

Task 3: Establish City Land Use Database

Work with the designated planner to determine and concur on the land use acreage, where applicable, for each of the following sample existing and planned categories of use (to be modified to the land-use DIF category desired by the City):

Land Use Category	Developed Acres	Developed Units	Developable Acres	Developable Units
Detached Dwelling Units				
Attached Dwelling Units				
Mobil Home Dwelling Units				
Hotel/Motel Keyed Units				
Office/Retail Uses				
Industrial/Business Park Uses				
TOTAL				

Task 4: Identify Needed Capital Projects Required to Accommodate Development

Meet with City staff (or designated consultants) responsible for each infrastructure to assist in the identification of all projects needed through theoretical build-out via use of master plans, specific plans, and other service requirement studies. The greater the back-up detail available supporting the project need and the costs, the better. The greatest support is an engineer-prepared Master Plan. If such a document is not available, RCS will endeavor to increase the validity of available information.

Develop draft four-year and extended project lists incorporating the input from the above steps and prepare the Master Facilities Plan (MFP), consisting of a detail CIP project detail page per project. A Sample MFP Project Detail Report is included in the following pages.



User & Development Impact Fee Study for the City of Planning

By working with appropriate staff, develop a specific list and costs of needed standards and improvements, (from the Master Facilities Plan process), for each of the previously proposed Development Impact Fee infrastructure areas necessary to maintain the existing Levels of Service (LOS).

Task 5: Prepare Draft Master Facilities Plan Document

Develop draft four-year and extended project lists incorporating the input from the previous steps. The MFP provides the "build-out" detail necessary to support the Development Impact Fee calculation process described next. While the work defined above in the MFP component is discretionary, the data generated and compiled is critical to serving the community, Council and staff in terms of improved public policy making, public information, long-term planning and greater ease in future updates.

Task 6: Identify Nexus Demand Drivers

Identify and analyze the "demand drivers" specific to each infrastructure. The "drivers" are the factors of nexus demand related to each land use and would be based upon the project plans or City productivity records. Apply the most appropriate nexus formulas for the distribution of the benefits of, nexus for, and impact of each group of projects on each of the above categories of land use. RCS staff will then undertake the proportional analysis necessary to identify the appropriate burden to be placed upon both the existing and future infrastructure.

Task 7: Calculate Draft Development Impact Fees

Develop a specific fee structure for each of the previously referenced potential development impact fees and review with staff prior to undertaking Task 8.

Task 8: Prepare Draft DIF Report

Prepare a comprehensive draft report consisting of the fee-structures and the necessary relevant nexus text and present the City with of the Report with recommended fees. One draft report (cycle) is included in the proposal and then the final Report. Any additional draft reports or final reports beyond those included in this proposal will be invoiced separately at RCS hourly rates at an amount reflecting the magnitude of the requested changes.

Task 9: Complete final MFP/DIF Reports

Prepare the final Master Facilities Plan document and Development Impact Fee



User & Development Impact Fee Study for the City of Phoenix

Calculation and Nexus Report incorporating City staffs review comments. RCS will provide ten bound copies, one unbound copy, and a PDF file of the Final Report

Task 10: Present MFP Document and DIF Report to the City Council

Attend up to two City Council meetings, typically a study session and the public hearing of the resultant fees, to explain the process through which the fees were determined.

City Controls Project Timing. The estimated time is the result of efforts on numerous similar engagements, some smaller in scope, some larger. The time necessary to complete the process is, in most regards, in the City's hands. Progress on completing the proposed development impact fee schedule can be made as quickly as the City can generate the information requested of staff by the consultant. The two greatest information efforts are the generation of the land-use database and the circulation and storm drainage capital projects required by General Plan build-out. RCS staff will accelerate the project timing to match the receipt of information requested of staff.

During the MFP/DIF process, RCS cannot decide what facilities the City needs or wants, nor set development standards for the City. City staff retains the primary responsibility for determining the projects needed for the desired service levels or necessary to support the General Plan and its many elements. RCS must rely upon various reports, master plans, specific plans, and other related reports identifying needed infrastructure. RCS will endeavor to limit the amount of time needed from the above staff members. However, RCS is dependent upon City staff for the data that identifies the policies of the City Council. The result will be a set of fully-supportable impact fees that will allow the City to grow while maintaining the current levels of service.



User & Development Impact Fee Study for the City of Denning

PROJECT TIMELINE

Work would begin immediately on notification by the City and RCS proposes the following schedule of tasks over the course of the project to meet the City's needs. This schedule is tight and will require cooperation of staff. **The City should strongly consider doing the Cost Allocation Plan and User Fee Study first and then the Development Impact Fee Study.** This will allow City staff to be able to give adequate time to each study.

Task	July	Aug.	Sept.	Oct.	Nov.
Cost Allocation Plan					
Review Central Services/Time	■	■			
Review Allocation Factors	■	■			
Review Results with Departments		■	■		
Prepare Draft Cost Allocation Plan			■	■	
Prepare Final Cost Allocation Plan				■	
User Fee Study					
Kick-Off Meeting	■	■			
Create Service List	■	■			
Review Staff Time Allocations	■	■	■		
Develop Fully Allocated Hourly Rates			■	■	
Prepare Draft Report			■	■	
Prepare Final Report				■	■
Present Report to the City Council					■
Development Impact Fee Study					
Identify Infrastructure	■	■			
Review Available Documents	■	■			
Establish Land Use Database	■	■	■		
Identify Projects for GP Build-Out		■	■	■	
Prepare Draft MFP		■	■	■	
Identify Nexus Demand Generators		■	■	■	
Calculate Draft DIF Schedule			■	■	
Prepare Draft DIF Report				■	■
Prepare Final Report					■
Present Report to the City Council					■



User & Development Impact Fee Study for the City of Planning

SAMPLE FEE SERVICE SUMMARY WORKSHEET

Demonstration Copy REVENUE AND COST SUMMARY WORKSHEET

SERVICE VARIANCE REVIEW		REFERENCE NO. S-021	
PRIMARY DEPARTMENT PLANNING	UNIT OF SERVICE APPLICATION	SERVICE RECIPIENT Developer/Resident/Business	
DESCRIPTION OF SERVICE Review proposed variance from terms of zoning code and prepare staff report for the Planning Commission			
CURRENT FEE STRUCTURE Planning Commission Variance - \$1,630 per application Area Variance Committee - \$1,280 per application RV Permit - \$250 per application, plus \$250 if an area variance committee hearing is required. Admin. Adjustment - \$965 per application			
REVENUE AND COST COMPARISON			
UNIT REVENUE:	\$1,067.50	TOTAL REVENUE:	\$6,405
UNIT COST:	\$1,269.50	TOTAL COST:	\$7,617
UNIT PROFIT (SUBSIDY):	\$(202.00)	TOTAL PROFIT (SUBSIDY):	\$(1,212)
TOTAL UNITS:	6	PCT. COST RECOVERY:	84.09%
SUGGESTED FEE FOR COST RECOVERY OF: 100% Planning Commission Variance - \$2,645 per application plus 30% of the application fee for each additional item after the first item subject to Variance Planning Commission Variance (SFR Owner-occupied) - \$1,325 RV Permit - \$465 per application, plus \$465 if an Administrative Adjustment is required. Admin. Adjustment - \$620 per application plus 30% of the application fee for each additional item after the first item subject to Administrative Adjustment			

May 13, 2013



User & Development Impact Fee Study for the City of Planning

SAMPLE FEE SERVICE COST DETAIL WORKSHEET

Demonstration Copy COST DETAIL WORKSHEET

SERVICE VARIANCE REVIEW				REFERENCE NO. S-021		
NOTE Unit Costs are an Average of Total Units				TOTAL UNITS 6		
DEPARTMENT	POSITION	TYPE	UNIT TIME	UNIT COST	ANN. UNITS	TOTAL COST
Engineering	CIVIL ENGINEER ASSOC.	Plan Comm	1.00	\$148.35	2	\$297
Engineering	CIVIL ENG PRINCIPAL	Plan Comm	1.00	\$164.45	2	\$329
Com. Dev. Admin.	COMM. DEV. DIRECTOR	Plan Comm	1.50	\$227.97	2	\$456
Planning	PLANNING MANAGER	Plan Comm	2.50	\$464.70	2	\$929
Planning	COMBO PLANNER	Plan Comm	11.50	\$1,366.78	2	\$2,734
Planning	ADMIN ASSISTANT	Plan Comm	4.00	\$274.84	2	\$550
TYPE SUBTOTAL			21.50	\$2,647.09		\$5,294
Com. Dev. Admin.	COMM DEV DIRECTOR	RV Permit	0.50	\$75.99	1	\$76
Planning	PLANNING MANAGER	RV Permit	0.50	\$92.94	1	\$93
Planning	COMBO PLANNER	RV Permit	2.35	\$276.92	1	\$277
Planning	ADMIN ASSISTANT	RV Permit	0.25	\$17.18	1	\$17
TYPE SUBTOTAL			3.58	\$463.03		\$463
Engineering	CIVIL ENGINEER ASSOC.	Admin Adjustment	0.17	\$25.22	3	\$78
Com. Dev. Admin.	COMM DEV. DIRECTOR	Admin Adjustment	0.25	\$39.00	3	\$114
Planning	PLANNING MANAGER	Admin Adjustment	1.00	\$185.88	3	\$558
Planning	COMBO PLANNER	Admin Adjustment	2.83	\$336.35	3	\$1,009
Planning	ADMIN ASSISTANT	Admin Adjustment	0.50	\$34.36	3	\$103
TYPE SUBTOTAL			4.75	\$619.91		\$1,859
TOTALS			29.83	\$1,269.50		\$7,617

May 13, 2013



User & Development Impact Fee Study for the City of San Diego

SAMPLE MASTER FACILITIES PLAN PROJECT DETAIL REPORT

Demo City Master Facilities Plan Project Detail As Of June 30, 2015

Infrastructure: Circulation (Streets, Signals & Bridges) System
Project Title / Ref#: Street Widening - Riverside Drive, 7th/Eastern City Limits
Submitting Department: Public Works - Engineering

ST -001

Project Description:
Widen Riverside Drive from two lanes to four lanes (with median and parking) from 7th Street to the Eastern City Limits. The project would include the repositioning of twenty-four street lights and to replace palm trees. Additional ROW will have to be acquired on both sides from 7th Street to 13th Street. Overhead is included at 15% of Construction and contingency is included at 10% of the Construction and soft costs of design, engineering, and administration.

Justification / Consequences of Avoidance:

While the current two lanes are satisfactory, anticipated additional traffic demand along this segment will ultimately test and toll to Level of Service F+ (LOS = F).

Relationship to General Plan Development:

The project is completely attributed to new development.

Allotment To General Plan Buildout: 100.00%

Reference Document:

2009 Streets Master Plan, Smith-Tiedie Engineers, East Riverdale, CA

Project Timing:

This calculation effort does not include project timing and thus all projects default to the "GP Build-out" column.

PROPOSED EXPENDITURES	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	GP Build-out	Total at Build-out
1. Design / Engineering / Administrative	\$0	\$0	\$0	\$0	\$1,500,000	\$1,500,000
2. Land Acquisition / Right Of Way	\$0	\$0	\$0	\$0	\$2,750,000	\$2,750,000
3. Construction	\$0	\$0	\$0	\$0	\$10,000,000	\$10,000,000
4. Contingency	\$0	\$0	\$0	\$0	\$1,150,000	\$1,150,000
5. Equipment / Other	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL COST	\$0	\$0	\$0	\$0	\$15,400,000	\$15,400,000

V: 1.08.0 Date: 10/16/2014

Time: 11:53 AM



COMPANY DESCRIPTION AND EXPERIENCE

HISTORY OF REVENUE & COST SPECIALISTS

RCS was established in 1980 as Management Services Institute by two former City Managers and a Finance Director in the wake of the passage of Propositions 4 and 13. They had already been undertaking costing services in their respective cities but now saw that other cities would need or benefit from this information. These early studies would provide the template for costing work done throughout the state.

The partners of Management Services Institute changed its name to Revenue & Cost Specialists in 1996 so as to have a name that better reflected its service offerings. RCS has continued that same tradition of helping public agencies identify their service costs, either directly through a study or indirectly by providing software.

EXPERIENCE IN PROVIDING SIMILAR SERVICES

The RCS Staff has performed costing and fee services for over 200 local agencies in five states. Below is a list of **recent cities** that are similar to the City of Banning where we have also performed costing services.

City of Desert Hot Springs – Cost Allocation Plan and Comprehensive Fee Study: RCS developed a Cost Allocation Plan and Comprehensive Fee Study for the City most recently in 2013-14. The fee recommendations were recently approved by the City Council

City of Corona – Cost Allocation Plan and Comprehensive Fee Study: RCS developed a Cost Allocation Plan and Comprehensive Fee Study for the City most recently in 2013. RCS has been providing these services for the City since 1990.

City of Lancaster – Cost Allocation Plan and Comprehensive Fee Study: RCS developed a Cost Allocation Plan and Comprehensive Fee Study for the City most recently in 2006 and 2009. RCS has also updated the Cost Allocation Plan in 2010, 2011, 2012, and is in the process of updating the fees for 2014.

City of Menifee – Cost Allocation Plan and Comprehensive Fee Study: RCS developed a Cost Allocation Plan and Comprehensive Fee Study in 2012-13. The fee recommendations were approved by the City Council.

City of Santa Clarita – Cost Allocation Plan and Comprehensive Fee Study: RCS developed a Cost Allocation Plan and Comprehensive Fee Study for the City most recently in 2014 and has also updated the Cost Allocation Plan in 2011, 2012, and 2013. The fee recommendations were



User & Development Impact Fee Study for the City of Chino

recently approved by the City Council. RCS has been providing these services for the City since 1995.

City of Westminster – Comprehensive Fee Study: RCS developed a Comprehensive Fee Study in 2013. The fee recommendations were approved by the City Council. RCS has been providing services to the City since 1991.

City of Ontario – Master Facilities Plan and Development Impact Fee Calculation and Nexus Report: RCS developed a 300 project MFP and DIF report for the City with its New Model Colony area representing a doubling of the City's housing units and business square feet. The fee recommendations were approved by the City Council and are currently imposed upon all development. The DIF Update of the original RCS calculated 2008 Study was completed in 2012 and there are minor updates resulting from land cost increases are currently in process.

City of Norco – Master Facilities Plan and Development Impact Fee Calculation and Nexus Report: RCS developed a MFP and DIF study which will be before the City Council for adoption in the next few months. RCS has been providing MFP/DIF services for the City since 1997 and this is the second major recalculation after a number of minor adjustments over the past few years.

City of Loma Linda – Master Facilities Plan and Development Impact Fee Calculation and Nexus Report: RCS developed a MFP and DIF study which will also be before the City Council for adoption in the next few months. RCS has been providing MFP/DIF services for the City since 1996 and this is the second major recalculation.

City of Chino – Master Facilities Plan and Development Impact Fee Calculation and Nexus Report: RCS is in progress of recalculating the DIF study which will also be before the City Council for adoption in the next few months. RCS has been providing MFP/DIF services our most long-term DIF client since 1989 and this is the fourth major recalculation.

RCS staff has also assisted a number of city attorneys by reviewing of their city's existing DIFs structures not calculated by RCS and making recommendations for corrections or improvements.



CAPABILITIES OF STAFF & QUALIFICATIONS

The principals of RCS have a long and respected history of performing our studies in a professional and expedient manner. We do not send out junior staff to perform these vital services to our clients.

Mr. Thorpe has been providing municipal costing services for almost thirty-six years and Mr. Johnson has been providing these same services for almost twenty-five years. There is no other company that has this level of municipal experience that will be provided directly to you. All RCS partners have direct experience as past municipal employees and thus have a unique understanding of the needs and processes of a public agency.

We have provided these services to a wide array of public agencies, from the smallest special district to larger and more complex cities and counties. By using only principals with unparalleled experience in the operations of municipal agencies, we are able to set up and conduct meetings that will be productive. This efficient use of resources means that we are able to provide these services using less hours than less experienced consultants. This allows us to complete projects with more accurate information in a more timely fashion.

Mr. Thorpe and Mr. Johnson will be conducting the on-site interviews with staff as well as the presentations to the City Council. Therefore we do not need to rely on producing Status Memoranda; we will actually be at City Hall to tell you in person how the project is going.

A check of the references included in this proposal will confirm that Mr. Thorpe and Mr. Johnson have the experience to not only produce a Report that City staff can support, but also a Report that the City Council can easily understand and adopt.

The resumes for Mr. Thorpe and Mr. Johnson are included on the following pages as well as the Appendix at the end of this proposal.



EXPERIENCE AND QUALIFICATIONS

Scott Thorpe Vice President

EDUCATION

Bachelor of Public
Administration (BPA) –
San Diego State
University

Master of Public
Administration (MPA) –
California State University
Fullerton

Municipal Experience

City of Chula Vista – Administrative Intern (1973-1974)

City of Covina – Assistant to the City Manager (1974-1979)

City of Anaheim – Budget Analyst/Operations Auditor (1979-1984)

City of Brea – Budget/Management Reporting Manager (1985-1989)

PUBLICATIONS

Related Experience

"Financing Capital
Improvements" –
*American Journals of
Water Works Association*,
08/91

Development Impact Fee Calculations: Mr. Thorpe has completed DIF and MFP studies for over sixty municipal agencies. In addition he has undertaken the same studies for thirteen special districts, twelve of which were fire districts.

"Impact fees: Practical
Guide for Calculation and
Implementation" *Journal
of Urban Planning and
Development*, Vol. 18, #3
09/92

Master Facilities Plans: Mr. Thorpe has completed fifty-six Master Facilities Plans in conjunction with the above referenced Development Impact Fee studies.

"The Missing Ingredient in
State-mandated General
Plans" *Public
Management*, ICMA 03/14

Comprehensive Fee for Services: Mr. Thorpe, prior to dedicating his time to the DIF/MFP needs completed thirty service fee studies.

Forty Years of
Professional Experience

Full Client List available at
www.revenuecost.com

Miscellaneous Municipal Studies: Mr. Thorpe has undertaken over thirty requested specialized development or municipal management-related studies including such services as: Long Range Infrastructure Financing Plans, operations procedural manuals, cost training to international government officials, business license reviews, various utility rate studies, Parks/Recreation General Plan Elements, and a number of expert witness engagements.



User & Development Impact Fee Study for the City of Corona

Eric S. Johnson

Vice President

Municipal Experience

EDUCATION

Bachelor of Arts in
Political Science -
University of Redlands

City of Redlands – Redevelopment Intern (1987-1989)

Related Experience

AFFILIATIONS

California Society of
Municipal Finance
Officers

Government Finance
Officers Association

25 Years of Professional
Experience

Full Client List available at
www.revenuecost.com

City of Corona – Cost Allocation Plan and Comprehensive Fee

Study: Mr. Johnson developed a Cost Allocation Plan and Comprehensive Fee Study for the City most recently in 2013 and is currently starting a new update. He has been providing these services for the City since 1990.

City of Lancaster – Cost Allocation Plan and Comprehensive Fee

Study: Mr. Johnson developed a Cost Allocation Plan and Comprehensive Fee Study for the City most recently in 2009 and 2014. He has also updated the Cost Allocation Plan in 2010, 2011, 2012, 2013, and 2014.

City of San Marino – Cost Allocation Plan and Comprehensive Fee

Study: Mr. Johnson developed a Cost Allocation Plan and Comprehensive Fee Study in 2012-13. The fee recommendations were recently approved by the City Council.

City of Menifee – Cost Allocation Plan and Comprehensive Fee

Study: Mr. Johnson developed a Cost Allocation Plan and Comprehensive Fee Study in 2012. The fee recommendations were recently approved by the City Council.

City of Santa Clarita – Cost Allocation Plan and Comprehensive Fee

Study: Mr. Johnson developed a Cost Allocation Plan and Comprehensive Fee Study for the City most recently in 2014 and has also updated the Cost Allocation Plan in 2011, 2012, and 2013. He has been providing these services for the City since 1995.



REFERENCES

Revenue & Cost Specialists has recently completed similar projects for the following public agencies and would request you to contact them for references:

<u>Jurisdiction</u>	<u>Contact</u>	<u>Title</u>
Cost Allocation Plans & User Fee Studies		
City of Lancaster 661/723-6035	Barbara Boswell bboswell@cityoflanasterca.org	Finance Director
City of San Bernardino Water 909/384-3184	Terri Willoughby terri.willoughby@sbmwd.org	Finance Director
City of Palos Verdes Estates 310/378-0383 x2215	Russ Morreale rmorreale@pvestates.org	Finance Director
City of Santa Clarita 661/255-4997	Carmen Magana cmagana@santa-clarita.com	Finance Manager
City of Simi Valley 805/583-6328	Rebekka Hosken rhosken@simivalley.org	Budget Officer
Development Impact Fee Studies		
City of Chino 909/464-8393	Jose Alire jalire@cityofchino.org	Assistant City Manager
City of Ontario 909/395-2353	Grant Yee gyee@ci.ontario.ca.us	Admin. Svcs./Finance Dir.
City of Loma Linda 909/799-2810	T. Jarb Thaipejr jthaipejr@lomalinda-ca.gov	City Manager/P.W. Director
City of Norco 951/270-5611	Andy Okoro aokoro@ci.norco.ca.us	City Manager
City of Riverside 951/826-5609	Scott Catlett scatlett@riversideca.gov	Assistant Finance Manager

Appendix

Resumes of Proposed Staff

ERIC S. JOHNSON

EDUCATION

Bachelor of Arts - University of Redlands, Redlands, California

PROFESSIONAL EXPERIENCE

Revenue & Cost Specialists/Management Services Institute - Partner

(January 1990 - Present) Provide general financial management assistance to municipalities, counties, and special districts.

Unit Distribution - Customer Service Representative

(July 1989 - January 1990) Administered a distribution account for client and acted as a liaison between client and their customers.

City of Redlands Redevelopment Agency - Redevelopment Intern

(November 1987 - May 1989) Researched issues related to Redevelopment for the Director. Audited the Agency budget. Researched and reported on the Agency's 20% "set-aside" responsibilities for Low & Moderate Income Housing.

CLIENTS SERVED

COST OF SERVICE FEE STUDIES

City of Arcadia
City of Atascadero
City of Azusa
City of Banning
City of Barstow
City of Beverly Hills
City of Carlsbad
Carpinteria-Summerland Fire District
City of Corona
Contra Costa County
City of Desert Hot Springs
City of Dublin, Ohio
City of El Segundo
City of Elk Grove
City of Eureka
City of Folsom
City of Glendale
City of Glendora
City of Hermosa Beach
City of Highland
City of Huntington Beach
Imperial County
City of La Canada-Flintridge
City of Lakewood
City of La Mirada
City of Lancaster
City of La Puente
City of Lincoln
City of Lindsay
City of Loma Linda
City of Long Beach Marine Bureau
City of Los Altos
Town of Mammoth Lakes
City of Manhattan Beach
City of Marina
City of Menifee
City of Milpitas
City of Monterey
City of Morgan Hill
City of Morro Bay
City of Needles
City of Oakdale
Orange County Fire Authority

COST OF SERVICE FEE STUDIES

City of Oroville
City of Oxnard
City of Palm Springs
City of Peoria, Arizona
City of Pico Rivera
City of Pismo Beach
City of Redlands
City of Rialto
City of San Clemente
City of San Marino
City of Santa Clarita
City of Santa Paula
City of Seaside
City of Simi Valley
City of Solana Beach
City of South Lake Tahoe
City of South Pasadena
City of Stockton
City of Thousand Oaks
City of Tracy
Town of Truckee
Ventura County Fire District
City of West Covina
City of West Jordan, Utah
City of Westminster
City of Yuba City

COST ALLOCATION PLANS

City of Arcadia
City of Atascadero
City of Azusa
City of Barstow
City of Beverly Hills
City of Carlsbad
Coachella Valley Assoc of
Governments
County of Cobb, GA
City of Concord
City of Corona
City of Desert Hot Springs
City of El Segundo
City of Elk Grove

COST ALLOCATION PLANS

City of Folsom
City of Glendora
City of Hermosa Beach
City of La Canada-Flintridge
City of Lakewood
City of La Mirada
City of Lancaster
City of La Puente
City of Lathrop
City of Lincoln
City of Los Altos
City of Lynwood
City of Manhattan Beach
City of Menifee
City of Marina
City of Needles
City of Oakdale
City of Oroville
City of Oxnard
City of Palmdale
City of Pasadena
City of Peoria, Arizona
City of Pico Rivera
City of Pismo Beach
Placer County Water Agency
Riverside County Transportation
Comm.
San Bernardino Assoc.
Governments
County of San Bernardino Special
Dist.
City of San Marino
City of Santa Clarita
City of Santa Monica
City of Santa Paula
City of Seaside
City of Solana Beach
City of South Pasadena
City of Suisun City
City of Thousand Oaks
City of Tracy
County of Tulare
City of Westminster

SCOTT IAN THORPE

EDUCATION

Bachelor of Public Administration (B.P.A.) - San Diego State University

Master of Public Administration (M.P.A.) - California State University Fullerton

PROFESSIONAL EXPERIENCE

Revenue & Cost Specialists, L.L.C. - Senior Vice President

(1998-Present) The principals of Management Services Institute reformed MSI into Revenue & Cost Specialists, as an LLC.

Management Services Institute - Senior Vice President

(1985-1998) Principal in a municipal management services company providing diversified municipal financial services.

City of Brea-Management and Budget Manager

(1984-1985) Developed budget preparation and management information reporting systems. Established personal computer operations including acquisition, placement, and maintenance of all equipment to initial and on-going employee training. Created a comprehensive legislative program for reviewing all federal, state, and local legislation.

City of Anaheim - Budget Analyst/Management Operations Auditor

(1979-1984) Assisted in the preparation of \$350,000,000 annual budget. Provided centralized management support and assistance of line departments with a variety of services including work measurement and management techniques program development, productivity improvement, internal management audits, budget review/analysis, revenue forecasting and auditing, and data processing systems development. Specialized in management assistance to public safety, stadium, convention center and golf operations. Responsible for fiscal, work-unit measurement and management training sessions required of all city management staff.

City of Covina-Administrative Assistant to the City Manager

(1974-1979) Performed general program development with significant emphasis on the improvement of the budget process, legislative, public information, and agenda process systems. Conducted a major annexation study and effort.

City of Chula Vista-Administrative Aide

(1973-1974) Entry level job which involved completion of a City-wide Policy and Procedure Manual, operation reviews of long term fire vehicle equipment purchases and of the municipal bus system stop locations.

OTHER ACCOMPLISHMENTS

ABC Elementary School District Closure Project-Enrollment Projections

Charter Oak Unified School District Facility Closure Committee-Board Appointee

Guest Lecturer on various municipal government/management topics at two universities

PUBLICATIONS (Both available at www.reveunecost.com)

"Financing Capital Improvements", *Journal American Water Works Association*, August, 1991, pages 50-52

"Impact Fees: Practical Guide for Calculation and Implementation", *Journal of Urban Planning and Development*, Vol. 18, No. 3, September, 1992, pages 106-118

"The Missing Ingredient in State-Mandated General Plans", *Public Management*, International City Management Association, March 2014. Pages 21-22.

CLIENTS SERVED

DEVELOPMENT IMPACT FEES

City of Alhambra Utilities, CA
 City of Anaheim CA, Fire/Police/Library Services (1)
 Town of Apple Valley, CA
 Antelope Valley Fire Protection District, CA
 Apple Valley Fire Protection District, CA
 City of Atascadero, CA (1)
 City of Barstow, CA Bridge/Interchange
 City of Barstow, CA
 Barstow Fire Protection District, CA
 Bridgeport Fire Protection District, CA
 City of Big Bear Lake, CA (1)
 Brigham City Corporation, UT
 Carpinteria-Summerland, CA Fire Protection District (1)
 Chalfant Public Services (Fire) District, CA
 City of Carpinteria, CA (1)
 City of Chino, CA (1)
 City of Chino Preserve (Sub-area II)
 City of Colton Delhi Sand Loving Fly DIF (in progress)
 City of Coachella, CA
 City of Corona, CA (1)
 City of Corona - South Corona Specific Plan Impact Fees
 City of Desert Hot Springs, CA (1)
 City of Folsom, CA (1)
 City of Gilroy, CA, Review of Existing DIFs
 City of Glendale CA, Parks, Open Space and Community Facilities
 City of Gonzales, CA (1)
 City of Grand Terrace, CA
 City of Greenfield, CA, Police/Fire/Community Centers
 Feather River Recreation and Park District
 City of Hemet, CA (1)
 City of Highland, CA (1)
 City of Huntington Beach, CA
 June Lake (CA) Fire Protection District
 King City, CA (1)
 City of Laguna Hills, CA - Quality of Life DIFs
 City of Lake Havasu City, AZ
 City of Lemoore, CA
 Long Valley (CA) Fire Protection District
 City of Loma Linda, CA
 City of Menifee, CA (in progress)
 Town of Mammoth Lakes, CA (1)
 County of Monterey Sheriffs Department DIFs
 City of Morgan Hill, CA
 City of Murrieta, CA (1)
 City of Needles, CA (1)
 City of Newport Beach, CA Circulation System DIFs
 City of Norco, CA (1)
 City of North Ogden City, UT
 North Central Fire Protection District, CA
 North View Fire Department, UT
 Oceanside CA Storm Drainage (in Progress)
 City of Ontario, Core/New Model Colony, CA (1)
 City of Orange - Fire Services, CA
 City of Oroville, CA
 Town of Paradise, CA
 City of Paso Robles, CA
 City of Petaluma, CA
 City of Rancho Cordova CA, Circulation System DIFs

DEVELOPMENT IMPACT FEES (continued)

City of Reedley, CA
 City of Rialto, CA
 City of Riverside Public Safety/Library
 City of Riverside, CA Public Works & Public Safety Services
 City of Riverside, CA, Parks/Open Space (K-Rat Habitat)
 City of Santa Paula, CA
 City of Sedona, AZ (1)
 City of Selma, CA (1)
 City of Sierra Madre, CA
 SANBAG, CA
 City of San Bernardino, CA (1)
 County of San Bernardino, CA
 City of Scotts Valley, CA
 South Jordan City, UT (1)
 South Ogden City, UT
 City of Thousand Oaks, CA, Review Existing Impact Fees
 City of Tracy, CA Public Facilities
 Town of Truckee, CA
 City of Tulare, CA
 Washington Terrace City, UT
 West Jordan City, UT
 Wheeler Crest (CA) Fire Protection District
 City of Wheatland, CA
 City of Whittier, CA, Parkland and Facilities

MASTER FACILITIES PLANS/CIPs

City of Anaheim, CA Police/Fire/Library Services (1)
 Town of Apple Valley, CA
 Apple Valley Fire Protection District
 Antelope Valley Fire Protection District
 City of Atascadero, CA
 City of Barstow, CA
 Barstow Fire Protection District, CA
 Bridgeport Fire Protection District, CA
 City of Big Bear Lake, CA (5/10 year)
 Brigham City Corporation, UT
 City of Carpinteria, CA
 Carpinteria-Summerland Fire Protection District
 Chalfant Public Services (Fire) Protection District
 City of Chino, CA (1)
 City of Corona, CA (1)
 City of Folsom, CA (1)
 City of Desert Hot Springs, CA (1)
 City of Gonzales, CA
 City of Grand Terrace, CA
 City of Greenfield, CA
 City of Highland, CA (1)
 June Lake (CA) Fire Protection District
 King City, CA
 City of Lake Havasu City, AZ
 City of Huntington Beach, CA
 City of Lancaster, CA
 City of Loma Linda, CA
 Long Valley (CA) Fire Protection District
 City of Menifee, CA

(1) Includes one or more impact fee calculation updates.

Resume of Scott Ian Thorpe, continued

MASTER FACILITIES PLANS/CIPs (continued)

Town of Mammoth Lakes, CA (1)
City of Murrieta, CA (1)
City of Needles, CA
City of Newport Beach
City of Norco, CA (1)
North Ogden City, UT
North Central Fire Protection District
City of Ontario, CA
City of Oroville, CA
City of Orange, CA Fire Suppression System
Town of Paradise, CA
City of Paso Robles, CA
City of Rancho (CA) Cordova Circulation System City of
Riverside, CA Police/Fire Services
City of San Bernardino, CA City of San Bernardino, CA
City of Santa Paula, CA (1)
City of Sedona, AZ
City of Selma, CA (1)
South Jordan City, UT (1)
South Ogden City, UT
City of Tracy, CA, Public Facilities
Town of Truckee, CA
City of San Bernardino, CA
City of San Bernardino, CA
Wheeler Crest (CA) Fire Protection District
City of Wheatland, CA
City of Whittier Park System

MISCELLANEOUS PROJECTS

City of Azusa, CA - Plan Check/Inspection Process Review
Brigham City Corporation - Closed Indian School Use
Conversion
City of Colton, CA - Electric Utilities Collection Procedural
Manual
City of Corona, CA - I-15 Area Public Safety Facility
Financing
City of Corona, CA - Communication Repeater Cost
Financing
City of Fontana, CA - General & Departmental Overhead
Plan
City of Hemet, CA - Supplemental DIF - Public Peril Report
City of Highland, CA - Capital Financing Plan
City of Highland, CA - Fee and Rate Schedule
City of Lake Havasu City, AZ - Capital Financing Plan
Los Angeles Fire/Police Retirement System - Fiscal Review
City of Needles - Development Agreement Assistance
City of Milpitas - Business License Ordinance Review
City of Redlands, CA - Corporation Yard Debt Financing
Cost Distribution
City of Redlands, CA - Solid Waste Collection/Landfill Rate
Study
City of Redlands, CA - Street Sweeping Rate Study
City of Pico Rivera - Business License Ordinance Review
City of Port Hueneme, CA - Revenue Search Report
San Bernardino County, CA, Special Dist. Office, Finance
Review
City of San Clemente Business License Review
City of Santa Paula Park General Plan Element
City of Seaside - Hayes Housing Development Service
Demands

MISCELLANEOUS PROJECTS (continued)

South Jordan City- Business Regulation Costing
City of South Lake Tahoe, CA - Transfer of Custody Cost
Verification
City of Westminster, CA - Productivity Measurement Module
Town of Windsor, CA - Long Range Capital Financing Plan
City of San Bernardino, CA - Verdernont Area Financing
Analysis

Assistance to City's Attorneys (confidential)

Cohen and Berliner
Rutan and Tucker
San Diego County Counsel - DIF Use Litigation Assistance
San Diego City - Building & Safety Fee Litigation Assistance

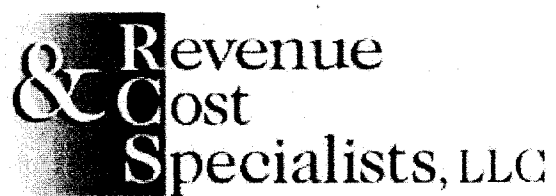
MUNICIPAL BUSINESS SYSTEM COST OF SERVICES CALCULATIONS

City of Azusa, CA
City of Banning, CA
City of Brea, CA
City of Bend, OR
City of Carpinteria, CA
City of Carson, CA
City of Chino, CA
Chino Valley Independent Fire District, CA
City of Corona, CA
City of Cotati, CA
City of Fontana, CA
City of Hesperia, CA
City of Highland, CA
City of Kennewick, WA
City of Lake Elsinore, CA
City of Long Beach, CA, Marine Bureau
City of Lynwood, CA
City of Ontario, CA, Fire Department
City of Porterville, CA
City of Rancho Mirage, CA
City of Redlands, CA
City of Rialto, CA
City of Rocklin, CA
South Jordan City, UT
City of Shafter, CA
City of Taft, CA
City of Upland, CA
City of West Covina, CA
County of Imperial, CA
County of Ventura Consolidated Fire District, CA

INTERNATIONAL MUNICIPAL MANAGEMENT TRAINING

Slovenia Ministry of Local Affairs (municipal services)
Philippine Ministry of Economic and Capital Development

(1) Includes one or more updates.



1519 East Chapman Avenue, Suite C
Fullerton, CA 92831
(714) 992-9020
www.revenuecost.com

CONSULTANT EVALUATION FOR FEE STUDIES

Project: Overhead Cost Allocation Study, User Fee Study,
Development Impact Fee Study

Consultant: Black & Veatch Corporation

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart (NO)	10	8	- Brian J. Kell project manager, 20 years exp. in industry - well educated and diversified
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	8	- references provided for all types of studies plus for recent years - referenced all job types but high in the dev. impact fee portion
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required • Understanding of federal cost principles • Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule (NO) - Included innovative approaches	15	12	- approach and methodologies were fine for each plan - strength appears to be development impact fees - QA/QC in place. Will work closely w/ city
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	3	- San Marcos, LA. MD
5	COST \$126,070 initial study 10% each year	10		- Not scored since did not follow directions. Should have been under
GENERAL NOTES:		TOTAL /50		Separate cover

- Subconsultant: Tischler Bros
- development impact portion appears to be the strength
- Detailed services and task provided
- Did not follow proposal directions well

NAME: Holly Stuart TITLE: Public Works Analyst DATE: 8/3/15

CONSULTANT EVALUATION FOR FEE STUDIES

Project: CAP, user fee ; DIF

Consultant: BLACK + VEATCH

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart	10	8	EXPERIENCED, SOPHISTICATED TEAM.
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	8	HIGHLY Respected FIRM, ALSO IN OTHER DISCIPLINES OTHER THAN Public FINANCE.
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required • Understanding of federal cost principles • Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	8	Discussed METHODOLOGIES.
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	8	B+D IS FAIRLY LOCAL. SUB-CONTRACTOR NOT LOCAL.
5	COST	10	5	VERY PRICEY. NO SPECIFIC FEE QUOTED FOR YEARLY UPDATES- JUST STATED TIME + MATERIAL BASIS WITH YEARLY ESCALATORS UP TO 10%.
GENERAL NOTES: HIGHLY Respected FIRM IN MANY INDUSTRIES, WHO ALSO does MUNI FINANCE. THEY DO NOT DO DEVELOPER IMPACT FEES, SUB-contracting out, requiring us to work with 2 FIRMS. VERY PRICEY. A Respected FIRM, BUT MAY BE OVER-CHARGING BASED ON THE FIRM'S BRAND NAME.		TOTAL /50 37/50		
NAME: Jim Steffens TITLE: Power Resource + DATE: 7-23-15 Revenue Administration				

CONSULTANT EVALUATION FOR FEE STUDIES

Project: COST ALLOCATION

Consultant: BLACK & VEATCH

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart	10	(9) 90	WFL & WATKINS - Bill DIE - B. 36
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	(9) 90	WFL - T. SCHUBERT
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required • Understanding of federal cost principles • Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	(12) 180	SAW HILL CO, WFL DIST BANKING LOCAL EXPENSE ?
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	(4) 20	SAW MARCOS
5	COST	10	(5) 50	1261070
GENERAL NOTES:		TOTAL /50 430		
2				
NAME: B. GUILLOT TITLE: ACTING CDD DATE: 7-23-15				

CONSULTANT EVALUATION FOR FEE STUDIES

Project:

Consultant: Black & Veatch

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart	10	9	
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	9	
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required • Understanding of federal cost principles • Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	13	
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	3	
5	COST	10	6	
GENERAL NOTES:		TOTAL /50 40		
NAME: Sam TITLE: DATE: 7/20/15				

ENSURING APPROPRIATE COST RECOVERY FOR CITY OF BANNING SERVICES AND FACILITIES

City of Banning

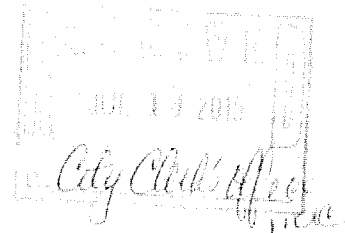
14 JULY 2015



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CITY OF BANNING
PROPOSAL REQUIREMENTS



PROPOSAL LETTER/CERTIFICATE OF ACCEPTANCE

PROPOSER Black & Veatch Corporation

Dean Martin, Interim Administrative Services Director/
Deputy City Manager
CITY OF BANNING
99 East Ramsey Street
Banning, Ca 92220

In response to the Request for Proposal (RFP), for Overhead Cost Allocation Study/User Fee Study/ Development Impact Study, we the undersigned hereby declare that we have carefully read and examined the RFP documents including any plans and specifications, and hereby propose to perform and complete the Work as required in the Contract.

This Contract is not exclusive. CITY OF BANNING expressly reserves the right to contract for performance of services such as those described herein through other Contractors.

The undersigned agrees to supply the Scope of Work at the costs indicated in its cost proposal if its Proposal is accepted within 120 days from the date specified in the RFP for receipt of proposals.

The undersigned has reviewed the enclosed contract terms and conditions and agrees to accept all terms and conditions of CITY OF BANNING's contract unless otherwise noted in the proposal response.

If recommended for Contract award, the undersigned agrees to execute a Contract which will be prepared by CITY OF BANNING for execution, within 10 calendar days following Notification of Award.

The undersigned will also deliver to CITY OF BANNING prior to the commencement of Scope of Work the necessary original Certificates of Insurance. If services are authorized to commence prior to the execution of the Contract pursuant to a Notice to Proceed issued by CITY OF BANNING, pending the execution of the Contract, the services shall be subject to the terms and conditions of the Scope of Work and the Contract as set forth in Parts A and B respectively of the RFP Documents.

Incorporated herein and made a part of this Proposal are the Response Data and Proposal Forms required by the Proposal Requirements.

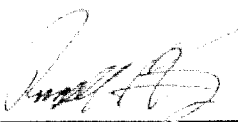
The undersigned acknowledges receipt, understanding and full consideration of the following Addenda to the RFP Documents:

Addenda No. _____

Proposer represents that the following person is authorized to negotiate on its behalf with CITY OF BANNING in connection with this RFP:

<u>Russell Feingold</u>	<u>Vice President</u>	<u>724-935-3027</u>
(Name)	(Title)	(Phone)

The undersigned certifies that it has examined and is fully familiar with all of the provisions of the RFP Documents and is satisfied that they are accurate; that it has carefully checked all the words and figures and all statements made in the Proposal Requirements; that it has satisfied itself with respect to other matters pertaining to the proposal which in any way affect the Work or the cost thereof. The undersigned hereby agrees that CITY OF BANNING will not be responsible for any errors or omissions in these RFP Documents.

BY: 
(Signature)

Russell Feingold
(Type or Print Name)

Vice President
(Title)

Proposer's Business Address
and Telephone/Fax Numbers:

11401 Lamar Ave, Overland Park, KS 66211

Telephone: 724-935-3027

Fax: 913-458-3579

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Executive Summary

Black & Veatch Corporation (Black & Veatch) is pleased to present this proposal in response to the City of Banning's (City) Request for Proposal (RFP) for a Comprehensive User Fee Study, Cost Allocation Plan, and Development Impact Fee Study (Study). We propose to team with TischlerBise, a national leader in development impact fee studies. We believe we present to the City the most qualified project to complete the entire study to the complete satisfaction of the City. Below are a few qualifiers we think will be of benefit to the City:

A project manager with unparalleled experience and a leadership style that will get the job done to the satisfaction of the City of Banning. Our proposed Black & Veatch team is led by Brian Jewett, who brings a problem-solving, project-execution perspective based on deep technical experience, teamwork and close collaboration with his clients. Mr. Jewett has worked throughout California during his more than 20 years in the industry. His experience ranges from user fee studies, cost allocation plans, utility rate analyses and impact fees.

Each member of the Black & Veatch team was selected because of the experience and expertise he or she brings to the project. No team of consultants has the breadth and depth of experience in the study areas both in California and throughout the United States. Our team not only has experience in all facets of the study area components, but we have developed many of the approaches and methodologies in use today by agencies we have worked with. We will bring this expertise and experience to your project which will help enhance the chances of successful implementation of the fee programs.

For TischlerBise, no other firm can match the depth of the firm's development impact fee experience. The project approach ensures:

- Determining existing and projected residential and nonresidential growth for 10-, 20- and 30-year periods.

- Determining Banning-specific demand indicators.

- Developing meaningful and realistic Capital Improvement Plans (CIP)/Projection of Capital needs by development impact fee category.

- Crafting development impact fee methodologies that assist the implementation of land use and economic policy objectives.

Exceptions to the City of Banning's RFP and Agreement

Black & Veatch and the City of Banning successfully executed a contract dated August 22, 2011 "Consulting Services Agreement" (Referenced Agreement). If Black & Veatch is the successful bidder, we propose to use the Referenced Agreement as a model to create a new contract. Black & Veatch is confident that a mutual agreement can be reached in a timely fashion to meet the needs of the current scope of services identified in your RFP. It is understood that, upon your acceptance of this proposal from Black & Veatch, both parties agree to use reasonable diligence, to negotiate a mutually acceptable definitive written contract with respect to the work described in this proposal. However, until we receive a fully executed, mutually acceptable definitive written contract, Black & Veatch will not perform any work on behalf the City of Banning related to the scope of work proposed herein.

Questionnaire/Response to Scope of Services

COMPANY NAME AND ADDRESS

Black & Veatch will be the lead firm for your Study. Our corporate headquarters are located in Overland Park, Kansas, and our regional office performing the work is located in San Marcos, California. Teaming with Black & Veatch is TischlerBise, a national leader in providing development impact fee services. Provided below is a contact information table for the Corporate Officer responsible for this proposal, regional office performing work and our sub-consultant firm.

Black & Veatch Corporate Headquarters Corporate Officer: Russell A. Feingold Black & Veatch Corporation 11401 Lamar Avenue Overland Park, KS 66211 Phone: 724-935-3027	
Regional Black & Veatch Office Project Manager: Brian Jewett Black & Veatch Corporation 300 Rancheros Drive, Suite 250 San Marcos, CA 92069 Phone: 951-575-5249	Sub-Consultant: TischlerBise President: L. Carson Bise TischlerBise 4701 Sangamore Road S240 Bethesda, MD 20816 Phone: 301-320-6900

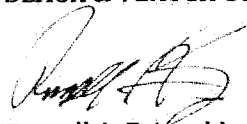
LETTER OF TRANSMITTAL

Black & Veatch Corporation (Black & Veatch) is pleased to present this proposal in response to the City of Banning's (City) Request for Proposal (RFP) for a Comprehensive User Fee Study, Cost Allocation Plan, and Development Impact Fee Study (Study). We are enthusiastic about the opportunity to help the City develop a clear roadmap for maintaining your financial sustainability.

We are submitting this proposal as a personal statement of our commitment to provide the leadership and resources necessary to deliver a project that will support the City in enhancing its financial sustainability for many decades to come.

As a Corporate Officer of Black & Veatch, I am authorized to bind Black & Veatch and state we have read and will comply with all terms and conditions of the City's RFP. Should you have any questions regarding our proposal, please contact our Project Manager, Mr. Brian Jewett by phone at 951-575-5249 or by e-mail at JewettB@bv.com.

Very truly yours,
BLACK & VEATCH CORPORATION


Russell A. Feingold
Vice President

QUALIFICATIONS AND EXPERIENCE OF FIRM

Black & Veatch strikes a balance that is rare for any industry. Our Mission sets the bar high—*Building a World of Difference*®. We live up to that ideal by delivering reliable and innovative infrastructure solutions to our clients' most complex challenges. The result is that Black & Veatch helps to improve and sustain the quality of life around the world.

Founded in 1915, Black & Veatch is a leading global engineering, consulting and construction company. We specialize in these major markets:

Energy	Water/Wastewater
Telecommunications	Federal
Management Consulting	

Our employee-owned company of more than 10,000 professionals has more than 110 offices worldwide and is on the *Forbes* list of "America's Largest Private Companies." We have been ranked by *Engineering News-Record* as the industry's No. 1 design firm in Telecommunications, the industry's No. 3 design firm in Power and are consistently in the Top 10 in Water. We are also leaders in more than 20 categories among design firms, contractors and environmental companies worldwide.

Black & Veatch's Management Consulting Division

Black & Veatch's Management Consulting practice brings together more than 300 professionals, including experienced industry executives, senior analysts and technology experts from across the electric, water, oil, natural gas and technology industries. This expertise, combined with seamless access to the company's world-class engineering, procurement, construction and operations capabilities, experienced senior executives, economists, senior policy experts and regulatory officials, engineers and internationally respected subject-matter experts, makes Black & Veatch uniquely qualified to assist clients with their most complex challenges.

Black & Veatch's diverse consulting service offerings span financial, process and technology solutions, and many of our experienced professionals possess cross functional skills including asset management, cost of service/rate design, business process/work flow analysis and implementation services. The following summarizes the wide-range of services offered by Black & Veatch's Management Consulting Division professionals.

Our Project Manager, Brian Jewett, leads our firm's user fee and cost allocation practice area. With his former firms and with Black & Veatch, Mr. Jewett has performed over 50 user fee studies and cost allocation plans for municipalities and special districts throughout the United States. However, most of the studies have been conducted for California agencies. Please see his resume at the end of the proposal for agency experience.

Engineering News Record
Rankings

Top 500 Design Firms
Sourcebook (2013)
Top 500 Design Firms
Magazine (2014)

OVERALL RANKING

16 Top 500 Design Firms
15 Top 50 Designers in
International Markets

ENVIRONMENTAL

6 Top 25 in Wastewater
Treatment Plants
6 Top 25 in Transmission
Lines and Aqueducts
7 Top 50 in Water Supply
8 Top 20 in Sewer and
Waste
8 Top 25 in Water
Treatment and
Desalination
8 Top 25 in Sanitary and
Storm Sewers
21 Top 25 in Chemical and
Soil Remediation

TOP 400 CONTRACTORS (2012)

4 Top 20 Contractors by
Sector – Telecom
15 Top 20 Contractors by
Sector – Power
11 Top 50 Contractors
Working Abroad
41 Top 400 Contractors
47 Top 100 Contractors by
New Contracts

TischlerBise

TischlerBise, Inc. was established in 1977 as Tischler, Marcou & Associates. The firm became Tischler & Associates in 1980 and TischlerBise in 2005. The firm, a Subchapter (S) Corporation, was incorporated in Washington, D.C. and maintains offices in Bethesda, Maryland; and Juno Beach, Florida.

TischlerBise is a fiscal, economic and planning consulting firm specializing in fiscal/economic impact analysis, development impact fees, infrastructure financing studies, market and real estate feasibility, and revenue enhancement options. TischlerBise's team of seven qualified professionals has been providing consulting services to public agencies for more than 36 years. In this time, we have prepared over 800 development impact fee evaluations throughout the United States (many of which are in California)—more than any other firm. We have also prepared numerous infrastructure financing strategies. Through our detailed approach, proven methodologies, and comprehensive work products, we have established TischlerBise as the leading national firm on revenue enhancement and cost of growth strategies.

What Sets Our Project Team Apart

The following lists the unique attributes of our project team that we believe will be a benefit to the City of Banning.

A project manager with unparalleled experience and a leadership style that will get the job done to the satisfaction of the City of Banning. Our proposed Black & Veatch team is led by Brian Jewett, who brings a problem-solving, project-execution perspective based on deep technical experience, teamwork, and close collaboration with his clients. Mr. Jewett has worked throughout California during his more than 20 years in the industry. His experience ranges from user fee studies, cost allocation plans, utility rate analyses and impact fees. He will provide the leadership to guide the City and Black & Veatch team through all phases of work under this contact, just as he has done on dozens of fee studies and cost plans over his career.

Each member of the Black & Veatch team was selected because of the experience and expertise they bring to the project. No team of consultants has the breadth and depth of experience in the study areas both in California and throughout the United States. Our team not only has experience in all facets of the study area components, but we have developed many of the approaches and methodologies in use today by agencies we have worked with. We will bring this expertise and experience to your project which will help enhance the chances of successful implementation of the fee programs.

For TischlerBise, no other firm can match the depth of the firm's development impact fee experience. The project approach ensures:

- Determining existing and projected residential and nonresidential growth for 10, 20, and 30-year periods.
- Determining Banning-specific demand indicators.
- Developing meaningful and realistic Capital Improvement Plans (CIP)/Projection of Capital Needs by development impact fee category.

Crafting development impact fee methodologies that assist the implementation of land use and economic policy objectives.

Most importantly, Black & Veatch and TischlerBise's efforts have met clients' expectations of success due in large part to the heavy involvement of our highly skilled principal-level professionals; and we are proud of the fact that most our clients consistently retain both of our firms for return engagements.

QUALIFICATIONS AND EXPERIENCE OF PROPOSED PROJECT TEAM

Project Team Background

The following information provides a summary of the qualifications, responsibilities and general experience that will be assigned to the study. The Black & Veatch and TischlerBise team members have worked together on projects in the past. In fact, our project manager Brian Jewett was a Vice President of TischlerBise before joining Black & Veatch in 2011. Full resumes for key team members can be found in our Appendix section at the back of this proposal document.

Black & Veatch Project Director, Ann Bui, has extensive financial management experience. She is the current Chair for AWWA's Finance, Accounting, and Management Controls committee; and the editor of *Financial Management for Water Utilities*, one of AWWA's top selling books of 2012. She has worked on numerous financial costs of service studies, cost allocation plans and organizational efficiency/staffing analysis projects including the cities of Fountain Valley and Lomita, California; and Phoenix and Tucson, Arizona. In the role of Project Director, Ms. Bui will serve as the executive responsible for resources and deliverables as well as QA/QC of project deliverables.

Work Location: Los Angeles, CA

Black & Veatch Project Manager, Brian Jewett, has extensive user fee and cost allocation experience in California and in many other states. He has developed numerous cost recovery models and a variety of additional funding mechanisms for cities and special districts. He has worked on a number of financial studies for California agencies utilizing Proposition 218 and 26 requirements as well as Government Code Section 66000 et seq for user fees and development impact fees. Mr. Jewett will be responsible for the day-to-day execution of the work plan and presentations and for project budget and schedule, will attend all project meetings and presentations, and be the City's primary point of contact.

Work Location: San Marcos, CA; and Rancho Cucamonga, CA

Black & Veatch Analyst, Alberto Morales, has direct experience in assisting agencies in California to develop financial plans and conduct cost of service analyses. Mr. Morales will be responsible for the development of the user-friendly user fee model.

Work Location: Los Angeles, CA

TischlerBise Task Lead, L. Carson Bise, has 24 years of fiscal, economic, and planning experience and has conducted fiscal and infrastructure finance evaluations in 35 states. Mr. Bise has developed and implemented more fiscal impact models than any consultant in the country. Mr. Bise is also a leading national figure in the calculation of impact fees, having completed over 250 impact fees for the following categories: parks and recreation, open space, police, fire, schools,

water, sewer, roads, municipal power and general government facilities. In his seven years as a planner at the local government level, he coordinated capital improvement plans, conducted market analyses and business development strategies, and developed comprehensive plans. Mr. Bise is currently on the Board of Directors of the Growth and Infrastructure Finance Consortium and recently Chaired the American Planning Association's Paying for Growth Task Force. He was also recently named an Affiliate of the National Center for Smart Growth Research & Education.

Work Location: Bethesda, MD

TischlerBise Task Lead, Dwayne Guthrie, Ph.D., Dr. Guthrie has 32 years of experience as a professional planner working primarily in the areas of impact fees, demographic analysis, infrastructure funding, fiscal evaluations and transportation planning. His career includes 23 years of work as a planning consultant and eight years of public sector experience. At TischlerBise, Dr. Guthrie is the impact fee team leader, with over 380 studies completed for approximately 120 jurisdictions in 25 states/provinces. Dr. Guthrie has also served as an expert witness on the topic of impact fees.

Work Location: Juno Beach, FL

Additional Support Staff

The City can have confidence that our project team has adequate capacity to complete the project. We believe the project can be completed with the individuals identified in this proposal. If due to unforeseen circumstances, additional team members are deemed necessary, Black & Veatch can call upon professionals within Management Consulting, which includes a cadre of financial experts, and TischlerBise can call on support staff in its offices.

QUESTIONS/RESPONSES TO SCOPE OF SERVICES

User Fee Study

There are several process approaches to calculating user fees. Ranging from a summary level review and uniform adjustment of fees to detailed time motion studies involving a great deal of staff time and resources, all approaches have some merit and provide some degree of defensibility. However, we believe the best approach is one based on unit cost development through a survey and interview process with agency staff. This approach is a justifiable one that minimizes impact of staff resources and provides enough detail to base legitimate cost recovery fees.

The unit cost method estimates the actual labor and material costs associated with providing a unit of service to a single user, using a time and materials approach. This approach is often used when the cost for the service may vary substantially between users, or when the service is only provided intermittently. Costs are estimated based on interviews with staff regarding the time typically spent on specific tasks and a review of available records.

We believe the unit cost method is the most flexible approach. In this method, unit costs can be isolated for easier adjustments in the future. Using this approach, we examine an agency's fee structure from the "bottom up." The resulting fee model will have several cost layers including:

- Labor costs related to the direct salary and benefits costs of staff hours spent on providing a fee-generating service.

Department indirect costs that may include expenses related to such items as office supplies, outside consultants and membership dues. It may include management, supervision and administrative support not provided to a direct, fee-generating service. Typically, these items are charged directly to the department, division or project on an item-by-item basis.

Central services department costs may involve costs such as labor, services and supplies that benefit more than one department, division or project. The exact benefits to specific areas are impossible to ascribe to a single activity. Examples are purchasing, human resources and liability insurance.

Cost Allocation Plan

Our approach to cost allocation strikes a balance between equitable distributions of costs while promoting stable financial impacts from year-to-year. For this project, we propose to utilize either a simplified cost allocation approach or a multiple allocation method such as a double step-down allocation methodology, depending on the magnitude of the support functions within the City. Our staff is well-versed in both approaches—both will provide a complete portrayal and fair distribution of costs related to the City. Both methods are based on the approaches established by OMB Circular A-87, *Cost Principles for State, Local and Indian Tribal Governments* (2 CFR 225).

Our cost allocation plans are developed with our clients in mind. We customize each spreadsheet model to fit the unique goals and characteristics of our client agencies. We believe this approach provides the best tools for the City to maintain financial stability now and in the future while minimizing administrative time and effort. Our project plan will ensure the following items:

- Methodologies and results are easy to understand and acceptable to stakeholders.
- Optimizes internal cost recovery process by recognizing all administrative and support expenditures.

The first series of analyses involves determining allowable and unallowable costs per OMB A-87, Generally Accepted Accounting Principles (GAAP), best practices and one-time occurrences, which do not accurately depict regular expenditures.

Having determined the allowable and unallowable indirect costs, the next step in the cost allocation process examines the activities and functions of each indirect/allocating program or division. In some instances, a program or division may perform several, discrete activities. Determining the extent and nature of the activities and functions is important for selecting the most appropriate method of allocating these indirect costs to direct/receiving departments and better meeting the requirements of GAAP and OMB A-87. In some instances, costs are directly allocated per internal service fund charges or other agreements.

The benefits received from the activities of indirect/allocating divisions/programs may vary and thus be more closely related to different bases of allocation. In order to proportionately allocate indirect costs, the cost allocation plan may require separate bases of allocation for each indirect cost in a fair, convenient, and most importantly, consistent manner.

When selecting cost allocation bases, we use the criteria of substantiation (measures which are real and current) and common sense (measures which are readily available and easily justified). We will seek to avoid cost allocation bases, which are volatile from year to year or can be manipulated. This

approach results in a plan, which not only meets the requirements of GAAP and OMB A-87, but also improves the stability and credibility of the plan while reducing time and resources needed to update the model.

The final step in preparing the cost allocation plan utilizes either a simplified approach or a multiple allocation methodology to allocate the allowable indirect costs. The multiple allocation methodology recognizes the cross support provided between indirect/allocating department. For example, accounting supports information technology by providing payroll, paying vouchers and purchasing goods and services. Information technology, however, also supports accounting by providing software and hardware and by maintaining and administering various applications and systems.

The multiple allocation methodology requires an initial sequencing of allocating departments, divisions or programs. In the first step of the methodology, allowable costs from indirect/allocating divisions/programs are allocated in the sequence selected to City programs (both indirect/allocating and direct/receiving). The second step in the methodology is made to fully account for the cross support provided between indirect/allocating divisions/programs. Indirect/allocating functions are closed after the second step in the multiple allocation methodology.

Development Impact Fees

Development impact fees are fairly simple in concept, but complex in delivery. Generally, the jurisdiction imposing the fee must: (1) identify the purpose of the fee, (2) identify the use to which the fee is to be put, (3) show a reasonable relationship between the fee's use and the type of development project, (4) show a reasonable relationship between the facility to be constructed and the type of development, and (5) account for and spend the fees collected only for the purpose(s) used in calculating the fee.

There is, however, a fair degree of latitude granted in constructing the actual fees, as long as the outcome is "proportionate and equitable." Fee construction is both an art and a science, and it is in this convergence that TischlerBise excels in delivering products to clients. As such, any one of several legitimate methods may be used to calculate development impact fees for the City. The choice of a particular method depends primarily on the service characteristics and planning requirements for the facility type being addressed. Each method has advantages and disadvantages given a particular situation, and to some extent they are interchangeable, because they all allocate facility costs in proportion to the needs created by development.

In practice, the calculation of development impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for capital facilities. The following paragraphs discuss the three basic methods for calculating development impact fees and how those methods can be applied.

1. **Plan-Based Impact Fee Calculation** - The plan-based method allocates costs for a specified set of future improvements to a specified amount of development. The improvements are identified by a facility plan. In this method, the total cost of relevant facilities is divided by total demand to calculate a cost per unit of demand. The plan-based method is often the most advantageous approach for facilities that require engineering studies, such as roads and utilities.

2. **Cost Recovery Impact Fee Calculation** - The rationale for the cost recovery approach is that new development is paying for its share of the useful life and remaining capacity of facilities from which new growth will benefit. To calculate a development impact fee using the cost recovery approach, facility cost is divided by ultimate number of demand units the facility will serve. An oversized water storage tank is an example.
3. **Incremental Expansion Impact Fee Calculation** - The incremental expansion method documents the current level-of-service (LOS) for each type of public facility in both quantitative and qualitative measures, based on an existing service standard such as square feet per capita or park acres per capita. The LOS standards are determined in a manner similar to the current replacement cost approach used by property insurance companies. However, in contrast to insurance practices, clients do not use the funds for renewal and/or replacement of existing facilities. Rather, the jurisdiction uses the impact fee revenue to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments, with LOS standards based on current conditions in the community.

Evaluation of Alternatives

Designing the optimum development impact fee approach and methodology is what sets us apart from our competitors. Unlike most consultants, we routinely consider each of the three methodologies for each component within a fee category. The selection of the particular methodology for each component of the development impact fee category will be dependent on which is most beneficial for the City of Banning. In a number of cases, we will prepare the development impact fees using several methodologies and will discuss the various trade-offs with the City. There are likely to be policy and revenue tradeoffs depending on the capital facility and methodology. We recognize "one size does not fit all" and create the optimum format that best achieves our clients' goals.

GIS Technology

GIS technology is routinely utilized to add value to the evaluation of infrastructure needs and assessing financing alternatives. This includes assessing existing land use, performing a GIS-based land suitability analyses that can be used to define service areas, determining project demands for facilities and coordinating CIP investment for the City of Banning.

Lending a Sense of Market Reality to the Development Projections

Projecting future residential and nonresidential development is more difficult now than in the past due to the recent economic downturn. This is compounded by shifting trends in the housing market as a result of changing demographics and lifestyle choices. Changes in the retail sector combined with existing surpluses of retail space in many communities are also a concern, especially in communities like Banning that rely heavily on sales tax. *Black & Veatch and TischlerBise's extensive national experience conducting market analysis and real estate feasibility studies is invaluable in determining the appropriate development projections used in the impact fee calculations.* These projections include both the amount of development and the geographic location. Depending on the methodology employed, overly optimistic development projections can increase the City's financial exposure, if development impact fee revenue is less than expected.

Public Outreach

The importance of public outreach when considering development impact fees and infrastructure funding options should not be overlooked. Based upon our experience with development impact fees and infrastructure funding efforts across the country, we anticipate this study may attract controversy, especially given the current economic climate and the fact this will represent a new cost to consider in their project pro forma. Therefore, it is important to build a coalition of support early in the process, to educate and inform the public and other key stakeholders about the purpose of the study, and to explain how it will benefit both key constituents (developers) and the general public. It is critical to develop a communications strategy to offset and correct any misinformation proliferated and to provide a clear and compelling logic for public adoption of a development impact fee program. Our seasoned project team has actively participated in legislative body meetings and citizen committees to educate and lead stakeholders regarding the technical process of development impact fee calculations as well as the pros and cons of development impact fees—particularly during challenging economic times.

Final Thoughts on Methodologies

Our project team will develop the impact fee, user fee, and cost allocation plan models and reports with the City of Banning in mind. We customize each spreadsheet model to fit the unique goals and characteristics of our client agencies. We believe this approach provides the best tools for the City to maintain financial stability now and in the future. Our project plan will help ensure the following items:

- Constant collaboration with City staff to reach a consensus approach while minimizing staff resources during the data collection tasks of the study.
- Strict adherence to key legal and policy issues with regard to impact and user fees, including the percent of cost recovery that the agency seeks to achieve—whether for service or facilities, should be set no higher than the reasonable cost of providing the service or the cost of the facility. Our approach provides each agency with a fee schedule that achieves maximum legal cost recovery while ensuring that each fee is supported by defensible documentation.
- Recommendations for new user fee categories where the City currently provides services but does not recover related costs via a fee mechanism.
- Comment on any risks to updating and increasing fees as well as the creation of new fees. Associated risks may include political (e.g., Council feeling pressure from constituents due to increasing fees), economic development (e.g., will fees “kill” new business?), and public health and safety (e.g., will a higher water heater permit fee discourage residents from safely installing water heaters?).
- Results are easy to understand and explain to stakeholders.

PROJECT FEE

The table below provides a detailed breakdown of the hours by task and personnel. Our proposed fee quote of **\$126,070** is a fixed, not-to-exceed figure that includes expenses related to this project for the first year of the project. Subsequent updates to the models and reports will be billed on a time and materials basis. Labor billing rates for subsequent years (years 2 through 5) will be increased up to a maximum of 10 percent per year.

Through our project management approach, our QA/QC process and frequent communication with City staff, we are confident that we can complete this project on time and within budget. We will invoice on a monthly basis including labor costs and expenses charged to the project for the prior billing month.

PROJECT TEAM MEMBER:	BUI	JEWETT	MORALES	BISE	GUTHRIE	STAFF	TOTAL	
	BV-DIRECTOR	BV-PROJECT MANAGER	BV-ANALYST	TB-TASK LEAD	TB-TASK LEAD	ANALYSTS		
							HOURS	COST
Services & Tasks								
Task 1: Project Initiation & Data Review	-	4	4	-	-	-	8	\$1,640
Task 2: Review Current City Fees	-	2	2	-	-	-	4	820
Task 3: Conduct Departmental Interviews	-	18	18	-	-	-	36	7,380
Task 4: Calculate Full Cost Recovery Levels	2	2	12	-	-	12	28	5,190
Task 5: Prepare Comparison Survey	-	-	2	-	-	10	12	1,980
Task 6: Develop Draft Report and Fee Model	4	16	16	-	-	12	48	9,580
Task 7: Prepare Final Fee Report	2	8	-	-	-	-	10	2,310
Total Hours—User Fee Study	8	50	54	-	-	34	146	\$28,900
Project Expense								500
Total Cost—User Fee Study								\$29,400
Task 1: Project Initiation & Data Review	-	4	4	-	-	-	8	\$1,640
Task 2: Refine Financial & Allocation Data	-	4	12	-	-	14	30	5,400
Task 3: Develop Cost Allocation Plan Models	2	4	24	-	-	20	50	9,190
Task 4: Prepare Draft Report	4	16	16	-	-	6	42	8,620
Task 5: Prepare Final Allocation Plan Reports & Models	2	8	2	-	-	-	12	2,690
Total Hours—Cost Allocation Plan	8	36	58	-	-	40	142	\$27,540
Project Expense								500

City of Banning | COMPREHENSIVE FEE STUDY, COST ALLOCATION PLAN, AND DEVELOPMENT FEE STUDY

PROJECT TEAM MEMBER:	BUI	JEWETT	MORALES	BISE	GUTHRIE	STAFF	TOTAL	
	BV-DIRECTOR	BV-PROJECT MANAGER	BV-ANALYST	TB-TASK LEAD	TB-TASK LEAD	ANALYSTS		
							HOURS	COST
Total Cost—Cost Allocation Plan								\$28,040
Task 1: Project Initiation & Data Review	-	4	-	8	8	-	20	\$3,920
Task 2: Recommend Land Use Assumptions	-	-	-	12	40	-	52	9,600
Task3: Review Needs Analysis & Service Levels	-	-	-	24	40	-	64	12,000
Task 4: Evaluate Difference Allocation Methodologies	-	-	-	6	28	-	34	6,240
Task 5: Identify Facilities/Costs for Funding	-	-	-	16	28	-	44	8,240
Task 6: Determine the Need for & Calculate Credits	-	-	-	2	8	-	10	1,840
Task 7: Conduct Funding & Cash Flow Analysis	-	-	-	12	16	-	28	5,280
Task 8: Prepare Fee Report	2	8	-	24	60	-	94	17,910
Total Hours—	2	12	-	104	228	-	346	\$65,030
Development Impact Fee Study								
Project Expense								3,600
Total Cost—Development Impact Fee Study								\$68,630
Labor Cost—All Three Studies								\$121,470
Expense Cost—All Three Studies								4,600
Total Cost—All Three Studies								\$126,070

CLIENT REFERENCES

CLIENT ORGANIZATION	CONTACT INFORMATION	PROJECT DESCRIPTION
City of Redmond, Washington	Mr. Joseph McGrath Finance Officer <i>jlmcgrath@redmond.gov</i> 425-556-2257	Black & Veatch/TischlerBise Citywide User Fee Study Status: Completed 2011.
Vallecitos Water District; San Marcos, California	Mr. Tom Scaglione Assistant General Manager <i>tscaglione@vwd.org</i> 760-744-0460 x278	Miscellaneous Fee & Overhead Rate Analysis Status: Completed July 2013.
City of Lomita, California	Mr. Gary Sugano Assistant City Manager <i>g.sugano@lomitacity.com</i> 310-325-7110 x 121	Comprehensive User Fee Study Status: Completed April 2015.
City of Broken Arrow, Oklahoma	Mr. Tom Caldwell Finance Manager 918-259-2400 x5411	Water & Sewer Rate Study, Cost Allocation Plan Status: Completed May 2014.
City of Wilmington, Delaware	Mr. Sean Duffy Water Division Director 302-576-3074	Cost Allocation Plan Status: Completed September 2013.
City of Corcoran, California	Mr. Kevin Tromborg Planning Director 559-992-2151 Ext. 232	Development Impact Fee Study Status: Completed 2012.
City of Visalia, California	Ms. Sue Merrill Financial Consultant 559-713-4392	Development Impact Fee Study Status: Completed 2013.
Town of Mammoth Lake, California	Mr. Grady Dutton, P.E. Public Works Director 760-934-8989 Ext. 257	Development Impact Fee Study Status: Completed 2012.

PROJECT TIMELINE

We are committed to meeting the City's scheduled project completion date of November 2015. The schedule assumes timely receipt of requested data, timely turn-around on materials submitted for review and access to City staff for meetings. Our project team has the availability and resources to start this project immediately upon receipt of the City's notice to proceed. If selected for this project, we will prepare a detailed project schedule with milestones and deliverable dates and send to the City prior to the project initiation meeting.

Attachment—Resumes

Ann T. Bui

Ms. Bui's comprehensive experience includes managing financial planning, cost of service, and rate design studies for water and wastewater utilities; preparation of financial feasibility assessments and Consulting Engineer's Reports supporting multi-tiered debt structures for more than \$3 billion of revenue bond sales; design of financial management information systems; consulting assistance regarding contractual and other relationships among municipalities, analysis of retail and wholesale customer pricing structures and expert witness services in utility litigation matters; and organizational strengthening reviews for large and small utilities. Using her background in business planning, Ms. Bui's work also includes reviewing and improving her client's operational, engineering, and technology support business practices, resulting in optimized business performance and regulatory compliance assurance. She has worked with international and domestic entities to develop innovative approaches for structuring alternative delivery projects using private and public financing instruments. Her experience spans more than 20 years and 150 engagements. She has provided business services for public and investor-owned utilities throughout the country and of all different sizes ranging from those with only 5,000 service connections to those that serve populations over 5 million.

The specific types of studies in which Ms. Bui has been engaged include: rate studies involving the development of enterprise fund based revenue requirements; allocation of costs of service and design of rates and new rate structures; engineering and financial feasibility studies related to official statements for revenue bond offerings by municipal water and wastewater utilities; studies of wastewater surcharge rates; studies involving the determination of system development charges for new customer connections; studies of cost accounting systems; property valuation studies; utility mergers and acquisition evaluations; development of public-private participation arrangements; stimulus funding grant applications; back-office process reviews and management / operational audits and assessments; utility enterprise formation; and capital prioritization studies. Ms. Bui also has presented expert witness testimony in utility rate proceedings.

REPRESENTATIVE PROJECT EXPERIENCE

City of Phoenix, Ariz. | Innovation and Efficiency Study, 2011-2012

Ms. Bui served as the Project Manager for an innovation and efficiency study of the sixth largest city in the nation. At the request of the City Manager's office, this study is concerned with finding both short-term and long-term cost savings, as well as assessing the operational efficiency of the water and wastewater utilities. In conducting the analysis, Black & Veatch interviewed more than 100 people involved with the Department's activities; held three focus groups and two workshops; and reviewed more than 500 pieces of data pertaining to the Department. Black & Veatch identified more than 200 recommendations for

DIRECTOR

Specialization:
Financial & Management
Consulting Services
Debt Finance Support
Feasibility Studies
Institutional Studies

Education
B.S., Chemical Engineering,
University of British
Columbia
M.S., Chemical
Engineering, University of
California -- Los Angeles
M.B.A., Finance, University
of California -- Davis

Professional Registration
Engineer-in-Training,
California

Experience
1989 - present

Joined Black & Veatch
1989

Professional Associations
AWWA
Chair of AWWA's Finance,
Accounting & Management
Controls Committee
Member of AWWA's
Strategic Management
Practices Committee
WEF
NACWA's Utility
Management Committee

Books and Manuals

Editor, *Financial
Management for Water
Utilities: Principles of
Finance, Accounting and
Management Controls*,
2012
Contributing Author,
AWWA M5 Manual, Utility
Management
Reviewer, *WEF User-Fee
Funded Stormwater
Program*, Special
Publication

improvements and short-term savings of greater than 2.5 percent of the Department's operating budget. Overall savings, including debt refinancing efforts undertaken by the City's Finance Department and other one-time efforts, provided savings of almost 9 percent of the water budget and approximately 7 percent of the wastewater budget.

City of Tucson, Ariz. | Organizational Study, 2011-2012

Ms. Bui served as the Project Manager for a comprehensive organizational review of the City of Tucson's Water Department (Department). Of special concern to the Department is the End of Service (EOS) impact on the organization: by the end of 2011, more than 70 employees will retire from the organization. Compounded with more than 50 vacant positions, the Department is facing a crisis in certain areas of the organization as people in whole sections retire or positions remain vacant.

In conducting the analysis, Black & Veatch interviewed over 75 Department employees; conducted over 10 section briefings, and visited representative facilities where staff report to work. We also reviewed and analyzed more than 200 pieces of data related to the Department's activities. All of these activities occurred over a three-week period.

Black & Veatch identified more than 50 recommendations for improvements and savings. Combined with on-going Department efforts, the City was able to generate sufficient savings (more than \$1M) to restore nine employee furlough days; restructure the organization to better serve customers and assets; and improve customer service at the Call Center.

City of San Diego, Calif. | Water and Wastewater Cost of Service Studies, 2011-ongoing

Ms. Bui serves as the Project Director for the City of San Diego's water and wastewater cost of service studies Black & Veatch is preparing a comprehensive look at the City's financial condition and rate structure for the water and wastewater utilities. Faced with large purchased water increases and required wastewater investments at Point Loma, the City is actively looking for innovative ways to restructure its rates. As part of this multi-year study, Black & Veatch is also providing the City with active public outreach services; wholesale contract reviews; and stakeholder negotiations.

City of Napa, Calif. | Water Cost of Service Rate Study, 2012

Ms. Bui served as the Project Manager for a comprehensive water cost-of-service rate study for the City of Napa Water Division. The project involved numerous workshops with the City's ad hoc Finance Committee in order to gain consensus on funding strategies on a number of regulatory issues facing the utility. Due to the uncertain timing of when these regulatory-driven capital projects would be needed, Black & Veatch developed several funding and rate alternatives for consideration. An overall plan for annual 6 percent increases;

coupled with several rate structure changes, including implementation of a minimum bill to improve revenue stability, were successfully passed in the Prop 218 process with essentially no opposition.

City of Long Beach, Calif. | Water and Wastewater Cost of Service Rate Study, 2009 - 2012

Ms. Bui served as the Project Manager for the City's water and wastewater cost of service rate study. The study specifically examined alternatives for rate design for all customers for both utilities. Among the options examined were moving to steeper tier pricing; charging commercial water accounts using a tiered structure; and separating out commercial customers based on sewer strengths. In addition to the cost of service study, Black & Veatch performs an annual rates survey comparison for the City in support of its annual revenue adjustments.

Carmosa Water District, Calif. | Water and Recycled Water Cost of Service Rate Study, 2012 - 2013

Ms. Bui served as the Project Director Manager for the District's water and recycled water cost of service rate study. The study was the District's first and involved extensive workshops with the Utilities Commission to address cost-of-service and Prop 218 principles. To meet needed capital improvements and regulatory requirements, the District submitted a total of 60 percent in revenue increases to the Prop 218 process. The series of increases passed the Prop 218 vote and was adopted by the District's Board of Directors.

City of San Juan Capistrano, Calif. | Water, Wastewater and Storm Water Rate Study, 2009 - 2010

Ms. Bui served as the Project Manager for the City's first comprehensive cost-of-service study for its water, wastewater and stormwater funds. The City required a comprehensive review of cost of service, rate methodology, and rate structure for water and wastewater and the development of a stormwater fee. Black & Veatch examined the water consumption characteristics and modified the water budget rate structure to achieve a fair and equitable recovery of cost of service while encouraging water conservation among the various classes of customers. New water budget-based allocation tiers were developed based on best management practices for water smart landscaping for large lots. Black & Veatch conducted a series of educational workshops for the City's Utility Commission and City Council to establish guiding principles for the water/wastewater utilities, recommend a final long-term water supply portfolio scenario, and assess different rate structure impacts. The proposed rate structures and financing plan passed the Prop 218 process with less than 0.5 percent protests. City Council also passed an automatic commodity pass-through ordinance to assist the City with unexpected purchased water and power increases.

The stormwater fee is a new one for the City and is in response to regulatory mandates and operational requirements. The fee is scheduled to be reviewed by

the Utility Commission and City Council in Spring 2010. Following approval by the Council, Black & Veatch will be working with the City to unroll a public education program on the need for the charge and assisting with a ballot vote.

Indio Water Authority, Indio, Calif. | Supplemental Water Supply Fee Development, 2009 - 2012

In order to meet demand requirements posed by increased development, Indio Water Authority retained Black & Veatch to help them in the development of a supplement water supply fee. The intent of the fee is to provide monies supporting development and / or purchase of additional water supplies. In addition, the fee was developed to incorporate implementation of water conservation measures.

City of Los Angeles, Calif. | Storm Water Management, 2009 - 2010

Ms. Bui served as local liaison and lead for the review and analysis of stormwater fees and alternative funding sources for the stormwater program. Consideration was given to the need and appropriate basis for stormwater quality-based charges. A financial planning and rate design model was developed for City staff to annually evaluate the financial status of the storm water program. The model is designed to provide future budget estimates, evaluate alternative revenues, revenue requirements, flow of funds analyses, and show the effect of any changes on existing and alternative rate designs.

PUBLICATIONS / PRESENTATIONS

Bui, Ann T., Editor, *Financial Management for Water Utilities: Principles of Finance, Accounting and Management Controls*, 2012, published by AWWA, Denver, Colorado.

"Revenues and Expenses and Ratios, Oh My! A Finance Primer for Non-Finance Professionals", presented at the Annual Utility Management Conference in Glendale, Arizona, March 2013.

"Checks and Balances: An Overview of the New Financial Management for Water Utilities Handbook", presented at the Annual AWWA Conference in Dallas, Texas, June 2012.

"Introduction to Financial Planning" presented at the Pacific Northwest Section of the Clean Water Association Winter Short Course University, Portland, Ore., February 2010.

"Money Makes the World Go 'Round: An Overview of the New Financial Management for Water Utilities Handbook," presented at the Annual AWWA Conference in San Diego, California, June 2009.

"Key Performance Indicators" presented at the Annual AWWA Conference in San Diego, Calif., June 2009.

"Everything You Ever Wanted to Know About Finance Management but were Afraid to Ask: An Overview of the New Financial Management for Water Utilities Manual", presented at the Annual AWWA Conference in Atlanta, Georgia, June 2008.

"Alternative Funding Sources" presented at the Regional Water Authority Conference in Rancho Cordova, Calif., April 2007.

"Financial Benchmarks" presented at the Annual AWWA Conference in San Francisco, Calif., June 2005.

"Maximize Debt Market Options – Minimize Revenue Adjustments" presented at the Kentucky/Tennessee AWWA/WEF Conference in Nashville, Tenn., August 2004.

"Quantification and Reduction of Risk from Hazardous Air Emissions - Key note address," presented at the AIChE Annual Conference in San Francisco, Calif., November 1994.

Brian Jewett

Brian Jewett has 20+ years of experience in public administration for local government. Much of his work is related to creating and maximizing new and existing revenue sources to maintain and enhance public service delivery and fund capital project needs. Based on this expertise, Mr. Jewett has developed numerous utility financial plans and rate analyses, cost recovery models and a variety of additional funding mechanisms for cities and special districts in several states. He has developed innovative analyses for utility rates and user fees to determine proportional cost structures thus ensuring equity and defensibility in the implementation of funding sources. His expertise has led clients to engage him as a third party reviewer of funding programs and as an expert witness in utility rate cases.

Mr. Jewett is an active member of the American Water Works Association and is a current member of AWWA's Rates and Charge Committee, the industry-leading organization for water rate setting in the United States. In addition, he has presented to various industry groups and government bodies on fiscal and utility related topics. Prior to joining Black & Veatch, Mr. Jewett was Vice President and Manager of a regional consulting firm where he led a diverse team of financial and economic experts dedicated to developing sustainable funding programs including impact fee development, fiscal impact analyses, growth planning, special financing district formations, and utility rate and cost of service analyses.

USER FEE PROJECT EXPERIENCE

Vallecitos Water District, San Marcos, California | Miscellaneous Fee Study and Overhead Rate Analysis | 2013

Mr. Jewett developed a comprehensive overhead rate analysis and user fee structure for the District. The District had never utilized consulting expertise for this project. Mr. Jewett interviewed District staff to determine time and materials spent of providing fee-generating services to the District's customer base. As a result of this analysis, the District experienced additional revenue generation from increased fees and the establishment of new fees for services provided by the District where fees did not previously exist.

City of Redmond | Comprehensive Development Services Cost of Service Fee Study; Wash. | 2011

Project Manager. Mr. Jewett developed a cost of service study for the City to fully recover costs associated with providing development-related services through its Planning, Building and Safety, Fire and Public Works Divisions. This study updated the City's current fee schedules, expanded upon the methodology to calculate building and safety plan review and permit fees and developed new fees for services provided by City staff where no fees existed. Specifically, the study recommended the following major changes:

PRINCIPAL CONSULTANT

Specialization:
Utility Rate Studies,
Impact Fees, Indirect Cost
Allocation & Financial
Planning

Education

Ph.D. Candidate, Political
Science, Public Policy &
Methods, Claremont
Graduate University
M.P.A., Public
Administration, University
of Delaware
B.A., Political Science,
University of California,
Santa Barbara

Professional Association

American Water Works
Association, Rates and
Charges Committee,
Member - Present

Year Career Started
1993

Year Started with B&V
2011

Utilize the International Code Council (ICC) Building Valuation Data (BVD) table to determine construction valuations in lieu of accepting applicant cost figures or use the BVD to audit applicant cost submittals.

Adopt a comprehensive Mechanical, Electrical and Plumbing fee schedule to set these types of permit fees.

Implement an expanded version of the Planning Division fee schedule to recover cost for building permit review and clearly identify fees associated with the formal planning application process, the PREP process and re-submittal fees. These identifications should be clear enough for an applicant to understand what their fees would be if they chose to go through the application process with and without taking advantage of the City's PREP process.

Adopt the Public Works fee schedule including new fee categories for transportation inspection related services provided by the City. Adopt separate hourly rates for Public Works General Fund, Public Works Storm Water, and Public Works Water/Wastewater services. Each Public Works area has a different cost structure that warrants separate hourly rates.

Apply a Credit Card Convenience fee to all fees included in this study. Several agencies in Washington and other agencies throughout the United States utilize this fee to capture the costs associated with providing credit card terminal access to applicants. Applicants can use their credit cards to pay for development services applications, permits and plan checks.

Town of Castle Rock | Development Services User Fee Study; Colo. | 2010
Project Manager. Mr. Jewett conducted a comprehensive user fee study project for the Town's Development Services Department, including Building, Planning and Fire Fees. Mr. Jewett updated the fee schedules and fee structures to better accommodate the Town's development services processes and to account for significant cost structure changes that occurred since the last fee analysis. Part of this project involved streamlining the Planning fee schedule to better reflect internal processes and to easily administer the fee schedule in the future. Several new fee categories were developed for the Town where services are provided without appropriate cost recovery.

City of Hermosa Beach | Comprehensive Fire Flow Fee Study; Calif. | 2010
Project Manager. For this study, Mr. Jewett provided the City with a "roadmap" to assure that new development pays its fair share for fire protection system infrastructure through the fire flow fee program. During this study the project team followed a cost of service-based approach in developing equitable and defensible fire flow fees to enhance City revenue for much needed fire protection equipment and rolling stock.

City of Wilmington, Delaware – Indirect Cost Allocation Plan Development

Mr. Jewett was task lead for the Citywide Comprehensive Indirect Cost Allocation Study to determine the cost of providing centralized support services (indirect costs) to the various Departments that provide direct services to the citizens and rate payers. The fast-track study was completed with three months using industry standard cost allocation methodology and with input from every one of the City's departments. The study resulted in shifting an additional \$1.78 million of Indirect Costs from the General Fund to the Water/Sewer Fund. The study recommendations were implemented and the indirect costs have been included in the City's FY 2014 Water/Sewer Fund Budget. Mr. Jewett helped guide the project team in developing a user friendly Cost Allocation Model and a detailed report was delivered to the City such that the City staff can periodically update the model to reflect changes to the Indirect Cost budget

SAMPLE COST ALLOCATION ENGAGEMENTS

City of La Habra Heights, California - Cost Allocation Plan and User Fee Study

City of Orange, California – Cost Allocation Plan and User Fee Study

City of Palm Springs, California – Cost Allocation Plan and User Fee Study

City of Pleasant Hill, California – Cost Allocation Plan and User Fee Study

City of Soledad, California – Cost Allocation Plan and User Fee Study

Town of Castle Rock, Colorado – Cost Allocation Plan Review and Development Services User Fee Study

PUBLICATIONS

Jewett, Brian. "How to Raise Post-Recession Capital Funds." *Journal American Water Works Association* 104.9 (2012): 14-18.

Contributing Author, Jewett, Brian, Principles of Water Rates, Fees, and Charges, Manual of Water Supply Practices M1, Sixth Edition (2012)

SPEAKING ENGAGEMENTS

Determining and Communicating Utility Support Services Costs through Indirect Cost Allocation and Overhead Analyses. California-Nevada Section, *American Water Works Association, Spring Conference 2014*

Utility Support Services Costs: Thoughtful Cost Allocation Plan Provides a Robust Tool. *Utility Management Conference, Winter 2014*

Utility Rate Setting Process, California-Nevada Section, *American Water Works Association, Fall 2013*

Utility Impact Fees: Are You Ready for the Next Wave of Development? California-Nevada Section, *American Water Works Association, Fall Conference 2012*

System Development Charges, M1 Manual Update Presentation. *American Water Works Association, ACE 2012 Conference*

Utility Impact Fees: Are You Ready for the Next Wave of Development?
California-Nevada Section, *American Water Works Association, Fall Conference 2012*

Utility Impact Fees: Approaches and Considerations. *California Municipal Rates Group, Spring Conference, 2012*

The Perfect Storm is Upon Us: Is Your Ship in Financial Order? *California-Nevada Section, American Water Works Association, Spring Conference, 2012*

Reducing Reliance on Property Taxes, *International City/County Management Association Annual Conference, 2009*

Utility Rate and User Fee Analyses, *International City/County Management Association Annual Conference, 2008*

Alberto Morales

Mr. Morales is a Manager and serves as a financial analyst on financial planning, cost-of-service analyses, capital prioritization, business processes, technical due diligence and market valuations for projects involving water, wastewater and electric utilities. Prior to joining the management consulting division of Black & Veatch, Mr. Morales worked as a civil engineer, specializing in the design, construction management and operations for water and wastewater utilities. Mr. Morales combines his civil engineering background with his financial experience to provide effective solutions for clients.

REPRESENTATIVE PROJECT EXPERIENCE

Vallecitos Water District | Water, Wastewater, and Reclamation Cost of Service Study, Calif

Mr. Morales serves as a Manager in a water, sewer and reclamation cost of service study. In this role, he is working closely with the Assistant General Manager to provide recommendations on the in house financial planning model and expanding it by adding a cost of service component. He is also assisting on other services such as new miscellaneous fees and indirect costs allocations.

City of San Diego | Water and Wastewater Cost of Service and Capacity Fee Study, Calif.

Mr. Morales serves as a Manager in the development of a water and sewer rate and connection fee study. In this role, he is working closely with Public Utilities to update and develop a customized rate model that will allow the City to project revenues and expenses associated with its water and sewer utilities. The rate model will incorporate revenue requirements and costs of service components to assist the City in distributing costs equally among its customer classes. In addition, he is assisting in the update of the buy-in connection fees.

County of San Diego | Wastewater Rate Study, Calif.

Mr. Morales serves as a Manager in the development of a sewer rate study. In this role, he is working closely with the County Public Works to develop a customized rate model that will allow the County to develop a rate structure that covers all 9 wastewater service districts with the service area. The majority of the districts receive services from the City; therefore he is working on incorporating future costs pass through to the County.

Leucadia Wastewater District | Wastewater Financial Plan Study, Calif.

Mr. Morales served as a Manager in the development of a sewer rate study. In this role, he is worked closely with the Administrative Service Manager and General Manager to update and customize a financial plan model that would allow the District to forecast revenue needs for a 30-year period. In addition, he worked with the District in updating the connection fees that serves to recuperate the costs associated with for future facility expansions.

MANAGER

Specialization:
Financial Planning,
Cost of Service Analyses,
Capital Prioritization,
Technical Due Diligence,
Project Management

Education:

M.B.A., Finance, UCLA
Anderson School of
Management, 2005
M.S., Civil Engineering,
University of California –
Los Angeles, 2000
B.S., Civil Engineering,
University of California –
Los Angeles, 1999

Professional Registration:
Engineer-In-Training, CA

Experience:
2000 – present

Joined Black & Veatch:
2000

Professional Association:
AWWA

Language Capabilities:
Spanish, English

50 Largest Cities Rate Survey

Mr. Morales served as a Project Manager in updating an internal water and sewer rate survey of the 50 largest cities in the United States. The survey focused on comparing typical bills for various customer classes at different consumption intervals. The survey has been conducted by Black & Veatch since 2001 and is updated every 18 to 24 months. The survey provides utilities the ability to see how they compare to the largest water and sewer utilities in the across the country.

Camrosa Water District | Water and Sewer Rate and Connection Fee Study, Calif.

Mr. Morales served as a Manager in the development of a water and sewer rate and connection fee study. In this role, he worked closely with the Business Manager and General Manager to develop a customized rate model that will allow the District to separate revenues and expenses associated with its potable, non-potable, recycled water and sanitary sewer system. The rate model incorporated revenue requirements and costs of service components to assist the District in distributing costs equally among its customer classes. In addition, he worked with the District in developing water connection fees that will recuperate the costs associated with for future facility expansions.

City of Los Angeles Bureau of Sanitation | Sewage Generation Factors, Calif.

Mr. Morales served as a Consultant in updating the Bureau of Sanitation's Sewage Generation Factors (SGF). The SGFs are the basis for sewage facilities charges imposed on new development or renovation of existing facilities. The SGFs consist of a volumetric and two strength components. The analysis included research of the existing SGFs, a mass balance, field surveys, and benchmarking to similar utilities. In addition, Mr. Morales incorporated the effects of water conservation measure enacted by the City of Los Angeles into the analysis.

Carson Bise, AICP

Mr. Bise has 24 years of fiscal, economic, and planning experience and has conducted fiscal and infrastructure finance evaluations in 35 states. Mr. Bise has developed and implemented more fiscal impact models than any consultant in the country. The applications Mr. Bise has developed have been used for evaluating multiple land use scenarios, annexations, specific development projects, urban service provision, tax-increment financing, and concurrency/adequate public facilities monitoring. Mr. Bise is also a leading national figure in the calculation of impact fees, having completed over 250 impact fees for the following categories: parks and recreation, open space, police, fire, schools, water, sewer, roads, municipal power, and general government facilities. In his seven years as a planner at the local government level, he coordinated Capital Improvement Plans, conducted market analyses and business development strategies, and developed comprehensive plans. Mr. Bise has also written and lectured extensively on fiscal impact analysis and infrastructure financing. His most recent publications are "Fiscal Impact Analysis: Methodologies for Planners", published by the American Planning Association (APA); a chapter on fiscal impact analysis in the book "Planning and Urban Design Standards", also published by the APA; and the International City/County Management Association (ICMA) IQ Report, "Fiscal Impact Analysis: How Today's Decisions Affect Tomorrow's Budgets". Mr. Bise was also the principal author of the fiscal impact analysis component for the Atlanta Regional Commission's Smart Growth Toolkit and is featured in the recently released AICP CD-ROM Training Package entitled *The Economics of Density*. Mr. Bise is currently on the Board of Directors of the Growth and Infrastructure Finance Consortium and recently Chaired the American Planning Association's Paying for Growth Task Force. He was also recently named an Affiliate of the National Center for Smart Growth Research & Education.

Mr. Bise will serve as Principal-In-Charge on this assignment and will coordinate our project team's interaction with the City to ensure that all work is completed properly, on time, and within budget. He will work closely with Dwayne Guthrie, developing and reviewing all aspects of the project and providing overall quality assurance for the project. Mr. Bise will participate in approximately 30 percent of this assignment. Mr. Bise has completed development impact fee studies in the following California jurisdictions: Avenal, Banning, Butte County, Calexico, Corcoran, El Centro, Grass Valley, Half Moon Bay, Imperial County, National City, Temecula and Tulare.

SELECTED EXPERIENCE

- City of Daphne, Alabama – *Impact Fee Study*
- City of Foley, Alabama – *Impact Fee Study*
- City of Gulf Shores, Alabama – *Impact Fee Study*
- City of Orange Beach, Alabama – *Impact Fee Study*

PRESIDENT

Specialization:
Financial Planning,
Impact Fee Studies,
Infrastructure Financing
Studies

Education

M.B.A., Economics,
Shenandoah University
B.S., Geography/Urban
Planning, East Tennessee
State University
B.S., Political
Science/Urban Studies,
East Tennessee State
University

Professional Certifications

American Institute of
Certified Planners

- City of Apache Junction, Arizona – *Impact Fee Study*
- Town of Camp Verde, Arizona – *Impact Fee Study*
- City of Eloy, Arizona – *Impact Fee Study*
- City of Siloam Springs, Arkansas – *Impact Fee Study*
- City of Avenal, California – *Development Impact Fee Study*
- City of Banning, California – *Development Impact Fee Study*
- Butte County, California – *Development Impact Fee Study*
- City of Calexico, California – *Development Impact Fee Study*
- City of Corcoran, California – *Development Impact Fee Study*
- City of El Centro, California – *Development Impact Fee Study*
- Imperial County, California – *Development Impact Fee Study*
- City of National City, California – *Development Impact Fee Study*
- City of Temecula, California – *Development Impact Fee Study*
- City of Tulare, California – *Development Impact Fee Study*
- City of Boulder, Colorado – *Impact Fee/Excise Tax Study*
- Town of Castle Rock, Colorado – *Impact Fee Study*
- City of Coral Gables, Colorado – *Impact Fee Study*
- City of Greeley, Colorado – *Impact Fee Study*
- City of Steamboat Springs, Colorado – *Impact Fee Study*
- Town of Vail, Colorado – *Impact Fee Study*
- DeSoto County, Florida – *Impact Fee Study*
- Manatee County, Florida – *Impact Fee Study*
- City of North Miami, Florida – *Impact Fee Study*
- Pasco County, Florida – *School Impact Fee Study*
- Polk County, Florida – *Impact Fee Study*
- City of Punta Gorda, Florida – *Impact Fee Study*
- Seminole County, Florida – *School Impact Fee and Infrastructure Financing Study*
- Anne Arundel County, Maryland – *Revenue Strategies*
- Calvert County, Maryland – *Impact Fee Study*
- Caroline County, Maryland – *Schools Excise Tax Study*
- Carroll County, Maryland – *Impact Fee Study*

- Charles County, Maryland – *Impact Fee Study*
- Dorchester County, Maryland – *Impact Fee Study*
- Town of Easton, Maryland – *Impact Fee Study*
- City of Hagerstown, Maryland – *Impact Fee Study*
- Town of Hampstead, Maryland – *Impact Fee Study*
- City of Salisbury, Maryland – *Impact Fee Study*
- Talbot County, Maryland – *Impact Fee Study*
- Washington County, Maryland – *Impact Fee Study*
- Wicomico County, Maryland – *Impact Fee Study*
- Worcester County, Maryland – *Impact Fee Study*
- Broadwater County, Montana – *Impact Fee Feasibility Study*
- Flathead County, Montana – *Impact Fee Feasibility Study and Impact Fee Study*
- Florence-Carlton School District, Montana – *Impact Fee Study*
- Gallatin Canyon/Big Sky, Montana – *Capital Improvement and Funding Plan*
- City of Great Falls, Montana – *Impact Fee Feasibility Study*
- City of Laurel, Montana – *Impact Fee Feasibility Study*
- City of Missoula/Missoula County, Montana – *Impact Fee Study and Capital Facility Plan*
- City of North Las Vegas, Nevada – *Impact Fee Study*
- Nye County/Town of Pahrump, Nevada – *Impact Fee Study*
- City of Las Cruces, New Mexico – *Water and Sewer Impact Fee Study*
- Cabarrus County, North Carolina – *Voluntary Mitigation Payment Studies (Two School Districts)*
- City of Greenville, North Carolina – *Impact Fee Study*
- Abbeville County, South Carolina – *Infrastructure Funding Strategy*
- Beaufort County, South Carolina – *Infrastructure Funding Strategy*
- Clinton City, Utah – *Impact Fee Study*
- Draper City, Utah – *Impact Fee Study*
- Farmington City, Utah – *Impact Fee Study*
- Logan City, Utah – *Impact Fee Study*
- Mapleton City, Utah – *Impact Fee Study*
- City of Spanish Fork, Utah – *Impact Fee Study*
- City of West Jordan, Utah – *Impact Fee Study*

Goochland County, Virginia – *Cash Proffer Study*
Henrico County, Virginia – *Impact Fee Study; Cash Proffer Study*
Prince George County, Virginia – *Cash Proffer Study*
Prince William County, Virginia – *Impact Fee Study*
Spotsylvania County, Virginia – *Impact Fee Study*
Stafford County, Virginia – *Impact Fee Study*
Sussex County, Virginia – *Cash Proffer Study*

SPEAKING ENGAGEMENTS

Fiscal Impact Assessment, AICP Training Workshop, APA National Planning Conference
Dealing with the Cost of Growth: From Soup to Nuts, ICMA National Conference
Demand Numbers for Impact Analysis, National Impact Fee Roundtable
Calculating Infrastructure Needs with Fiscal Impact Models, Florida Chapter of APA Conference
Economic Impact of Home Building, National Impact Fee Roundtable
Annexation and Economic Development, APA National Conference
Economics of Density, APA National Conference
The Cost/Benefit of Compact Development Patterns, APA National Conference
Fiscal Impact Modeling: A Tool for Local Government Decision Making, ICMA National Conference
Fiscal Assessments, APA National Conference
From Soup to Nuts: Paying for Growth, APA National Conference
Growing Pains, ICMA National Conference
Mitigating the Impacts of Development in Urban Areas, Florida Chapter of the APA
Impact Fee Basics, National Impact Fee Roundtable
Fiscal Impact Analysis and Impact Fees, National Impact Fee Roundtable
Are Subsidies Worth It?, APA National Conference

PUBLICATIONS

"Fiscal Impact Analysis: Methodologies for Planners", APA
"Planning and Urban Design Standards", APA, Contributing Author on Fiscal Impact Analysis
"Fiscal Impact Analysis: How Today's Decisions Affect Tomorrow's Budgets", ICMA Press

"The Cost/Contribution of Residential Development", Mid-Atlantic Builder

"Are Subsidies Worth It?", Economic Development News & Views

"Smart Growth and Fiscal Realities", ICMA Getting Smart! Newsletter

"The Economics of Density", AICP Training Series, 2005, Training CD-ROM
(APA)

Dwayne Guthrie, PH.D., AICP

Dr. Guthrie has thirty-two years of experience as a professional planner working primarily in the areas of impact fees, demographic analysis, infrastructure funding, fiscal evaluations, and transportation planning. His career includes twenty-three years of work as a planning consultant and eight years of public sector experience. At TischlerBise, Dr. Guthrie is the impact fee team leader, with over 380 studies completed for approximately 120 jurisdictions in twenty-five states/provinces. Dr. Guthrie has also served as an expert witness on the topic of impact fees.

As a planning practitioner, Dr. Guthrie promotes smart growth through revenue strategies and pricing policies. By helping communities implement development impact fees, local governments create a nexus between private sector development and the demand for public facilities. Rather than subsidize growth with general tax revenues, Dr. Guthrie works to ensure designated funding for infrastructure that also helps to minimize externalities like traffic congestion. He has pioneered innovative methods for tabulating census data to support higher fees for larger housing units and reducing fees for infill development located in urban centers.

Dr. Guthrie also recently taught graduate planning courses at local universities including Growth Management at the Alexandria campus of Virginia Tech and Planning Techniques at Catholic University of America. His doctoral dissertation, titled "Understanding Urban, Metropolitan, and Megaregion Development to Improve Transportation Governance", documents the expected geographic extent of commuter sheds in 2030 for large metropolitan areas within the continental United States. Commuter sheds provide a viable refinement to current statistical area designations and solve problems due to inconsistent and fragmented MPO boundaries. Nine transportation megaregions are proposed based on specific criteria including global gateways that facilitate movement of people and goods, contiguous commuter sheds with urban centers spaced a suitable distance for high-speed rail service, and end-point commuter sheds projected to add at least one million persons and jobs from 2000 to 2030. The dissertation recommends a new paradigm for transportation governance with scale-dependent decision-making and funding strategies.

Dr. Guthrie has been selected as Project Manager for this project because of his substantial experience preparing impact fees and financing strategies, as well as his strong project management skills. Most importantly, Dr. Guthrie, in conjunction with Mr. Bise, will ensure constant collaboration and communication between City staff and our team through frequent progress memorandums, conference calls, and in-person meetings. Dr. Guthrie will participate in approximately 70 percent of this assignment. Dr. Guthrie has completed development impact fee studies in the following California jurisdictions: Chino Hills, Clovis, Imperial County, Suisun City, Temecula and Tulare.

PRINCIPAL

Specialization:
Financial Planning,
Impact Fee Studies,
Infrastructure Financing
Studies, Expert Witness

Education

Ph.D., Planning,
Governance, and
Globalization, Virginia
Tech
M.A., Urban and Regional
Planning, University of
Florida
B.A., Education,
University of Florida

Professional Certifications

American Institute of
Certified Planners

SELECTED EXPERIENCE

- Baldwin County, Alabama – *Impact Fee Study*
- City of Foley, Alabama – *Impact Fee Study*
- Apache Junction Water Company, Arizona – *Water System Connection Fees*
- City of Avondale, Arizona – *Development Impact Fees*
- City of Casa Grande, Arizona – *Development Impact Fees*
- City of Glendale, Arizona – *Development Impact Fees*
- City of Goodyear, Arizona – *Development Impact Fees; Water Resources Fee*
- City of Peoria, Arizona – *Development Impact Fees*
- City of Prescott, Arizona – *Feasibility of Development Impact Fees for Roads*
- Town of Queen Creek, Arizona – *Development Impact Fees*
- City of Scottsdale, Arizona – *Development Impact Fees*
- City of Show Low, Arizona – *Development Impact Fees*
- City of Surprise, Arizona – *Development Impact Fees*
- City of Tolleson, Arizona – *Development Impact Fees*
- City of Bentonville, Arkansas – *Development Impact Fees*
- City of Chino Hills, California – *Development Impact Fees*
- City of Clovis, California – *Sewer Impact Fee*
- City of Temecula, California – *Development Impact Fee*
- City of Tulare, California – *Development Impact Fee*
- Arapahoe County, Colorado – *Rural Road Funding Strategy*
- City of Boulder, Colorado – *Development Excise Taxes*
- Town of Castle Rock, Colorado – *Development Impact Fees and Evaluation of Douglas County School Fees*
- Town of Erie, Colorado – *Development Impact Fees*
- City of Evans, Colorado – *Development Impact Fees*
- Town of Johnstown, Colorado – *Drainage Financing Alternatives, Development Impact Fees, and Water Rate Study*
- City of Louisville, Colorado – *Development Impact Fees*
- Montezuma County, Colorado – *Development Impact Fee*
- Pitkin County, Colorado – *Funding Strategy & Impact Fee*
- City of Pueblo, Colorado – *Development Impact Fee*
- Town of Vail, Colorado – *Development Impact Fee*

- State of Delaware – *Transportation Impact Fee*
- New Castle County, Delaware – *Development Impact Fees, Sewer Policies and Capacity Fees*
- Coral Ridge Properties – *Capital Improvements Element for Parkland, Florida*
- DeSoto County, Florida – *Development Impact Fees*
- DeSoto School District, Florida – *School Impact Fees*
- City of Lake Wales, Florida – *Development Impact Fees*
- Manatee County, Florida – *Development Impact Fees*
- City of Miami, Florida – *Development Impact Fees and Evaluation of Miami-Dade County Impact Fees for Roads and Schools*
- City of Naples, Florida – *Development Impact Fees*
- Pasco County School District, Florida – *School Impact Fees*
- Polk County School District, Florida – *Capital Needs Assessment*
- City of Punta Gorda, Florida – *Development Impact Fees*
- City of Sunny Isles Beach, Florida – *Development Impact Fees*
- Douglas County, Georgia – *CIE and Development Impact Fees*
- City of Douglasville, Georgia – *CIE and Development Impact Fees*
- Effingham County, Georgia – *CIE and Development Impact Fees*
- City of Garden City, Georgia – *CIE and Development Impact Fees*
- Gordon County, Georgia – *CIE and Development Impact Fees*
- Henry County, Georgia – *CIE and Transportation Impact Fee*
- Town of Hailey, Idaho – *Annexation Study and Development Impact Fees*
- City of Nampa, Idaho – *Development Impact Fees*
- City of Post Falls, Idaho – *Development Impact Fees*
- City of Baltimore, Maryland – *Transportation Funding Strategy*
- Carroll County, Maryland – *Development Impact Fees*
- Cecil County, Maryland – *Development Excise Tax*
- Charles County, Maryland – *School Impact Fees*
- Frederick County, Maryland – *Development Impact Fees*
- Town of Hampstead, Maryland – *Development Impact Fees*
- Home Builders Association of Carroll County, Maryland – *Evaluation of Development Impact Fees*
- Queen Anne's County, Maryland – *Development Impact Fees*

- City of Westminster, Maryland – *Capital Improvements Plan*
- Worcester County, Maryland – *Development Impact Fees*
- City of Madison, Mississippi – *Development Impact Fees*
- City of Nixa, Missouri – *Development Impact Fees*
- City of Belgrade, Montana – *Development Impact Fees*
- Florence-Carlton School District, Montana – *School Impact Fees*
- Frenchtown Fire District, Montana – *Development Impact Fees*
- Gallatin County, Montana – *Roads and Fire District Impact Fees*
- City of Great Falls, Montana – *Evaluation of Capacity Fees*
- Town of Manhattan, Montana – *Development Impact Fees*
- City and County of Missoula, Montana – *Development Impact Fees*
- City of Polson, Montana – *Development Impact Fees*
- Douglas County, Nevada – *Road Impact Fees*
- NAOIP & HBA of Albuquerque, New Mexico – *Evaluation of Impact Fees*
- City of Las Cruces, New Mexico – *Development Fees*
- Currituck County, North Carolina – *School Impact Fee*
- City of Jacksonville, North Carolina – *Water and Sewer Facilities Charges*
- Orange County, North Carolina – *School Impact Fee*
- City of Delaware, Ohio – *Development Impact Fees*
- City of Green, Ohio – *Development Impact Fees*
- Home Builders Association of Beavercreek, Ohio – *Review of Transportation Fees*
- Village of Sunbury, Ohio – *Development Impact Fees*
- City of Edmond, Oklahoma – *Water and Sewer Impact Fees*
- City of Cambridge, Ontario – *Development Charges*
- Hydro Electric Commission of Cambridge, Ontario – *Development Charges*
- City of Sarnia-Clearwater, Ontario – *Development Charges*
- Township of Wellesley, Ontario – *Development Charges*
- Aiken County, South Carolina – *Development Impact Fees*
- Anderson County, South Carolina – *Development Impact Fees*
- Georgetown County, South Carolina – *Development Impact Fees*
- City of Sherman, Texas – *Development Impact Fees*

City of American Fork, Utah – *Development Impact Fees*
City of Clearfield, Utah – *Development Impact Fees*
City of Clinton, Utah – *Development Impact Fees*
City of Draper, Utah – *Development Impact Fees*
City of Farmington, Utah – *Development Impact Fees*
City of Hooper, Utah – *Sewer Impact Fee*
City of Hyde Park, Utah – *Development Impact Fees*
City of Kaysville, Utah – *Development Impact Fees*
City of North Logan, Utah – *Development Impact Fees*
City of Pleasant Grove, Utah – *Development Impact Fees*
Salt Lake County, Utah – *Stormwater and Park Impact Fees*
South Valley Sewer District, Utah – *Sewer Impact Fees*
City of Spanish Fork, Utah – *Development Impact Fees*
City of Springville, Utah – *Park Impact Fees*
City of Wellsville, Utah – *Development Impact Fees*
City of West Jordan, Utah – *Development Impact Fees*
City of Woods Cross, Utah – *Development Impact Fees*
Graham Companies (Loudoun County, Virginia) – *Evaluation of Dulles Sewer District*
City of Suffolk, Virginia – *Water and Sewer Availability Charges*
Jefferson County, West Virginia – *Development Fees*
City of Eau Claire, Wisconsin – *Public Facilities Needs Assessment*
City of Kenosha, Wisconsin – *Evaluation of CIP Process*
City of Casper, Wyoming – *Development Impact Fees*
Teton County, Wyoming – *Transit Impact Fee*

SPEAKING ENGAGEMENTS

Impact Fees, Utah City Engineers Association
Funding the Infrastructure Gap, APA National Conference
Development Impact Fees, Association of Idaho Cities Conference
Reasonable Impact Fees, National Association of Home Builders Conference
Impact Fees: The Good, The Bad and The Ugly, Continuing Legal Education International, Growth Management Conference
Do Impact Fees Fit Your Comprehensive Revenue Strategy?, Rocky Mountain Land Use Institute Conference

Developing a Capital Improvements Program, Utah League of Cities & Towns
Conference

PUBLICATIONS

"Introduction to Infrastructure Financing", ICMA IQ Service Report, 1999

CONSULTANT EVALUATION FOR FEE STUDIES

Project: Overhead Cost Allocation Study, User Fee Study,
Development Impact Fee Study

Consultant:
MGT of America, INC

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart	10	8	provided team appears capable, Development Impact Fee Study not included
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	7	No Development Impact Fee Capability
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required • Understanding of federal cost principles • Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	11	Did not provide specific approach or methodologies
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	1	Does not appear to have local office Sacramento is close
5	COST not provided w/ intro.	10		
GENERAL NOTES:		TOTAL /50		
Proposal stressed ethics in identifying current projects/current staff members Proposal represents overhead Cost Allocation Study & user Fee Study only				
NAME: Holly Stuart TITLE: Public Works Analyst DATE: 8/3/15				

CONSULTANT EVALUATION FOR FEE STUDIES

Project: CAP, USER FEE, DIF

Consultant: MGT

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart	10	8	EXPERIENCED & SOPHISTICATED TEAM
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	8	EXPERIENCED FIRM AT CAPS & USER FEES. THEY DO NOT DO DEVELOPER IMPACT FEES, WOULD NEED ANOTHER FIRM FOR THAT STUDY.
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required - Understanding of federal cost principles - Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	7	EXHIBITED UNDERSTANDING, BUT DID NOT DISCUSS METHODOLOGIES.
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	7	LOCATED IN SACRAMENTO, SO NOT LOCAL.
5	COST	10	7	REASONABLE PRICING FOR STUDIES, BUT FAILED TO INDICATE UPDATE COSTS.

GENERAL NOTES:

VERY GOOD FIRM FOR CAPS & USER FEES, BUT DOES NOT DO DEVELOPER IMPACT FEES, FORCING US TO HIRE 2 FIRMS FOR ALL 3 STUDIES. SOMEWHAT GEOGRAPHICALLY UNDESIRABLE.

NAME: Jim Steffens TITLE: Power Resource & DATE: 7-23-15
Revenue Administration

CONSULTANT EVALUATION FOR FEE STUDIES

Project: COST ALLOCATION

Consultant: MGT

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart	10	6 60	Not logical to compare
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	7 70	Feasibility
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required • Understanding of federal cost principles • Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	10 150	
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	7 10	Feasibility
5	COST	10	7 70	44,900
GENERAL NOTES:		TOTAL /50 360		
4				
NAME: B. GUILLOT TITLE: ACTING CDD DATE: 7-23-15				

CONSULTANT EVALUATION FOR FEE STUDIES

Project:

Consultant: MGT of America

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart	10	8	
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related user fee studies - Management and other organizational capabilities - Staff availability - Ability to meet the City's insurance requirements	10	9	
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required - Understanding of federal cost principles - Familiarity with municipal fund accounting - Showed familiarity with cost allocation plans, user fee studies, and designing the full range of municipal fees and rates - Explained a logical course of action to meet goals - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	12	
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	4	
5	COST	10	8	
GENERAL NOTES:		TOTAL /50 41		
NAME: Sam TITLE: DATE: 7/21/15				

MGT of America Response to the City of Banning, California

Request for Proposals – Overhead Cost Allocation
Study, User Fee and Development Impact Fee
Study

Due: June 4, 2015

COPY

TO:
Marie Calderon, City Clerk
City of Banning
99 E. Ramsey Street
Banning, CA 92220

FROM:
J. Bradley Burgess, Executive Vice President
MGT Financial Services
2251 Harvard Street, Suite 134
Sacramento, CA 95815
916-595-2646 (Direct)
bburgess@mgtamer.com
www.mgtofamerica.com

MGT
OF AMERICA, INC.

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3) EXECUTIVE SUMMARY

Why Retain **MGT** for Your Cost Analysis Studies?

Senior level consultants from MGT of America's Financial Services division will staff this engagement. Consultants in this division specialize in providing state and local governments cost allocation plans, indirect cost rates and indirect cost rate proposals, user fee studies, and state mandated claiming (SB 90).

MGT consultants have a long history of providing cost allocation plans and user fee studies to cities and counties in California over the past 30 years.

The City of Banning (City) will receive the following three advantages by selecting MGT for the requested services.

1. **A refined approach** that is client-focused, efficient and non-disruptive for City personnel.
2. **Proven project management and communication tools.** The relevant experience and creativity of the personnel preparing the cost allocation plans enhances their ability to establish trust, confidence and rapport with City personnel.
3. **MGT's understanding that the best results come from spending an appropriate amount of time with your staff throughout the project and jointly adapting the project work plan to best meet the City's unique needs and objectives.** We value on-site communication as much as you do. Other costing firms arrive at their client site, hold discussions with client staff, leave worksheets to be filled out and returned for processing, and then a send completed cost analyses. This process consistently produces misunderstandings, inaccurate data, and slow project progression, which inevitably leads to client dissatisfaction.

Project Management & Communication – Our project management process includes a project schedule with deadlines, and also a project team with the availability to meet the deadlines. Additional consultants are available to add to the project if necessary, and quality assurance activities are performed throughout the project.

Our communication plan includes frequent formal and informal correspondence, on-site meetings, and built in checks to ensure city satisfaction. The City will never be left to wonder who their project consultant is, when they will see their consultant, when they will see a cost plan or fee analysis, how to understand a document, or if the numbers in the plan are accurate. Communication is the key to effective project management.

Personnel – The team proposed for this engagement has many years of cost plan experience, as well as a proven track record of successful implementation, and clean audit reports. We believe there is no comparable group of consultants in the nation who can perform the City's requested services as well as MGT's team. Our team will not just be your cost accountants, they will be your partners in a common effort to fairly and equitably recover all appropriate indirect costs—with minimum controversy, exposure and disruption.

MGT is submitting this proposal to provide the cost allocation and user fee study. MGT is NOT proposing to provide the Development Impact Fee Study.

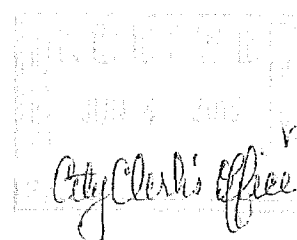
MGT of America Response to the City of Banning CA
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Study/Development Impact Fee Study



MGT of America
2251 Harvard Street, Ste 134
Sacramento, CA 95815
www.mgtamer.com



4)A Transmittal Letter



June 2, 2015

Ms. Marie Calderon, City Clerk
City of Banning
99 E. Ramsey Street
Banning, CA 92220

Dear Ms. Calderon:

We appreciate the opportunity to provide the City of Banning (City) with this proposal for a cost allocation plan and citywide user fee study. We believe that our firm, MGT of America, Inc. (MGT), offers the City solutions that will meet your specific objectives while providing the best overall value. Our projects deliver:

- **Defensible & Transparent Calculation Methodology.** Our user fee and cost allocation models are rigorous, accurate and proven. They are also completely transparent, with services, costs, cost recovery, and subsidies all readily identified and presented in a comprehensive fashion.
- **Intuitive and Powerful Spreadsheet Calculation Models.** MGT uses powerful, user-friendly spreadsheet models to calculate overhead allocations and specific user fees. The model is fully customized for each client and will be provided to the City at the completion of the project.
- **Experience, Exceptional Staff & Immediate Availability.** The proposed MGT team has performed over 50 cost allocation plans and 25 user fee studies over the past five years, and has access to over 100 studies for comparative purposes. We have recently completed studies for a number of California cities such as Newport Beach, Sacramento, Encinitas and Oakland. We are recommended by statewide organizations such as CSMFO because we have a long successful history of preparing exceptional cost allocation plans and user fee studies all over the state. We have a project team ready to start this project.

As an MGT executive vice president I acknowledge that I have read and will comply with all terms and conditions of the City's RFP. Please contact me if you have any questions or comments about this proposal at 916.595.2646, or at bburgess@mgtamer.com. We look forward to being of service to the City of Banning.

Sincerely,

J. Bradley Burgess
Executive Vice President, MGT Financial Services

4)B QUALIFICATIONS AND EXPERIENCE OF THE FIRM

1. Firm history and organizational structure:

MGT of America, Inc. (MGT) is a private corporation owned by the current and retired partners, principals, and consultants of the firm. The advantage of this ownership structure to our clients is that every member of the firm has a vested interest in the successful completion of every project, for every client. Additionally, this ownership structure creates a mindset that permeates through every MGT owner: we are continuously building a growing, yet stable firm based on trusting long-term relationships, both within our own firm and with all of our clients.

MGT began operations in 1974 as consultants to the public education sector. Over the years, we have expanded our capabilities to provide consulting services in three primary areas: education (K-12 and higher education), criminal justice, and financial analysis to state and local governments. We currently have 73 professionals throughout the country. Our headquarters is in Tallahassee, Florida, with major regional offices in Sacramento (CA), Denver (CO), Austin (TX), Bay City (MI), and Olympia, (WA). Our annual consulting revenue is approximately \$7 million firm wide.

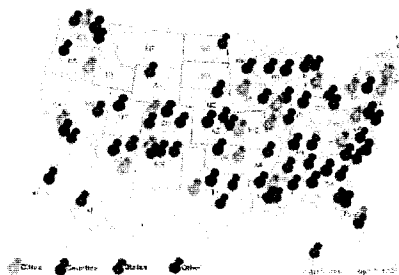
Contact Information

MGT of America, Inc.
3800 Esplanade Way, Suite 210
Tallahassee, Florida, 32311
Phone: 850.386.3191
Fax: 850.385.4501

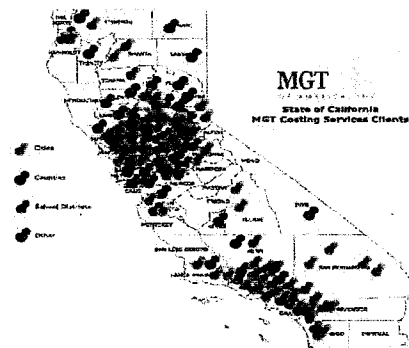
MGT of America, Inc.
2251 Harvard Street, Suite 134
Sacramento, CA 95815
Phone: 916.443.3411
Fax: 916.443.1766

MGT's Financial Services Division

The **MGT Financial Services** division has been in existence for 15 years. It was significantly augmented in 2007 with the acquisition of Public Resources Group, Ltd., whose consultants previously worked for MAXIMUS, and David M. Griffith & Associates (DMG).



The United States map to the left shows MGT's national scope and coverage of our primary costing services product lines. The California map to the right illustrates



that MGT's Financial Services division is especially strong in California.

MGT of America Response to the City of Banning CA
Request for Proposal for Overhead Cost Allocation Study/User Fee
Study/Development Impact Fee Study



2. Primary business of firm:

MGT Financial Services concentrates on cost allocation plans, user fee studies, state mandate cost reimbursement claiming, jail rate analysis, indirect cost rate proposals, and appropriation limitation calculations.

3. Project management office location for User Fee Study:

MGT of America, Inc.
2251 Harvard Street, Suite 134
Sacramento, CA 95815
Phone: 916.443.3411
Fax: 916.443.1766

4. Firm experience with similar user fee studies:

The following list is a representative sample of our California studies over the last five years. An unabridged client list is available upon request. Please note that the projects listed below are engagements that current MGT consultants have completed. These are not "corporate" qualifications of projects performed by departed consultants, as is frequently the case with other firms in the market that boast large client lists.

Recently Completed MGT User Fee Studies

- | | |
|-------------------------|---|
| ▪ City of Burbank | ▪ City of Sacramento |
| ▪ City of Ceres | ▪ City of San Diego Building |
| ▪ City of Eastvale | ▪ City of Santa Ana |
| ▪ City of Encinitas | ▪ City of Santa Clara |
| ▪ City of Galt | ▪ City of Santa Monica |
| ▪ City of Healdsburg | ▪ City of Vallejo |
| ▪ City of Inglewood | ▪ City of Vista |
| ▪ City of La Habra | ▪ City of Whittier |
| ▪ City of La Mesa | ▪ Port of San Diego |
| ▪ City of Modesto | ▪ Orange Co Treasurer-Tax |
| ▪ City of Oakland | ▪ San Mateo Co Assessor-Recorder |
| ▪ City of Oxnard Fire | ▪ City & County of San Francisco DBI |
| ▪ City of Newport Beach | ▪ Santa Barbara Co Planning & Development |
| ▪ City of Palo Alto | ▪ Los Angeles Co Environmental Health |

5. Project management office location for Cost Allocation Plan:

Same Sacramento Office listed above in answer 3.

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Study/Development Impact Fee Study



6. Firm experience with similar cost allocation plans:

Cities (Full Cost & OMB):

- City of Anaheim
- City of Bell Gardens
- City of Chino Hills
- City of Encinitas
- City of Fort Bragg
- City of Fresno
- City of Healdsburg
- City of Inglewood
- City of La Habra
- City of La Mesa
- City of Newport Beach
- City of Rancho Cucamonga
- City of Roseville
- City of Sacramento
- City of Santa Clara
- City of Santa Rosa
- City of Turlock
- City of Vallejo
- City of Visalia
- City of Whittier
- Town of Windsor
- City of Woodland
- City of Yuba City

Counties (OMB A-87):

- Alpine County
- Butte County
- Calaveras County
- Inyo County
- Lake County
- Lassen County
- Los Angeles County Environmental Health
- Madera County
- Marin County
- Modoc County
- Mono County
- Napa County
- Orange County
- Plumas County
- San Mateo County
- Santa Cruz
- Ventura County
- Yuba County

7. Firm differentiators:

Our company and work product differentiators were outlined above in the *Executive Summary*. One other unique advantage to MGT is our approach to giving you a list of our projects and experience. We often hear that multiple firms claim the same clients and projects in their proposal reference sections, making it very difficult for public agencies to differentiate between bidders. There is only one ethical way to present your consultants' and firm's professional experience. References and projects need to be accurately identified as either "current" or as "historic." Anything short of that standard is misleading and unethical. Projects performed five years ago by staff no longer at a given firm cannot accurately be referred to as "current" or "relevant."

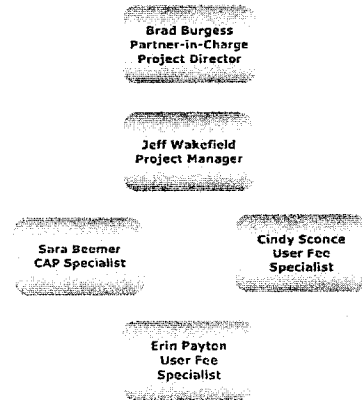
The references and projects provided in this proposal include only active clients. We strongly encourage the City to investigate each firm's references carefully to ensure that all projects listed are active and that the staff members who performed those projects are still with that firm. We believe this standard provides a reasonable method for prospective clients to properly and fairly judge the true experience and expertise of each competing firm.

4)C QUALIFICATIONS & EXPERIENCE OF PROPOSED PROJECT TEAM

1. Qualifications of proposed staff:

While the qualifications and experience of a firm are important, perhaps more important are the knowledge and experience of the proposed project team. The proposed project team combines rich, deep knowledge and experience in preparing cost allocation plans and user fee studies in California.

All personnel engaged in this project will be full-time MGT employees. We will not be using the services of any other firm or subcontractors for this project. The team organization is illustrated in the graphic to the right.



Mr. Brad Burgess, Partner-in-Charge & Project Director

Mr. Burgess is the Executive Vice President of MGT Financial Services for State and Local Government. He will serve as the project director for this engagement. He will be responsible for making sure that this project is staffed properly, ensuring the City's goals and objectives for this study are achieved, and that the City of Banning will be unconditionally satisfied with the services received from MGT consultants. Mr. Burgess is an expert in project management, having managed or directed over 340 consulting projects over his 24-year career. He has taught hundreds of government finance official's indirect cost theory and application through numerous training sessions. He is a frequent presenter at conferences and workshops for clients, state and local governments, and state associations. Mr. Burgess officially joined MGT in 2007 with the acquisition of PRM.

Mr. Jeff Wakefield, Project Manager

Mr. Wakefield is a Senior Consultant with MGT, and will serve as a project manager and user fee consultant for this engagement. In this role Mr. Wakefield will conduct all meetings with City personnel, perform all the data collection, calculate costs of existing and new for-fee services, project estimated for-fee revenues, prepare draft reports, and review draft and final reports with City officials.

Mr. Wakefield is recognized as an authority in cost of service analysis, specializing in development-related analyses. He has been exclusively engaged in local government cost analysis for over 25 years and has been project director and/or lead consultant for more than 75 user fee engagements.

Ms. Sara Beemer, CAP Specialist

Ms. Sara Beemer is a Senior Consultant and is an expert in cost allocation plan development; she is responsible for MGT's California city and county cost plan practice. Ms. Beemer will be responsible for meeting with departments, identifying allowable costs, identifying appropriate allocation bases, reviewing draft calculations with department personnel, and processing data into the final cost allocation plans through MGT's cost allocation software.

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Ms. Beemer is responsible for all day-to-day activities of one California's largest and most complex cost allocation plans—Orange County. Additionally, she annually prepares cost allocation plans for several other California cities and counties. She has successfully prepared more than 50 cost allocation plans for California jurisdictions including twelve in the past twelve months. Prior to joining MGT, she worked for both the City of Claremont (Finance Department), and the City of Redondo Beach (Police Department) where she was responsible for budget preparation; and monitoring, analyzing, and the approval of all budget and grant expenditures.

Ms. Cindy Sconce

Ms. Cindy Sconce is also a Senior Consultant with MGT and will serve as a user fee consultant for this engagement. Ms. Sconce worked closely dozens of departments on user fee studies, and will utilize that experience for this study. She also brings exceptional organizational and interpersonal skills to this study and will be a significant asset to the City of Banning's user fee study.

Ms. Sconce has been working on a number of recent user fee and cost allocation studies recently, including Napa County, Burbank, La Habra, Whittier, Santa Barbara County, Oxnard, and Chula Vista. She also has an extensive background in preparing state mandated (SB 90) claiming services to a large number of cities in California.

Ms. Erin Payton, User Fee Specialist

Ms. Payton is a Senior Associate with MGT and has 28 years of experience providing public-sector consulting experience. She has a background in local government consulting focusing on cost allocation development, user fee rate calculations, and jail rate studies. She is the one of the most experienced cost analyst in the western United States, having completed more than 200 cost plan and user fee studies for local governments. Prior to joining MGT, she was a senior manager for management consulting firms PRM, Maximus, and DMG.

Recent user fee projects Ms. Payton has managed include:

- City of Santa Monica, California
- City of Newport Beach, California
- City of La Mesa, California

2. Resumes – Provided in section 5) ATTACHMENTS

4)D QUESTIONS/RESPONSE TO SCOPE OF SERVICES

Proposed Project Scope, Tasks & Timeline

A study of the depth and magnitude of the one requested by the City of Banning will take a minimum of 60-90 days. That would be an aggressive schedule, but one that our firm would commit to assuming the

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Study/Development Impact Fee Study



prompt response from the City related to meeting and data requests. Any timeline shorter than that will cause short cuts to be taken that will likely compromise the validity and rigor of the study.

1. Conduct introductory meeting / Training
2. Issue project memo / Written recommendations
3. Collect basic financial data for CAP & UF
- 3a. Hold non-City stakeholder outreach meetings
4. Identify all existing for-fee services
5. Identify potential new user fee services
6. Issue inventory memorandum
7. Identify departments, divisions, sections, or units providing user fee services
8. Review relationship between user fee services and recipients
9. Interview departments, divisions, sections, or units providing user fee services / CAP Interviews
10. Calculate initial user fee schedules / Divide central service departments, distribute central service costs
11. Conduct initial department review / Develop allocation bases for CAP
12. Recalculate and review user fee schedules / Process draft CAP, present draft results to City, incorporate changes / Finalize CAP
13. Calculate draft user fee schedules with updated CAP amounts
14. Conduct internal review of the draft fee schedules
15. Calculate final user fee schedules / present final CAP to City
16. Develop recovery recommendation options
17. Calculate projected revenues and revenue increases
18. Identify considerations for adopting changes to existing user fee services and for adopting new user fee services / Identify additional uses for CAP
19. Prepare and deliver final reports
20. Present results to officials
21. Provide copies of documents and materials
22. Provide continuous training, guidance, and follow-on assistance, includes Six-Month Follow up Visit.

(MGT is bidding on the Overhead Cost Allocation and User Fee Studies, but not the Development Impact Fee Study)

City Responsibilities

We view this engagement as a partnership with the City of Banning. As with any partnership, all participants play distinct roles. The consultant's role is to provide the study's operating framework, technical expertise, and institutional knowledge; perform all data processing; provide recommendations; and assist in the implementation process. The client's role is to provide specific information regarding current processes and activities. State law requires that a fee schedule must reflect the particular jurisdiction's specific costs, and not "industry-wide" averages. Obviously, only the client's staff has this information. The client is also responsible for reviewing data output and recommendations.

It is typical for any one client staff member to not have to spend more than three hours in total on the analysis. The client's lead project manager typically spends more time, and the length of that time is directly related to their desired participation.

We encourage our clients, and especially the lead staff member, to participate in all meetings. We attempt to do as much data input on-site and welcome clients "looking over our shoulder." There is no black box in either of our computer models, and this greatly assists in the knowledge transfer. Our proposal includes both formal training, as well as anecdotal training client staff as we do the work. This active involvement means that the City will have well-versed, project-knowledgeable City staff member who should be able to perform future updates.

Description of Deliverables

1. The final user fee report will represent the City's cost recovery policy, including recommendations for current and new fees. The report will include:
 - An executive summary of the results of the user fee study.
 - Detailed schedules documenting:
 - A description of each service provided.
 - Summarization of full cost composition, present cost recovery, and cost/revenue analysis by department.
 - Summarization of a comparison of current user fee levels to the full cost of that service.
 - Summarization of various fee alternatives with associated impact on revenue generation and cost recovery including applicable comparative data relevant to public policy issues.
 - Summarization of all user fee charges and rate increases for the City and projected current revenues and increases in revenues.
2. A final user fee report (up to twelve bound copies and one unbound copy). The final project will represent the City's cost recovery policy including recommendations for current and new fees.
3. A final full cost allocation plan (up to five bound copies and one unbound copy).
4. Presentation of project results to city personnel, management, project stakeholders, and elected officials.

MGT of America Response to the City of Banning CA
Request for Proposal for Overhead Cost Allocation Study/User Fee
Study/Development Impact Fee Study



5. Copies of project work papers as requested.
6. Electronic copy of updatable Excel-based user fee models.
7. Training, guidance, and assistance in updating our cost allocation and user fee models.

4)E FEES (SEE SEPARATE SEALED ENVELOPE)

4)F REFERENCES

Newport Beach, California
Ms. Evelyn Tseng
Revenue Manager
3300 Newport Blvd.
Newport Beach, CA 92663
949.644.3141
ETseng@newportbeachca.gov

Summary of Work Performed:

Prepare a cost of service study, interviewing city staff, data collection, developing the cost of services on a full cost, per-unit basis, comparing the cost of services to the current fee levels, developing and presenting recommendations on potential fee changes to city staff and elected officials. In 2007 Newport Beach hired MGT to perform a citywide cost allocation and user fee study. After the success of that study, Newport Beach contracted with MGT on a six year two phase cost allocation and user fee study project. Each three year cycle includes one citywide cost allocation plan and a detailed fee analysis for each city department. Given the current economic situation, analyzing each fee department on a three year cycle allows the city to devote extra resources to each department to ensure that the changing service offerings are properly reflected in the master fee schedule. In addition to the user fee study, the citywide cost allocation is being used to justify and recover millions of dollars in county and state funds.

Percent Completed by MGT: 100% of services are completed by MGT. Erin Payton is the lead MGT consultant.

Timeframe: Annually.

Adherence to Schedule and Budget: The annual deliverables are provided within the project schedule at the negotiated fixed fee.

MGT of America Response to the City of Banning CA
Request for Proposal for Overhead Cost Allocation Study/User Fee
Study/Development Impact Fee Study



City of Encinitas, California

Mr. Tim Nash
Director of Finance
505 S. Vulcan Ave
Encinitas, CA 92024
760.633.2772
TNash@encinitasca.gov

Summary of Work Performed:

Prepare a cost of service study, interviewing city staff, data collection, developing the cost of services on a full cost, per-unit basis, comparing the cost of services to the current fee levels, developing and presenting recommendations on potential fee changes to city staff and elected officials.

The study included identifying and documenting new fees. The study also included testimony by MGT consultants on behalf of the City defending a fee challenged by a citizen. The fee was upheld.

Percent Completed by MGT: 100% of services are completed by MGT. Erin Payton is the lead MGT consultant.

Timeframe: Ms. Payton has worked with the City of Encinitas in 2006, 2009, 2011, and 2015.

Adherence to Schedule and Budget: The project deliverables were provided within the project schedule at the negotiated fixed fee.

City of La Mesa, California

Ms. Yvonne Garrett
Assistant City Manager
8130 Allison Ave
La Mesa, CA 91942
619.667.1105
ygarrett@ci.la-mesa.ca.us

Summary of Work Performed:

Prepare a cost of service study, interviewing city staff, data collection, developing the cost of services on a full cost, per-unit basis, comparing the cost of services to the current fee levels, developing and presenting recommendations on potential fee changes to city staff and elected officials.

Conducted market survey of the city's existing and proposed fees to those charged by other jurisdictions. With City staff, conducted an outreach meeting to explain fee adjustments to stakeholders. Provided city with an updatable Excel-based master fee schedule.

The study included assistance in developing a cost recovery manual and policies for user fees.

Percent Completed by MGT: 100% of services are completed by MGT. Erin Payton is the lead MGT consultant.

Timeframe: Ms. Payton has prepared the City's cost allocation plan and citywide user fee study every other year since 2006.

Adherence to Schedule and Budget: The project deliverables were provided within the project schedule of 90 days at the negotiated fixed fee.

4)G IMPLEMENTATION SCHEDULE (included in item 4D of questionnaire above)

MGT of America Response to the City of Banning CA
Request for Proposal for Overhead Cost Allocation Study/User Fee
Study/Development Impact Fee Study



5)

ATTACHMENTS

CITY OF BANNING

PROPOSAL REQUIREMENTS

PROPOSAL LETTER/CERTIFICATE OF ACCEPTANCE

PROPOSER MGT of America, Inc.

Dean Martin, Interim Administrative Services Director/
Deputy City Manager
CITY OF BANNING
99 East Ramsey Street
Banning, Ca 92220

In response to the Request for Proposal (RFP), for Overhead Cost Allocation Study/User Fee Study/ Development Impact Study, we the undersigned hereby declare that we have carefully read and examined the RFP documents including any plans and specifications, and hereby propose to perform and complete the Work as required in the Contract.

This Contract is not exclusive. CITY OF BANNING expressly reserves the right to contract for performance of services such as those described herein through other Contractors.

The undersigned agrees to supply the Scope of Work at the costs indicated in its cost proposal if its Proposal is accepted within 120 days from the date specified in the RFP for receipt of proposals.

The undersigned has reviewed the enclosed contract terms and conditions and agrees to accept all terms and conditions of CITY OF BANNING's contract unless otherwise noted in the proposal response.

If recommended for Contract award, the undersigned agrees to execute a Contract which will be prepared by CITY OF BANNING for execution, within 10 calendar days following Notification of Award.

The undersigned will also deliver to CITY OF BANNING prior to the commencement of Scope of Work the necessary original Certificates of Insurance. If services are authorized to commence prior to the execution of the Contract pursuant to a Notice to Proceed issued by CITY OF BANNING, pending the execution of the Contract, the services shall be subject to the terms and conditions of the Scope of Work and the Contract as set forth in Parts A and B respectively of the RFP Documents.

Incorporated herein and made a part of this Proposal are the Response Data and Proposal Forms required by the Proposal Requirements.

The undersigned acknowledges receipt, understanding and full consideration of the following Addenda to the RFP Documents:

Addenda No. not applicable

Proposer represents that the following person is authorized to negotiate on its behalf with CITY OF BANNING in connection with this RFP:

J. Bradley Burgess	Executive Vice President	916-595-2646
(Name)	(Title)	(Phone)

The undersigned certifies that it has examined and is fully familiar with all of the provisions of the RFP Documents and is satisfied that they are accurate; that it has carefully checked all the words and figures and all statements made in the Proposal Requirements; that it has satisfied itself with respect to other matters pertaining to the proposal which in any way affect the Work or the cost thereof. The undersigned hereby agrees that CITY OF BANNING will not be responsible for any errors or omissions in these RFP Documents.

BY:



(Signature)

J. Bradley Burgess

(Type or Print Name)

Executive Vice President

(Title)

Proposer's Business Address
and Telephone/Fax Numbers:

2251 Harvard Way, Suite 134

Sacramento, CA 95815

J. BRADLEY BURGESS
EXECUTIVE VICE PRESIDENT – FINANCIAL SERVICES

MGT
OF AMERICA, INC.

PROFESSIONAL BACKGROUND

CONSULTING BACKGROUND. Mr. Burgess has performed a wide variety of cost-of-service studies for local governments and state associations since 1990. Over the past 30 years, he has developed a broad expertise in local government consulting, with a primary focus on cost allocation methodologies, user fee analysis, state and local claims and grant applications, negotiations with state and federal authorities, and indirect cost rate proposal development. He has served as a corporate officer for the following consulting firms: MGT of America, Public Resource Management Group, LLC (founder), Maximus, DMG-Maximus, and David M. Griffith and Associates, Ltd.

GOVERNMENT BACKGROUND. Mr. Burgess has a broad background in government, public policy, and journalism. For three years, he edited and published a monthly professional magazine for the University of Missouri. Mr. Burgess was the IDOT budget analyst for Governor Thompson in the State of Illinois, and a consultant for Continental Illinois National Bank in Chicago. Mr. Burgess was a journalist for a daily newspaper in Kansas City, had professional projects in Egypt, Israel, & Saudi Arabia.

PROFESSIONAL LEADERSHIP. Mr. Burgess is the Executive Vice President responsible for MGT Financial Services, the largest national public sector financial services practice in America. He also serves on the firm's Board of Directors. He was one of three partners who started PRM, a firm that became the fastest growing costing services practice in the nation. During his tenure with DMG and Maximus, Mr. Burgess was responsible for a \$10 million local government consulting practice, with over 30 professional consultants, serving over 400 clients per year. In addition to SB 90 claiming, additional representative consulting studies include appropriation limitation studies, indirect cost rate proposal preparation, OMB A-87 cost allocation plans, user fee studies, development impact fee analysis, and legislative analysis.

EXPERTISE

Mr. Burgess has personally served over 190 cities and 48 of the 58 counties within the state of California during his consulting career. He has also personally provided consulting services to 19 of California's 20 largest counties. Mr. Burgess also has extensive transit district experience within California and beyond, having worked with such districts as Los Angeles Metro Transit, SF Muni, BART, Oakland Port, San Diego Port, Charlotte Transit, and Sound Transit in Seattle.

NATIONAL PUBLIC POLICY EXPERTISE. Mr. Burgess served as the Associate Director of the California Cities SB 90 Service and the CSAC SB 90 Service. In this capacity, Mr. Burgess worked on behalf of all California local agencies to reach resolution on statewide issues such as the Open Meetings Act impasse; developing unit costs for several current mandates; and has assisted agencies such as San Francisco, Santa Barbara County, Orange County, Santa Clara County, Sacramento County, Monterey County, Marin County and San Mateo County, as well as large municipalities such as Oakland and Sacramento to defend SB 90 claims under audit by the California State Controller. Mr. Burgess has also represented local agencies before the California Legislature, the Commission on State Mandates and the Bureau of State Audits. Mr. Burgess has also provided over 35 statewide training sessions on cost accounting theory, and presentations to over 20 state associations. Mr. Burgess has also served on association panels in Florida, Texas, Illinois and Virginia.

HIGHLIGHTS

25+ YEARS OF
EXPERIENCE

MGT OF AMERICA, INC.

Executive Vice President
MGT Financial Services
MGT Board of Directors
August 2007 – Present

PUBLIC MANAGEMENT GROUP, LLC (PRM)

Founding Partner

MAXIMUS, INC.

Vice President

DAVID M. GRIFFITH & ASSOCIATES (DMG)

Vice President
Director/Manager/
Senior Consultant

STATE OF ILLINOIS

Transportation Budget
Analyst for Gov. Jim
Thompson

EDUCATION

UNIVERSITY OF CHICAGO

**HARRIS SCHOOL OF
PUBLIC POLICY STUDIES**
Master's Degree – Public
Policy Studies

UNIVERSITY OF MISSOURI

Bachelor's Degree –
Journalism

PROFESSIONAL BACKGROUND

Mr. Wakefield has an extensive background working with local government. His 23 years of experience includes senior positions with three major consulting firms, all focused on governmental cost accounting.

Since joining MGT Mr. Wakefield has served as co-director of the firm's user-fee projects, affording him costing experience in many areas of local government. He has a thorough understanding of federal and state laws governing the cost analysis of user-fee-related services. Mr. Wakefield is a full-time employee and has completed hundreds of consulting engagements for local governments during his career.

EXPERTISE

PROJECT DIRECTOR. Mr. Wakefield is a senior consultant within MGT's Costing Services division. He is a project director on many of MGT's large user-fee cost analysis projects.

Mr. Wakefield's recent projects include fee studies for the cities of Palo Alto, Santa Monica and Oakland.

DEVELOPMENT FEES. Mr. Wakefield is a recognized industry expert in user fee methodology and application for development departments (Planning, Building, and Engineering). In February 2012, he conducted a workshop on user fee methodology for the California League of Building Officials (CALBO) that was attended by over 80 building officials. While Mr. Wakefield's qualifications in the development area are exceptional, he is also equally well versed in fee identification and calculation in other municipal departments. His clients include a full range of both small and large population cities.

REPRESENTATIVE CLIENTS

2004—JULY 2007: PRM GROUP: Mr. Wakefield was a senior member of the firm's cost accounting group. Responsibilities included project management, direction, analysis and senior level consulting assignments. While at PRM his clients included some of the state's largest local governments including: Long Beach, Oakland, San Jose, Santa Ana, San Francisco.

2000—2004: MUNI-FINANCIAL: While at Muni-Financial, Mr. Wakefield held a number of senior positions. He was responsible for the development of the firm's cost allocation plan.

1991—2000: DAVID M. GRIFFITH AND ASSOCIATES, LTD: Mr. Wakefield joined DMG as a junior level consultant and spent eleven years working in all areas of cost analysis consulting. He left DMG as a Senior Project Manager to assist another firm in its efforts of building a cost accounting consulting practice.

HIGHLIGHTS

25
YEARS OF EXPERIENCE

MGT OF AMERICA, INC.
Senior Consultant

**PUBLIC RESOURCE
MANAGEMENT GROUP
LLC (PRM)**
Senior Project
Director

MUNIFINANCIAL
Consultant

**DAVID M. GRIFFITH
AND ASSOCIATES, LTD**
Consultant

EDUCATION
University of Redlands
BS - Accounting

PROFESSIONAL BACKGROUND

Ms. Beemer is a Senior Consultant assigned to the MGT Costing Services Practice in our West Coast division. Prior to her working as a costing services consultant she had five years of experience working in local government agencies and has also been on the other side of costing service projects during those years. While working for the City of Claremont Finance Department, Ms. Beemer prepared auditing schedules, assisted with the preparation, development and analysis of the Budget, assisted in the preparation of monthly financial reports, prepared and verified financial results, notes, statistical information, and formats for the city's Comprehensive Annual Financial Report (CAFR).

As an administrative analyst with the City of Redondo Beach Police Department, Ms. Beemer was responsible for budget preparation; and monitoring, analyzing, and the approval of all budget and grant expenditures. She also served as the financial liaison to city departments and grantor agencies.

EXPERTISE

Ms. Beemer's local government and consulting experience, has given her the knowledge and experience of governmental budgeting, finance, accounting and operations; generally accepted accounting principles and costing principles. The following are the types of projects she has managed and/or participated on:

- Development of cost allocation plans (CAPs) in accordance with generally accepted accounting principles (GAAP).
- Development of CAPs in accordance with federal principles.
- Assisting agencies in maximizing general fund cost recoveries from federally funded programs, enterprise and special revenue funds, and other non-general fund sources.
- Development and negotiation of indirect cost rate proposals (ICRPs).
- Development of activity based cost of service and user fee studies.
- Development and negotiation of charge-back rate methodologies and rates.

Ms. Beemer has assisted with and developed several cost allocation plans, indirect cost rate proposals (ICRPs) and user fee studies.

HIGHLIGHTS

10 YEARS OF
EXPERIENCE

MGT OF AMERICA, INC.
Senior Consultant
August 2007 – Present

PRM
Consultant
2006

CITY OF REDONDO
BEACH, CA
Administrative Analyst
2004 – 2006

CITY OF CLAREMONT,
CA
Analyst
2002 – 2004

EDUCATION/ CERTIFICATIONS

CALIFORNIA STATE
UNIVERSITY, FULLERTON

BS, Finance

REPRESENTATIVE CLIENTS

- Bainbridge Island, WA
- Bakersfield, CA
- Bell Gardens, CA
- Buckeye, AZ
- Calaveras Co, CA
- Castle Rock, CO
- Culver City, CA
- Daly City, CA
- Delta Co, CO
- El Paso, TX
- Fort Bragg, CA
- Hayward, CA
- Healdsburg, CA
- Huntington Beach, CA
- Inglewood, CA
- La Habra, CA
- La Mesa, CA
- LA Metro, CA
- Lake Oswego, OR
- Livermore, CA
- Los Angeles, CA
- Madera Co, CA
- Mesa Co, CO
- Miami, FL
- Montrose Co, CO
- Napa Co, CA
- Newport Beach, CA
- Odessa, TX
- Orange County, CA
- Pleasanton, CA
- Rancho Cucamonga, CA
- Redlands, CA
- Redondo Beach, CA
- Riverside Co, CA
- Sacramento, CA
- San Diego, CA
- San Leandro, CA
- San Mateo Co, CA
- Santa Barbara, CA
- Santa Clara, CA
- Santa Cruz, CA
- Santa Rosa, CA
- Spokane, WA
- Spokane County, WA
- Surprise, AZ
- Vallejo, CA
- Ventura Co, CA
- Visalia, CA
- Whittier, CA
- Windsor, CA
- Woodland, CA
- Yuba City, CA
- Yuba County, CA

PROFESSIONAL BACKGROUND

Cindy Sconce has over twelve years of professional consulting experience working with local governmental agencies. She has worked with over 150 agencies including cities, counties and special districts on cost accounting and state mandated cost claiming projects. Ms. Sconce has led and managed numerous consulting projects involving project initiation and planning, managing the claiming project, collecting and analyzing data as a result of interview and training sessions, performing quality assurance on deliverables, and project close out.

In addition to being a veteran expert at state mandated reimbursement claiming, Ms. Sconce possesses direct experience in responding to desk reviews and working on field audits with the State Controller's office. She has also assisted her clients with the compilation and filing of incorrect reduction claims when necessary.

EXPERTISE

Cost Allocation and Indirect Cost Rate Services

Ms. Sconce has worked with agencies in both the State of California and Colorado in preparing their Cost Allocation Plans (OMB Circular A-87). In addition, she has prepared and reviewed indirect costs and central support services for California cities in order to recover project revenue from the California Department of Transportation.

User Fee Analysis

Ms. Sconce has worked as part of a team in providing user fee services to cities such as Santa Clara, CA and the Houston, TX. She has also worked with the cities in specifically analyzing their business license application processing fee.

- Reimbursable California State Mandated Programs (SB 90)
- Government Cost Allocation Plans (OMB Circular A-87)
- Indirect Cost Rate Proposals
- User Fee Analysis
- California Legislative Process and Bill Analysis

REPRESENTATIVE CLIENTS

The following is a sample list of California agencies for which Ms. Sconce has prepared state mandated reimbursement (SB 90) claims:

- | | | |
|-------------------------|----------------------|-----------------------|
| ➤ County of Alameda | ➤ County of Siskiyou | ➤ City of Santa Clara |
| ➤ County of Santa Clara | ➤ County of Mariposa | ➤ City of Fremont |
| ➤ County of Sacramento | ➤ City of San Jose | ➤ City of Sunnyvale |
| ➤ County of Napa | ➤ City of Berkeley | ➤ City of Bakersfield |

HIGHLIGHTS

12 YEARS OF EXPERIENCE

MGT OF AMERICA, INC.
Senior Consultant

**NIMBUS CONSULTING
GROUP, INC.**
Project Manager

MAXIMUS, INC.
Principal Consultant

CENTRATION
Manager

EDUCATION

**CALIFORNIA STATE
UNIVERSITY SACRAMENTO**
BS – Fashion Marketing

ERIN PAYTON
DIRECTOR

MGT
OF AMERICA, INC.

PROFESSIONAL BACKGROUND

Ms. Payton has been performing governmental cost of service studies since 1986. She has a background in local government consulting focusing on cost allocation development, user fee rate calculations, and jail rate studies.

PROFESSIONAL AND BUSINESS EXPERIENCE

Ms. Payton is recognized as one of the country's leading experts on cost of service analysis. She has been instrumental in developing numerous cutting-edge analytical tools to define governmental costs and revenue enhancement opportunities. She has participated in local government consulting for more than 29 years in both direct cost analysis and project management.

Ms. Payton has directly participated in and managed literally hundreds of cost of service studies for local agencies ranging in size from a population of just a few thousand up to several million.

Ms. Payton has successfully delivered cost allocation plans, user fee studies, and jail rate studies for the following governmental entities:

CALIFORNIA CITIES AND COUNTIES

City of Alameda
City of Brentwood
City of Burbank
Butte County
City of Callexico
City of Calistoga
City of Camarillo
City of Campbell
City of Chino Hills
City of Chula Vista
City of Compton
City of Concord
City of Culver City
City of Cupertino
City of Daly City
Town of Danville
City of El Centro
City of Emeryville
City of Encinitas
City of Fairfield
City of Fortuna
City of Fresno
City of Fort Bragg
City of Hercules
City of Hermosa Beach

City of Huntington Beach
City of Inglewood
Inyo County
City of La Habra
Lake County
City of La Mesa
City of La Mirada
Lassen County
City of Lathrop
City of Lompoc
City of Long Beach
LA County Env'tal Health
City of Los Gatos
Madera County
City of Manhattan Beach
Marin County
City of Menlo Park
City of Milpitas
City of Mission Viejo
City of Modesto
Modoc County
Mono County
Monterey County
City of Morgan Hill
City of Napa

Napa County
City of Newport Beach
City of Ontario
Orange County
Orange Co ROV
Orange Co TTC
City of Palo Alto
City of Pasadena
City of Pinole
City of Pittsburg
Placer County
Plumas County
Port of San Diego
City of Rancho Cucamonga
City of Redlands
City of Redondo Beach
City of Richmond
City of Roseville
City of Sacramento
Sacramento County
City of San Diego
City of San Fernando
City & Co of San Francisco
City of South San Francisco
City of San Jose

San Mateo County
Santa Barbara County
City of Santa Clara
City of Santa Monica
Town of St. Helena
City of Santa Paula
City of Santa Rosa
City of Suisun City
City of Sunnyvale
City of Temecula
City of Torrance
City of Watsonville
City of Wheatland
City of Whittier
City of Woodland
City of Vallejo
City of Visalia
City of Ventura
Ventura County
Yolo County

HIGHLIGHTS

29 YEARS OF EXPERIENCE

MGT OF AMERICA, INC.

Director

2007-present

**PUBLIC RESOURCE
MANAGEMENT (PRM)**

Senior Manager

2003-2007

**DAVID M. GRIFFITH &
ASSOCIATES (DMG)**

Director

1986-2002

EDUCATION

**UNIVERSITY OF
CALIFORNIA SANTA
BARBARA**



MGT

OF AMERICA, INC.

J. Bradley Burgess
Executive Vice President
MGT Financial Services
2251 Harvard Street, Suite 134
Sacramento, CA 95815
916.595.2646 (Direct)
bburgess@mgtamer.com
www.mgtofamerica.com

Cost Comparison

Willidan:

Cost Allocation Plan: \$10,470

- Total cost with update over 5 years: \$26,020

Fee Study: \$22,970

- Total cost with update over 3 years: \$27,120

Development Impact Fee Study: \$49,640

- Total cost with update over 3 years: \$55,640

Total Cost: \$83,080

Total Cost with updates: \$108,780

Additional Services exceeding three meetings with City Staff, stakeholders, and City Council will be billed by the hourly rate of the designated group members shown in the chart

Revenue & Cost Specialist:

Cost Allocation Plan & A-87 Plan: \$16,000

- Total cost with update over 5 years: \$32,000

User Fee Study: \$29,000

- Total cost with update in year 2 or 3: \$44,000

Total CAP & Fee Study Together + A-87 Cost Allocation Plan: \$40,000

- *Total cost with updates and fees \$71,000*

Development Impact Fee Study: \$40,700

- Total cost with update in year 2 or 3: \$50,000 - \$70,000

Total Cost: \$80,700

Total Cost with updates: \$121,000 - \$141,000

Additional Fees may include City Council meeting attendance beyond the meetings identified in this proposal

MGT of America:

Cost Allocation Plan and Fee Study: \$44,900

Does not mention update fees

Black & Veatch:

Cost Allocation Plan: \$28,040

User Fee Study: \$28,900

Development Impact Fee Study: \$65,030

Total Cost – All Three Studies: \$126,070

Labor billing rates for subsequent years (years 2 through 5) will be increased up to a maximum of 10 percent per year

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CITY COUNCIL /BANNING UTILITY AUTHORITY AGENDA

DATE: August 25, 2015

TO: Banning Utility Authority

FROM: Art Vela, Acting Director of Public Works

SUBJECT: Resolution No. 2015-13 UA, "Approving a Professional Services Agreement with BESST, Inc. for the Dynamic Mass Profiling of 7 Production Wells"

RECOMMENDATION: The Banning Utility Authority adopt Resolution No. 2015-13 UA:

- I. Approving a Professional Services Agreement with BESST, Inc. of San Rafael, California in the amount of \$248,238.00.
- II. Authorizing the Administrative Services Director to make necessary budget adjustments and appropriations and transfers related to the project.
- III. Authorizing the Interim City Manager to execute the Professional Services Agreement with BESST, Inc.

JUSTIFICATION: The dynamic mass profiling of 7 wells expected to exceed California's new Chromium-6 Maximum Contaminant Level ("MCL") is a critical step in determining the ability to construct modifications to the wells in order to comply with the new MCL. Well modifications are considered the most cost effective method for reducing the quantity of Chromium-6 in the water produced at each well.

BACKGROUND: On July 14, 2015 staff solicited proposals from qualified contractors to provide dynamic mass profiling of 7 production wells that are expected to exceed California's new Chromium-6 MCL of 10 parts per billion (ppb). The purpose of the project is to investigate levels of Chromium-6 and document baseline flow and water quality to determine if modifications can be made to the wells to eliminate or minimize the intrusion of Chromium-6 in order to produce water with levels of Chromium-6 under the new MCL.

The scope of work requires dynamic mass profiling (well flow plus water quality data collection), analysis of the data collected and recommendations for well modifications. Well flow and water quality profiling will be completed for the 7 wells. The Request for Proposals, attached as Exhibit "A" provides further detail of the pumping, sampling, report and analysis that is required as part of this investigation.

Public Works Staff advertised a Request for Proposals ("RFP") on July 14, 2015 in the Press Enterprise, attached as Exhibit "B" and on the City's website. Staff received one proposal in response to the RFP from BESST, Inc. attached hereto as Exhibit "C".

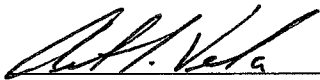
A committee consisting of three members of the Public Works Department was assembled to evaluate the proposal based on project approach, technical competency, project team and experience, overall responsiveness to the RFP and cost. The evaluations are attached hereto as Exhibit "D".

Based on evaluations, BESST, Inc. appears to be a well-qualified company with the ability to perform the work successfully and offers a cost effective method for performing the required testing and sampling. BESST, Inc. recently successfully performed well profiling for the Beaumont Cherry Valley Water District ("BCVWD") at two wells co-owned by the City and BCVWD.

The total cost to perform the Dynamic Mass Profiling project for 7 Production Wells is \$248,238.00 with the fee schedule attached as Exhibit 'E'.

FISCAL DATA: The Professional Services Agreement shall be funded by Water Funds in an amount "not to exceed" \$248,238.00, Account No. 660-6300-471.33-53 (Engineering Services).

RECOMMENDED BY:


Art Vela
Acting Director of Public Works

REVIEWED/APPROVED BY:


Dean Martin
Interim City Manager/
Administrative Services Director

Attachments:

1. Exhibit "A" - Request for Proposals (RFP)
2. Exhibit "B" - Press Enterprise Advertisement
3. Exhibit "C"- BESST, Inc. Proposal
4. Exhibit "D"- Committee Evaluation Forms
5. Exhibit "E" - BESST, Inc. Fee Schedule

RESOLUTION NO. 2015-13 UA

A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF BANNING, CALIFORNIA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BESST, INC. FOR THE DYNAMIC MASS PROFILING OF 7 PRODUCTION WELLS

WHEREAS, the dynamic mass profiling of 7 wells expected to exceed California's new Chromium-6 Maximum Contaminant Level ("MCL") is a critical step in determining the ability to construct modifications to the wells in order to comply with the new MCL; and

WHEREAS, on July 14, 2015 staff solicited proposals from qualified contractors to provide dynamic mass profiling of 7 production wells that are expected to exceed the new Chromium-6 MCL of 10 parts per billion (ppb); and

WHEREAS, the purpose of the project is to investigate levels of Chromium-6 and document baseline flow and water quality to determine if modifications can be made to the wells to eliminate or minimize the intrusion of Chromium-6 in order to produce water with levels of Chromium-6 under the new MCL; and

WHEREAS, Public Works Staff advertised a Request for Proposals ("RFP") on July 14, 2015 in the Press Enterprise and on the City's website and one proposal was received in response to the RFP from BESST, Inc.; and

WHEREAS, a committee consisting of three members of the Public Works Department was assembled to evaluate the proposal based on project approach, technical competency, project team and experience, overall responsiveness to the RFP and cost and based on evaluations, BESST, Inc. appears to be a well-qualified company with the ability to perform the work successfully; and

WHEREAS, the total cost to perform the Dynamic Mass Profiling project for 7 Production Wells is \$248,238.00 and will be funded by the Water Fund, Account No. 660-6300-471.33-53 (Engineering Services).

NOW, THEREFORE, BE IT RESOLVED by the Banning Utility Authority of the City of Banning as follows:

SECTION 1. The Banning Utility Authority adopts Resolution No. 2015-13 US approving a Professional Services Agreement with BESST, Inc. of San Rafael, California in an amount "not to exceed" \$248,238.00.

SECTION 2. The Interim Administrative Services Director is authorized to make necessary budget adjustments and appropriations and transfers related to the project.

SECTION 3. The Interim City Manager is authorized to execute the Professional Services Agreement with BESST, Inc. of San Rafael, California, in a form approved by the City Attorney.

PASSED, ADOPTED AND APPROVED this 25th day of August, 2015.

Deborah Franklin, Chairman
Banning Utility Authority

ATTEST:

Marie A. Calderon, Secretary

**APPROVED AS TO FORM AND
LEGAL CONTENT:**

David J. Aleshire, Authority Counsel
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie Calderon, Secretary to the Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2015-13 UA, was duly adopted by the Banning Utility Authority of the City of Banning at its Joint Meeting thereof held on the 25th day of August, 2015, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Marie A. Calderon, Secretary
Banning Utility Authority

ATTACHMENT 1

EXHIBIT “A” - REQUEST FOR PROPOSALS (RFP)

Request for Proposals (RFP)

Dynamic Mass Profiling



Responses Due:
City of Banning
Public Works Department
99 E. Ramsey Street
Banning, CA 92220
(951) 922-3130

July, 2015

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1.0 INTRODUCTION

1.1 PROJECT DESCRIPTION AND OBJECTIVES

The City of Banning (City) is soliciting proposals from qualified contractors to provide dynamic mass profiling of 7 production wells that are expected to exceed California's new Chromium-6 Maximum Contaminant Level (MCL) of 10 parts per billion (ppb). The purpose of the project is to investigate levels of Chromium-6 and document baseline flow and water quality to determine if modifications can be made to the wells to eliminate or minimize the intrusion of Chromium-6 in order to produce water with levels of Chromium-6 under the new MCL. Well flow and water quality profiling will be completed for the seven wells listed in Exhibit A.

1.2 BACKGROUND INFORMATION

The City of Banning, incorporated in 1913, covers approximately 23.2 square miles located in the San Geronio Pass area of Riverside County, approximately 30 miles east of the cities of San Bernardino and Riverside. The 2014 U.S. Census Bureau Community Survey recorded a population of 30,325 for the City of Banning. It is estimated that the population will increase by approximately 2% per year.

The City of Banning owns and operates the water system which collects 100% of the water that it supplies from local groundwater aquifers. It currently operates 21 active ground water production wells and co-owns 3 production wells with the Beaumont Cherry Valley Water District (total of 24 active wells). The 24 wells have a design capacity of 24,300 gallons per minute (GPM). The City facilities also include 11 storage tanks with a total storage capacity of 18.4 million gallons (MG). In 2014 the City produced and provided approximately 8,500 acre-feet. Water service is provided to the entire City as well as unincorporated areas of the county that bound the south City limits.

2.0 SCOPE OF WORK

The City of Banning is requiring dynamic mass profiling (well flow plus water quality profiling). Well flow and water quality profiling will be completed for the 7 wells listed in Exhibit A. The dynamic well profiling work requires installation of a test pump and pumping continuously at a constant flow rate. Exhibit A also lists the required pump setting depths and flow rates for each well.

The City of Banning requires the Contractor to submit a Profile Testing Plan at least 45 days prior to testing. Once the Profiling test plan is reviewed and approved it will become an integral part of the project. The Profiling Test Plan shall define the flow profiling sample point locations. Pump shall be operated at the design capacity (Exhibit A) for a four-hour period prior to the start of the profiling program. The Plan should address the water quality sampling and laboratory testing for chromium-6.

2.1 PROJECT ADMINISTRATION AND COORDINATION

Kick-off Meeting

Upon receipt of a written Notice to Proceed from the City of Banning, consultant shall conduct a kick-off meeting with the City to review the scope of the project, develop a project schedule, and confirm deliverables. The project schedule shall include each task and subtasks, milestones, critical path designation and a schedule for progress meetings.

Project Milestone/Monthly Meetings

Consultant shall prepare a project execution schedule with major milestones to the City of Banning for approval. Consultant shall prepare regular progress reports for the City of Banning staff each month.

2.2 PUMPING AND SAMPLING

- a. Perform a well flow survey of the entire well screen area by use of a dye tracer in conjunction with a flourometer during dynamic flow conditions (well pump is running during testing). Dye injection points shall be at points agreed to before survey. The dye to be used shall be approved by the City and shall meet all applicable regulations. Base price shall include 22 injection points (2 shall be repeat injections to insure reproducibility of data). Optional charges shall include a price per additional injection point.
- b. A flow meter, provided by the City, shall be used by the contractor and placed far enough from the well head in order to minimize the effect of turbulent flow in the discharge pipe of the flow meter, typically about 10 feet.
- c. Prior to the deployment of the injection line and nozzle into the well, the contractor shall assess each well to determine if there is enough annular clearance to allow the dye injection nozzle and line to pass.
- d. The base price shall include the collection of 20 1-litre samples at various depths. The sample containers for each sample event shall be prepared and provided by the City.
- e. The base price shall include all other necessary items to conduct the studies including: access survey, video survey, mobilization and demobilization.

2.3 REPORT AND ANALYSIS

The contractor shall provide a final report for each well. The report shall include a discussion regarding the steps taken to perform the tests; flow velocity profile which shows flow velocities, travel times and where productive zones of the wells are located during pumping conditions and the percentage of production from each zone of the vertically profiled well; graphs showing cumulative discharge, flow contribution (percent and rate), zonal concentration of Chromium-6; and other pertinent information to determine the pathways of water migration and mass transfer of Chromium-6.

Each report shall also provide a minimum of two scenarios and discussion that include modifications of the well screens for the reduction or elimination of the intrusion of

Chromium-6. The analysis of the scenarios shall include estimated Chromium-6 levels; loss of production estimates and construction cost estimates.

2.4 ADDITIONAL SERVICES

Consultant is encouraged in its proposals to identify any additional work that is not specified in this Scope of Work that would be, in its opinion, necessary to complete the project as defined herein. Consultant may propose additional services that in its opinion will improve the efficiency and quality of the project. If identified, the additional work or services must be included in the proposal but separated out in the Consultant's Fee Schedule.

3.0 CONSULTANT QUALIFICATIONS

3.1 QUALIFICATIONS AND UNDERSTANDING

Each Consultant must provide the following information about their company so the City can evaluate the Consultant's stability and ability to support the commitments set forth in response to the RFP. It is imperative the Consultant's proposal fully address all aspects of the RFP. The proposal must provide the City Staff with clearly expressed information concerning the Proposer's understanding of the City's specific requirements which would result in the conduct of this study in a thorough and efficient manner.

The Consultant shall outline their company's (or team's) background, including:

- How long the company has been in business, plus a brief description of the company history, size and organization.
- Consultant qualifications to complete the scope of services and a statement of understanding of the work involved to complete this assignment.

3.2 PROJECT TEAM

Each Consultant must provide the following information about their project team.

- Primary point of contact, person responsible for overall corporate commitment (must be a company principal or officer) and project manager. Describe the responsibilities of the individuals and extent of involvement with the project.
- Identify and list key individuals proposed for the project team. Describe the responsibilities of the individuals and extent of involvement with the project.
- All key personnel listed should have current names, titles and telephone numbers and be listed on at least one of the supplied client references who are familiar with work performed by the individual in a similar capacity. References will be contacted as part of the selection process.
- Clearly identify project sub consultants, how long the prime and sub have worked together and the reason why they were selected. Consultants are encouraged to support small businesses where ever possible.

3.3 REFERENCES

The Consultant shall supply a minimum of 3 references from agencies with projects of similar nature. Each reference shall contain:

- Client name and contact information
- Project description
- Role of key project team members.

Only references of the prime consultant shall be considered, or references from project teams that have completed at least 3 projects together. The Consultant shall also list projects completed for other agencies.

3.4 SCHEDULE

The consultant shall provide a project schedule indicating key project milestones and project activities. The schedule shall reflect a tentative start date of September 21, 2015.

3.5 WORKSHOPS AND MEETINGS

Additionally, a minimum of 3 meetings (kickoff, progress and final) will be held between staff and the Consultant and shall be included in the proposal.

4.0 PROPOSAL SUBMISSION

4.1 RFP TIME SCHEDULE

- | | |
|----------------------------------|--------------------------|
| • Request for Proposal Available | Tues., July 14, 2015 |
| • Inquiry Deadline | Wed., July 22, 2015 |
| • Proposals Due | Mon., August 3, 2015 |
| • Final Selection | Tue., August 11, 2015 |
| • City Council Recommendation | Tue., August 25, 2015 |
| • Notice to Proceed (Tentative) | Mon., September 21, 2015 |

4.2 NUMBER OF COPIES AND DELIVERY

Four (4) copies of the proposal shall be submitted to the following address:

City of Banning
City Clerk's Office
99 E. Ramsey Street
P.O. Box 998
Banning, CA 92220

The proposal title, consultants name and deadline information shall be clearly identified on the submission package and cover page. Submission deadline is Monday, August 3, 2015 at 5:00 p.m. Proposals submitted after that time shall not be considered. All questions regarding the scope of work shall be submitted to Perry Gerdes, Water/Wastewater Superintendent at the address above or via e-mail at pgerdes@ci.banning.ca.us.

4.3 FORMAT AND CONTENT

Proposals shall be printed on 8 ½" X 11" paper, single sided in a minimum of 10 point Arial font and be limited to 25 pages excluding the cover letter, resumes and any appended information.

Proposals should address the following items in order of appearance:

Cover letter

The cover letter shall be provided which explains the firm's interest in the project. The letter shall contain name/address/phone number of the person who will serve as the firm's principal contact person.

Qualifications of Firm/Project Team

Provide names, titles and responsibilities of key personnel who will be responsible for the management of the project. Include qualifications, resumes, experience of each, and length of time with the company.

References

Give at least three (3) references for projects of similar size and scope, including at least three (3) references for projects completed during the past five years. Include the name and organization, a brief summary of the work, the cost of the project and the name and telephone number of a responsible contact person.

Strategy and Implementation Plan

Prepare a list of tasks to address the Scope of Work. Describe the firm's interpretation of the City's objectives with the regard to this RFP. Describe the proposed strategy and/or plan for achieving the objectives of the RFP. The narrative should include a description of the logical progression of tasks and efforts. Also include an explanation of the type of technology that will be used. This section shall also include a time schedule for the completion of the project and an estimate of time commitments from City staff.

Proposed quality assurance program (QA/QC)

Explain the firm's quality assurance program and the proposed approach for implementing the plan with this project.

Fee Proposal: One set in a separate sealed envelope

The Fee Schedule in a separate envelope shall be broken down on separate sheets as follows:

- A “Not to Exceed” fee for all services. Man-hours and billing rates per classification of personnel will be indicated for each task and/or subtask.
- Provide a complete list of costs per task and/or subtask and a total fee for the proposal, including expected reimbursable expenses (non-binding), for completion of the scope of services set forth in the proposal.
- A current hourly Fee Schedule for Fiscal Year 2015/2016 and classification of personnel for the firm, along with the type of work they and any sub consultants will perform, is also required.
- All printing and reproduction costs, research, meetings, mileage, telephone usage, general office supplies and overhead, etc., shall be included in the proposal and its “Not to Exceed” Fee schedule. Proposals should be prepared in a straight forward manner.

Note: A separate fee schedule is required for each project location.

4.4 PROPOSAL EVALUATION

Proposals will be evaluated based on the following criteria:

- Responsiveness to the RFP.
- Consultant qualifications, project understanding, and overall experience.
- Technical Competency.
- Project Schedule
- Proposed QA/QC plan.
- Proposal Fee.

4.5 NEGOTIATIONS

In an effort to manage the resources available for this project, the City may find it necessary to negotiate tasks, include contingencies for additional meetings or workshops, and address other factors identified by the Proposer not contemplated in this document or the City’s standard agreement.

5.0 CONTRACT REQUIREMENTS AND SUBMITTALS

5.1 CITY OF BANNING REQUIREMENTS

The Contract will be presented to Council for approval. Please provide a copy of the attached City agreement to your legal team and insurance provider, if you are selected for Final Evaluation. This will expedite the process. A purchase order will not be granted until the contract is signed and all insurance requirements are satisfied.

EXHIBIT A: WELLS

CITY of BANNING well Information Sheet

WELL #	WELL DEPTH	WELL DIAMETER	WELL GPM	PUMP TYPE	WELL SCREEN SECTIONS	Diameter and length of pump column	Diameter and length of pump	Diameter and length of pump intake
C2A	1000	20"	1000	line shaft turbine	400' - 1000'	600'		
C3	1050	0-600 18", 600-1050 16"	900	line shaft turbine	380' - 820' 880' - 900' 970' - 990' 1020' - 1040'	600'		
C4	1030	18"	1200	line shaft turbine	390' - 1010'	600'		
C5	1420	18"	900	line shaft turbine	460' - 930' 1000' - 1400'	600'		
C6	1130	18"	900	line shaft turbine	580' - 860' 950' - 1110'	8" x 722'	11.5" x 15.5'	8" x 40'
M3	1000	16" 12' liner	700	line shaft turbine	360' - 1000'	8" x 500'	11" x 12'	8" x 6" 8" screen
M10	1000	14"	500	line shaft turbine	400' - 1000'	500'		
M11	1000	14"	500	line shaft turbine	400' - 1000'	500'		
M12	1000	14"	1000	line shaft turbine	300' - 980'	520		

Well Capacities

	High GPM	Low GPM
Well 1	1500	1250
• Well 2	650	500
Well 3 pelton	1200	500
Well 3 Elect	1500	1000
Well 4	1200	600
Well 5	1500	550
Well 7	1500	550
Well 8	1500	550
Well 9	500	400
Well 10	1000	600
Well 11	700	500
Well 12	700	500
Well C2	1100	1000
• Well C3	1000	900
• Well C4	1350	1200
• Well C5	1100	900
Well C6	900	850
well M3	950	800
well M7	250	225
• well M10	800	500
• well M11	600	500
• well M12	1000	950
Total	22500	15325

Complete as much information as possible. Leave blank if information is not available, use N.A. if not applicable.

* Indicates items required for Source Water Assessment

** Indicates additional items required for assessments and Ground Water Rule

	<i>in field with semi-colon)</i>	Actual, Estimated or
DATA SHEET GENERAL INFORMATION		
System Name	City of Banning	<i>from DHS database</i>
System Number	3310006	<i>from DHS database</i>
Source of Information (well log, DHS/County files, system, etc)	Well Log	
Organization Collecting Information (DHS, County, System,	City of Banning	
Date Information Collected/Updated	1/16/2010	
WELL IDENTIFICATION		
* Well Number or Name	Well C-2	<i>from DHS database</i>
* DHS Source Identification Number (FRDS ID No.)	03S01E07M	
DWR Well Log on File? (yes or no)	YES	
State Well Number (from DWR)	3310006-014	
Well Status (Active, Standby, Inactive)	Active	<i>from DHS database</i>
WELL LOCATION		
Latitude	N33.92784	<i>from DHS database</i>
Longitude	W116.92900	<i>from DHS database</i>
Ground Surface Elevation (ft above MSL)	2524	
Street Address	4781 W. Ramsey	
Nearest Cross Street	Highland Home Rd	
City	Banning	
County	Riverside	
* Neighborhood/Surrounding Area (see Note 1)	Re	
Site plan on file? (yes or no)	yes	
DWR Ground Water Basin	Beaumont Storage	
DWR Ground Water Sub-basin		
SANITARY CONDITIONS		
** Distance to closest Sewer Line, Sewage Disposal, Septic	1000'	
Distance to Active Wells (ft)	2200'	
Distance to Abandoned Wells (ft)	1870'	
Distance to Surface Water (ft)		
** Size of controlled area around well (square feet)	1000	
* Type of access control to well site (fencing, building, etc)	Fencing and building	
* Surface Seal? (Concrete slab)(yes or no)	Yes	
* Dimensions of concrete slab: Length(ft)/ Width(ft)/ Thick(in)	6'x7'	
* Within 100 year flood plain? (yes or no)	Yes	
* Drainage away from well? (yes or no)	Yes	
ENCLOSURE/HOUSING		
Enclosure Type (building, vault, none, etc.)	None	
Floor material	Concrete	
Located in Pit? (yes or no)	No	
Pit depth (feet) (if applicable)		
WELL CONSTRUCTION		
Date drilled	1984	
Drilling Method	Rotary	
Depth of Bore Hole (feet below ground surface)	1002'	
Casing Beginning Depth/Ending Depth(ft below surface);	0-1000	
Casing Diameter (inches); 2nd Casing Diameter; 3rd Casing,	20"	
Casing Material; 2nd Casing Material; 3rd Casing, etc.	Steel	
	<i>in field with semi-colon)</i>	Actual, Estimated or
WELL CONSTRUCTION (continued)		
Conductor casing used? (yes, no or not sure) (See Note 2)	Yes	Well Log
Conductor casing removed? (yes, no or not sure)	Yes	Cemented in Place

* Depth to highest perforations/screens(ft below surface)	400'	
Screened Interval Beginning Depth/Ending Depth (ft below	400-1000	
* Total length of screened interval (ft)	600	
* Annular Seal?(yes, no, or not sure) (See Note 3)	Yes	
* Depth of Annular Seal (ft)	52'	
Material of Annular Seal (cement grout, bentonite, etc.)	Cement Grout	
Gravel pack, Depth to top (ft below ground surface)		
Total length of gravel pack (ft)	1000'	
AQUIFER		
* Aquifer Materials		
* Effective porosity (decimal percent) (default = 0.2)		
* Confining layer (Impervious Strata) above aquifer?		
Thickness of confining layer, if known (ft)		
Depth to confining layer, if known (ft below ground)	0 Ft.	
* Static water level (ft below ground surface)	385	
Static water level measurement: Date/Method	Jan-10	
Pumping water level (ft below ground surface)	432.5	
Pumping water level measurement: Date/Method	Nov-09	
WELL PRODUCTION		
Well Yield (gpm)	1095	
Well Yield Based On (i.e., pump test, etc.)		
Date measured		
Is the well metered? (yes or no)	Yes	
Production (gallons per year)		
Frequency of Use (hours/year)		
Typical pumping duration (hours/day)	3 to 24 Hrs.	
PUMP		
Make		
Type		
Size (hp)	200	
* Capacity (gpm)		
Depth to suction intake (ft below ground surface)		
Lubrication Type	Oil	
Type of Power: (i.e., electric, diesel, etc.)	Electric	
Auxiliary power available?(yes or no)	Yes	
Operation controlled by: (i.e., level in tank, pressure, etc.)	Tank Level	
Pump to Waste capability? (yes or no)	Yes	
Discharges to: (i.e., distribution system, storage, etc.)	Distribution Sys.	

MARKS AND DEFECTS (use additional sheets as necessary)

NOTES

Agricultural, Ru = Rural, Re = Residential, Co = Commercial,
during well construction. Should be removed during installation of
and the wall of the drilled hole. Sometimes called "sanitary seal".

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
WATER WELL DRILLERS REPORT

C-2

Do not fill in

No. 074399

at No. _____

State Well No. _____

on No. or Date, _____

Other Well No. _____

OWNER: Name <u>City of Banning</u>		(12) WELL LOG: Total depth <u>1002</u> Depth of completed well <u>1000</u>	
Address <u>161 W. Ramsey</u>		from ft. to ft. Formation (Describe by color, character, size of material)	
City <u>Banning, CA</u> Zip <u>92220</u>		0 - 12 Top soil	
LOCATION OF WELL (See instructions):		12 - 50 Fine & coarse sand & gravel	
County <u>Riverside</u> (Owner's Well Number <u>C2A</u>)		50 - 85 Fine & coarse sand & gravel	
Well address if different from above _____		85 - 116 Fine & coarse sand	
Well depth _____ Range _____ Section _____		116 - 117 Fine & coarse sand & gravel	
Distance from cities, roads, railroads, fences, etc. _____		117 - 178 Fine & coarse sand boulder	
<u>100' North of Ramsey</u>		178 - 200 Fine & coarse sand (firm)	
<u>1000' East of Highland Springs Avenue</u>		200 - 201 Fine & coarse sand, gravel, b	
		201 - 235 Fine & coarse sand (tight)	
		235 - 237 Fine & coarse sand & gravel	
		237 - 244 Fine & coarse sand, clay lay	
		244 - 280 Fine & coarse sand & gravel	
		280 - 296 Fine & coarse sand & gravel	
		296 - 300 Fine & coarse sand, clay str	
		300 - 315 Fine & coarse sand, sm. rocks	
		315 - 352 Fine & coarse sand & gravel	
		352 - 353 Fine & coarse sand & boulder	
		353 - 374 Sand & gravel, sm. strks cla	
		374 - 385 Sand & gravel & boulders	
		385 - 412 Fine & coarse sand, clay str	
		412 - 445 Fine & coarse sand, sm. rock	
		445 - 484 Sand & gravel, clay, sm. roc	
		484 - 500 Sand & clay (tight)	
		500 - 515 Fine & coarse sand, clay lay	
		515 - 534 Sand & clay & rock (hard)	
		534 - 538 Sand & gravel	
		538 - 598 Sand & gravel & clay (hard)	
		598 - 599 Sand & gravel & rocks (tight)	
		599 - 600 Clay	
		600 - 625 Sand & gravel & rocks	
		625 - 626 Clay	
		628 - 660 Gravel & rocks	
		660 - 665 Gravel & clay, small rocks	
		665 - 670 Sand & gravel, small rock	
		670 - 675 Brown clay w/ gravel streaks	
		675 - 685 Gravel & rock	
		685 - 705 Fine & coarse sand, gravel, r	
		705 - 730 Sand & gravel, clay streaks	
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		896 - 897 Sand & gravel, clay streaks	
		897 - 898 Sand & gravel, clay streaks	
		898 - 899 Sand & gravel, clay streaks	
		899 - 900 Sand & gravel, clay streaks	
		900 - 901 Sand & gravel, clay streaks	
		901 - 902 Sand & gravel, clay streaks	
		902 - 903 Sand & gravel, clay streaks	
		903 - 904 Sand & gravel, clay streaks	
		904 - 905 Sand & gravel, clay streaks	
		905 - 906 Sand & gravel, clay streaks	
		906 - 907 Sand & gravel, clay streaks	
		907 - 908 Sand & gravel, clay streaks	
		908 - 909 Sand & gravel, clay streaks	
		909 - 910 Sand & gravel, clay streaks	
		910 - 911 Sand & gravel, clay streaks	
		911 - 912 Sand & gravel, clay streaks	
		912 - 913 Sand & gravel, clay streaks	
		913 - 914 Sand & gravel, clay streaks	
		914 - 915 Brn sandy clay (tight)	
		915 - 1002 Fine & coarse sand, 489	

COPY

Complete as much information as possible. Leave blank if information is not available, use N.A. if not applicable.

* Indicates items required for Source Water Assessment

** Indicates additional items required for assessments and Ground Water Rule

	<i>in field with semi-colon)</i>	Actual, Estimated or
DATA SHEET GENERAL INFORMATION		
System Name	City of Banning	from DHS database
System Number	3310006	from DHS database
Source of Information (well log, DHS/County files, system, etc)	Well Log	
Organization Collecting Information (DHS, County, System,	City of Banning	
Date Information Collected/Updated		
WELL IDENTIFICATION		
* Well Number or Name	C-3	from DHS database
* DHS Source Identification Number (FRDS ID No.)	3310006-015	
DWR Well Log on File? (yes or no)	YES	
State Well Number (from DWR)	03S01/E06P01	
Well Status (Active, Standby, Inactive)	Active	from DHS database
WELL LOCATION		
Latitude	N33.95194	from DHS database
Longitude	W116.87918	from DHS database
Ground Surface Elevation (ft above MSL)	2751	
Street Address	442 Brooklawn Dr.	
Nearest Cross Street	Northwood Ave.	
City	Banning	
County	Riverside	
* Neighborhood/Surrounding Area (see Note 1)	Re	
Site plan on file? (yes or no)	yes	
DWR Ground Water Basin	Beaumont Storage	
DWR Ground Water Sub-basin		
SANITARY CONDITIONS		
** Distance to closest Sewer Line, Sewage Disposal, Septic	225	
Distance to Active Wells (ft)	1650	
Distance to Abandoned Wells (ft)	1600	MW3
Distance to Surface Water (ft)		
** Size of controlled area around well (square feet)	6800	
* Type of access control to well site (fencing, building, etc)	Fencing	
* Surface Seal? (Concrete slab)(yes or no)	Yes	
* Dimensions of concrete slab: Length(ft)/ Width(ft)/ Thick(in)	6'x6'	
* Within 100 year flood plain? (yes or no)	Yes	
* Drainage away from well? (yes or no)	Yes	
ENCLOSURE/HOUSING		
Enclosure Type (building, vault, none, etc.)	None	
Floor material	Concrete	
Located in Pit? (yes or no)	No	
Pit depth (feet) (if applicable)		
WELL CONSTRUCTION		
Date drilled	1986	
Drilling Method		
Depth of Bore Hole (feet below ground surface)	1100'	
Casing Beginning Depth/Ending Depth(ft below surface);	0-600, 600-1050	
Casing Diameter (inches); 2nd Casing Diameter; 3rd Casing,	18", 16"	
Casing Material; 2nd Casing Material; 3rd Casing, etc.	Steel	
	<i>in field with semi-colon)</i>	Actual, Estimated or
WELL CONSTRUCTION (continued)		
Conductor casing used? (yes, no or not sure) (See Note 2)		
Conductor casing removed? (yes, no or not sure)		

* Depth to highest perforations/screens(ft below surface)	380	
Screened Interval Beginning Depth/Ending Depth (ft below	380-820,880-900,970-990,1020-1040	
* Total length of screened interval (ft)	500	
* Annular Seal?(yes, no, or not sure) (See Note 3)	Yes	
* Depth of Annular Seal (ft)	50	
Material of Annular Seal (cement grout, bentonite, etc.)	Cement Grout	
Gravel pack, Depth to top (ft below ground surface)	0-1050	
Total length of gravel pack (ft)	1050	
AQUIFER		
* Aquifer Materials		
* Effective porosity (decimal percent) (default = 0.2)		
* Confining layer (Impervious Strata) above aquifer?		
Thickness of confining layer, if known (ft)		
Depth to confining layer, if known (ft below ground)	0 Ft.	
* Static water level (ft below ground surface)	396.7	
Static water level measurement: Date/Method	Jan-10	
Pumping water level (ft below ground surface)	508	
Pumping water level measurement: Date/Method	Oct-09	
WELL PRODUCTION		
Well Yield (gpm)	1200	
Well Yield Based On (i.e., pump test, etc.)		
Date measured		
Is the well metered? (yes or no)	Yes	
Production (gallons per year)		
Frequency of Use (hours/year)		
Typical pumping duration (hours/day)	3 to 24 Hrs.	
PUMP		
Make		
Type		
Size (hp)	250	
* Capacity (gpm)		
Depth to suction intake (ft below ground surface)		
Lubrication Type	Oil	
Type of Power: (i.e., electric, diesel, etc.)	Electric	
Auxiliary power available?(yes or no)	No	
Operation controlled by: (i.e., level in tank, pressure, etc.)	Tank Level	
Pump to Waste capability? (yes or no)	Yes	
Discharges to: (i.e., distribution system, storage, etc.)	Distribution Sys.	

MARKS AND DEFECTS (use additional sheets as necessary)

NOTES

Agricultural, Ru = Rural, Re = Residential, Co = Commercial,
during well construction. Should be removed during installation of
and the wall of the drilled hole. Sometimes called "sanitary seal".

ORIGINAL

STATE OF CALIFORNIA

Do not fill in

to with DWR

THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
WATER WELL DRILLERS REPORT

No. 158747

Permit No. _____

State Well No. _____

Permit No. or Date _____

Other Well No. _____

1) OWNER: Name Presley of Southern CaliforniaAddress P.O. Box 19672City Irvine, CA Zip 92713

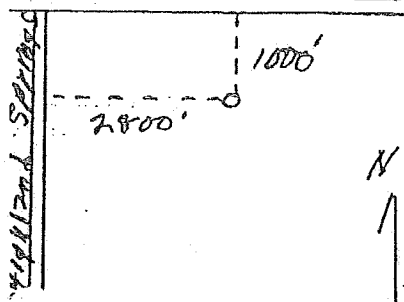
2) LOCATION OF WELL (See Instructions):

County Riverside Owner's Well Number 123

Cell address if different from above _____

Township _____ Range _____ Section _____

Distance from cities, roads, railroads, fences, etc.

2800' E. of Highland Springs Rd.1000' S. of Interstate 10I-10 East →

(3) TYPE OF WORK:

New Well ☒ Deepening ☐Reconstruction ☐Reconditioning ☐Horizontal Well ☐Destruction ☐ (Describe destruction materials and procedures in Item 12)

(4) PROPOSED USE:

Domestic ☒Irrigation ☐Industrial ☐Test Well ☐Stock ☐Municipal ☐Other ☐(12) WELL LOG: Total depth 1100 ft. Depth of completed well 1050 ft.

from ft. to ft. Formation (Describe by color, character, size or material)

0 - 7 Top Soil

7 - 180 Fine-coarse sand w/Streaks of Clay

180 - 240 Clay

240 - 245 Fine to Coarse Sand

245 - 270 Clay

270 - 286 Sand & Gravel

286 - 290 Clay

290 - 294 Fine to Coarse Sand

294 - 300 Clay

300 - 328 Sand & Gravel w/Clay Streaks

328 - 335 Clay

335 - 355 Sand & Gravel w/Layers of Clay

355 - 380 Clay

380 - 385 Sand & Gravel

385 - 410 Clay

410 - 478 Sand & Gravel

478 - 485 Clay

485 - 510 Fine-Coarse Sand w/Some Gravel

510 - 512 Clay

512 - 516 Fine to Coarse Sand

516 - 520 Clay

520 - 525 Sand & Gravel

525 - 555 Fine-Coarse Sand w/Some Gravel & C

555 - 598 Sand & Gravel w/Clay Streaks

598 - 615 Sand & Gravel

615 - 640 Fine-Coarse Sand w/Clay

640 - 690 Clay w/Streaks of Sand, Fine to Co

690 - 716 Fine-Coarse Sand & Gravel

716 - 723 Clay

723 - 725 Fine-Coarse Sand

725 - 745 Clay

745 - 752 Fine-Coarse Sand

752 - 800 Clay Streak w/Fine Sand & Silt

800 - 820 Fine-Coarse Sand w/Streaks of Clay

820 - 970 Clay

970 - 977 Sand & Gravel

977 - 981 Clay

981 - 985 Sand & Gravel

Work started 5-5 1986 Completed 7-2 1986

WELL DRILLER'S STATEMENT:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

SIGNED: _____ (Well Driller)

NAME McCalla Bros. (Person, firm, or corporation) (Typed or printed)Address 3132 W. 17th St.City Santa Ana, CA 92703 Zip _____License No. 196824 Date of this report 18-86

WELL LOCATION SKETCH

(5) EQUIPMENT:

Primary ☒ Reverse ☐Suction ☐ Air ☐Drill ☐ Bucket ☐

(6) GRAVEL PACK: Monterey

Yes ☒ No ☐ Size 6 to 12Diameter of bore 28Packed from 0 to 1050

(7) CASING INSTALLED:

Steel ☒ Plastic ☐ Concrete ☐

From ft. To ft. Dia. in. Gauge of Wall

0 600 18 5/16

600 1050 16 5/16

(8) PERFORATIONS:

Roscoe Moss Full Flow

Type of perforation or size of screen

From ft. To ft. Slot size

380 820 060 x 2 1/2

880 900 060 x 2 1/2

970 990 060 x 2 1/2

(9) WELL SEAL:

Is surface sanitary seal provided? Yes ☒ No ☐ If yes, to depth 50 ft.Are strata sealed against pollution? Yes ☐ No ☒ Interval _____ ft.Method of sealing 30" Casing Cemented in 36" Bore

(10) WATER LEVELS:

Depth of first water, if known _____ ft.

Standing level after well completion 312 ft.

(11) WELL TESTS:

Is well test made? Yes ☒ No ☐ If yes, by whom? McCallaType of test Pump ☒ Bailor ☐ Air lift ☐

Depth to water at start of test _____ ft. At end of test _____ ft.

Discharge 2000 gal/min after 62 hours Water temperature _____Is flow analysis made? Yes ☐ No ☒ If yes, by whom? _____Is log made? Yes ☒ No ☐ If yes, attach copy to this report N.A.

IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM

986 - Clay

990 - 1000 Sand & Gravel

1030 - 1035 Sand & Gravel

990 - Sand & Gravel

1000 - 1030 Clay w/Streaks of Sand

1035 - 1104 Clay & Silt

Complete as much information as possible. Leave blank if information is not available, use N.A. if not applicable.

* Indicates items required for Source Water Assessment

** Indicates additional items required for assessments and Ground Water Rule

	<i>in field with semi-colon)</i>	Actual, Estimated or
DATA SHEET GENERAL INFORMATION		
System Name	City of Banning	<i>from DHS database</i>
System Number	3310006	<i>from DHS database</i>
Source of Information (<i>well log, DHS/County files, system, etc</i>)	Well Log	
Organization Collecting Information (<i>DHS, County, System,</i>	City of Banning	
Date Information Collected/Updated		
WELL IDENTIFICATION		
* Well Number or Name	C-4	<i>from DHS database</i>
* DHS Source Identification Number (FRDS ID No.)	3310006-016	
DWR Well Log on File? (yes or no)	YES	
State Well Number (from DWR)	03S/01W-12B02	
Well Status (Active, Standby, Inactive)	Active	<i>from DHS database</i>
WELL LOCATION		
Latitude	N33.95194	<i>from DHS database</i>
Longitude	W116.87918	<i>from DHS database</i>
Ground Surface Elevation (ft above MSL)	2751	
Street Address	5400 W. Wilson	
Nearest Cross Street	Kingswell Ave	
City	Banning	
County	Riverside	
* Neighborhood/Surrounding Area (<i>see Note 1</i>)	Re	
Site plan on file? (yes or no)	yes	
DWR Ground Water Basin	Beaumont Storage	
DWR Ground Water Sub-basin		
SANITARY CONDITIONS		
** Distance to closest Sewer Line, Sewage Disposal, Septic	190'	
Distance to Active Wells (ft)	2560'	
Distance to Abandoned Wells (ft)	907'	
Distance to Surface Water (ft)		
** Size of controlled area around well (square feet)	8925'	
* Type of access control to well site (<i>fencing, building, etc</i>)	Fencing	
* Surface Seal? (Concrete slab)(yes or no)	Yes	
* Dimensions of concrete slab: Length(ft)/ Width(ft)/ Thick(in)	6'x6'	
* Within 100 year flood plain? (yes or no)	Yes	
* Drainage away from well? (yes or no)	Yes	
ENCLOSURE/HOUSING		
Enclosure Type (<i>building, vault, none, etc.</i>)	None	
Floor material	Concrete	
Located in Pit? (yes or no)	No	
Pit depth (feet) (if applicable)		
WELL CONSTRUCTION		
Date drilled	1990	
Drilling Method		
Depth of Bore Hole (feet below ground surface)	1065	
Casing Beginning Depth/Ending Depth(ft below surface);	0-390, 1010-1030	
Casing Diameter (inches); 2nd Casing Diameter; 3rd Casing,	18"	
Casing Material; 2nd Casing Material; 3rd Casing, etc.		
	<i>in field with semi-colon)</i>	Actual, Estimated or
WELL CONSTRUCTION (continued)		
Conductor casing used? (yes, no or not sure) (<i>See Note 2</i>)		
Conductor casing removed? (yes, no or not sure)		

* Depth to highest perforations/screens(ft below surface)	390'	
Screened Interval Beginning Depth/Ending Depth (ft below	390-1010	
* Total length of screened interval (ft)	620	
* Annular Seal?(yes, no, or not sure) (See Note 3)	Yes	
* Depth of Annular Seal (ft)	50	
Material of Annular Seal (cement grout, bentonite, etc.)		
Gravel pack, Depth to top (ft below ground surface)	0	
Total length of gravel pack (ft)	0-1030	
AQUIFER		
* Aquifer Materials		
* Effective porosity (decimal percent) (default = 0.2)		
* Confining layer (Impervious Strata) above aquifer?		
Thickness of confining layer, if known (ft)		
Depth to confining layer, if known (ft below ground)	0 Ft.	
* Static water level (ft below ground surface)	399.2	
Static water level measurement: Date/Method	Jan-10	
Pumping water level (ft below ground surface)	442	
Pumping water level measurement: Date/Method	Sep-09	
WELL PRODUCTION		
Well Yield (gpm)	1500	
Well Yield Based On (i.e., pump test, etc.)		
Date measured		
Is the well metered? (yes or no)	Yes	
Production (gallons per year)		
Frequency of Use (hours/year)		
Typical pumping duration (hours/day)	3 to 24 Hrs.	
PUMP		
Make		
Type		
Size (hp)	300	
* Capacity (gpm)		
Depth to suction intake (ft below ground surface)		
Lubrication Type	Oil	
Type of Power: (i.e., electric, diesel, etc.)	Electric	
Auxiliary power available?(yes or no)	No	
Operation controlled by: (i.e., level in tank, pressure, etc.)	Tank Level	
Pump to Waste capability? (yes or no)	Yes	
Discharges to: (i.e., distribution system, storage, etc.)	Distribution Sys.	

MARKS AND DEFECTS (use additional sheets as necessary)

NOTES

Agricultural, Ru = Rural, Re = Residential, Co = Commercial,
during well construction. Should be removed during installation of
and the wall of the drilled hole. Sometimes called "sanitary seal".

STATE OF CALIFORNIA
THE RESOURCES AGENCY

DEPARTMENT OF WATER RESOURCES
WATER WELL DRILLERS REPORT

Do not fill in

No. 344038

Office of Intent No. 10-29-90
Local Permit No. or Date

State Well No. _____
Other Well No. _____

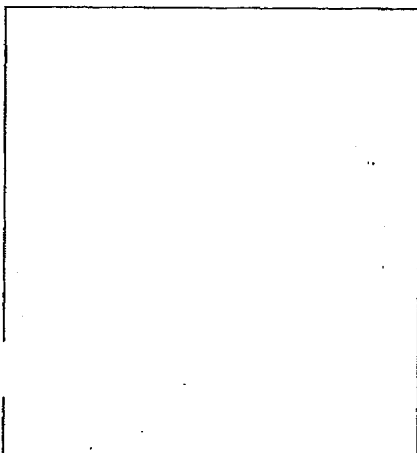
(1) OWNER: Name City of Banning
Address P.O. Box 998
City Banning, CA ZIP 92220

(2) LOCATION OF WELL (See instructions):
County Riverside Owner's Well Number _____
Well address if different from above 5300 W. Wilson, Banning
Township 3 Range 1A Section 12W
Distance from cities, roads, railroads, fences, etc. 150' South of Wilson Rd., 1000' West of Highland Home Rd.

(12) WELL LOG: Total depth 1065 ft. Completed depth 1030 ft.
from ft. to ft. Formation (Describe by color, character, size or material)

0	85	Sand, Gravel, Rock w/Some Clay
85	125	Sand, Gravel w/Some Clay
125	245	Sand, Gravel & Rocks
245	325	Sand, Gravel w/Some Clay
325	335	Sand, Gravel & Rocks
335	565	Sand, Gravel w/Some Rocks & Clay
565	575	Clay, Fine & Course Sand
575	645	Sand, Gravel & Clay
645	685	Sand & Gravel
685	705	Sandy Clay
705	715	Sand & Gravel
715	725	Sand, Gravel & Clay
725	805	Sandy Clay
805	825	Clay & Spots of Rocks
825	845	Gravel & Sand Clay
845	885	Gravel & Clay
885	895	Sand & Gravel
895	1005	Sand, Gravel & Clay
1005	1015	Sand & Gravel
1015	1025	Clay & Some Gravel
1025	1035	Silty Clay
1035	1065	Clay & Some Gravel

(3) TYPE OF WORK:
New Well ☒ Deepening ☐
Reconstruction ☐
Reconditioning ☐
Horizontal Well ☐
Destruction ☐ (Describe destruction materials and procedures in Item 12)
(4) PROPOSED USE:
Domestic ☐
Irrigation ☒
Industrial ☐
Test Well ☐
Municipal ☒
Other ☐



(5) EQUIPMENT:
Rotary ☐ Reverse ☒
Cable ☐ Air ☐
Other ☐ Bucket ☐
(6) GRAVEL PACK: All American
Yes ☒ No ☐ Size #5
Diameter of bore 36
Packed from 0 to 1030 ft.

(7) CASING INSTALLED:
Steel ☒ Plastic ☐ Concrete ☐
(8) PERFORATIONS:
Type of perforation or size of screen

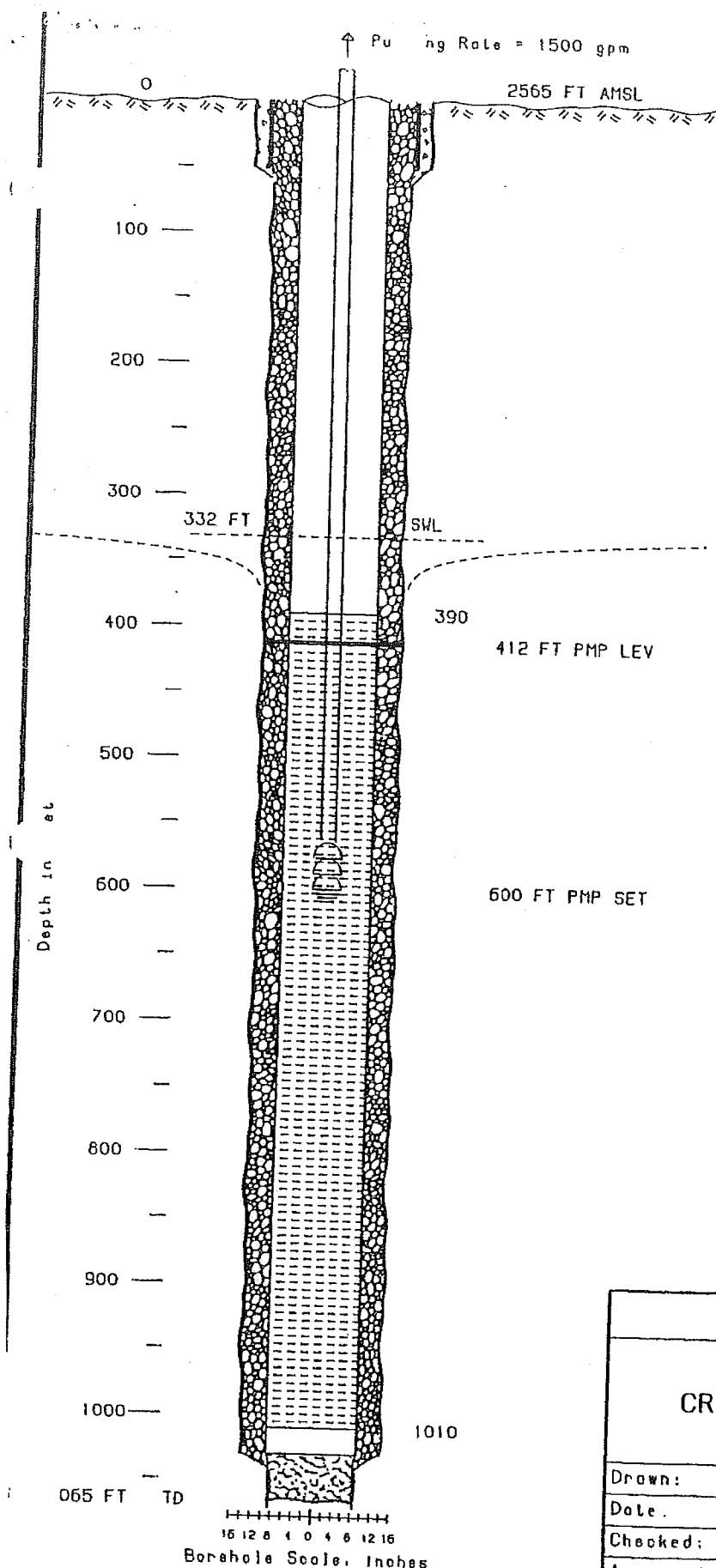
From ft.	To ft.	Dia. in.	Gage or Wall	From ft.	To ft.	Slot size
0	390	18 C.D.	5/16	390	1010	3/32
1010	1030	18 C.D.	5/16			

(9) WELL SEAL:
Was surface sanitary seal provided? Yes ☒ No ☐ If yes, to depth 50 ft.
Were strata sealed against pollution? Yes ☐ No ☒ Interval _____ ft.
Method of sealing _____

(10) WATER LEVELS:
Depth of first water, if known _____ ft.
Standing level after well completion 332 ft.

(11) WELL TESTS:
Was well test made? Yes ☒ No ☐ If yes, by whom? McCalla
Type of test: Pump ☒ Bailor ☐ Air lift ☐
At to water at start of test 327 ft. At end of test 332 ft.
Discharge 1950 gal/min after 60 hours Water temperature _____
Chemical analysis made? Yes ☐ No ☐ If yes, by whom? _____
Was electric log made? Yes ☒ No ☐ If yes, attach copy to this report

Work started 9-14 1990 Completed 10-26 1990
WELL DRILLER'S STATEMENT:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Signed McCalla Div. of Layne Western (Well Driller)
NAME McCalla Div. of Layne Western
Address P.O. Box 13990
City Palm Desert, CA ZIP 92255
License No. 510011 Date of this report 11-05-90



CASING/SCREEN/BOREHOLE SCHEDULE

BOREHOLE

DEPTH IN FEET	DIAMETER IN INCHES
0 to 50	36
50 to 1030	28
1030 to 1065	17

CONDUCTOR CASING

DEPTH IN FEET	DIAMETER IN INCHES
0 to 50	30

BLANK CASING

DEPTH IN FEET	DIAMETER IN INCHES
0 to 390	18
1010 to 1030	18

WELL SCREEN

DEPTH IN FEET	DIAMETER IN INCHES
390 to 1010	18

COPY

City of Banning		
CROSS SECTION - WELL C-4		
Drawn:	GEO SCIENCE Support Services Inc.	
Date:		
Checked:		
Approved:		
Job: 600		Fig:

Complete as much information as possible. Leave blank if information is not available, use N.A. if not applicable.

* Indicates items required for Source Water Assessment

** Indicates additional items required for assessments and Ground Water Rule

	<i>in field with semi-colon)</i>	Actual, Estimated or
DATA SHEET GENERAL INFORMATION		
System Name	City of Banning	<i>from DHS database</i>
System Number	3310006	<i>from DHS database</i>
Source of Information (well log, DHS/County files, system, etc)	Well Log	
Organization Collecting Information (DHS, County, System,	City of Banning	
Date Information Collected/Updated		
WELL IDENTIFICATION		
* Well Number or Name	C-6	<i>from DHS database</i>
* DHS Source Identification Number (FRDS ID No.)	3310006-018	
DWR Well Log on File? (yes or no)	YES	
State Well Number (from DWR)	03S/01E-10N01S	
Well Status (Active, Standby, Inactive)	Active	<i>from DHS database</i>
WELL LOCATION		
Latitude	N33.95194	
Longitude	W116.87918	
Ground Surface Elevation (ft above MSL)	2751	
Street Address	176 E. Lincoln St	
Nearest Cross Street	San Geronio Ave	
City	Banning	
County	Riverside	
* Neighborhood/Surrounding Area (see Note 1)	Re	
Site plan on file? (yes or no)	yes	
DWR Ground Water Basin	Cabazon Storage	
DWR Ground Water Sub-basin	Banning	
SANITARY CONDITIONS		
** Distance to closest Sewer Line, Sewage Disposal, Septic	370	
Distance to Active Wells (ft)	1.66 Mi	C-5
Distance to Abandoned Wells (ft)	1.66 Mi	R-1
Distance to Surface Water (ft)	Mnone	
** Size of controlled area around well (square feet)	10000'	
* Type of access control to well site (fencing, building, etc)	Fencing	
* Surface Seal? (Concrete slab)(yes or no)	Yes	
* Dimensions of concrete slab: Length(ft)/ Width(ft)/ Thick(in)	4'x4'	
* Within 100 year flood plain? (yes or no)	Yes	
* Drainage away from well? (yes or no)	Yes	
ENCLOSURE/HOUSING		
Enclosure Type (building, vault, none, etc.)	None	
Floor material	Concrete	
Located in Pit? (yes or no)	No	
Pit depth (feet) (if applicable)		
WELL CONSTRUCTION		
Date drilled	12/5/1990	
Drilling Method	Reverse	
Depth of Bore Hole (feet below ground surface)	1180'	
Casing Beginning Depth/Ending Depth(ft below surface);	0-580,860-950,1110-1130	
Casing Diameter (inches); 2nd Casing Diameter; 3rd Casing,	18"	
Casing Material; 2nd Casing Material; 3rd Casing, etc.	Steel	
	<i>in field with semi-colon)</i>	Actual, Estimated or
WELL CONSTRUCTION (continued)		
Conductor casing used? (yes, no or not sure) (See Note 2)	Yes	
Conductor casing removed? (yes, no or not sure)	No	

* Depth to highest perforations/screens(ft below surface)	580	
Screened Interval Beginning Depth/Ending Depth (ft below	580-860,950-1110	
* Total length of screened interval (ft)	440	
* Annular Seal?(yes, no, or not sure) (See Note 3)	Yes	
* Depth of Annular Seal (ft)	50	
Material of Annular Seal (cement grout, bentonite, etc.)	Cement Grout	
Gravel pack, Depth to top (ft below ground surface)	50	
Total length of gravel pack (ft)	1070	
AQUIFER		
* Aquifer Materials	Sand, Clay, Gravel	
* Effective porosity (decimal percent) (default = 0.2)	0.2	
* Confining layer (Impervious Strata) above aquifer?	No	
Thickness of confining layer, if known (ft)		
Depth to confining layer, if known (ft below ground)	0 Ft.	
* Static water level (ft below ground surface)	572	
Static water level measurement: Date/Method	Dec-09	
Pumping water level (ft below ground surface)	655	
Pumping water level measurement: Date/Method	Nov-09	
WELL PRODUCTION		
Well Yield (gpm)	1000	
Well Yield Based On (i.e., pump test, etc.)	Pump Test	
Date measured	4/8/2003	
Is the well metered? (yes or no)	Yes	
Production (gallons per year)	525.6	
Frequency of Use (hours/year)	8760	
Typical pumping duration (hours/day)	24	
PUMP		
Make		
Type		
Size (hp)	350	
* Capacity (gpm)	905	
Depth to suction intake (ft below ground surface)	780	
Lubrication Type	Oil	
Type of Power: (i.e., electric, diesel, etc.)	Electric	
Auxiliary power available?(yes or no)	No	
Operation controlled by: (i.e., level in tank, pressure, etc.)	Tank Level	
Pump to Waste capability? (yes or no)	Yes	
Discharges to: (i.e., distribution system, storage, etc.)	Distribution Sys.	

MARKS AND DEFECTS (use additional sheets as necessary)

NOTES

Agricultural, Ru = Rural, Re = Residential, Co = Commercial,
during well construction. Should be removed during installation of
and the wall of the drilled hole. Sometimes called "sanitary seal".

TRIPPLICATE
Owner's Copy

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
WATER WELL DRILLERS REPORT

Do not fill in

No. 344058

ice of Intent No. _____
Local Permit No. or Date N/A

State Well No. 035/01E 10C01E
Other Well No. Lincoln St.

(1) OWNER: Name City of Banning
Address P.O. Box 998
City Banning, CA ZIP 92220

(2) LOCATION OF WELL (See instructions):
County Riverside Owner's Well Number Lincoln
Well address if different from above 176 E. Lincoln
Township 3S Range 1E Section _____
Distance from cities, roads, railroads, fences, etc.
650' E of San Geronio St., 300' S of
Lincoln St.

(3) TYPE OF WORK:

New Well ☒ Deepening ☐
Reconstruction ☐
Reconditioning ☐
Horizontal Well ☐

Destruction ☐ (Describe
destruction materials and pro-
cedures in Item 12)

(4) PROPOSED USE:

Domestic ☐
Irrigation ☐
Industrial ☐
Test Well ☐
Municipal ☐
Other ☐ (Describe)

WELL LOCATION SKETCH

(5) EQUIPMENT:

Rotary ☐ Reverse ☒
Cable ☐ Air ☐
Other ☐ Bucket ☐

(6) GRAVEL PACK:

Yes ☒ No ☐
Diameter of bore 6 1/2"
Packed from 0 to 1130 ft.

(7) CASING INSTALLED:

Steel ☒ Plastic ☐ Concrete ☐

(8) PERFORATIONS:

Type of formation & size of screen 3/32

From ft.	To ft.	Dia. in.	Gage or well	From ft.	To ft.	Slot size
0	580	18	5806	580	860	3/32
860	950	18	9506	950	1110	3/32
1110	1130	18	5/16			

(9) WELL SEAL:

Was surface sanitary seal provided? Yes ☒ No ☐ If yes, to depth 50 ft.

Were strata sealed against pollution? Yes ☐ No ☐ Interval _____ ft.

Method of sealing Cement

(10) WATER LEVELS:

Depth of first water, if known 325 ft.

Standing level after well completion 531 ft.

(11) WELL TESTS:

Was well test made? Yes ☒ No ☐ If yes, by whom? McCalla

Type of test Pump 309 ft. At end of test 531 ft.

Discharge 1050 gal/min after 75 hours Water temperature _____

Chemical analysis made? Yes ☐ No ☐ If yes, by whom? _____

Was electric log made? Yes ☒ No ☐ If yes, attach copy to this report

(12) WELL LOG: Total depth 1180 ft. Completed depth 1130 ft.

from ft. to ft. Formation (Describe by color, character, size or material)

0 - 50	Sand, Gravel & Rock
50 - 60	Sand, Gravel, Rocks & Clay
60 - 80	Sand & Gravel
80 - 140	Sand, Gravel & Rocks
140 - 150	Sand & Gravel
150 - 240	Sand, Gravel & Rocks
240 - 250	Sand
250 - 290	Sand, Gravel & Rocks
290 - 300	Sand & Gravel
300 - 310	Sand, Clay & Gravel
310 - 320	Sand & Gravel
320 - 370	Sand, Gravel & Rocks
370 - 410	Sand & Gravel
410 - 450	Sand & Gravel
450 - 460	Sand, Gravel & Clay
460 - 540	Sand, Clay & Gravel
540 - 560	Clay, Sand, Gravel & Rocks
560 - 570	Clay & Sand
570 - 630	Clay, Sand & Gravel
630 - 680	Sand & Clay
680 - 880	Sand, Gravel & Clay
880 - 950	Clay & Sand
950 - 960	Sand & Gravel
960 - 1010	Sand, Clay & Gravel
1010 - 1020	Sand & Clay
1020 - 1080	Sand, Clay & Gravel
1080 - 1090	Sand & Clay
1090 - 1110	Clay, Sand & Gravel
1110 - 1180	Blue Clay

Work started 9-10 19 90 Completed 12-4 19 90

WELL DRILLER'S STATEMENT:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Signed McCalla Div. Of Layne-Western (Well Driller)

NAME McCalla Div. Of Layne-Western

Address P.O. Box 13990

City Palm Desert, CA ZIP 92255-3990

License No. 510011 Date of this report 12-13-90



Layne Christensen Company

1717 W. Park Ave.
Redlands, CA 92373
CA License #510011

PUMP AND WELL DATA

	MOTOR MANUFACTURER:	US Motors				
	350	H.P.	60	Hz	460	VOLTS
	1785	R.P.M.	3	PH.	5008PH	FRAME
		DISCHARGE PIPE				
	8"	DISCHARGE HEAD				
		SANITARY SEAL				
	18"	CASING				
	10" .365 Wall	COLUMN				
	1.9375"	SHAFT				
	3"	TUBE TYPE	IR	IRH	LH	
BOWL ASSEMBLY:						
MANUFACTURER	Flowsense					
12EMM	ASSEMBLY MODEL NO.					
17	STAGE					
11.5	O.D. OF BOWLS					
8" x 40"	SUCTION					
STRAINER:						
N/A	SIZE	N/A	O.D.			
N/A	TYPE					
WELL OWNER	City of Banning					
WELL NUMBER / NAME	C-6					
LOCATION	176 E. Lincoln St					
DATE DRILLED						
WELL CONSTRUCTION						
PERFORATIONS	580'-860' , 950'-1110'					
STATIC WATER LEVEL	570'					
DESIGN CAPACITY	950 GPM					
DESIGN T.D.H.	1152'					
POWER METER NO.						
SITE DESCRIPTION						

WELL DATA SHEET.XLS

Complete as much information as possible. Leave blank if information is not available, use N.A. if not applicable.

* Indicates items required for Source Water Assessment

** Indicates additional items required for assessments and Ground Water Rule

	<i>in field with semi-colon)</i>	Actual, Estimated or
DATA SHEET GENERAL INFORMATION		
System Name	City of Banning	<i>from DHS database</i>
System Number	3310006	<i>from DHS database</i>
Source of Information (<i>well log, DHS/County files, system, etc</i>)	Well Log	
Organization Collecting Information (<i>DHS, County, System,</i>	City of Banning	
Date Information Collected/Updated		
WELL IDENTIFICATION		
* Well Number or Name	M-10	<i>from DHS database</i>
* DHS Source Identification Number (FRDS ID No.)	3310006-026	
DWR Well Log on File? (yes or no)	YES	
State Well Number (from DWR)	03S/01E-18C1	
Well Status (Active, Standby, Inactive)	Active	<i>from DHS database</i>
WELL LOCATION		
Latitude	N33.91775	<i>from DHS database</i>
Longitude	W116.92480	<i>from DHS database</i>
Ground Surface Elevation (ft above MSL)	2467	
Street Address	4480 W. Westward	
Nearest Cross Street	Highland Home	
City	Banning	
County	Riverside	
* Neighborhood/Surrounding Area (<i>see Note 1</i>)	Ru	
Site plan on file? (yes or no)	yes	
DWR Ground Water Basin	Banning Storage	
DWR Ground Water Sub-basin		
SANITARY CONDITIONS		
** Distance to closest Sewer Line, Sewage Disposal, Septic	95'	
Distance to Active Wells (ft)	1865	
Distance to Abandoned Wells (ft)		
Distance to Surface Water (ft)		
** Size of controlled area around well (square feet)	3500	
* Type of access control to well site (<i>fencing, building, etc</i>)	Fencing	
* Surface Seal? (Concrete slab)(yes or no)	Yes	
* Dimensions of concrete slab: Length(ft)/ Width(ft)/ Thick(in)	6'x6'	
* Within 100 year flood plain? (yes or no)	Yes	
* Drainage away from well? (yes or no)	Yes	
ENCLOSURE/HOUSING		
Enclosure Type (<i>building, vault, none, etc.</i>)	None	
Floor material	Concrete	
Located in Pit? (yes or no)	No	
Pit depth (feet) (if applicable)		
WELL CONSTRUCTION		
Date drilled	11/11/1988	
Drilling Method	Rotary	
Depth of Bore Hole (feet below ground surface)	1000	
Casing Beginning Depth/Ending Depth(ft below surface);	0-1000	
Casing Diameter (inches); 2nd Casing Diameter; 3rd Casing,	14	
Casing Material; 2nd Casing Material; 3rd Casing, etc.	Steel	
	<i>in field with semi-colon)</i>	Actual, Estimated or
WELL CONSTRUCTION (continued)		
Conductor casing used? (yes, no or not sure) (<i>See Note 2</i>)	Yes	
Conductor casing removed? (yes, no or not sure)	No	
* Depth to highest perforations/screens(ft below surface)	400	
Screened Interval Beginning Depth/Ending Depth (ft below	400-1000	
* Total length of screened interval (ft)	600	

* Annular Seal?(yes, no, or not sure) (See Note 3)	Yes	
* Depth of Annular Seal (ft)	50	
Material of Annular Seal (cement grout, bentonite, etc.)	Cement Grout	
Gravel pack, Depth to top (ft below ground surface)	0	
Total length of gravel pack (ft)	1000	
AQUIFER		
* Aquifer Materials		
* Effective porosity (decimal percent) (default = 0.2)		
* Confining layer (Impervious Strata) above aquifer?		
Thickness of confining layer, if known (ft)		
Depth to confining layer, if known (ft below ground)	0 Ft.	
* Static water level (ft below ground surface)	319.8	
Static water level measurement: Date/Method	Jan-10	
Pumping water level (ft below ground surface)	324.4	
Pumping water level measurement: Date/Method	Dec-09	
WELL PRODUCTION		
Well Yield (gpm)	890	
Well Yield Based On (i.e., pump test, etc.)		
Date measured		
Is the well metered? (yes or no)	Yes	
Production (gallons per year)		
Frequency of Use (hours/year)		
Typical pumping duration (hours/day)	3 to 24 Hrs.	
PUMP		
Make		
Type		
Size (hp)	200	
* Capacity (gpm)		
Depth to suction intake (ft below ground surface)	533	
Lubrication Type	Oil	
Type of Power: (i.e., electric, diesel, etc.)	Electric	
Auxiliary power available?(yes or no)	No	
Operation controlled by: (i.e., level in tank, pressure, etc.)	Tank Level	
Pump to Waste capability? (yes or no)	Yes	
Discharges to: (i.e., distribution system, storage, etc.)	Distribution Sys.	

MARKS AND DEFECTS (use additional sheets as necessary)

NOTES

Agricultural, Ru = Rural, Re = Residential, Co = Commercial,
during well construction. Should be removed during installation of
and the wall of the drilled hole. Sometimes called "sanitary seal".

TRIPPLICATE
Owner's Copy

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
WATER WELL DRILLERS REPORT

Do not fill in
No. 277315

File of Intent No. _____
Permit No. or Date _____

WELL #10

State Well No. _____
Other Well No. _____

(1) OWNER: Name Dycart Ranch
Address 12-727 Highland Home Road
City Banning ZIP 92220

(2) LOCATION OF WELL (See instructions):
County Riverside Owner's Well Number 10
Well address if different from above _____
Township 3S Range 1E Section 18
Distance from cities, roads, railroads, fences, etc.
1000' S. of Sunset
50' W. of Westward

(12) WELL LOG: Total depth 1000 ft. Completed depth 1000 ft.
from ft. to ft. Formation (Describe by color, character, size or material)

0	35	Top Soil
35	175	Sand
175	185	Sand & Gravel
185	205	Sand
205	215	Sand and Gravel
215	235	Sand and Clay
235	265	Sand and Gravel
265	275	Sand
275	295	Sand and Gravel
295	325	Clay and Gravel
325	335	Gravel
335	355	Clay and Sand
355	385	Sand
385	395	Sand and Gravel
395	415	Sand and Clay
415	425	Clay
425	445	Sand and Gravel
445	455	Clay
455	475	Sand
475	505	Clay
505	555	Clay and Sand
555	575	Clay
575	685	Clay and Sand
685	695	Sand
695	735	Clay
735	885	Sand
885	905	Clay
905	915	Sand
915	955	Sand
955	965	Sand and Gravel
965	995	Sand
995	1000	Clay

(3) TYPE OF WORK:
New Well ☒ Deepening ☐
Reconstruction ☐
Reconditioning ☐
Horizontal Well ☐
Destruction ☐ (Describe destruction materials and procedures in Item 12)

(4) PROPOSED USE:
Domestic ☐
Irrigation ☐
Industrial ☐
Test Well ☐
Municipal ☐
Other ☐ (Describe)

WELL LOCATION SKETCH

(5) EQUIPMENT:

Rotary ☒ Reverse ☐
Cable ☐ Air ☐
Other ☐ Bucket ☐

(6) GRAVEL PACK: 3
Yes ☒ No ☐ Size 3/8" Sp
Diameter of bore 28
Packed from 0 to 1000 ft.

(7) CASING INSTALLED:

Steel ☒ Plastic ☐ Concrete ☐

(8) PENETRATIONS:
R/H Horizontal Casing
Type of penetration or size of opening

From ft.	To ft.	Dia. in.	Cage or Wall	From ft.	To ft.	Slot size
0	1000	14	1/4	400	1000	.250

(9) WELL SEAL:

Was surface sanitary seal provided? Yes ☒ No ☐ If yes, to depth 50 ft.
Were struts sealed against pollution? Yes ☐ No ☒ Interval _____ ft.

Method of sealing 30" Conductor Cemented In Place

(10) WATER LEVELS:

Depth of first water, if known _____ ft.
Standing level after well completion 262 ft.

(11) WELL TESTS:

Was well test made? Yes ☒ No ☐ If yes, by whom? McCalla Bros.
Type of test Pump ☒ Bailor ☐ Air lift ☐
% to water at start of test _____ ft. At end of test _____ ft.
Flow 1100 gal/min after 36 hours Water temperature _____
Chemical analysis made? Yes ☐ No ☒ If yes, by whom? _____
Was electric log made Yes ☐ No ☒ If yes, attach copy to this report

Work started 9-01 1988 Completed 10-28 1988

WELL DRILLER'S STATEMENT:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Signed _____ (Well Driller)

NAME McCalla Brothers - Division of Layne Waste
(Person, firm, or corporation) (Type or printed)

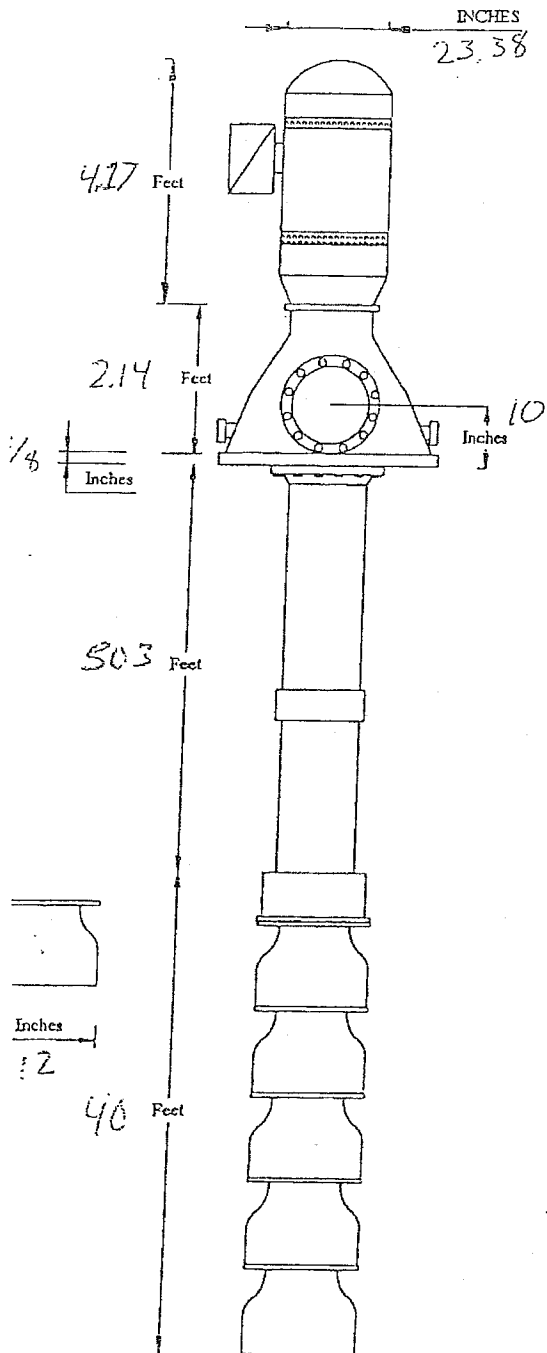
Address 3132 W. 17th St.

City Santa Ana ZIP 92703

License No. 510011 Date of this report 11-11-88

COPY

AS-BUILT DRAWING FOR VERTICAL TURBINE PUMP



CLIENT City of Banning

WELL NUMBER M-10

DESIGN GPM 750 DESIGN TDH 740

MOTOR MFR US Motor MOTOR H.P. 200 RPM 1785

VOLTS 480 PHASE 3 HZ 60

DISCHARGE HEAD MFR Goulds

W/L _____ OIL ☒ DISCHARGE SIZE 8"

COLUMN PIPE DIAMETER 8"

OIL TUBE SIZE 3" MFR Lakewood

TUBE TPI 10 RH LH ✓

SHAFT SIZE 1 11/16 C-1045 ✓ 416 S.S. / W/SLEEVES

BOWL ASS'Y MFR American Turbine

MODEL # 12-L-65 DIA. 12"

STAGES 9 DISCH 8¹¹

SUCTION DIA 8" LENGTH 40'

STRAINER GALV ✓ OTHER

CONE _____ BASKET _____

AIRLINE TYPE poly LENGTH 40'

WELL DIA 14" DEPTH 1003'

STATIC 310'

DATE INSTALLED 4/18/05

Complete as much information as possible. Leave blank if information is not available, use N.A. if not applicable.

* Indicates items required for Source Water Assessment

** Indicates additional items required for assessments and Ground Water Rule

	<i>in field with semi-colon)</i>	Actual, Estimated or
DATA SHEET GENERAL INFORMATION		
System Name	City of Banning	<i>from DHS database</i>
System Number	3310006	<i>from DHS database</i>
Source of Information (well log, DHS/County files, system, etc)	Well Log	
Organization Collecting Information (DHS, County, System,	City of Banning	
Date Information Collected/Updated		
WELL IDENTIFICATION		
* Well Number or Name	M11	<i>from DHS database</i>
* DHS Source Identification Number (FRDS ID No.)	3310006-027	
DWR Well Log on File? (yes or no)	YES	
State Well Number (from DWR)	03S/01E-18A01	
Well Status (Active, Standby, Inactive)	Active	<i>from DHS database</i>
WELL LOCATION		
Latitude	N33.91769	<i>from DHS database</i>
Longitude	W116.91253	<i>from DHS database</i>
Ground Surface Elevation (ft above MSL)	2420	
Street Address	3280 W. Westward	
Nearest Cross Street	Sunset Ave	
City	Banning	
County	Riverside	
* Neighborhood/Surrounding Area (see Note 1)	Ru	
Site plan on file? (yes or no)	yes	
DWR Ground Water Basin	Banning Storage	
DWR Ground Water Sub-basin		
SANITARY CONDITIONS		
** Distance to closest Sewer Line, Sewage Disposal, Septic	85'	
Distance to Active Wells (ft)	1900	
Distance to Abandoned Wells (ft)		
Distance to Surface Water (ft)		
** Size of controlled area around well (square feet)	4250	
* Type of access control to well site (fencing, building, etc)	Fencing	
* Surface Seal? (Concrete slab)(yes or no)	Yes	
* Dimensions of concrete slab: Length(ft)/ Width(ft)/ Thick(in)	6'x6'	
* Within 100 year flood plain? (yes or no)	Yes	
* Drainage away from well? (yes or no)	Yes	
ENCLOSURE/HOUSING		
Enclosure Type (building, vault, none, etc.)	None	
Floor material	Concrete	
Located in Pit? (yes or no)	No	
Pit depth (feet) (if applicable)		
WELL CONSTRUCTION		
Date drilled	11/11/1988	
Drilling Method	Rotary	
Depth of Bore Hole (feet below ground surface)	1000	
Casing Beginning Depth/Ending Depth(ft below surface);	0-1000	
Casing Diameter (inches); 2nd Casing Diameter; 3rd Casing,	40	
Casing Material; 2nd Casing Material; 3rd Casing, etc.	Steel	
	<i>in field with semi-colon)</i>	Actual, Estimated or
WELL CONSTRUCTION (continued)		
Conductor casing used? (yes, no or not sure) (See Note 2)	Yes	
Conductor casing removed? (yes, no or not sure)	No	

* Depth to highest perforations/screens(ft below surface)	400	
Screened Interval Beginning Depth/Ending Depth (ft below	400-1000	
* Total length of screened interval (ft)	600	
* Annular Seal?(yes, no, or not sure) (See Note 3)	Yes	
* Depth of Annular Seal (ft)	50	
Material of Annular Seal (cement grout, bentonite, etc.)	Cement Grout	
Gravel pack, Depth to top (ft below ground surface)	0	
Total length of gravel pack (ft)	1000	
AQUIFER		
* Aquifer Materials		
* Effective porosity (decimal percent) (default = 0.2)		
* Confining layer (Impervious Strata) above aquifer?		
Thickness of confining layer, if known (ft)		
Depth to confining layer, if known (ft below ground)	0 Ft.	
* Static water level (ft below ground surface)	333.7	
Static water level measurement: Date/Method	Dec-10	
Pumping water level (ft below ground surface)	359	
Pumping water level measurement: Date/Method	Nov-09	
WELL PRODUCTION		
Well Yield (gpm)	700	
Well Yield Based On (i.e., pump test, etc.)		
Date measured		
Is the well metered? (yes or no)	Yes	
Production (gallons per year)		
Frequency of Use (hours/year)		
Typical pumping duration (hours/day)	3 to 24 Hrs.	
PUMP		
Make		
Type		
Size (hp)	150	
* Capacity (gpm)		
Depth to suction intake (ft below ground surface)		
Lubrication Type	Oil	
Type of Power: (i.e., electric, diesel, etc.)	Electric	
Auxiliary power available?(yes or no)	No	
Operation controlled by: (i.e., level in tank, pressure, etc.)	Tank Level	
Pump to Waste capability? (yes or no)	Yes	
Discharges to: (i.e., distribution system, storage, etc.)	Distribution Sys.	

MARKS AND DEFECTS (use additional sheets as necessary)

NOTES

Agricultural, Ru = Rural, Re = Residential, Co = Commercial,
during well construction. Should be removed during installation of
and the wall of the drilled hole. Sometimes called "sanitary seal".

No. 277316

State Well No. _____
Other Well No. _____

50' W. of Westward

License No. 510011 Date of this report 11-11-88

86 76355

COPIES

Complete as much information as possible. Leave blank if information is not available, use N.A. if not applicable.

* Indicates items required for Source Water Assessment

** Indicates additional items required for assessments and Ground Water Rule

	<i>in field with semi-colon)</i>	Actual, Estimated or
DATA SHEET GENERAL INFORMATION		
System Name	City of Banning	<i>from DHS database</i>
System Number	3310006	<i>from DHS database</i>
Source of Information (<i>well log, DHS/County files, system, etc</i>)	Well Log	
Organization Collecting Information (<i>DHS, County, System,</i>	City of Banning	
Date Information Collected/Updated		
WELL IDENTIFICATION		
* Well Number or Name	M-12	<i>from DHS database</i>
* DHS Source Identification Number (FRDS ID No.)	3310006-028	
DWR Well Log on File? (yes or no)	YES	
State Well Number (from DWR)	03S/01E-18B01	
Well Status (Active, Standby, Inactive)	Active	<i>from DHS database</i>
WELL LOCATION		
Latitude	N33.91775	<i>from DHS database</i>
Longitude	W116.91863	<i>from DHS database</i>
Ground Surface Elevation (ft above MSL)	2479	
Street Address	3854 W. Westward	
Nearest Cross Street	Sunset Ave	
City	Banning	
County	Riverside	
* Neighborhood/Surrounding Area (<i>see Note 1</i>)	Ru	
Site plan on file? (yes or no)	yes	
DWR Ground Water Basin	Banning Storage	
DWR Ground Water Sub-basin		
SANITARY CONDITIONS		
** Distance to closest Sewer Line, Sewage Disposal, Septic	75'	
Distance to Active Wells (ft)	1900'	
Distance to Abandoned Wells (ft)		
Distance to Surface Water (ft)		
** Size of controlled area around well (square feet)	26600	
* Type of access control to well site (<i>fencing, building, etc</i>)	Fencing	
* Surface Seal? (Concrete slab)(yes or no)	Yes	
* Dimensions of concrete slab: Length(ft)/ Width(ft)/ Thick(in)	6'x6'	
* Within 100 year flood plain? (yes or no)	Yes	
* Drainage away from well? (yes or no)	Yes	
ENCLOSURE/HOUSING		
Enclosure Type (<i>building, vault, none, etc.</i>)	None	
Floor material	Concrete	
Located in Pit? (yes or no)	No	
Pit depth (feet) (if applicable)		
WELL CONSTRUCTION		
Date drilled	9/17/1990	
Drilling Method	Rotary	
Depth of Bore Hole (feet below ground surface)	1000	
Casing Beginning Depth/Ending Depth(ft below surface);	0-1000	
Casing Diameter (inches); 2nd Casing Diameter; 3rd Casing,	14"	
Casing Material; 2nd Casing Material; 3rd Casing, etc.	Steel	
	<i>in field with semi-colon)</i>	Actual, Estimated or
WELL CONSTRUCTION (continued)		
Conductor casing used? (yes, no or not sure) (<i>See Note 2</i>)		
Conductor casing removed? (yes, no or not sure)		

* Depth to highest perforations/screens(ft below surface)	300	
Screened Interval Beginning Depth/Ending Depth (ft below	300-980	
* Total length of screened interval (ft)	680	
* Annular Seal?(yes, no, or not sure) (See Note 3)	Yes	
* Depth of Annular Seal (ft)	50	
Material of Annular Seal (cement grout, bentonite, etc.)	Cement Grout	
Gravel pack, Depth to top (ft below ground surface)	0	
Total length of gravel pack (ft)	1000	
AQUIFER		
* Aquifer Materials		
* Effective porosity (decimal percent) (default = 0.2)		
* Confining layer (Impervious Strata) above aquifer?		
Thickness of confining layer, if known (ft)		
Depth to confining layer, if known (ft below ground)	0 Ft.	
* Static water level (ft below ground surface)	439.8	
Static water level measurement: Date/Method	Dec-10	
Pumping water level (ft below ground surface)	454	
Pumping water level measurement: Date/Method	Nov-09	
WELL PRODUCTION		
Well Yield (gpm)	700	
Well Yield Based On (i.e., pump test, etc.)		
Date measured		
Is the well metered? (yes or no)	Yes	
Production (gallons per year)		
Frequency of Use (hours/year)		
Typical pumping duration (hours/day)	3 to 24 Hrs.	
PUMP		
Make		
Type		
Size (hp)	300	
* Capacity (gpm)		
Depth to suction intake (ft below ground surface)		
Lubrication Type	Oil	
Type of Power: (i.e., electric, diesel, etc.)	Electric	
Auxiliary power available?(yes or no)	Yes	
Operation controlled by: (i.e., level in tank, pressure, etc.)	Tank Level	
Pump to Waste capability? (yes or no)	Yes	
Discharges to: (i.e., distribution system, storage, etc.)	Distribution Sys.	

MARKS AND DEFECTS (use additional sheets as necessary)

NOTES

Agricultural, Ru = Rural, Re = Residential, Co = Commercial,
during well construction. Should be removed during installation of
and the wall of the drilled hole. Sometimes called "sanitary seal".

TRIPLICATE
Owner's Copy

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
WATER WELL DRILLERS REPORT

Do not fill in

No. 321930

Notice of Intent No. _____
Local Permit No. or Date 015947

WELL # 12

State Well No. _____
Other Well No. _____

(1) OWNER: Name Dyess Ranch
Address 12-727 Highland Home Road
City Banning, CA ZIP 92220

(2) LOCATION OF WELL (See instructions):
County Riverside Owner's Well Number 12
Well address if different from above Westward St.
Township 3S Range 1E Section 18
Distance from cities, roads, railroads, fences, etc.
2000' West of Sunaer
100' South of Westward

(12) WELL LOG: Total depth 1000 ft. Completed depth 1000 ft.
From ft. to ft. Formation (Describe by color, character, size or material)

0	60	Sand, Silty Clay
60	100	Sand, Small Gravel
100	160	Small Gravel & Rock
160	180	Sand, Gravel & Rocks
180	220	Sand, Gravel & Red Clay
220	260	Sand & Gravel
260	390	Clay, Sand & Gravel
390	460	Sandy Clay
460	510	Sandy Clay & Gravel
510	540	Clay
540	580	Sand & Gravel
580	590	Gravel
590	680	Sand, Clay & Gravel
680	780	Clay
780	850	Clay & Gravel
850	880	Sand, Gravel & Clay
880	940	Clay
940	1000	Sandy Clay

(3) TYPE OF WORK:
New Well ☐ Deepening ☐
Reconstruction ☐
Reconditioning ☐
Horizontal Well ☐
Destruction ☐ (Describe destruction materials and procedures in Item 12)
(4) PROPOSED USE:
Domestic ☐
Irrigation ☐
Industrial ☐
Test Well ☐
Municipal ☐
Other ☐ (Describe)

WELL LOCATION SKETCH

(5) EQUIPMENT:

Rotary ☒ Reverse ☐
Cable ☐ Air ☐
Other ☐ Bucket ☐

(6) GRAVEL PACK:

Yes ☒ No ☐ Size #5
Diameter of bore 26"
Packed from 0 to 1000 ft.

(7) CASING INSTALLED:

Steel ☐ Plastic ☐ Concrete ☐

(8) PERFORATIONS:

Type of perforation or size of screen

From ft.	To ft.	Dia. in.	Gage or Wall	From ft.	To ft.	Slot size
0	1000	14	.250	300	980	3/32"

(9) WELL SEAL:

Was surface sanitary seal provided? Yes ☒ No ☐ If yes, to depth 50 ft.
Were strata sealed against pollution? Yes ☐ No ☒ Interval _____ ft.

Method of sealing Cement

(10) WATER LEVELS:

Depth of first water, if known _____ ft.
Standing level after well completion 280 ft.

(11) WELL TESTS:

Was well test made? Yes ☒ No ☐ If yes, by whom? McCalla
Type of test Pump ☒ Bailor ☐ Air lift ☐
Depth to water at start of test 269 ft. At end of test 280 ft.
Rate 2000 gal/min after 36 hours Water temperature _____
Chemical analysis made? Yes ☐ No ☒ If yes, by whom? _____
Was electric log made? Yes ☐ No ☒ If yes, attach copy to this report

Work started 9-10 19 90 Completed 8-28 19 90

WELL DRILLER'S STATEMENT:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Signed McCalla Div. of Layne-Western (Well Driller)
NAME McCalla Div. of Layne-Western
(Person, firm, or corporation) (Typed or printed)
Address P.O. Box 13990
City Palm Desert, CA ZIP 92255-3990
License No. 510011 Date of this report 9-17-90

COPY

ATTACHMENT 2

EXHIBIT “B” – PRESS ENTERPRISE ADVERTISEMENT

REQUEST FOR PROPOSALS (RFP)
DYNAMIC MASS PROFILING

The City of Banning is soliciting proposals from qualified contracting firms to provide "Dynamic Mass Profiling" of 7 production wells that are expected to exceed California's new Chromium-6 Maximum Contaminant Level (MCL) of 10 part per billion (ppb).

A complete copy of the Request for Proposals may be obtained by visiting the City of Banning website at <http://www.ci.banning.ca.us/index.aspx?nid=19> or by contacting Mr. Perry Gerdes, Public Utilities Superintendent by email at pgerdes@ci.banning.ca.us or by phone at (951) 922-3281. The Proposals are due by Monday, August 3, 2015 at 5:00 pm to the City of Banning, City Clerk located at 99 E. Ramsey Street, Banning, CA 92220.

BY ORDER OF THE CITY CLERK of the City of Banning, California.

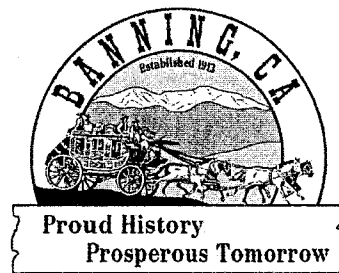
s/ Marie A. Calderon, City Clerk
City of Banning, California

DATED: July 9, 2015
PUBLISH: July 14, 2015

ATTACHMENT 3

EXHIBIT “C” – BESST, INC. PROPOSAL

BESST INC. PROPOSAL CITY OF BANNING (RFP) DYNAMIC MASS PROFILING PROJECT



Proposal Submitted To:

City of Banning Public Works Department

99 E. Ramsey Street Banning, CA 92220

(951) 922-3130

Cover Letter

July 31, 2015

Mr. Perry Gerdes

Water Superintendent

City of Banning Public Works Department

99 E. Ramsey Street Banning, CA 92220

(951) 922-3130

Dear Mr. Gerdes:

My colleagues and I have had an opportunity to review the City of Banning RFP titled "Dynamic Mass Profiling" and feel confident that BESST Incorporated is uniquely qualified to provide the most successful outcome for this project.

BESST Inc. is a California subsurface groundwater technology and services firm specializing in groundwater well profiling and assessment. We are exclusively licensed in California by the USGS to profile wells using their patented dye tracer technology, the technology specified in the RFP as the preferred method for assessing your wells. BESST was licensed for the dye tracer technology by the USGS in 2004 and has since profiled over 600 wells for flow, chemistry and/or video using miniaturized technology.

There are two key advantages to using miniaturized technologies. The first reason is that down-hole video surveys, well-bore flow data, and depth-dependent sample data can potentially be collected without the need to remove the pump from the well under study. Thus, there is a cost savings compared to older methods that typically require pump removal. Secondly, even if the pump has to be removed to facilitate installation of a small diameter access pipe for our miniaturized technologies, there is an even greater cost savings to the City of Banning from being able to use their own primary pump as opposed to a test pump provided by a pump service company.

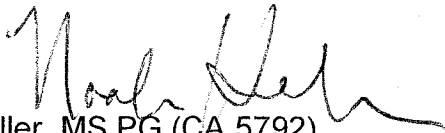
Smaller diameter test pumps are typically used in order to provide enough annular space for larger diameter conventional profiling tools. These larger diameter tools (such as spinners or jar samplers) typically require a 2" ID x 2.5" OD access pipe. A test pump with a diameter smaller than the well's standard pump must be used to accommodate the outside diameter of the access pipe for the tooling. BESST's profile tooling has a range of diameters from 1/2" to 3/4" OD and therefore can be installed through 1" ID to 1.25" ID access pipe. The smaller diameter access pipe can typically be deployed with the well owner's primary pump.

BESST well assessments have included studies for arsenic, hexavalent chromium, manganese, iron, TDS, nitrates, bacteria, radionuclides, MTBE, VOCs, air entrainment, and sand invasion, among many others. As a company we are known for our professionalism and determination, especially when a project presents a challenging situation. We expect our unique experience with flow and chemistry profiling using the USGS method to provide an advantage to City of Banning as it progresses through the evaluation and rehabilitation of its well system. We are proud of our long and successful history using this technology, and even more pleased to have a long list of satisfied clients all over the western U.S. who have contracted our services to help them provide the best quality drinking water possible in a fiscally responsible manner.

Our capabilities extend much further beyond profiling. Our capability to analyze and interpret the data that we collect, and the conclusion and recommendations we provide our customers is a key component of our service offering. We typically provide a number of well modification scenarios for our customers to consider. These scenarios have been used with strong success by our customers to improve their water quality in an economical fashion.

Moreover, we are capable of performing other types of in-depth geological data analyses, including use of geophysical logs, driller's reports and literature reviews. We help our clients understand the subsurface geological controls in their region from stratigraphy and structure. These added insights help our clients formulate a long range plan for well modification and for siting future locations for exploratory boreholes and wells.

We look forward to the opportunity to provide City of Banning with both excellent service and excellent value.



Noah Heller, MS PG (CA 5792)

CEO / Chief Technical Officer

BESST Inc.

50 Tiburon St. STE 7 San Rafael, CA 94901

Cell: 415.302.7354

nheller@besstinc.com

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Qualifications and Understanding

BESST, Inc. has been profiling municipal groundwater production wells using the US Geological Survey's Tracer Flow and Depth Dependent Sampler technology for the past 10+ years. BESST entered into an exclusive licensing agreement for the technology in 2004 and performed its first profile in early 2005. Since that time, BESST has performed over 600 profiles throughout California as well as profiling surveys in other western states. Along the way, BESST has made a number of improvements to the USGS technology that has afforded improved results.

The diagnostic services provided by BESST have led to the pioneering of a relatively new area of groundwater management and engineering called Selective Groundwater Extraction or SGE. A quick definition of SGE: when the well owner follows an engineered game plan of "picking and choosing" groundwater from selected screen or perforated intervals within a well on the basis of the results from profiling surveys. In most cases, the purpose of the SGE is to reduce the concentration levels of undesired geochemical constituents from the well's discharge. BESST has worked with well owners that have issues with hexavalent chromium, arsenic, nitrate, iron, manganese, uranium as well as many other elements and compounds. We used SGE with them to bring their wells into regulatory compliance or to significantly reduce the mass discharge of the undesired constituents so that less money is spent on treatment, blending and other forms of mitigation.

BESST, Inc. excels in SGE and advocates its use as the most fiscally conservative approach to groundwater management. Over the past 10 years BESST projects have saved a monetized value in excess of \$400MM to communities and other well owners. That money would have been spent to install new wells, treatment and blending facilities, pipelines, as well as for the O&M costs in perpetuity for such systems that including production, transportation and disposal of hazardous wastes generated from well head and centralized treatment systems.

As stated in our cover letter, BESST specializes in much more than just downhole diagnostic profiling work using miniaturized technologies. We also are proud of our solid track record in responsibly guiding our clients through the process of feasibility testing various SGE solutions. Examples of solutions that we specify include use of inflatable and mechanical packers, engineered suction, back-filling, pumping rate adjustment and pump intake relocation, combinations of the above and even combinations with down-sized well head treatment systems. The latter includes but is not limited to side-stream treatment systems where only half the production of a well is treated as a result of hydraulic manipulation with SGE.

Our qualifications are presented below in the following categories: Company Equipment, Firm and Project Team, and Case History References

Company Equipment

BESST is well equipped to handle large scale profiling and geological projects. The Company is outfitted with three Dynamic Mass Profiling Rigs (all of identical design). Since early 2015, BESST has made significant improvements to the rigs in regards to on-board electrical and pneumatic controls. Each rig is equipped with back-up spare parts, systems, and fluorimeters. Back-up laptops are carried by each profiling hydrogeological team. When requested by the client, BESST can provide miniaturized video camera equipment. BESST owns and operates two video systems. Each camera measures 3/4" OD, with both color and black and white cameras and both systems outfitted with side scan capability. BESST also provides its own water level meters.

Firm and Project Team

Best Environmental Subsurface Science and Technologies (BESST, Inc.) was founded in 1995. Mr. Noah Heller was the founder and still presently CEO/President. The Company focused solely on products during the period from 1995 through 2004. In this early years of the company the product focus was on improving subsurface technologies and science in order to sort out complex contaminant distribution problems in groundwater aquifers.

The first technology developed was the SimulProbe and is still in use today. The SimulProbe technology is used in groundwater contaminant exploration to bring the cost of a test well from \$35,000/zone in 2015 prices to approximately \$2,500 per zone. The ZIST technology followed the SimulProbe. ZIST stands for Zone Isolation Sampling Technology and forms the basis for advancing multi-level monitoring of groundwater aquifers at a fraction of the cost of conventional multi-level monitoring level system and clusters of single zone wells.

In 2002, BESST was introduced to the Flow Tracer and Depth Dependent Groundwater Sampler technology by the primary inventor from the USGS, Dr. John Izbicki. In 2004, BESST signed an exclusive licensing agreement with the USGS and since this time has profiled over 600 municipal production wells in California and other Western states.

The Company has emerged as a key player in the groundwater market by providing significant and dramatic cost savings to communities through avoiding and reducing well head treatment, blending facilities, pipelines, and reducing the need for new wells. BESST has been focused on its customer's satisfaction and had developed a turn-key service which combines in-house advanced technologies with sound consulting.

Information for key personnel are listed below. Resumes are also included in Appendix 6.

Noah Heller, CEO

Contact Info: (415) 302-7354, nheller@besstinc.com

MS PG (CA 5792) Licensed California Geologist. MS Geology Mississippi State University with emphasis in sedimentology and down-hole geophysics. BA Geology Rutgers University. President of BESST, 1995 – Present. Mr. Heller has invented various technologies over the past 20 years for groundwater sampling and monitoring and holds various patents and patent applications. BESST, Inc. received an exclusive license from the USGS in 2004 for the Tracer Flow and Depth Dependent Sampler. Mr. Heller has been the California registered geologist of record on over 600 dynamic mass profiling projects, and on hundreds of groundwater sampling and monitoring projects using advanced samplers, multilevel well technologies and sensors. Over the past 9 years, Mr. Heller has taught over 400 CEU classes approved by the California Department of Public Health of well profiling methods and diagnostics and how to use these data for well modification. Mr. Heller has co-authored a number of peer reviewed articles in various journals and presents at various professional conferences on a fairly routine basis. Mr. Heller is a regular speaker with the Rural Community Assistance Corporation (RCAC) and with the California Rural Water Association.

Mr. Heller is the person responsible for overall corporate commitment to the project, as well as being the primary point of contact. He is the most experienced member of our team, and will oversee all aspects of the project. Mr. Heller will guide other BESST staff through the process of access surveys, profiling plans, the profiles themselves, and the data analysis and reporting. Any of our reference clients can be contacted regarding Mr. Heller

Lucas Allen Williams, Senior Geologist/Project Manager

Contact Info: (805) 886-5884, lallenwilliams@besstinc.com

Mr. Allen-Williams holds a BA in geology from Pomona College, and has been with the company for 2+ years. Mr. Lucas Allen-Williams serves a key role in the BESST organization as Senior Geologist/Project Manager. He will be the project manager for this project and guide the project through all phases. Mr. Allen-Williams can be referenced by contacting Christian Kropf of TMWA, Anthony Lara of BCVWD, and James Tsumura of the City of La Palma.

Kimberly Miles, Senior Hydrogeologist

Contact Info: (907) 723-0686, kmiles@besstinc.com

Ms. Miles is a lead hydrogeologist with BESST, and has been with the company for 2+ years. She holds a BS in Geology, BS in Hydrogeology from the University of Idaho. Ms. Miles has worked numerous dynamic mass profiling projects for BESST and is focused on field methodologies, data analysis and interpretation and report writing. Ms. Miles will lead our data analysis and reporting efforts. Ms. Miles can be referenced by contacting Anthony Lara of BCVWD, James Tsumura of the City of La Palma, and Christian Kropf of TMWA.

Robert Emmens, Field Operations Manager

Contact Info (805) 729-3783, remmens@besstinc.com

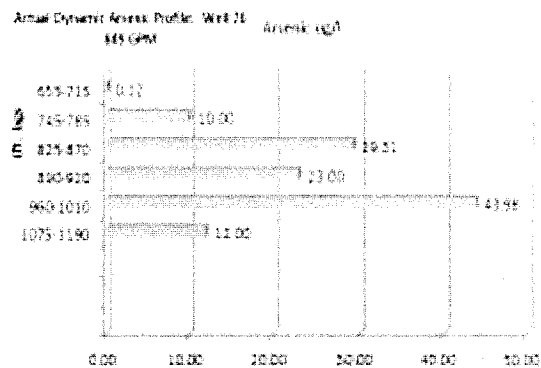
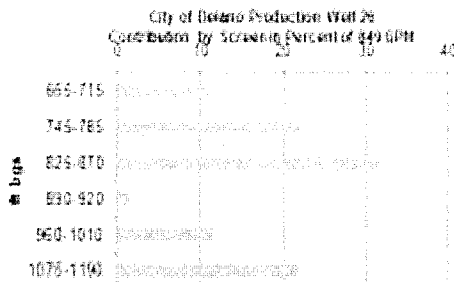
Mr. Emmens holds a BS in Geology from the University of Idaho, and has been with the company for over a year. Mr. Emmens is an experienced field operator who will be leading our field teams on site. He will be ensuring that proper technical and health and safety procedures are followed. Mr. Emmens can be referenced by contacting Anthony Lara of BCVWD and Christian Kropf of TMWA.

Case History #1: City of Delano, CA

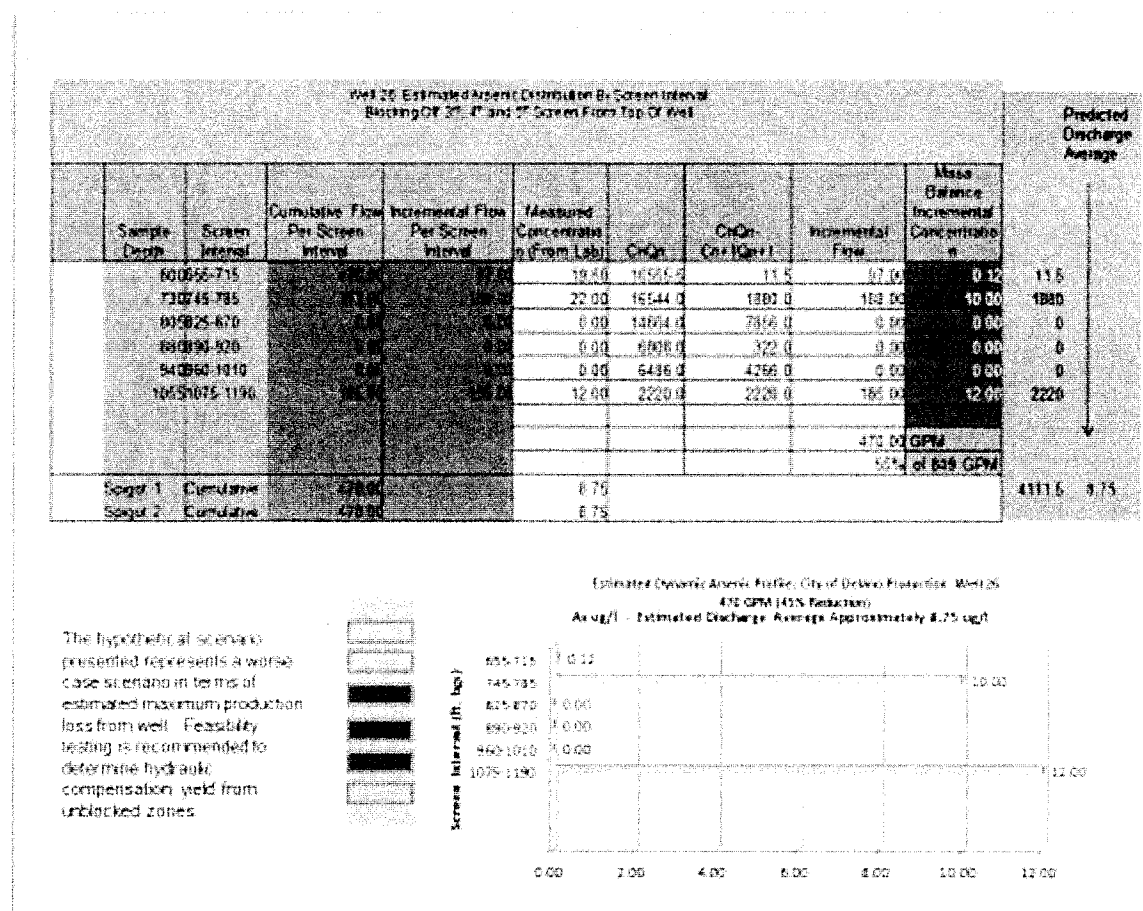
From 2010-2011 BESST performed profiles on 5 wells owned by the City of Delano at a cost of \$16,000-\$18,000 per well. The City of Delano is located about 20 miles to the north of Bakersfield CA. Over the years, the City has engaged a number of consultants in the development of their groundwater resources. When the MCL for arsenic was lowered from 50 ug/L to 10 ug/L most of their groundwater production wells immediately fell out of regulatory compliance with the new standard. Faced with significant treatment costs, the City of Delano contracted BESST guide them through their issues.

The data table below shows that the outcome from the profiling effort at Well 26. It demonstrates that the three lower middle screens of the well intersected three formational units that contained high concentrations of arsenic. BESST then ran a simple "what-if" model showing the results of a theoretical well modification that would result in the discharge concentration being lowered from 19.5 ug/L to 8.5 ug/L and with a potential worst case production loss of 45% of total production. The model simulated isolating and blocking off the three high arsenic bearing zones using double packer technology and only allocating groundwater from the upper two screens as well as the bottom well screen.

Well 26: Actual Arsenic Distribution Per Screen Interval (Tabulated Results)										Predicted Discharge Average
As	Sample Depth (ft)	Screen Interval (ft)	Cumulative Flow Per Screen Interval (GPM)	Incremental Flow Per Screen Interval	As Measured Concentration From Lab	CrOn	Cr+10Cr-1	Incremental Flow	Mass Balance As Incremental Concentration	
	600-655-715			33.26	19.00	16555.0	11.5	97.00	0.92	11.5
	715-745-785			183.00	22.00	16544.0	1880.0	188.00	10.00	1880
	800-825-870			260.00	26.00	14604.0	7856.0	768.00	29.31	7856
	880-90-920			12.00	23.00	6628.0	322.0	14.00	23.00	322
	960-1010			185.00	23.00	6436.0	4266.0	97.00	43.98	4266
	1075-1190			183.00	12.00	2220.0	2220.0	185.00	12.00	2220
								849.00		
								100%		
Target 1: Cumulative			849.00		19.00				16555.5	19.50
Target 2: Cumulative			849.00		19.00					



After generating the model (see below diagram), the City requested that BESST provide a presentation to all of the stakeholders and describe in detail how such a well modification would be performed. BESST advised the City to also invite their trusted pump service company representative to provide critical details to the plan.



After generating the model, the City requested that BESST provide a presentation to all of the stakeholders and describe in detail how such a well modification would be performed. BESST advised the City to also invite their trusted pump service company representative to provide critical details to the plan.

It was determined at the meeting to proceed forward with installation of the double packer system. The double packer system was successfully installed by a pump service company. The City of Delano opted to lease the double packer system for six months for the purpose of proving out long term sustainability. They would only commit to buying out the packer lease if the test showed favorable long-term results.

Following installation the arsenic mass produced from the well head progressively decreased from 23 ug/L to 11 ug/L. The reduction in arsenic was due to the packer preventing the three highest arsenic bearing zones from producing water and selectively extracting groundwater from the three lowest concentration zones. Moreover, production losses were only 25% of the total production prior to well modification due to the ample make-up production available from the deepest permeable zone.

Although continued monitoring of the well head discharge bottomed out in the range of 10-12 ug/L arsenic, the reduction in wellhead arsenic concentration opened the door to include the option of side stream treatment in combination with hydraulic manipulation of the well. Although the city of Delano did not choose this route, they could have used side stream treatment to treat half of the discharge water from Well 26 to 0 ug/L. That would have allowed blending of the treated half with the untreated half to reduce the arsenic concentration to the range of 5-6 ug/L from Well 26.

Based on the success in “proof of concept” for the first City of Delano well profiling effort, BESST was authorized to profile four more wells. Of the four wells, one well was hydraulically modified with a single packer system, reducing the well head concentration from 14 to 4 ug/L arsenic. Bringing the well into compliance without use of well head treatment or the construction of a replacement well saved the City \$2.5MM. In an email sent to BESST by the water superintendent, he stated that BESST hit a “home run” with our assistance to the city.

Further cross sectional analysis by BESST, using a combination of electric and lithologic data, provided significant insight as to the reason so many of the City’s wells were impacted with elevated concentrations of arsenic. It was discovered that exploratory borehole, back-fill zones tests did not provide a complete picture of subsurface arsenic distribution for three reasons:

1. Performing the zones tests within a limited vertical section of the permeable materials (10 to 20 feet of temporary well screen) – that was vertically distant from the clay/sand(gravel) interfaces that harbor leached arsenic concentrations from the clay zones.
2. Performing the zones tests at a pumping rate that was significantly lower than the production rate of the well.
3. Performing the zone tests for only a 6 to 12 hour period of time.

These dissimilarities are cause for expensive informational disconnects between exploration and the scale up to an actual production well.

Through our profiling and geological data analyses efforts, BESST was able to save the City of Delano significant costs in bringing their arsenic issues under control. BESST was also able to help the City discover valuable information regarding their subsurface resources that will guide them towards better and more economical decisions as they move forward in providing their customers with high quality water and service.

Contact Information for City of Delano

Craig Wilson - Water Superintendent

725 So. Lexington Street, Delano, CA 93215

Phone: (661) 721-3350 Ext. 675 :: Fax: (661) 721-3359:: Email: cwilson@cityofdelano.org

Case History #2: Beaumont Cherry Valley Water District

The Beaumont Cherry Valley Water District (BCVWD) is located within a NW by SE trending valley with complex subsurface structural and stratigraphic architecture. BESST profiled two of BCVWD’s wells in early 2015 at a cost of \$26,000-\$30,000 per well. Along with the City of Banning directly to the east, the twin city area is geologically and geomorphologically sandwiched between the San Gabriel Mountains to the north and the San Jacinto Mountains to the south. The narrow valley is underlain by a system of complex folds and faults that form part of the San Andrea fault complex. Adding to the complexity is the extensional faulting forming a series of staircase-like fault blocks underneath parts of the valley. These blocks likely offset various groundwater production zones (including those impacted with hexavalent chromium).

Within the large scale picture of the problem is the economic lifeline of the communities: the groundwater production wells within the Beaumont Cherry Valley Water District (BCVWD) and the wells solely owned by the City of Banning (directly to the east). Many of these wells show exceedances of 10 ug/L hexavalent chromium, including two wells profiled by BESST in the early part of 2015: BCVWD Wells 25 and 26. The reason behind the in-well characterization effort is that profiling combined with

SGE could provide for the most fiscally conservative approach to ascertain the appropriate course of action for the BCVWD.

The preliminary results from both surveys suggest that either hydraulic manipulation by itself without treatment or the combination of hydraulic manipulation with down-sized well head treatment are viable options to explore. The results from the two Dynamic Mass Profiling efforts so far indicate slightly different strategies for each well. Below is detailed the potential options for Well 25.

BCVWD #25 Well Modification Scenarios Assuming 0% Makeup Production					
	Blocked Intervals	Total Discharge	% Production Loss	Hexavalent Chromium	Total Chromium
Feasibility Test Scenarios (FTS)	Feet Below Top of Casing	GPM	%	µg/L	µg/L
Current Situation	No Modification	2,900	0%	11.4	12.4
FTS # 4	780-820, 860-880, 1080-1450	1,877	35%	5.4	11.2
FTS # 3	780-820, 860-880, 1280-1450	2,217	24%	5.9	11.8
FTS #2	780-820, 1280-1450	2,279	21%	6.6	11.7
FTS #1	1280-1450	2,730	6%	11.3	11.8

For Well 25, the simplest solution is to block off the bottom screen section with a temporary packer to reduce hex chrome concentration as well as reduce discharge capacity. The more sophisticated option is to use two to four additional packers in the middle section of the well screen, to selectively block out thinner, interbedded zones supplying high concentrations of hex chrome to the well. In any of the four scenarios, an engineered suction solution would be used in conjunction with the packer(s) to hydraulically direct flow from the more favorable water bearing zones.

Examples of the four different scenarios are presented below. On the one hand, the most fiscally conservative approach would be to first try Field Test Scenario #1 (FTS #1 – bottom of table). This is a simple, straight forward approach with the least amount of production loss.

Given the relatively low cost of this approach, we recommended that it be the first attempt. However, our theoretical mass balance shows that there would not be much change from the present well head concentration. If the resulting concentration at the well head is not low enough after testing the well for 4 to 6 weeks, then the next order of operation would be to test the well using one of the other three FTS options. We can see from the above table that at the other end of the Feasibility Test spectrum is FTS #4. Overall, it is more expensive in design but potentially leads to more favorable results with respect to discharge concentration of hex chrome (predicted at 5.4 mg/L). The downside of this approach is that we are predicting a 35% production loss (assuming no “make-up” production). However, more often than not, production wells make up some percentage of production losses from the zones that are not blocked off.

Contact Information for Beaumont Cherry Valley Water District

Anthony L. Lara - Director of Operations
 560 Magnolia Avenue, Beaumont, CA 92223
 Phone: (951) 845-9581 :: Fax: (951) 845-0159

Case History #3: Water Replenishment District of Southern California

The below paragraphs are quoted from the Water Replenishment District of Southern California's Technical Bulletin Volume 23 – Summer 2010.

WRD has a Well Profiling Program to assist well owners with investigating the source and quality of groundwater entering their wells. To date, six wells have been successfully profiled through this program and two have been modified to improve water quality.

Before profiling and modification, there was a well in the District was producing arsenic at concentrations between 8 and 24 parts per billion (ppb). In January 2006, the federal Maximum Contaminant Level (MCL) for arsenic was reduced from 50 ppb to 10 ppb, rendering this well in potential violation of the new standard. Well profiling was performed and determined the following: 1) The pumping rate was 1,200 GPM and the pump intake was set at 190 ft.; 2) there are 5 screened intervals in the well; 3) profiling showed the highest arsenic contribution was coming from the shallowest screened interval, (90 ft. —135 ft.), but this interval was not contributing much water to the well. The lowest arsenic contribution and the highest flow rate was coming from the screened interval from 240 ft. to 245 ft.

Based on the results, the well was equipped with a rubber inflatable packer installed at 200 feet below ground surface to seal off the upper two screen intervals and eliminate their flow and arsenic contributions to the well. A pump suction was extended through the packer to a depth of 260 feet so that the well only produced water from the lower three intervals. When the well was turned back on, arsenic concentrations steadily decreased to less than 5 ppb. The well is now in compliance with the arsenic MCL and no wellhead treatment is required. In addition, pumping capacity was not lost from the well. The high transmissivity of the lower aquifers made up for the loss of the shallower screen intervals.

Total cost for the well profiling and screen sealing were approximately 10% of the cost for a full arsenic treatment system, proving the value of the upfront work. To read more and learn about more of the details related to the use of BESST's profiling system for WRD, please use the link below.

http://www.wrd.org/engineering/pdf/TB23_Summer2010_Well_Profiling_Safe_Drinking_Water_Program.pdf

Contact Information for WRD

Ted Johnson - Chief Hydrogeologist
4040 Paramount Blvd, Lakewood, CA 90712
Phone: (562) 275-4240 :: Email - tjohnson@wrd.org

Additional Client References

Truckee Meadows Water Authority

BESST performed profiles on three wells for Truckee Meadows Water Authority in early 2015.

Christian Kropf - Senior Hydrogeologist

1355 Capital Blvd. | Reno, NV 89502

Phone: (775) 834-8016 :: email: ckropf@tmwa.com

City of La Palma

BESST profiled a single well for the City of La Palma in late 2013. Since then, we have been guiding the city through using the results of the profile to perform a feasibility test.

James Tsumura - Water Supervisor

Community Services Department – Water Division

7821 Walker Street, La Palma, CA 90623

Phone: (714)-690-3313 :: Email: jamest@cityoflapalma.org

Robert M. Gailey, P.G., C.HG.

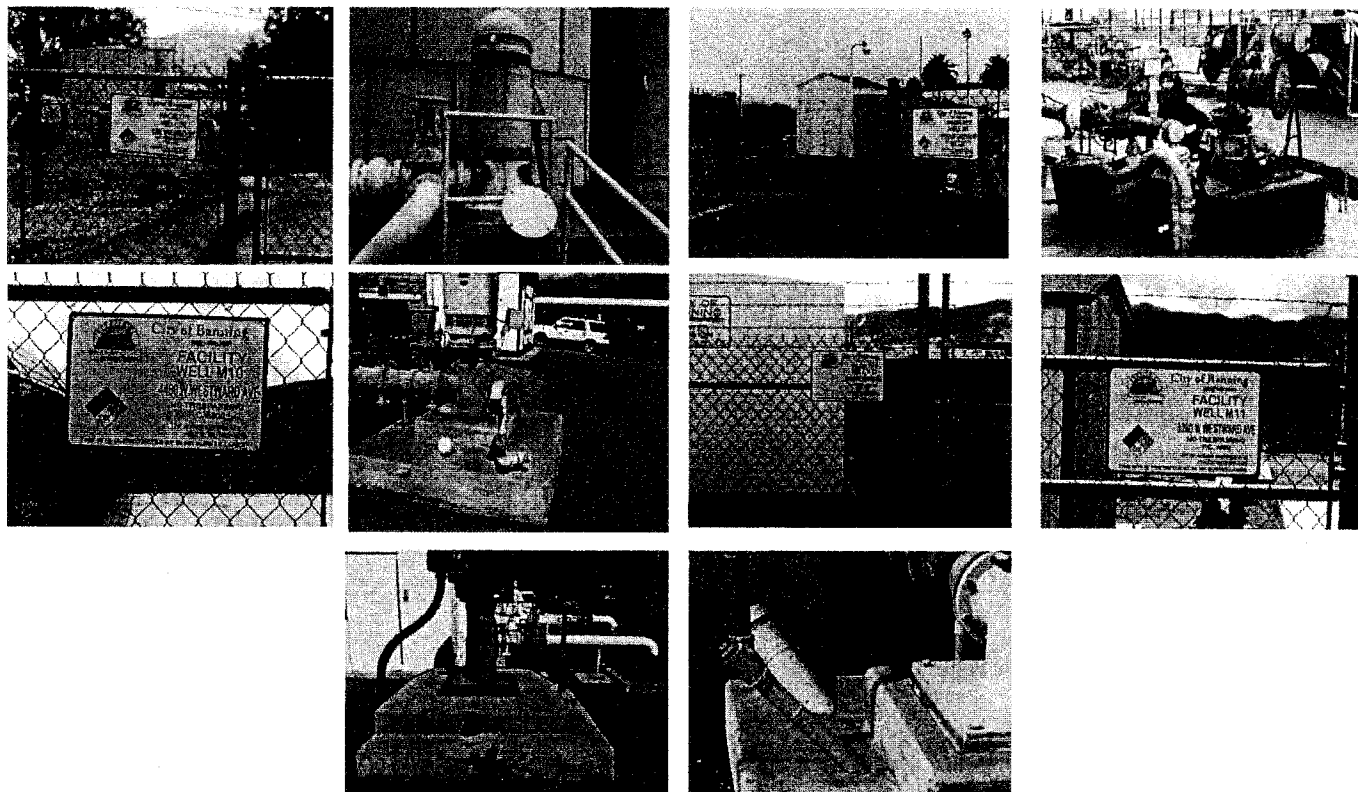
Mr. Gailey is a consulting hydrogeologist that has worked with BESST to perform approximately 30 well profiles over the last decade.

Consulting Hydrogeologist

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Strategy and Implementation Plan

Groundwater production wells can have a wide range of differences in geological setting and construction. This necessitates a wide ranges of approaches in a company's "toolbox" that allows for an individualized approach to well modification. A brief overview of some of the City of Banning's wells' external construction as shown in the below photos clearly demonstrates this point. Down-hole construction differences include pump type, pump intake depth, column diameter, well diameter, depths of screened sections for each well, types of perforations, age of the well, drilling method used, and the condition of the well screen and gravel pack of each well. Over the past 11 years, after over 600 municipal well dynamic mass profiling events, BESST, Inc. has refined its process of well profiling to be as smoothly detailed as possible with minimal chances for problematic occurrences.



Proposed Schedule

City of Banning Project Schedule	Sept		Oct				Nov						Dec				Jan
Tasks / Time-Line	21	28	5	12	19	26	2	9	16	23	30	7	14	21	28	4	
Submit Insurance Documentation																	
Receive Signed Contract																	
Kick-Off Meeting																	
Access Survey of All Wells																	
Prepare, Complete and Submit Access Survey Reports																	
2nd Meeting: Discuss Access Survey Results																	
Prepare Wells for Dynamic Mass Profiling Surveys																	
Meetings: Discuss Well Preparations																	
Optional Video Survey																	
Coordinate With Well Operators and Superintendent																	
<i>Dynamic Mass Profiling</i>																	
Well C2A																	
Well C3																	
Well C4																	
Well C6																	
Well M10																	
Well M11																	
Well M12																	
Reporting																	
Receive Lab Results																	
<i>Prepare and Submit Preliminary Reports</i>																	
Well C2A																	
Well C3																	
Well C4																	
Well C6																	
Well M10																	
Well M11																	
Well M12																	
<i>Respond To Comments, Make Edits, Finalize Reports</i>																	
Well C2A																	
Well C3																	
Well C4																	
Well C6																	
Well M10																	
Well M11																	
Well M12																	
<i>Geological Cross Sectional Analysis</i>																	
Gather E-Log Data, Driller's Reports, Any Other Well Data																	
Digitize Data																	
Literature Review																	
Prepare Preliminary Report																	
Meeting To Discuss Findings / Discuss Well Modifications																	
Finalize Preliminary Report																	
Discuss Well Modifications																	

Time Commitments of City Staff

BESST estimates the time commitments of City staff on the following items:

- Admin tasks pre-access surveys, including kick-off meeting = 10 hours
- Access Surveys, 7 wells = 10-20 hours for a City staff member to lead a BESST staff to all wells for access surveys.
- Admin tasks between access surveys and profiling activities, including discussion of access survey results = 10 hours.
- Optional Video Surveys = 8 hours per well for City staff to be present while BESST videos a well.
- If primary access survey is not successful, hours needed for exploring additional access options will vary.
- Dynamic Mass Profiling Per well = 35 hours for a City staff to be present while BESST is performing profiling. City staff is required to turn pump on and off, and assist with transfer of samples.
- Receive, read, and comment on preliminary reports, per well = 4 hours.
- Receive, read and discuss final reports and well modifications, per well = 4 hours.
- Collect and send geological cross-section data = 16 hours.
- Meeting to discuss findings of geological study = 2 hours

Pre-Dynamic Mass Profiling Activities

Our project process starts with a kick-off meeting with the client, which is followed by a detailed access survey assessment of each well (Appendix 1). As part of the access survey, a BESST staff engineer or geologist will visit each well location and photo document the well head with emphasis on point of entry and down-hole access survey. When the ground surface and down-hole access surveys are complete, BESST will follow up the results of the access survey with an Access Survey Report to the client (see example in Appendix 2). BESST will discuss the results of the Access Survey with the client and then plan out the next steps in terms of how to enter the well. Appendix 1 delves into the sequential thought process and details of how BESST incrementally approaches well entry using a "Risk Management and Engineered Approach". Using this approach has proven to save our clients significant costs.

Although the City of Banning RFP calls for use of a test pump on each well, the well entry approach details provided in Appendix 1 clearly show that there are other cost-saving options – and that use of a test pump should only be considered if there are no other options available (being the most expensive option).

Once the well entry access has been agreed to and implemented by the City of Banning, BESST will then generate a Dynamic Mass Profiling Injection and Groundwater Sampling Plan (See example in Appendix 3), submit the plan to the City of Banning for review and approval, and then coordinate with City staff on start and completion dates, as well as the number of sample bottles to be provided by the City's contracted laboratory. An important resource that the City should provide to BESST prior to starting the Dynamic Mass Profiling for each well is copies of the well's down-hole geophysical logs (if they exist). Down-hole geophysical data is a valuable resource in constructing the injection and sampling plan. BESST uses this information to identify low permeability zones around the outside of the screened sections; these are used as key flow velocity measurement and calibration points inside the well.

Being that creating a safe work environment is paramount to BESST's field practice, BESST will also generate a Site Health and Safety Plan (an example of which is shown in Appendix 4).

Key Issues Prior to Start of Profile:

- Does the well have available AC power that BESST can use, or will BESST be required to bring an on-board generator?
- Does the well have a fully functional, accurate flow meter? If not, will the City provide a flow meter; and if not, then BESST will make accommodations to provide a clamp-on acoustic flow meter.

Also, is the flow meter positioned 10 feet or more from the discharge point of the well? AWWA well standards recommend this setup in order to provide more accurate flow measurement readings that are less effected by pipe turbulence.

- Is there a sampling tap available on the well discharge with an NPT connection?
- Are there other wells close to the well to be profiled that are periodically operational and have known hydraulic interferences with the well to be profiled when in operation?
- Has the well to be profiled been off for an extended period of time?
- Will the profiled well's water be pumped directly to the system or to waste during the profiling event?
- If the well water is pumped to waste, can the well be run continuously or are there wastewater storage limitations?
- Does the City maintain NPDES permits to pump to waste, and if so are the City's permits current?
- Is the City confident about the well construction details of each well? If not, then does the City wish BESST to perform any video inspection surveys prior to starting Dynamic Mass Profiling?
- Does the City have recent DVD copies of video surveys for any of the wells? If so, then these records should be made available to BESST for review. Rehab data is sometimes crucial to the interpretation of the zonal flow and chemistry results. As an example, the Dynamic Mass Profile may show that there is little flow contribution from a section of formation that has been identified as coarse grained from both the driller's report and/or the geophysical log. The video log can then be used as circumstantial evidence to infer that the surrounding gravel pack in this section of the well is clogged. The City of Banning can then use the zonal chemistry data to determine if this section of the well should be rehabbed. The well screen section and gravel pack is rehabbed if the zonal groundwater is of good quality and not rehabbed if the zonal water characteristics are of poor quality.

Dynamic Mass Profiling Activities

Over the past 11 years, BESST has devised well thought-out Dynamic Mass Profiling procedures. Appendix 5 shows an abbreviated version of our more detailed procedures. In accordance with the Injection and Groundwater Sampling Plan, BESST field scientists will first begin with the tracer flow injection survey. The dynamic flow portion of the profile is explained below.

Dynamic Flow Profile Description and Calculations

The dynamic flow profile for the City of Banning will be performed using the USGS Tracer Pulse Dynamic Flow Profile method to measure flow contribution along the length of the well screen. The profile will be conducted under steady state pumping and drawdown conditions. This means that the pumping rate during the test must be stable – and not fluctuating up or down more than 2% to 3% of the targeted pumping rate for the well during the test. BESST field geologists and engineers will be checking the well's pumping rate every 30 minutes during the course of the flow survey. The fluorometer flow rate will also be checked on the same time interval as well as the pumping water level inside the well. BESST will provide a water level meter to check on water levels during the test. If there is a significant change in pumping rate and/or water level outside the accepted threshold, then BESST field scientists will immediately notify the BESST project manager and a decision will be made. If the rate and level stabilizes quickly, then the decision will be made to continue on with the test. If, on the other hand, the rate and/or level does not stabilize, then the test will be temporarily suspended until the pumping rate and water level return to steady state conditions.

The tracer used during the test is Rhodamine Red FWT 50, which is approved for use in potable water supply wells under NSF 60 rules. NSF stands for the National Sanitary Foundation, and the rules that pertain to tracers can be found in Volume 60. The amount of tracer used is minimal, less than 50 ug/l per injection. Since the dilution concentration is so low following injection into the well, a fluorometer must be

used as the electronic eye to see return of the tracer to the ground surface discharge. The returning groundwater appears clear and there are no visible traces of the tracer.

The depth sequential injection times from depth and time of release to the fluorometer return are then used to calculate in-well flow velocities between sequential pairs of injection points. From these velocities, BESST can then calculate cumulative flow, which shows the increase in groundwater production along the length of the well when approaching the pump intake. The raw cumulative flow data is then corrected by a proportionality factor determined by the actual pump rate over theoretical pump rate.

The zonal flow for each zone defined between sequential pairs of injection points is then calculated by finding the difference between cumulative flow depths. BESST will use this data to generate zonal flow graphs showing the yield contribution between each cumulative measurement depth. The percent contribution graph is in principal the same information as zonal flow. Adding up all labeled values in incremental flow will give the pumping rate, and the same calculation for percent will add up to 100% of the pumping rate. Percent contribution is calculated by dividing incremental flow by the average total pumping rate recorded by the well's flow meter.

BESST, Inc. adds injection depth locations in blank sections (and within portions of the well screen that vertically transect fine-grained, highly impermeable zones) to better estimate total flow from the contributing screen sections. It is assumed that while tracing flow from blank (and highly impermeable) sections, there is no extra groundwater production in addition to the contributing screened intervals. BESST uses these points in the QA/QC process of the analysis.

Additional injection points in the casing may be warranted if the well is of considerable age and past video surveys show locations along the well casing that may be leaking water into the well during production. The tracer method can be used to quantify the amount of flow contribution from these breaches and use the data to determine if groundwater samples should be collected to quantify contribution of potential contaminants to the well.

Flow Contribution Variables

Calculations are based upon well information provided by the city and field survey results Q_n (GPM): Depth-dependent cumulative discharge value. Up to three measurements are collected at each discrete depth to determine cumulative flow.

- Q_n (GPM): Depth dependent cumulative discharge value
- $\Delta Q_{n,n+1}$ (GPM): Zonal flow contribution between depths n and $n+1$
- V_n (ft/min): depth dependent velocity value
- A (ft²): well cross-sectional area
- C : Constant conversion factor (ft³/min) to GPM
- r_{cas} (ft): well casing inner radius
- r_{col} (ft): outer radius of pump column
- d_{n+1} (ft): upstream injection depth
- d_n (ft): downstream injection depth
- t_{n+1} (min): return time of d_{n+1}
- t_n (min): return time of d_n

Velocity (ft/min)

1. $v_n = \frac{(d_a - d_c)}{(t_b - t_c)}, \frac{(d_b - d_c)}{(t_c - t_b)}, \frac{(d_c - d_d)}{(t_d - t_c)}, \dots, \frac{(d_n - d_{n+1})}{(t_{n+1} - t_n)}$ If above intake, then d moves up and away from intake
2. $v_n = \frac{(d_a - d_c)}{(t_b - t_c)}, \frac{(d_b - d_c)}{(t_c - t_b)}, \frac{(d_c - d_d)}{(t_d - t_c)}, \dots, \frac{(d_n - d_{n+1})}{(t_{n+1} - t_n)}$ If below intake, then d moves down and away from intake

Well cross-sectional area (ft²)

3. $A = [\pi(r_{cas} - r_{col})]^2$ If above pumping intake
4. $A = \pi r_{cas}^2$ If below pumping intake

Cumulative flow (GPM)

5. $Q_n = (v_a * A * C), (v_b * A * C), (v_c * A * C), \dots, (v_n * A * C)$

Zonal flow contribution (GPM)

6. $\Delta Q_{n,n+1} = (Q_a - Q_b), (Q_b - Q_c), (Q_c - Q_d), \dots, (Q_n - Q_{n+1})$

Dynamic Groundwater Sampling Profile

The depth-dependent groundwater samples are collected from the same depths as the tracer injections – whereby a collocated set of data results is generated for each depth. The chemistry results reported from the lab are cumulative (not zonal), but then are used in conjunction with the flow calculations and principles of conservation of mass to determine specific water quality zonal measurements along the length of the well screen.

Water Quality Data Analytes and Sampling

Based on the City of Banning's concerns with elevated concentrations of hexavalent chromium, BESST recommends the following analytes for analysis:

- Total Chromium
- Dissolved Chromium
- Total Hexavalent Chromium
- Dissolved Hexavalent Chromium
- TDS
- Potential Interferants with treatment media
 - Nitrate
 - Uranium 235

For investigations that require collection of inorganic analytes, BESST typically deploys a technology called the HydroBooster (HB). The standard version of the HB can be used to depths in excess of 3,000 feet below ground surface. The pump is specifically designed to be miniaturized (< ¾" OD) and is made from stainless steel. The HB water sampling system is operated using nitrogen gas using the process of gas-displacement (not to be mistaken with air-lift). For each depth location inside each of the City of Banning wells, the HydroBooster will be purged two times to remove any mixed water that enter the system while it was being lowered or raised to the next sampling depth. Following two successive purges, groundwater samples will be collected and the water discharged into the appropriate sample containers provided by the laboratory that is contracted with the City of Banning. BESST staff will fill each bottle and then hand the depth-dependent sample to a representative from the City of Banning.

Flow Weighted Concentrations vs. Analytical Lab Results

Assuming conservative mixing inside the well, we can derive the average zonal chemical contributions from cumulative contributions between any two vertically paired and consecutive water samples.

Flow-weighted (zonal) concentrations are a result of BESST, Inc. calculations. The zonal concentrations represent depth intervals between sample depths. It is assumed in our calculations that analytes within a given well mix in the direction of the pump intake. Much like the cumulative discharge graph, the depth-dependent analytical lab results are assumed to be the cumulative chemical profile. We use the cumulative lab results to calculate zonal chemistry by finding the difference between the product of cumulative discharge and cumulative chemistry, then dividing by the zonal flow contribution (see below calculations). Exceptionally high and low zonal chemistry values may result due to mass balance

calculations involving zones with little flow contribution. BESST uses the TDS analytical lab results to QA/QC the calculated flow contribution and chemical mass balance. Below is a quote that references this calibration process from California GAMA Special Study: An isotopic and dissolved gas investigation of nitrate source and transport to a public supply well in California's Central Valley (Moran et al., 2010).

"Mixing proportions and calculated incremental values are very sensitive to flow values, which are not measured with a high degree of accuracy. An alternative approach is to modify flow values so that incremental groundwater parameters are reasonable for most constituents. These adjusted flow values determined from chemical mixing are not unique but are constrained by maintaining calculated flows as close as possible to values measured at the pump intake (Landon et al., 2009)."

After the mass balance results are calculated, BESST finalizes the results by comparing the theoretical average well head concentration with the actual average concentration. Percent error is calculated during this step, and a correction factor can be applied to the mass-balanced and flow-weighted zonal analyte results. The amount of error associated with the TDS, electrical conductivity, and chloride average well head concentrations are limiting factors when applying correction factors to the remaining analytes.

Calculations for Zonal Chemical Contribution Concentration

Q_n (GPM)= Depth dependent cumulative discharge value

$\Delta Q_{n,n+1}$ (GPM)= Zonal flow contribution between depths n and n+1

C_n = Depth dependent lab concentration value

$\Delta C_{n,n+1}$ = Zonal chemical concentration between depths n and n+1

$$7. \Delta C_{n,n+1} = \frac{(Q_a * C_a) - (Q_b * C_b)}{(\Delta Q_{ab})}, \frac{(Q_b * C_b) - (Q_c * C_c)}{(\Delta Q_{bc})}, \frac{(Q_c * C_c) - (Q_d * C_d)}{(\Delta Q_{cd})}, \dots, \frac{(Q_n * C_n) - (Q_{n+1} * C_{n+1})}{(\Delta Q_{n,n+1})}$$

Calculations for Theoretical Average Analyte Chemistry

C_{tot} = Composite sample collected at well #2 well head tap.

C_{avg} = Average analyte chemistry for all depth intervals to the nth degree.

Q_{tot} = Total cumulative flow discharge flowing out of the well.

Theoretical Average Chemical Concentration

$$8. C_{avg} = \frac{(\Delta Q_{ab} * \Delta C_{ab}) + (\Delta Q_{bc} * \Delta C_{bc}) + (\Delta Q_{cd} * \Delta C_{cd}) + \dots + (\Delta Q_{n,n+1} * \Delta C_{n,n+1})}{Q_{tot}}$$

Data Reporting, Interpretations, Conclusions and Recommendations

BESST will provide a detailed Dynamic Mass Profiling report to the City of Banning for each well. Reports shall consist of the following key elements:

- Introduction
- Velocity Log
- Cumulative Flow Graphical Log
- Zonal Flow Graphical Log in GPM
- Zonal Flow Graphical Log in Percent
- Zonal Flow and Chemistry Graphical Log for each analyte of concern as well as interferrants
- Discussion
- Conclusions
- Recommendations with Well Modification Scenarios

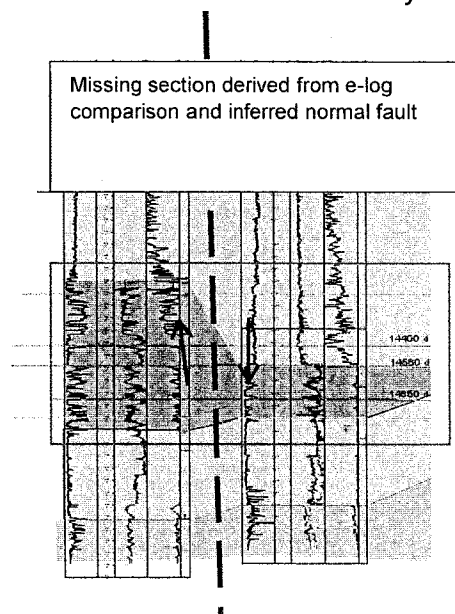
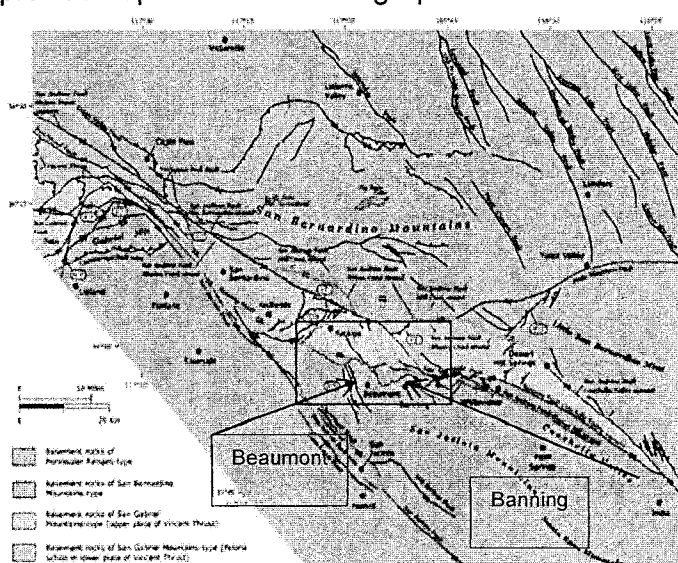
A typical example of a BESST Dynamic Mass Profiling Report is shown in Appendix 6 – Beaumont Cherry Valley Water District Report Well 25. BESST will first submit a preliminary report to the client for review. Once the City of Banning representatives have had time to review and comment, BESST will then review the comments and questions and respond to the City in a timely manner. From the time that water chemistry results are submitted to BESST from the client's lab, the turnaround time for delivering the first draft of the preliminary report is about 2 to 3 weeks. Following receipt of comment and requested edits, BESST will be able to generate a final report in one to two weeks.

Geological Cross-Sectional Analysis

Once all of the Dynamic Mass Profiling reports are completed and approved by the City of Banning, BESST proposes that it engage in a detailed analysis of the City's electric log data for each well where this information is available. The data will be used to construct a cross-sectional analysis of the City of Banning's well field. BESST will also use other publicly available resources such as US Geological Survey documentation (i.e. USGS SIR 2006 report) and others. BESST will also review the lithologic details provided in the driller's reports for the various wells. All of the subsurface data (including the downhole geophysical data) will be used to analyze the geological architecture of the well field. Some of the key ways in which the data can be utilized in the short term are as follows:

- Determine if there are subsurface structural and stratigraphic controls for the occurrence of hexavalent chromium.
- Utilize the combination of the cross-sectional analysis with layover plots of the geochemical flow and distribution data to design a well-to-well, well-field modification procedure that relates the well modification strategy to the collective hydraulic relationship of all of the wells rather than just modifying the well itself (without consideration of how the wells interact).
- Ultimately, be able to utilize the subsurface relational data to help laterally and vertically site new wells. We find that one of the most costly mistakes in groundwater exploration is derived from not having this data prior to drilling the exploratory hole for the well scale-up.

As seen in the geologic map below, the region of concern for the City of Banning project is located within the red rectangle. The map shows a series of complex northwest-southeast translational faulting that is part of the San Andreas Fault zone. Perpendicular and sub-perpendicular to the translational faults are additional faults, some of which are normal faults and reverse-reactivated normal faults. Some of these faults may provide depth offsets to stratigraphic occurrences of hexavalent chromium. One of many



beneficial examples of how geophysical logs can be used is presented in the diagram below to the right where a geologic zone of missing section (normal fault) is strikingly obvious in the e-log comparison (blue rectangle). If the fault were reversed, then the e-log comparison might show a repeat stratigraphic section as opposed to a missing section.

Quality Assurance Program (QA/QC)

Quality assurance and controls are key to the successful outcome of the City of Banning Dynamic Mass Profiling Project. The key categories that are routinely address by BESST are listed below.

- Well Construction Review (including Video Survey Option with Miniaturized Video Camera)
- Access Survey Metrics
- Field Work Controls and Metrics
 - Use of the well's primary pump to assure the most accurate profiling result
 - Routine measurement of water level, well GPM and fluorometer GPM
 - Use of sideways tracer injection to assure accurate velocity and flow measurements
 - Repeat Injections
 - Repeat Injections when reaching no flow zone of well
 - Duplicate Groundwater Samples
 - Manual Field Logs versus Electronic Field Logs
 - Accounting for line stretch: Use of mechanical counter and known well bottom for depth of injection and sampling verification
- Reporting Controls and Metrics
 - Use of fluorometer data to verify velocity measurements
 - Peer Review
 - Review by In-House Registered Geologist
 - Laboratory Data

Well Construction Review

Review of the well construction information will be performed by BESST staff and confirmed with the City of Banning staff during the kick-off meeting as well as in advance of profiling each well. If there are any doubts about well construction details by the City's staff, BESST will then ask if the City would like BESST to perform a well construction confirmation video with its miniaturized down-hole camera system. In the case that the City does not want to employ the use of a down-hole camera and is uncertain of the pump intake location, BESST can use the tracer return velocities to estimate the location of the pump intake (typical accuracy is within 5 to 10 feet above or below the pump intake).

Access Survey Metric

Crucial to the success of the Dynamic Mass Profiling project is providing a realistic assessment of annular access into the well (Appendix 1). Although the Access Survey is intended to be highly predictive as to the probability of BESST's profiling tooling getting stuck inside the well, even a successful survey is not a 100% guarantee that BESST's tooling will not get stuck accessing the well through the annulus of the well rather than through a small diameter access pipe (i.e. 1" to 1.25" OD). Turbulence patterns can change due to back pressure conditions arising during the profiling survey that were not present during the access survey, leading to stuck tubing.

One key assurance to a successful profile that helps to minimize the chances of BESST's tooling getting stuck (without use of a small diameter access pipe) is to turn off the pump about 10 feet before the tooling passes the pump intake going in and out of the well. This procedure would be first used with the Access Survey tooling and then repeated with the actual Dynamic Mass Profiling tooling during the survey.

If the City of Banning chooses to install an access pipe, then BESST could provide the access pipe at a cost quoted in the fee schedule as well as a bottom-end flared cone to ensure easy ingress and egress from the well.

Field Work Controls and Metrics

The following are key to successful data acquisition, controls and assurances.

Use of Well's Primary Pump

The purpose of the dynamic survey is to simulate the actual condition of the pumping well so that the zonal chemistry distribution problems can be address and remedied. Use of a test pump can lead to significant problems with the profiling data when the test pump's pumping rate cannot come reasonably close to matching the primary pump's pumping rate. A significant difference in pumping rate (10% or more between test and primary pump) will likely lead to significant differences in the flow profile such that the discharge concentration from the test pump could be very different from the discharge concentration from the primary pump.

These differences can lead to interpretation and speculation as to what the actual distribution would be if the primary pump were used, as opposed to legitimate analysis, and ultimately to costly mistakes. The second reason for using the primary pump has to do with the diameter of the pump bowls and the pump column. If the pump and pump column are submerged within a contributing portion of the well screen and/or a section of blank casing between sections of well screen, then use of a test pump and column with different diameters as compared to the primary pump will lead to differences in calculated free annular volumes that are produced by the screen sections of the well. Estimating what the free annular volumes would be with the primary pump and pump column as derived from the values calculated with the test pump and test pump column will likely lead to misinterpretation and speculation as to what the zonal flow and chemistry mass would be with the primary pump. Both the first and second issue described above can ultimately lead to difficulties in designing the well modification.

Routine Measurement of Water Level Well GPM and Fluorometer GPM

Critical to the success of the profiling field effort is the routine monitoring of three elements...

- Pumping Water Level
- Pumping Rate (GPM)
- Fluorometer Flow Rate (GPM)

These parameters will be measured by BESST field staff at least every 30 minutes on a mandatory basis and will periodically be checked on 15-minute intervals. Detailed and complete field logs will be kept for all measurements and a photo will be taken of the completed field sheet at the end of each day of work. If pumping water level and/or the pumping rate of the well and/or fluorometer consistently deviates by more than 3%, then the lead BESST field scientist will immediately notify the project manager and the BESST PM will immediately notify the City of Banning representative. A decision will be made at that point to continue waiting for stabilization in the field or to temporarily suspend field operations until pumping rates and water levels return to steady state conditions. If following suspension of the profile, it is determined by the City that the well's pumping rate requires adjustment to a lower or higher rate in excess of 3% of the original rate used for the first profiling attempt, then BESST field staff will start the profiling effort over again at the new water level and pumping rate in order to achieve data quality objectives for the project.

Use of Sideways Injection

BESST will ensure that a sideways injection nozzle is used for the tracer injection at each depth in order to measure accurate flow velocities in each well. Although the injection nozzle is off-center within the well, the asymmetry of the nozzle's location to one side of the well is offset by injection of the tracer sideways at each depth interval where cumulative velocities and flow are measured. This procedure ensures that the

entire cross-sectional area of the well (pipe) is accounted for in measuring the bulk average velocity and flow.

A problem encountered with offset insertion of a spinner log tool through a large-diameter access pipe, for example, is that the impeller of the spinner tool is biased to one side of the well. The small diameter impeller (typically about 1.5" OD) can only measure sections of the flow regime inside the well. Since pipe flow is composed of axial flow, transitional flow and boundary flow, the averaging of velocities for all three zones is the most reliable means of calculating bulk average flow for any depth interval inside the well. Only measuring boundary flow at one location, only transitional flow at another and only axial flow at yet another location inside the well provides an inconsistent mix of spinner tool locations inside the pipe, leading to confusion and interpretation about the actual flow distribution. The Dye Tracer technology measures all three types of flow to ensure an accurate depiction of flow inside the well.

Repeat Injections

BESST performs at least two repeat injections at every injection depth identified within the Injection and Groundwater Sampling Plan for each well (Appendix 3). The average velocity of the two (sometimes three) measurements is then used to calculate the average travel time velocity between pairs of injection points inside the well.

Repeat Injections Following No Tracer Return

BESST field staff commonly encounter a fluid boundary layer (FBL) inside the well that is being profiled, whereby tracer return to the fluorometer is characterized by a rolling peak signature. The rolling peak defines the boundary between groundwater being captured by the suction force of the pump and groundwater moving under ambient conditions and not hydraulically engaged by the pump. Once the rolling return is acquired, the tracer injection nozzle is lowered to one more depth below the depth where the rolling signature was acquired. If there is no tracer return from the depth location below the fluid boundary indicator, then the tracer nozzle is raised to the shallowest tracer injection depth within the screened interval and one final injection is released. The purpose of this procedure is to ensure that the tracer injection system did not malfunction on the deepest injection, proving that the reason for no tracer return from the deepest injection-depth location was due to the fact that the section of well below the FBL was not hydraulically engaged by the primary pump.

Duplicate Groundwater Samples In-Well and From Sample Tap

BESST will collect at least one and possibly two duplicate depth-dependent groundwater samples from the well, as identified in the Injection and Groundwater Sampling Plan. A minimum of two water samples will be collected from the sample tap, typically located on the well's discharge pipe where it exits from the discharge head. The first tap sample will be collected before the depth-dependent groundwater sampling survey begins, and the second immediately following the last depth dependent groundwater sample collected.

Manual Field Logs versus Electronic Field Logs

BESST relies on both manual and electronic field logs for every profiled well. Manually recorded field data serves as a backup to potentially corrupted or lost electronic files. Although a rare event, BESST field staff always prepare for the unexpected. A list of manual field logs that BESST staff use is as follows:

- Pumping Water Level and Pumping Rate Log (also used for fluorometer flow rate)
- Groundwater parameter log (pH, temperature, specific conductivity (SC), dissolved oxygen (DO), reduction oxidation potential (ORP) and turbidity (NTUs))
- Field Injection Log
- Groundwater Sampling Log

- Field notebook to record additional observations and thoughts

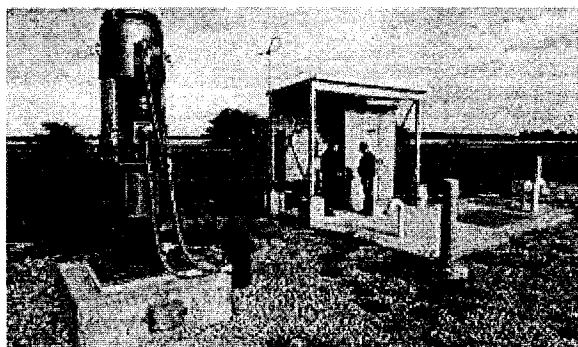
BESST field staffers take a photograph of the manual field log at the end of each field day as an additional backup to the field log record itself. Once the manual field records return to the office, the records are scanned and saved in the Company's main server file for the project. All electronic data, such as fluorometer data, is downloaded to a CSV file and then converted to an EXCEL file. All downloaded electronic data from BESST's field instruments are then saved in the main server file for the project.

Reporting Controls and Metrics

- The fluorometer is used to verify velocity measurements. Velocity data is recorded in two ways: manually and electronically (by fluorometer and laptop computer). Following completion of the profiling effort for each well, the fluorometer and laptop data is downloaded to the main server file for the project. The manual data is scanned and also downloaded and saved on the main server file for the project. BESST staff performing the velocity data analysis review a graphical line plot of the electronic data, using the peak return of the line plot to represent the bulk average flow velocity for the injection depth location.
- Peer Review: All reports are prepared by BESST's staff hydrogeologists and engineers and each report is peer reviewed by the BESST project manager.
- Review by In-House Registered Geologist: The final step in the review process is for the Company's California-registered geologist to review the report before a preliminary report is sent to the client for review.
- Laboratory Data: As part of the QA/QC process for the lab data, the data reports will first be sent to the City of Banning as PDF files, and a summary EXCEL file is prepared by the lab that shows all of the results in EXCEL format.

Appendix 1: Risk Management Approach to Access Surveys

For Successful and Cost Effective Well Profiling Using Miniaturized Diagnostic Technologies



BESST Well Site Comprehensive Access Survey

The BESST Well Access Survey is the most important part of the entire profiling process. If done properly, in accordance with the steps that are detailed in this SOP, the chances for success are maximized. **The client must know all of the access options from the start, which is what this document is intended to do.** The client needs to know everything up front so they do not have to go back and request more funding (a delay or project cancellation) as a result of not being completely informed. This scenario can lead to a delay or project cancellation. Below is a list of key variables that must be proposed to the client prior to every well access survey and profiling event:

- **Profiling Agenda:**
 - Zonal and/or ambient flow
 - Zonal and/or ambient chemistry
 - Inorganic and/or Organic Chemistry constituents
 - Sand Invasion video
 - Air entrainment video
 - Project timeline, and hours worked.
 - Day/Night work
 - Weekends
 - Overtime
- **General site access / pumping conditions:**
 - Inside pump house or outside setup
 - Photographs of Well Head
 - Nearby production well pumping schedules
 - pump water to distribution system or to waste
 - Site electricity availability and type
 - Flow meter and water tap.
- **Pump:**
 - Pump Column Diameter
 - Pump Diameter
 - Line Shaft Turbine or Electric Submersible
 - Pump Intake Depth
 - Is there a cone strainer, engineered suction, packer or other inside well
 - GPM of Primary Pump and is the Well Still Running
 - If the well has been turned off, then for how long and is the pump still inside the well
- **Well Construction:**
 - Well Construction Diagram
 - Driller's Report
 - Geophysical Logs
- Well Diameter(s)
- Number of Well Screen Sections
- Length of Each Section
- Screened Depth Intervals
- **Dummy toll well access survey**
 - Operates as pass / fail test
 - Drop ¾" stainless steel dummy tool through all available access ports beyond pump
 - If tool becomes stuck or wedged in well survey fails
 - If tool refuses to drop below pump termination well access survey fails
 - BESST notes any potential passable "sticky" points
 - If tool enters well beyond pump intake and is retrieved from well without hassle, access survey passes.
- **Well access options for BESST profiling tools**
 - Open plugs and bolt holes if available and resurvey the well in the same mob/demob as the first WAS
 - Drill a hole through pump plate and resurvey the well
 - Drill a hole through the pump block and resurvey the well
 - Lift and Shift and resurvey the well
 - Remove pump and reinstall primary pump with access pipe and resurvey the well
 - Last Resort: Smaller test pump with access pipe

Project Conference Agendas

Project Brief

A project Conference Call is always performed with the client prior to project startup and mobilization. Below is a list of key topics to discuss:

1. Is all of the insurance documentation complete and turned in?
2. Do we have a signed contract and/or purchase order?
3. Invoice submittal process
 - a. Access Survey
 - b. Field Work
 - c. Report
4. Cell phone number and email exchange
5. Does the client understand that if we get stuck during the access survey that it's not our fault – given that the entire purpose of the well access survey is to determine ease of access into and out of the well.
6. Does the client understand all of the secondary, tertiary and quaternary options available to them if the well access survey result shows that it is very difficult to get into and out of the well?
 - a. The client needs to fully understand all of these options before we go to the field for the well access survey.
7. If BESST is to use an external access pipe (i.e. camera tube), we need special sausage weights to make sure we do not get stuck in the external access pipe. Did we explain this and do we have all of the information required about the external access pipe to make sure that we fabricate the sausage weights to the correct dimensions?
8. Preliminary project timeline, and people involved
9. Well location and directions

Access Survey Review

After BESST performs the physical access surveys, another conference call is performed with the client to review the following items:

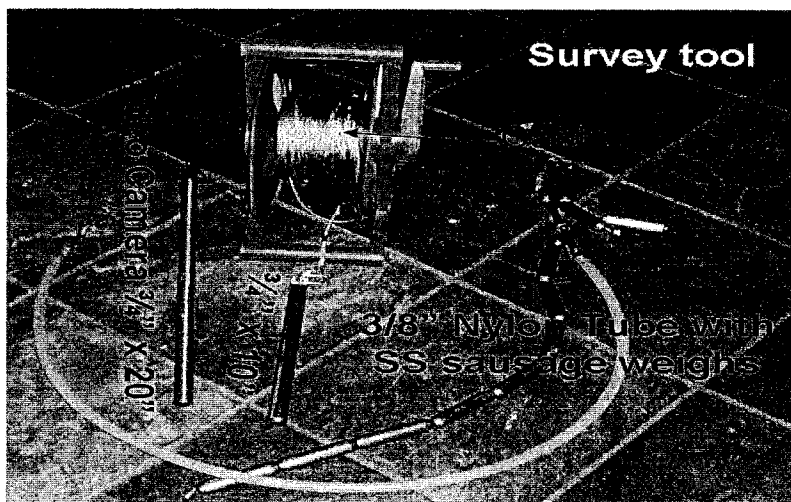
1. Does the client understand the results of the well access survey report?
2. Is the client is prepared to go to the next step? Steps are ranked in order from first to last access attempts until the access survey passes.
 - a. The access survey went well and the client is ready to perform the profile without an access pipe.
 - i. A successful access survey is **no** guarantee that BESST tooling does not get stuck during profiling. Does the client have a pump service company close by that can help if BESST's tooling does gets stuck during the profile?
 - b. Sounding tube/well annulus unsuccessful
 - i. Hole drilled through another location on pump plate, and additional access survey performed.
 - c. New pump plate hole unsuccessful:
 - i. Hole drilled through pump block, and additional access survey performed.
 - d. Pump block hole unsuccessful:
 - i. Lift and shift, and additional access survey performed.
 - e. Lift and shift unsuccessful:
 - i. Remove and reinstall pump with access pipe(s), and additional access survey performed.
 - f. Remove primary pump and use smaller test pump with access pipe.

Profile Kick-Off

After BESST and the City have determined the best possible access plan for a well, the following items are covered in a Profile Kick-Off call.

1. Client has in their possession from BESST an Injection and Water Sampling Plan
2. Client understands how many bottle sets are required for the water samples:
 - a. 2 sets for the well head
 - b. 1 set as a duplicate for the depth dependent groundwater samples
 - c. Specified Number of Depth Dependent Groundwater Samples
3. Client has communicated with their lab and has bottles ready to go as well as bottle labels, chain of custody forms, ice (if required), preservatives (if required).
4. Client will have a well operator on call in case we need the pump to be turned on and off when our tooling either passes by the pump or exits and re-enters an access pipe with the exit and entry point within very close proximity to the pump.

BESST Well Access Survey Tools



These are examples of the BESST chain survey tools that we typically send to our customers before start of a project. The stainless steel sausage weight chain is used for testing access of our Dye Injection Nozzle and Groundwater Sampling Devices. The stainless steel rods to the left of the orange reel are our "dummy tools" for our miniaturized video camera system.

Well Access Option Examples

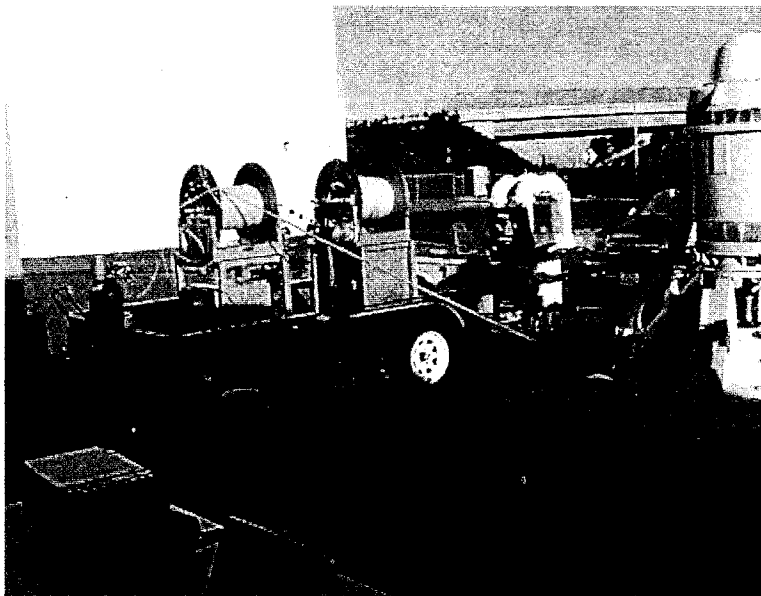
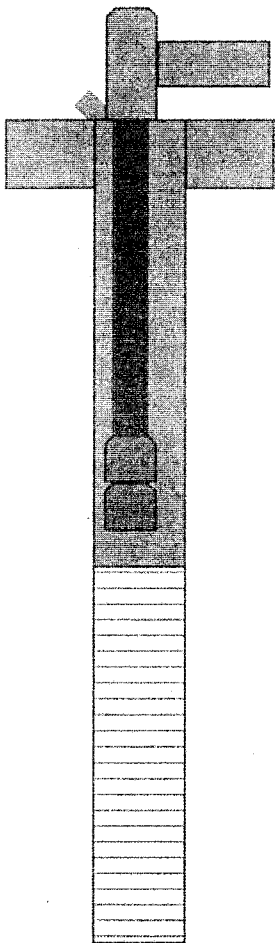
Well Access Successful Without Access Pipe

Initial Access Survey Successful!

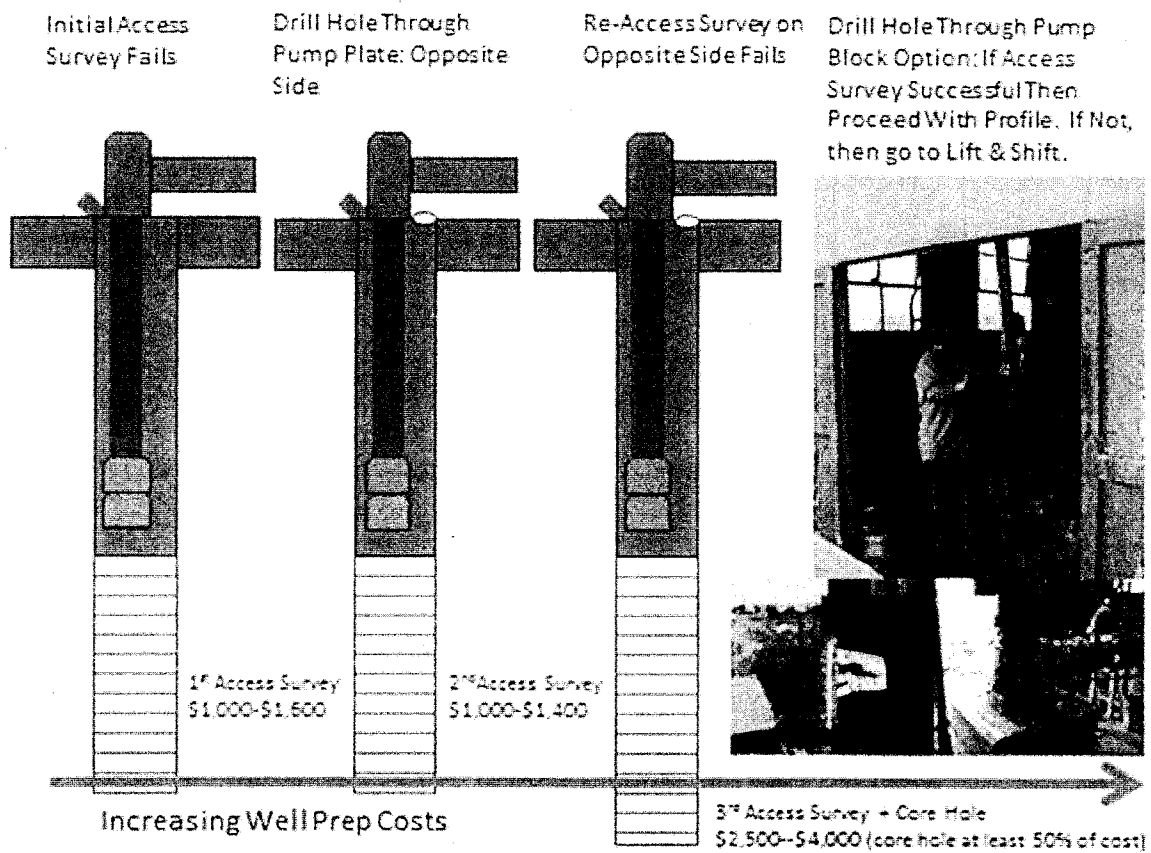
Note: Successful Survey WITHOUT ACCESS PIPE IS NOT 100% Guarantee That Tooling Will
Note Get Stuck During Profiling Survey.

1st Access Survey Successful
\$1,000-\$1,600

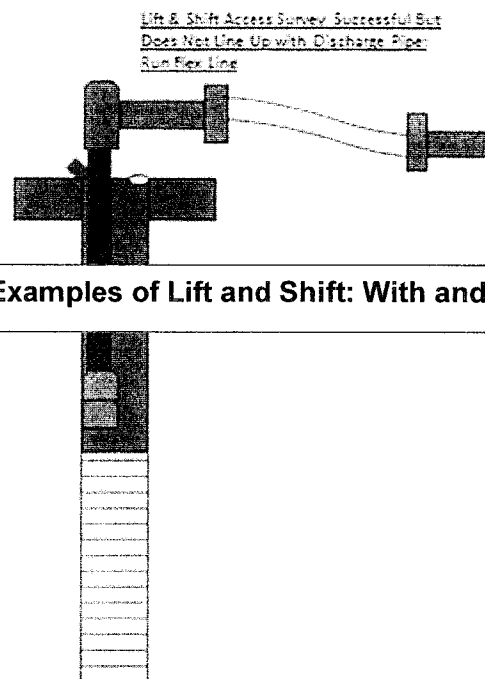
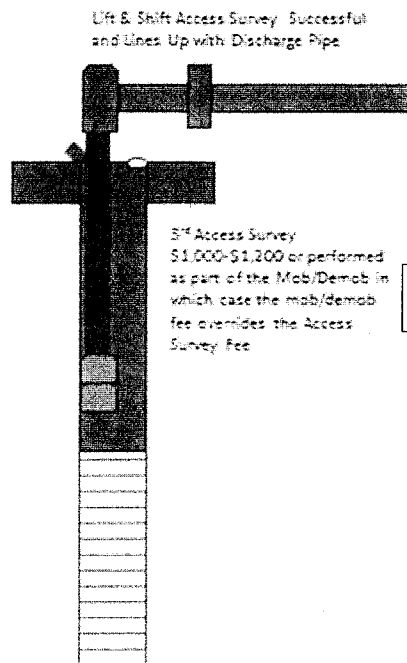
Profile Well Through Vent Pipe, Bolt Hole, Camera Tube, Other



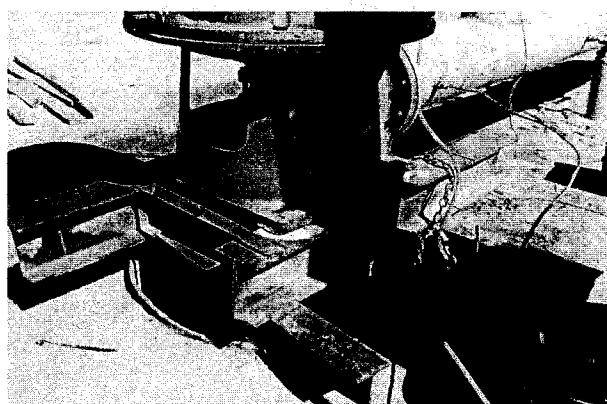
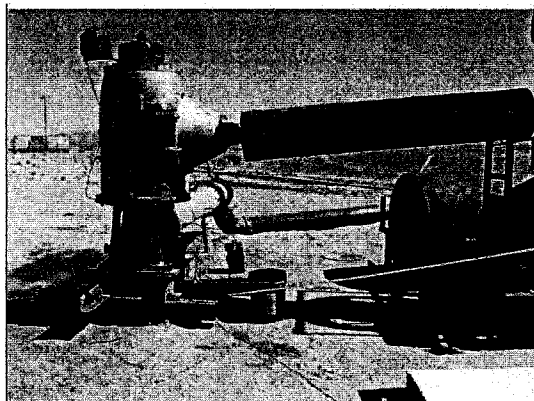
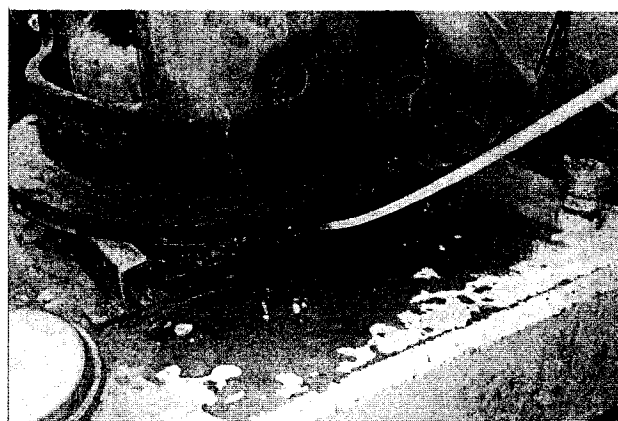
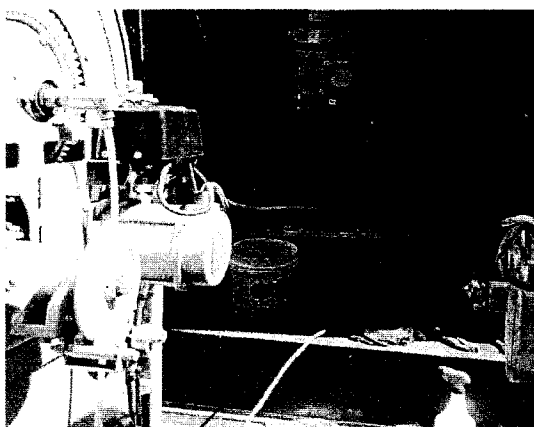
**1st Access Survey Unsuccessful:
Access Survey Progression through Additional Trial and Fail Iterations**



Lift and Shift Example

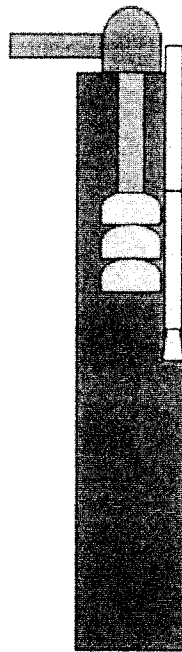


Examples of Lift and Shift: With and without flex line.



Install Access Pipe and Use Primary Pump

Access Pipe Layout with Bottom End Cone Flare



Riser Pipe Requirements:

Either

- 1) 1.25" ID x 1.66" OD
- 2) 1.00" ID x 1.31" OD

And,

- 3) Flush threaded PVC above bowls
- 4) Flush threaded stainless steel along Bowls and extending 10' feet past bowls.
- 5) Flared, smoothed, rounded of bottom.

Optional:

- 6) Client can used galvanized steel pipe with couplings provided there is enough annular space.



Access Pipe Installation

Assuming that the position of the primary pump is located above the well screen, the bottom of the access pipe should extend at least 10 feet below the pump intake and still be above the well screen.

The access pipe should be secured firmly to the pump column at intervals to prevent movement of the pipe as shown in the following examples.



Figure 2: Riser banded to pump bowls

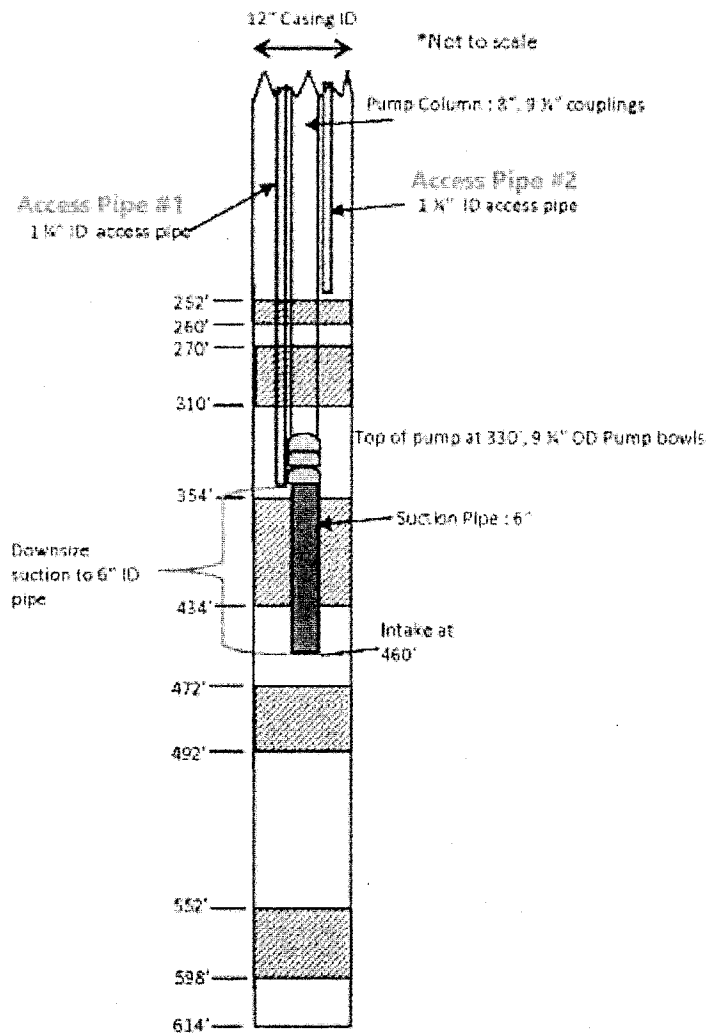


Figure 3: Stainless Steel Pipe attached to pump

The access pipe should terminate above the wellhead, and should be smoothed as well to prevent snagging of tools or sampling tubing.

Well Screen above Pump Scenario

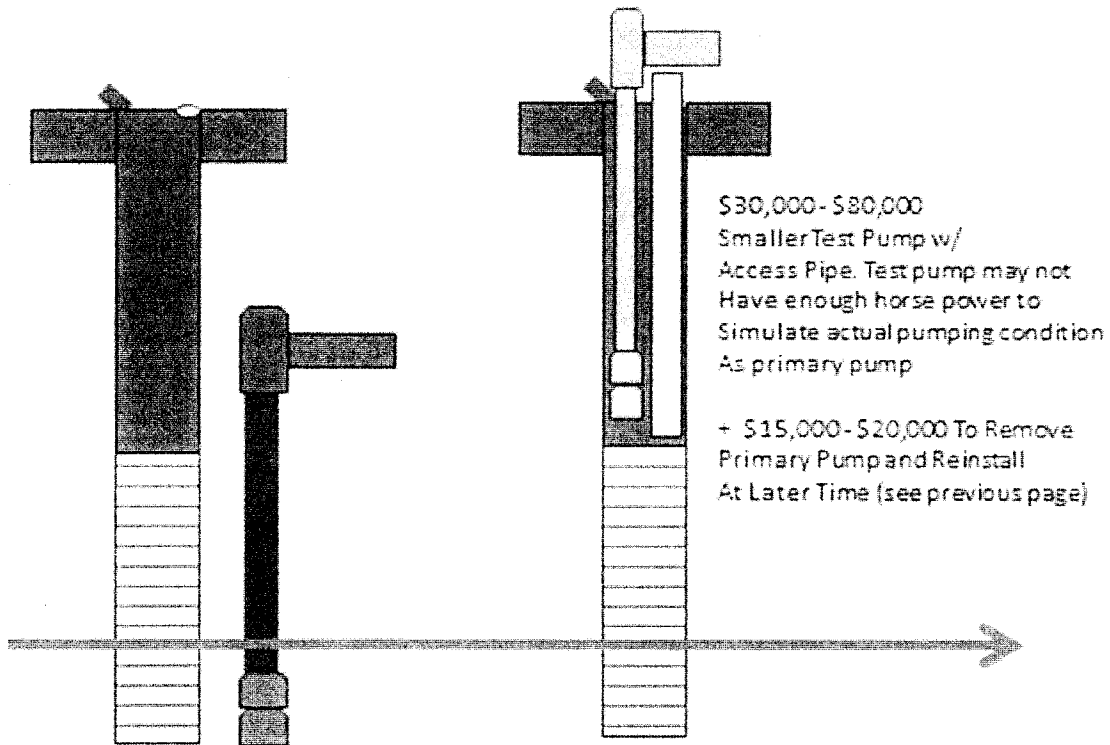
If the primary pump and the intake are located within the well screen then alternate strategy can be taken by installing two access pipes as shown in Figure 2 below.



Test Pump Installation Example

Not enough room for 1" to 1.25" ID Access Pipe

Need A Smaller Test Pump; Smaller Pump In Order To Install Access Pipe and Then Perform Profile Surveys



Example of test pump installation using small diameter riser pipe for access of BESST tooling.

Appendix 2: Example of Access Survey Report

ACCESS SURVEY RESULTS

WELL 26 BEAUMONT CHERRY VALLEY WATER DISTRICT

Well Construction Information

- **Casing ID:** 20"
- **Screen Interval:** 520-640, 650-1050 ft bgs
- **Well Depth:** 1070 ft bgs
- **Street Address:** 1 mi N of 8th & East of Cherry, Beaumont, CA
- **Well Vault:** 25 ft long X 15 ft tall X 16 ft wide
 - **Vault Access:** Staircase
- **Roof Access:** 9 ft Long X 4 ft wide X 2 ft deep

Pump Information

- **Pumping Rate:** 1500 GPM
- **Set depth:** 650 ft BGS
- **Pump Bowls OD:** ____ inches
- **Pump Column OD:** 12 inches
- **Joiners OD:** ____ inches
- **Pump Type:** Turbine
- **Pumping Water Level (PWL):** 508
- **Static Water Level (SWL):** 450-460

Well Access Information

Access Holes

Access survey log indicates there are no access pipes that extend down between the well casing and pump column. The 3" diameter angled vent pipe, and 2" sounding tube were used in the chain survey.

Datum: Bottom of vault floor.

- **Sounding Tube:** 2" (not sure where this goes)
 - Tool will not fall past 85 ft bgs. Pulled out of hole successfully.
- **Casing Port:** 1" (Transducer)
- **Angled Vent Pipe:** 3" (TOC, used this access)
 - Chain survey tool wedged in well 26 through this port. Tool will not come up past 442 ft bgs.

General Site Access (All Utilities in Well 26 Vault)

- **Is electrical power available?**
 - Yes, two out standard electrical outlets are available within 30 feet of the well.
- **Is there a discharge spigot?**
 - Yes, there are two spigots. One is on the pump block, the other on the discharge piping about 10-15 ft away from the well. Must confirm that a hose bib has been installed before mobilization.
- **Can the pump run for more than 72 hours at a time?**
 - Yes, the pump can run 24/7 any day of the week. Can be shut down if needed for moving past the pump intake.
- **How does the well site accommodate the trailer?**
 - Since well 26 is in a vault, the trailer only needs to be parallel with the vault. The well 26 lot is large enough to accommodate this type of maneuver.

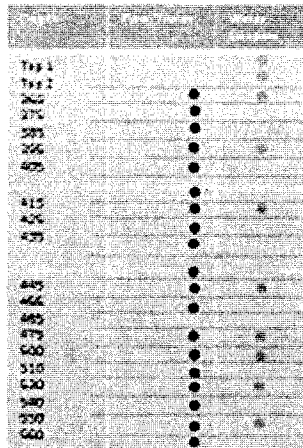
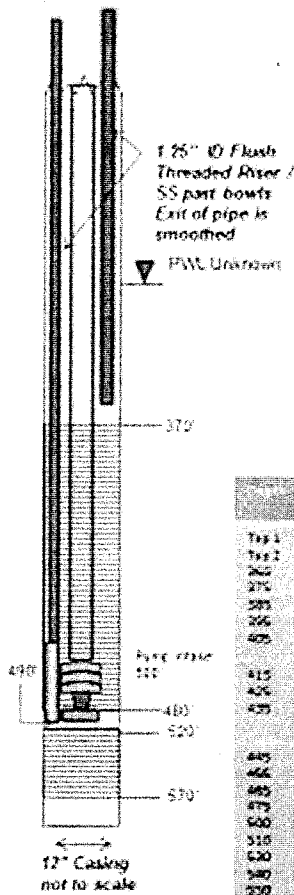
Appendix 3: Example Dynamic Mass Profiling and Groundwater Sampling Plan



2015 BESST Preliminary Dynamic Flow Profiling and Depth Dependent Groundwater Sampling Plan For Hickey Well (CUP 22A) Prepared For: San Francisco Public Utilities Commission

Note: This is a preliminary tracer injection and depth dependent groundwater sampling plan. The locations of the tracer injections and groundwater samples may change based on the geological characteristics of the surrounding formation materials. Furthermore, the sample depths may be modified based on the dye tracer injections and flow profile results prior to sampling.

1. Maximum of 20 Injection Points (16 pre-determined points)
2. Maximum of 4 Depth Dependent Groundwater Samples (DOGS) + 1 Duplicate
3. Two Tap Samples
 1. Tap 1: Collect before DOGS
 2. Tap 2: Collect after DOGS



Injection Points •
Sampling Points ○

*Pumping Flow Rate: 330 GPM

*BESST will take field parameter measurements for per. DO, Turbidity, Specific Conductivity, and Temperature using a rental water quality meter.

Appendix 4: Example Health and Safety Plan

BESST, INC

LIMITED SCALE SITE

HEALTH AND SAFETY PLAN

GENERAL INFORMATION

Project Name: City of [REDACTED] Well Flow and Dynamic Flow and Chemistry Profile for
[REDACTED]

Site/Location: 1 Location:
[REDACTED]

Plan Prepared by: Noah Heller

Date: July 2, 2015

Hazard Assessment Prepared by: * Noah Heller

Date: July 2, 2015

* I certify that I have assessed the type, risk level and severity of hazards for this project based on the available data presented in this Health and Safety Plan and have selected appropriate personal protective equipment for site personnel.

Plan Reviewed by: Lucas Allen-Williams **

Date: July 2, 2015

Summary of Activity(s):

1. Chain Survey
2. Ambient Flow Survey
3. Dynamic flow survey in water supply well
4. Depth discrete water sampling in water supply well

Date(s) of work: May 8, 2013 (Chain Survey),
July, 2015 (Dynamic Flow and Chemistry) [Tentative]

BESST, Inc. personnel:

Signature

Robert Emmens *

Felix Desperrier **

Lucas Allen-Williams **

Kim Miles

* On-site safety/emergency coordinator and designated First-Aid provider

** Safety coordinator/emergency coordinator

Project Objective: BESST, Inc. of San Rafael, CA has been retained by the Tetra Tech to perform an Ambient flow profile and a Dynamic Flow and Chemistry Profile for the City of [REDACTED], Well # [REDACTED] located at [REDACTED]

Scope of Work:

Chain Survey: BESST personnel will check the clearance to below the pump intake of the available access points into the well.

Ambient Flow Profile: BESST personnel will use Tracer Pulse Ambient Flow-Meter (T-PAF) method coupled with temperature, and pressure logs to calculate velocity and derive flow (magnitude and direction) under non-pumping conditions. BESST shall collect depth-discrete samples under ambient conditions if requested by Tetra Tech.

Dynamic Flow Profile: BESST's staff of Field Scientists will use nylon or Teflon tubing in the water supply well to characterize and quantify the contribution of flow inside the well with the pump running. The tubing will be spooled and all field staff are trained to restrain any loose clothing, jewelry or hair that could become entangled with the tubing or the spool. The tracer dye (Bright Dyes Rhodamine Red, FWT 50) is certified by the National Sanitation Federation International (NSF) to ANSI/NSF Standard 60 for use in drinking water supply wells. Overexposure to the dye can result in skin irritation and/or temporary staining. Care will be taken to ensure that skin and eyes do not come into prolonged, direct contact with the undiluted dye. Gloves and eye protection will be used. See attached MSDS for additional information regarding safety procedures with regard to this dye.

Depth Discrete Water Sampling: BESST's staff of Field Scientists will use nylon or Teflon tubing pressurized with nitrogen gas to collect water samples at depth. The tubing will be spooled and all field staff are trained to restrain any loose clothing, jewelry or hair that could become entangled with the tubing or the spool. BESST's Field Scientists are also trained in the safe handling of pressurized tubing and wear eye protection and gloves when handling pressurized materials. Additionally, care will be taken to avoid contact with any contaminated groundwater samples.

Types of hazardous material: none.

Safety/health hazards/risks:

- 1) Physical hazards associated with lifting weights not exceeding 50 lbs.
- 2) Physical hazards associated with becoming entangled with tubing.
- 3) Physical hazards associated with mishandling of dye.
- 4) Physical hazards associated with mishandling pressurized tubing.

2.0 SAFETY / HEALTH HAZARD/RISK EVALUATION

Major safety/health hazards/risks (general):

Heat	_____	Cold	_____	Noise	_____	Vehicles	<u> X </u>
Heavy Lifting	<u> X </u>			Slippery/Wet Surfaces	<u> X </u>		
Buried/Overhead Utilities	_____			Motors/Belts/Pulleys	<u> X </u>		
Heavy/Large Equipment	_____			Elevated Surfaces	_____		
Hot Surfaces	_____			Electrical Equipment	<u> X </u>		
Power Tools	_____			Poisonous Insects/Plants/Animals	_____		

Other Hazards (Specify):

Major safety/health hazards/risks (project specific):

- 1) Pinch points related to spooled tubing.
- 2) Slips, trips, and falls during field activities.
- 3) Acute overexposure to dye products.

SCOPE OF WORK HAZARD/RISK EVALUATION

Task(s)/ Activity	Task Hazards	Risk From Hazards	Control Methods
Chain Survey	Pinch points	Low	Wear proper gloves and make sure there is adequate room to be able to maneuver.
Dynamic Flow Profile	Overexposure to dye, entanglement in tubing	Low	Avoid direct contact with dye, wear gloves and goggles. Restrain any loose clothing, jewelry or long hair so as not to interfere with the spool or tubing.
Water sampling	Entanglement in tubing. Injury from pressurized tubing. Chemicals in soil and/or groundwater samples.	Low	Restrain any loose clothing, jewelry or long hair so as not to interfere with the spool or tubing. Wear protective eyewear and glove.

Assessment of Major Chemical Hazards

See attached MSDS for Rhodamine Red FWT 50 dye.

3.0 SAFETY PLAN

Protective Equipment/Instruments (specify type, as necessary)

Hard hat: X Boots: X Glasses (type): Safety X
 Suits: Respirator: First aid kit: X
 OVM: CGI: Hearing Protectors: X
 Detector tubes: Gloves: X

Safety Equipment Levels/Upgrades: Level D: steel-toed boots, hearing protection, safety glasses, hard hat, gloves. Nitrile gloves can only be used for a limited period of time (< 4hrs) per use and butyl gloves can be worn for extended periods.

Decontamination/Work Zone Requirements: Decontaminate video and profiling equipment after project completion by steam cleaning or washing with Alconox (or equivalent) and rinsing with clean water. Dispose of personal protective equipment as non-hazardous garbage.

4.0 EMERGENCY PLANNING

Emergency Phone Numbers

Hospital: The closest available hospital where emergency care can be received in case of illness or an emergency is Tri-City Regional Medical Center in Hawaiian Gardens, CA 90716. Local Fire Department: 911

Local Police Department: 911

BESST Inc. San Rafael, CA Office: [REDACTED]

Robert Emmens cell: [REDACTED]

Felix Desperrier cell: [REDACTED]

Lucas Allen-Williams cell: [REDACTED]

Kim Miles cell: [REDACTED]

5.0 ATTACHMENTS

General and Site Specific Information

 X Bright Dyes MSDS

SITE SAFETY TAILGATE TRAINING ATTENDANCE SHEET

Date: _____

Location: _____

Presented by: _____

Topics Covered:

HEALTH AND SAFETY PLAN

- ☐ Hazardous/Toxic Substances
- ☐ On-Site Organization and Coordination
- ☐ Emergency Medical Care and Procedures
- ☐ Contingency Plan

SPECIFIC PRECAUTIONS FOR DAYS ACTIVITIES

OTHER: _____

ATTENDEE LIST

Name (Print)

Company

Signature

HOSPITAL ROUTE MAP

For emergency medical help Call 911. For non-immediately life-threatening medical care see hospital location and route below

[Insert project specific map here]

BRIGHT DYES™ MATERIAL SAFETY DATA SHEET
FWT RED™ 50 LIQUID
PAGE 1 OF 3

MSDS PREPARATION INFORMATION

PREPARED BY: T. P. MULDOON
 (937) 886-9100
 DATE PREPARED: 1/1/11

PRODUCT INFORMATION

MANUFACTURED BY: KINGS COTE CHEMICALS
 3334 S. TECH BLVD.
 MIAMI SBURG, OHIO 45341

CHEMICAL NAME: NOT APPLICABLE
 CHEMICAL FORMULA: NOT APPLICABLE
 CHEMICAL FAMILY: XANTHENE DYE FORM

HAZARDOUS INGREDIENTS

DESCRIPTION	%	T.L.V.	C.A.S. #
TRIMELLITIC ACID	55	NONE	518-44-9
	<u>LD50 SPECIES</u>		<u>LC50 SPECIES</u>
ORAL (MOUSE)	2500 MG/KG		NONE AVAILABLE
DERMAL (RABBIT)	NOT AVAILABLE		NOT AVAILABLE

PHYSICAL DATA

PHYSICAL STATE: LIQUID
 ODOR AND APPEARANCE: DARK RED LIQUID WITH MILD ODOR
 SPECIFIC GRAVITY: ~1.03
 VAPOR DENSITY (mm Hg @ 25 °C): NOT APPLICABLE
 VAPOR DENSITY (AIR = 1): NOT APPLICABLE
 EVAPORATION RATE (Butyl Acetate = 1): NOT APPLICABLE
 BOILING POINT: ~ 100 degrees C (212 degrees F)
 FREEZING POINT: ~ 0 degrees C (32 degrees F)
 PH: 8.5 TO 8.8
 SOLUBILITY IN WATER: VERY SOLUBLE

FIRE HAZARD

CONDITION OF FLAMMABILITY: NON-FLAMABLE
 MEANS OF EXTINCTION: WATER FOG, CARBON DIOXIDE, DRY CHEMICAL, WEAR SCBA
 FLASH POINT AND METHOD: NOT APPLICABLE
 UPPER FLAMABLE LIMIT: NOT APPLICABLE
 LOWER FLAMABLE LIMIT: NOT APPLICABLE
 AUTO-IGNITION TEMPERATURE: NOT APPLICABLE
 HAZARDOUS COMBUSTION PRODUCTS: BURNING MAY PRODUCE OXIDES OF CARBON & NITROGEN
 UNUSUAL FIRE HAZARD: NOT APPLICABLE

BRIGHT DYES™ MATERIAL SAFETY DATA SHEET
FWT RED™ 50 LIQUID
PAGE 1 OF 3

EXPLOSION HAZARD

SENSITIVITY TO STATIC DISCHARGE : NOT APPLICABLE
SENSITIVITY TO MECHANICAL IMPACT : NOT APPLICABLE

REACTIVITY DATA

PRODUCT STABILITY : STABLE
PRODUCT INCOMPATIBILITY : DO NOT MIX WITH ACIDS
CONDITIONS OF REACTIVITY : NOT APPLICABLE
HAZARDOUS DECOMPOSITION PRODUCTS : SEE HAZARDOUS COMBUSTION PRODUCTS

TOXICOLOGICAL PROPERTIES

SYMPTOMS OF OVER EXPOSURE FOR EACH POTENTIAL ROUTE OF ENTRY:

INHALATION, ACUTE : NOT KNOWN
INHALATION, CHRONIC : NOT KNOWN
SKIN CONTACT : MAY BE IRRITATING TO THE SKIN. WILL CAUSE
TEMPORARY STAINING OF THE SKIN ON CONTACT.
EYE CONTACT : MAY CAUSE IRRITATION
INGESTION : URINE MAY BE A RED COLOR UNTIL THE DYE HAS BEEN
WASHED THROUGH THE SYSTEM.
EFFECTS OF ACUTE EXPOSURE : DIRECT CONTACT MAY CAUSE IRRITATION TO THE EYES,
SKIN, AND RESPIRATORY TRACT.
EFFECTS OF CHRONIC EXPOSURE : NOT KNOWN
THRESHOLD OF LIMIT VALUE : NOT APPLICABLE
CARCINOGENICITY : NOT LISTED AS A KNOWN OR SUSPECTED CARCINOGEN BY
IARC, NTP OR OSHA.
TERATOGENICITY : NONE KNOWN
MUTAGENICITY : CONFLICTING EVIDENCE AS TO MUTAGENICITY OF THE
DYE CONTAINED IN THIS PRODUCT.
TOXICOLOGY SYNERGISTIC PRODUCTS : NONE KNOWN

REGULATORY INFORMATION

SARA SECTION 303 : NONE FOUND
SARA (311, 312) HAZARD CLASS : IMMEDIATE HEALTH HAZARD
SARA (313) REPORTABLE CHEMICAL (%): NONE
METAL CONTENT : THIS PRODUCT IS NOT A METALLIZED DYE
TSCA INVENTORY STATUS : ALL COMPONENTS ARE INCLUDED ON TSCA SECTION 8
CALIFORNIA PROPOSITION 65 CHEMICALS : NONE
TSCA SECTION 12 (B) EXPORT REGULATIONS : NOT SUBJECT TO TSCA 12 (b) EXPORT REGULATION

ECOLOGICAL INFORMATION

ECOTOXICOLOGICAL INFORMATION : LC50: >320 mg/L RAINBOW TROUT (96 Hour)
LC50: 170 mg/L DAPHNIA MAGNA

NO DEVELOPMENTAL ABNORMALITIES OR TOXICITY TO OYSTER LARVAE AT 100 mg/L

BRIGHT DYES™ MATERIAL SAFETY DATA SHEET
FWT RED™ 50 LIQUID
PAGE 3 OF 3

PREVENTATIVE MEASURES

PERSONAL PROTECTIVE EQUIPMENT

GLOVES:	RUBBER
RESPIRATORY:	NONE REQUIRED UNDER NORMAL CONDITIONS
EYE PROTECTION:	GOGGLES
CLOTHING:	PROTECTIVE CLOTHING SHOULD BE WORN WHERE CONTACT IS UNAVOIDABLE.
OTHER:	HAVE ACCESS TO EMERGENCY EYEWASH.
ENGINEERING CONTROLS:	NOT NECESSARY UNDER NORMAL CONDITIONS USE LOCAL VENTILATION IF DUSTY CONDITIONS EXIST.
SPILL OR LEAK RESPONSE:	CONTAIN AND CLEAN UP SPILL IMMEDIATELY. PREVENT FROM ENTERING FLOOR DRAINS. SWEEP POWDERS AND PLACE IN WASTE DISPOSAL CONTAINER. FLUSH AFFECTED AREA WITH WATER.
WASTE DISPOSAL:	INCINERATE OR REMOVE TO A SUITABLE SOLID WASTE DISPOSAL SITE. DISPOSE OF ALL WASTES IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS.
HANDLING PROCEDURES AND EQUIPMENT:	NO SPECIAL REQUIREMENTS.
STORAGE REQUIREMENTS:	STORE AT ROOM TEMPERATURE BUT ABOVE THE FREEZING POINT OF WATER.
SHIPPING INFORMATION:	KEEP FROM FREEZING

FIRST AID MEASURES

FIRST AID EMERGENCY PROCEDURES

EYE CONTACT:	FLUSH EYES WITH WATER FOR AT LEAST 15 MINUTES. GET MEDICAL ATTENTION IF IRRITATION PERSISTS.
SKIN CONTACT:	WASH SKIN THOROUGHLY WITH SOAP AND WATER. GET MEDICAL ATTENTION IF IRRITATION DEVELOPS.
INHALATION:	IF DUST IS INHALED, MOVE TO FRESH AIR. IF BREATHING IS DIFFICULT GIVE OXYGEN AND GET IMMEDIATE MEDICAL ATTENTION.
INGESTION:	DRINK PLENTY OF WATER AND INDUCE VOMITING. GET MEDICAL ATTENTION IF LARGE QUANTITIES WERE INGESTED OR IF NAUSEA OCCURS. NEVER GIVE FLUIDS OR INDUCE VOMITING IF THE PERSON IS UNCONSCIOUS OR HAS CONVULSIONS.

SPECIAL NOTICE

ALL INFORMATION, RECOMMENDATIONS AND SUGGESTIONS APPEARING HEREIN CONCERNING THIS PRODUCT ARE BASED UPON DATA OBTAINED FROM MANUFACTURER AND/OR RECOGNIZED TECHNICAL SOURCES. HOWEVER, KINGSCOTE CHEMICALS MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE ACCURACY, SUFFICIENCY OR COMPLETENESS OF THE MATERIAL SET FORTH HEREIN. IT IS THE USER'S RESPONSIBILITY TO DETERMINE THE SAFETY, TOXICITY AND SUITABILITY OF HIS OWN USE, HANDLING, AND DISPOSAL OF THE PRODUCT. ADDITIONAL PRODUCT LITERATURE MAY BE AVAILABLE UPON REQUEST. SINCE ACTUAL USE BY OTHERS IS BEYOND OUR CONTROL, NO WARRANTY, EXPRESS OR IMPLIED, IS MADE BY KINGSCOTE CHEMICALS AS TO THE EFFECTS OF SUCH USE. THE RESULTS TO BE OBTAINED OR THE SAFETY AND TOXICITY OF THE PRODUCT, NOR DOES KINGSCOTE CHEMICALS ASSUME ANY LIABILITY ARISING OUT OF USE BY OTHERS OF THE PRODUCT REFERRED TO HEREIN. THE DATA IN THE MSDS RELATES ONLY TO SPECIFIC MATERIAL DESIGNATED HEREIN AND DOES NOT RELATE TO USE IN COMBINATION WITH ANY OTHER MATERIAL OR IN ANY PROCESS.

END OF MATERIAL SAFETY DATA SHEET

Appendix 5: Abridged Standard Operating Procedures



Dye Tracer Flow Meter Profiling and HydroBooster™ Groundwater Sampling

1. Dye Tracer Flow Velocity Profiling – General Description

The Dye Tracer Flow Velocity Profiling System (DT) is a USGS method and apparatus patented technology that was constructed and is operated by BESST, Inc. under exclusive license from the USGS. The technology has the ability to provide a dynamic flow velocity profile from virtually any type of production, remediation or monitoring well without first having to remove the pump from the well. The end result of the method produces a quantitative groundwater production profile of water influx along a well screen under dynamic flow pumping conditions along the entire well screen. The velocity and production profiles generated by this technology are comparable to profiles generated by spinner logging tools under dynamic flow conditions. The setup schematic for the Dye Tracer (DT) system is presented in Figure 1.

The DT system is composed of six main components:

- Flexible Dye Injection Hose w/ Injection Nozzle
- Motorized Hose Spool for deploying and retrieving the dye injection tubing w/ nozzle
- Injection Pump w/ Pneumatically Controlled Solenoid for the injection pump and Valve Switching Unit
- Injection Control Unit
- 10-AU Fluorometer from Turner Designs
- Rhodamine Red Dye (NSF 60 Approved)

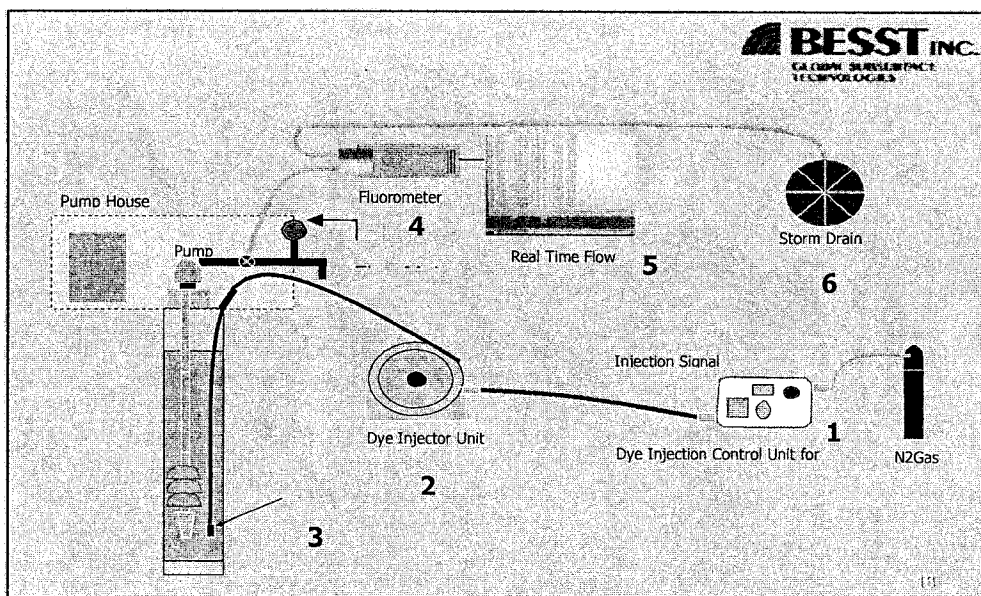


Figure 1:
Schematic
of Dye
Tracer
Flow
Velocity
Profiling
System

Planning and Field Preparation

The first step in operation of the DT system is access to the well of interest. Preparation consists of communication between the consultant, water purveyor and BESST in order to determine the most suitable access points into the well – between the pump column and interior well casing wall. Schematics of the pump and pump house and multiple photos of the well head are typically reviewed before the start of any project. Once reviewed, a planned approach is agreed to before commencement of work.

The DT tubing and injection nozzle typically ranges between ½-inch to ¾-inch in diameter. The small diameter and flexibility of the tubing and nozzle assembly make it possible to bypass the pump column, down-hole impeller bowls and/or electric pump motors. A key factor in successfully inserting the injection tubing and nozzle is the attachment of a small diameter steel cable or weighted chain to a metal loop located and attached just below the injection nozzle. The weight attachment makes it possible to move the DT tubing up and down in the well without turning off the pump, except when passing by the intake.

In typical applications, the DT tubing is lowered through a mechanical counter that indicates the depth of the injection nozzle. The injection process can be started near the top of the pump or impeller bowls, or from the bottom of the well screen. Injection points are typically laid out on a 10- to 20-foot vertical grid in order to obtain enough data points to vertically profile production along the well screen.

Prior to well injection, 50 ml of Rhodamine Red (RR) (from Bright Dyes, Inc.) is injected into a 5-gallon bottle of water. The solution from the RR bottle is then fed by the injection pump (IP) to the injection line until the line is completely filled with the RR solution. When released into a well, each second of injection by the Injection Control Unit (ICU) is equivalent to approximately 20 ml of RR released from the injection nozzle (IN).

While the system is in non-injection mode and idling, the RR solution is circulated in the RR reservoir bottle to prevent air bubbles from entering the liquid and being injected into the well. Additionally, an electronic float sensor is placed within the RR reservoir bottle to prevent air from being drawn into the injection line. As a result, when the RR solution is drawn down to the lower third of the RR bottle, the injection pump automatically shuts off. More RR solution is then added to the bottle before RR injection is continued. Introduction of air into the injection line is undesirable since air bubbles can cause delays in the return time of the RR to the fluorometer.

General Description of Equipment

The fluorometer used for the velocity profiling is a Model 10-AU from Turner Designs. The 10-AU Fluorometer measures the concentration of various analytes in samples of interest via fluorescence. In the case of dynamic flow velocity analysis for wells, the analyte of interest is artificially introduced in order to measure the peak concentration return times of rhodamine red from the release point to the fluorometer via the discharge path of the pumping well. The return concentrations are typically in the part-per-billion range. Light or exciting light from a light source within the fluorometer is passed through a color filter specific to rhodamine red, which transmits light of the chosen wavelength range (color). The wavelength of the exciting light that falls on the sample is set by the choice of the light source and the excitation filter. The emitted light radiates in a sphere from the light source and is directed towards the 10-AU detector through an emission filter. The purpose of the emission filter is to prevent any scattered exciting light from reaching the detector (photomultiplier tube) and to pass the emitted color that is specific to the analyte of interest. The concentration of the RR solution is directly proportional to

the signal response received by the fluorescing light emitted by the rhodamine red that is received by the detector. The concentration is typically reported on an analog display panel located on the front of the 10-AU (Turner Designs, 1996).

Injection Procedure

Prior to the first dye injection, the well of concern is typically pumped at the specified pumping rate for the flow velocity test until drawdown stabilization inside the well has been reached. Periodic readings are recorded from a flow meter attached to the discharge line. Ideally, the flow meter is attached to the discharge line at a distance of at least 10 feet from the well head in order to minimize the effect of pipe fluid turbulence on the flow meter reading.

The first step in the dye injection process is to lower the injection tubing and nozzle through a mechanical counter to the first injection point in the well. The injection points are then executed along a vertical ascending grid. At the point of dye injection, the release time is manually noted in a field log. Each release time is selected from a scrolling time and concentration log which appears on a laptop screen – the laptop being directly connected to the fluorometer.

HydroBooster™ Groundwater Sampling – General Description

The HydroBooster™ pump is a high-lift gas displacement pump that was designed by BESST, Inc. for the USGS to collect groundwater samples from active production wells without having to remove the pump (USGS, 2004). The HydroBooster™ pump spans from 6 to 18 inches in length (depending on model) and ranges in diameter from ½-inch to ¾-inch. The pump can be connected to any type of tubing (i.e. Teflon, polyethylene, nylon, etc.). For high-pressure applications, the tubing can consist of regular nylon, or even nylon reinforced with fiber glass or Kevlar for ultra high-pressure applications to 3,000+ feet BGS. As with the Dye Tracer Flow Velocity Unit, the tubing for the HydroBooster™ system is flexible, permitting access into various types of production well settings without having to remove the pump.

Appendix 6: Resumes of Key Company Personnel

Robert Emmens

200 S. Asbury St Apt #11
Moscow ID, 83843
T (805) 729-3783
remmens@besstinc.com

Education

<i>University of Idaho</i>	Bachelors of Science in Geological Science	2012-2014
<i>Santa Barbara City College</i>	Studied Music and Geology	2009-2012

Related Courses

Field Mapping Techniques, Optical Mineralogy, Igneous Petrology, Sedimentary Stratigraphy, Metamorphic Petrology, Geomorphology, Geophysics, Geochemistry, Structural Geology, Applied Hydrology Techniques

Experience

Field Services Manager, Best Environmental Subsurface Sampling Technologies (BESST)-California January 2013 – Present – On breaks from university, and full-time post-graduation

- In charge of onsite company equipment, field sampling and data collection on production well sampling.
- Annotating, digitizing and plotting driller's logs and data entry in Excel.
- Using GIS to plot locations of bore holes and production wells.
- Data generated from these tasks are compiled for three dimensional subsurface geological mapping and correlation with aquifer-geochemical stratification data base.

Research Assistant, University of Idaho – Moscow, Idaho August 2014 – November 2014

- Apart of field team tasked with collecting samples of the Mazama ash for geochemical analysis of Deuterium level to use as a marker for paleo-topography.
- Was in charge of processing samples and digitizing into data base

Lab Assistant, Santa Barbara City College - Santa Barbara, California 2011-2012

- Prepared thin sections and grain mounts for optics classes and research use.
- Maintained rock saws and microscopes
- Organization and identification of department's rock and mineral collection.

Geology Tutor, Santa Barbara City College - Santa Barbara, California 2011-2012

- Helping first year students with understanding basic concepts and answering all questions asked.
- Working with Second year students on class projects and conducting extra hour study sessions.

Skills

- | | | |
|--|----------------|--------------|
| • Field mapping instruments | • MATLAB | • GIS |
| • Pump Test designing and execution experience | • Core Logging | • Word Suite |

Affiliation

- | | |
|---|--|
| • President of the University Of Idaho Rugby Team | • University of Idaho Science Outreach Program |
| • Part of AAPG, GSA, and USGS student chapters | • Nevada / California Geological Survey member |

Kimberly Miles

1219 Grand Avenue Apt. #3 San Rafael, CA 94707.723.0686 kmiles@besstinc.com

EDUCATION

Bachelor of Science, Geology
Bachelor of Science, Hydrogeology
University of Idaho, Moscow, ID
Final GPA: 3.73

Received 05/13

EXPERIENCE

Lead Hydrogeologist, BESST Inc. San Rafael, CA

2013 – Present

Currently employed as a lead hydrogeologist and groundwater researcher; working on specialized projects. Hydrogeological projects include profiling groundwater production wells using US Geological Survey technology and developing BESST Technologies. Responsibilities include management of field work and data QA/QC techniques, standing operating procedures, and report writing. Office duties include data entry, reduction, analysis, interpretation, and recommendations for reports based on field projects. Field projects involve performing dynamic and ambient steady state tracer studies to determine zonal flow and chemical distribution. Field work efforts comprise of advanced operation of specialized equipment, mechanical maintenance of the equipment, water level and transducer measurement, operations of flow meter and monitoring software data collection, manual field measurement, as well as project mobilization and demobilization.

Geologist Intern, Coeur Mining Corporation, Kensington Mine, Juneau, AK June - August 2012

Worked as a team in a subsurface gold mine. Duties of ore control included estimating ore grade, taking samples in the field and from blast piles, logging core, digitizing in Vulcan, and mapping geology inside of the mine.

PROJECTS

Steady State Flow and Chemistry Distribution in Monitoring Wells, 2014

Multi-scale project involving laboratory and field measurements and interpretation of dynamic and ambient steady state flow and chemical redistribution inside monitoring wells. Traditional fluorometry and down hole laser induced fluorescence in conjunction with Rhodamine red fwt50 are used to map these laminar flows inside monitoring wells. The purpose of the research is to better define contaminate mass within an aquifer for the purpose of monitoring and remediation.

Hydrogeology Senior Thesis (Hill Research Fellowship), 2013

Four hot springs, Stanley Hot Springs, Lolo Hot Springs, Weir Creek Hot Springs, and Colgate Lick, are all proximal to the Idaho Batholith and share similar water chemistries, except Colgate Lick. It is suspected that the difference in chemistry is due to thermal water moving to the surface through sulfide bearing faults. Through the analysis of regional geology, rock samples, and water chemistry data, collected from the four hot springs, I investigated Colgate Lick's potential economic impact for the people of Idaho.

Lucas Allen-Williams

1364 17th Ave • San Francisco, CA 94122 • 805 886 5884 • lucas.allenwilliams@gmail.com

EXPERIENCE

PROJECT MANAGER/SENIOR GEOLOGIST, BESST Inc. March 2013-present
San Rafael, CA

Plan and direct all company field and product services. Hire, train, and manage team members. Initiate contact with clients. Create service and product project proposals, and negotiate service agreements and scheduling. Coordinate with clients and provide technical support throughout entire project lifecycle including research, initial surveyance, field work, and final interpretation of results. Draft technical reports. Experience managing successful municipal projects of up to \$1 million.

GEOLOGIST, Minconsult Exploration Services June 2012-March 2013
Granduc, BC, Canada

Managed team of geotechnicians logging drill core for copper deposit at a remote wilderness camp. Oversaw quality control and served as a liaison between the drilling and geologic teams.

GEOLOGIST, Almaden Minerals Ltd. May 2011-March 2012
Puebla, Mexico

Logged drill core from gold and silver deposit; monitored quality control of sampling; wrote daily core logging reports for off-site management; served as Spanish language interpreter; performed various geologic field work; provided administrative and office support.

INTERN, Geoscience Support Services March 2010-May 2010
La Verne, CA

Supported consultants in the groundwater industry; digitized extensometer data and assembled data into hydrographs; organized well log archives; calculated recoverable water using Crippen method; accessed USGS database to find stream flow data.

TRAVEL October 2008-February 2010
Argentina and Chile

Lived and traveled abroad with my partner while she was working for Fulbright Chile. Explored Patagonia, Buenos Aires, the Atacama Desert, and the entirety of the length of Chile. Studied Spanish.

TECHNICIAN, Venoco, Inc. July 2008-October 2008
Carpinteria, CA

Assisted petroleum exploration team by procuring, organizing and managing oil well and seismic line data.

SKILLS

SOFTWARE: Microsoft Office, Mavenlink, Corelogger, DHLogger, Poly3D, ArcGIS, remote sensing software, Stereonett, Geographix, and Kingdom by SMT.

LANGUAGES: High level technical Spanish. Work experience in Mexico.

EDUCATION

POMONA COLLEGE, Claremont, CA May 2008

B.A. Geology, Environmental Analysis Minor

HONORS: The Richard E. Strehle Memorial Award—For excellence in field geology

ATTACHMENT 4

EXHIBIT “D” – COMMITTEE EVALUATION FORMS

CONSULTANT EVALUATION FOR PROFESSIONAL SERVICES

Project: DYNAMIC MASS PROFILING

Consultant: BESST, INC.

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart - Record of producing a quality product on similar projects on time and within budget (refernces)	10	8	5- TEAM MEMBERS
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related projects <i>YES</i> - Management and other organizational capabilities <i>YES</i> - Impacts of other on-going projects and priorities - Quality and cost control procedures/policies - Staff availability <i>YES</i> - Ability to meet the City's insurance requirements <i>YES</i>	10	8	Several Projects to Remove Chem. Has completed several Projects.
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required <i>YES</i> - Provided an explanation of the project <i>YES</i> - Showed familiarity with project area and issues <i>YES</i> - Explained a logical course of action to meet goal <i>YES</i> - Had internal measures proposed to meet timely completion <i>YES</i> <i>schedule</i> - Provided a Project Schedule <i>YES</i> - Included innovative approaches	15	10	Has a very good understanding of the project.
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	5	Schedule looks more feasible
5	COST	10	8	
GENERAL NOTES: Per The bid Documents, This Firm Has a very good understanding of the Project and has performed several Projects that are similar with expected Results.		TOTAL		83% 83%
NAME: <i>Paul A. A.</i> TITLE: <i>Utility Superintendent</i> DATE: <i>8-10-15</i>				

CONSULTANT EVALUATION FOR PROFESSIONAL SERVICES

Project: DYNAMIC MASS PROFILING

Consultant: BESST, INC.

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart - Record of producing a quality product on similar projects on time and within budget (references)	10	9	-team appears well qualified -founder current president -10+ years established
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related projects - Management and other organizational capabilities - Impacts of other on-going projects and priorities - Quality and cost control procedures/policies - Staff availability - Ability to meet the City's insurance requirements	10	9	-firm exclusively licensed -provided recent references of similar projects -600+ profiling projects completed.
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required - Provided an explanation of the project - Showed familiarity with project area and issues - Explained a logical course of action to meet goal - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	8	-schedule provided, completion approx. Jan 2016 -well thought out detailed approach -quality assurance program incorporated
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	7	-included staff commitments -San Rafael, Ca
5	COST: \$231,238 for 7 wells (\$33,034 each); Cross Section Analysis Services is an additional \$17,000	10	8	
GENERAL NOTES: -advocates conservative fiscal approach - 3 Dynamic Mass Profiling Rigs – well equipped - miniaturized equipment avail.		TOTAL		83%
NAME: <u><i>[Signature]</i></u> TITLE: <u>Public Works Analyst</u> DATE: <u>8-10-15</u>				

CONSULTANT EVALUATION FOR PROFESSIONAL SERVICES

Project: DYNAMIC MASS PROFILING

Consultant: BESST, INC.

NO	CRITERIA	WEIGHT	SCORE (1 to 10)	COMMENTS
1	PROJECT TEAM - Qualifications and Relevant Individual Experience - Unique qualifications of key members for this project - Time commitment of key members - Organizational Chart - <i>did not provide</i> - Record of producing a quality product on similar projects on time and within budget (refernces)	10	<i>8</i>	<i>- Good references and track record. - Key staff members have worked w/ Besst for only 2 yrs</i>
2	FIRM'S CAPABILITIES - Demonstrated capability on similar/related projects - Management and other organizational capabilities - Impacts of other on-going projects and priorities - Quality and cost control procedures/policies - Staff availability - Ability to meet the City's insurance requirements	10	<i>8</i>	<i>- OVER 600 wells profiled - Good QA/QC</i>
3	PROJECT UNDERSTANDING AND APPROACH - Demonstrated knowledge of the work required - Provided an explanation of the project - Showed familiarity with project area and issues - Explained a logical course of action to meet goal - Had internal measures proposed to meet timely completion - Provided a Project Schedule - Included innovative approaches	15	<i>8</i>	<i>- provided good understanding and approach of process. - clear explanation of process.</i>
4	FEASIBILITY OF OVERSIGHT - Ability to the timely response to City requirements - Firm location (work done) & accessibility to City staff	5	<i>8</i>	
5	COST	10	<i>6</i>	
GENERAL NOTES: <i>Consultant offered to consolidate data to provide cross sectional analysis, which could be used for the siting of future well locations.</i>		TOTAL		<i>76% = 380/500</i>
NAME: <i>Arturo Vela</i> TITLE: <i>Acting Dir.</i> DATE: <i>2/15/15</i> <i>P/W</i>				

ATTACHMENT 5
EXHIBIT “E” – BESST, INC. FEE SCHEDULE



Quotation For Well Diagnostic Services - City of Banning

Quotation Date: 7/31/2015

Quotation Code: CBANN-073115

Purchase Order/Job Number:

Point of Contact / Project Manager

Perry Gerdes

Water/Wastewater Superintendent

City of Banning

pgerdes@ci.banning.ca.us

(951) 849-3273

Dynamic Profile: 7 Well Profiling Project Well

Item	Quantity	Unit	Price	Total
Access Survey Performed by BESST (includes chain survey and separate mob/demob)	7 ea.	\$	2,000.00	\$ 14,000.00
Video Survey Mob/Demob	7 ea.	\$	750.00	\$ 5,250.00
Video Survey Performed by BESST	7 ea.	\$	3,500.00	\$ 24,500.00
Mob/Demob	7 ea.	\$	2,584.00	\$ 18,088.00
Setup Fee	7 ea.	\$	1,000.00	\$ 7,000.00
Dynamic Flow Profile (up to 22 injection points)	7 ea.	\$	7,300.00	\$ 51,100.00
Dynamic Groundwater Sampling (up to 20 one-liter samples)	7 ea.	\$	10,400.00	\$ 72,800.00
Detailed Zonal Flow and Mass Balance Chemistry Included with Interpretations	7 ea.	\$	5,500.00	\$ 38,500.00
Subtotal #1				\$ 231,238.00

Optional Charges

Additional Chain Surveys	0 ea.	\$	700.00	\$ -
Additional Injection points	0 ea.	\$	150.00	\$ -
Additional hydrobooster sample points	0 ea.	\$	200.00	\$ -
Additional volume per sample point	0 liter	\$	75.00	\$ -
Flared Cone Assembly for Access Pipe	0 ea.	\$	450.00	\$ -
Standby Rate	0 hour	\$	250.00	\$ -
Oil Lube Well Fee (only applies when BESST injection and sampling tubing becomes irreparably covered with oil to the point where it cannot be efficiently and economically cleaned. Tubing must be discarded and fee is applied to disposal and replacement).	0 fee	\$	1,500.00	\$ -
Access Pipe: Flush Threaded PVC Riser 1.25" ID	0 ft.	\$	5.50	\$ -

Total For Seven Wells Not To Exceed \$ 231,238.00

NOTE: Project cost total dependent on utilized service

Notes and Conditions of Service:

1. Service does not include water storage and disposal
2. Assumes a 10-hour work day. Any time past 10 hours will be billed at an additional rate of \$275/hour
3. Quote Includes Travel Expenses
4. Customer Provides Flow Meter, water sample collection bottles, and all costs associated with lab analysis of water samples
5. Customer to insure presence of 3/4" hose bib spigot on discharge line for dynamic survey and to provide BESST with dimensions for hook-up
6. BESST or Customer to provide water level indicator to monitor drawdown
7. Customer to insure Pumping Water Level in well has reached steady state draw-down before BESST work begins.
8. If steady state draw-down has not been reached and BESST must wait for stable PWL, then BESST will charge standby rate until well has reached steady state draw down. This fee will be added to the service fee for profiling the well.
9. If there is a significant change in PWL during testing of well and BESST is required to reprofile as a result, then BESST will charge the itemized injection and sampling fee (see above) for each additional injection and sample that exceeds the package price.
10. Chain surveys must be performed prior to BESST scheduled profiling service - using BESST's chain survey tools.
- 11a. Night work: defined as any time equal to or greater than 6 hours between time of 6pm and 6am. Rate= \$3,250/night in addition to regular fees.
- 11b. Night work special case: Defined any time less than 6 hours between time of 6pm and 6am.
12. Quotation Good For 90 Days
13. BESST to perform access survey into well before profiling project begins. The purpose of the survey is to determine most appropriate entry point(s) into well and past pump bowls. BESST chain survey tool(s) may become stuck inside well - but BESST not responsible for costs to remove tools from well.
14. Access survey may demonstrate sufficient access into well and past pump bowls. However, this does not guarantee that BESST profiling tools will not become stuck during survey. If BESST profiling tools become stuck during survey, BESST not responsible for cost to remove tools from well.
15. On the basis of the results from the chain survey, may recommend that well owner pull their
16. Customer is to ensure working power source, which may include generator and fuel.
17. Quotation good for 90 days.

BESST, Inc.

50 Tiburon Street, Suite 7

San Rafael, CA 94901

Office: 415.453.2501 / Cell: 415.302.7354 / nheller@besstinc.com

pg. 2 of 2



Quotation For Cross Section Analysis Services - City of Banning

Quotation Date: July, 31, 2015

Quotation Code: 181_07312015_FDP

Purchase Order/Job Number:

Point of Contact / Project Manager

Perry Gerdes

Water/Wastewater Superintendent

City of Banning

pgerdes@ci.banning.ca.us

(951) 849-3273

Cross Sectional Analysis: Includes plotting and correlating of flow and chemistry data alongside geophysical data and report.

Item	Quantity	Unit	Price	Total
Digitize Cross Sections	1 ea.		\$ 1,000.00	\$ 1,000.00
Literature Review	1 ea.		\$ 1,000.00	\$ 1,000.00
Data Analyses	1 ea.		\$ 3,000.00	\$ 3,000.00
Data Interpretation	1 ea.		\$ 4,000.00	\$ 4,000.00
Report	1 ea.		\$ 8,000.00	\$ 8,000.00
Total				\$ 17,000.00

NOTE: Project cost total dependent on utilized service options.

Notes and Conditions of Service:

1. Quotation good for 90 days.

BESST, Inc.

50 Tiburon Street, Suite 7

San Rafael, CA 94901

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