

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

September 22, 2015  
**5:00 p.m.**

Banning Civic Center  
Council Chambers  
99 E. Ramsey St.

*The following information comprises the agenda for a regular meeting of the City Council and a Joint Meeting of the City Council, and the City Council Sitting in Its Capacity of a Successor Agency.*

*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 – Pastor Rich Szydlowski, Mountain Avenue Baptist Church
- Pledge of Allegiance
- Roll Call – Councilmembers Miller, Moyer, Peterson, Welch, Mayor Franklin

**II. REPORT ON CLOSED SESSION**

**III. PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS**

**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. Introduction of New Employees – Mark Washington and Ralph Munoz (ORAL)

## **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 6**

**Items to be pulled \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ for discussion.**

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

1.	Approval of Minutes – Regular Meeting – 08/25/15. . . . .	1
2.	Approval of Minutes – Special Meeting – 09/08/15 (Closed Session). . . . .	47
3.	Approval of Minutes – Regular Meeting – 09/08/15 . . . . .	49
4.	Approval of Accounts Payable and Payroll Warrants for Month of July 2015. . . . .	71
5.	Report of Investments for July 2015 . . . . .	75
6.	Resolution No. 2015-84, Approving Amendment No. 1 to the Memorandum of Understanding Between the City of Banning and City of Banning Police Management Association setting for the complete negotiated terms and conditions of employment for the represented employees . . . . .	83

- Open for Public Comments
- Make Motion

## **RECESS REGULAR CITY COUNCIL MEETING AND CALL TO ORDER A JOINT MEETING OF THE BANNING CITY COUNCIL AND THE BANNING CITY COUNCIL SITTING IN ITS CAPACITY OF A SUCCESSOR AGENCY**

## **V. CONSENT ITEM**

1. Rotation of Senior Underwriter to Raymond James & Associates, Inc. . . . . 101

- Open for Public Comments
- Make Motion

## **RECONVENE the regular City Council Meeting.**

## **VI. REPORTS OF OFFICERS**

1. Resolution No. 2015-90, Approving the Reinstatement of the Business Retention Electric Rate Schedule and the Banning Economic Development Rate Agreement for Business Retention of Electric Service Customer.

Staff Report..... 103  
Recommendations: **That the City Council adopt Resolution No. 2015-90.**

2. Consideration of the League of California Cities Annual Conference Resolutions for the 2015 Annual Conference.  
Staff Report..... 131

Recommendation: **That the City Council consider these resolutions and determine a City position for the City's Voting Delegate.**

### **SCHEDULED MEETINGS**

**BANNING UTILITY AUTHORITY (BUA) – no meeting**

**BANNING FINANCING AUTHORITY (BFA) – no meeting.**

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

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

**VIII. ITEMS FOR FUTURE AGENDAS**

New Items –

Pending Items – City Council

1. Discussion regarding City's ordinance dealing with sex offenders and child offenders. (10/2/15)
2. Discussion of vacant properties and on Ramsey Street where people are discarding furniture.
3. Report on Banning Chamber of Commerce Utility Bill Issue
4. Workshop on legal issues (whistleblowers, harassment, personnel issues, consent calendar policy, more interaction with public, form of minutes,).
5. Attorney General Opinion re. Developer Impact Fees collected by hospital or other agencies.
6. Collection of Judgement re. Jim Smith
7. Discussion re. Time of City Council Meetings
8. Safe Walkways for student from the schools and signage
9. Housing Element

*(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.)*

## **IX. 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]

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

08/25/15  
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Franklin on August 25, 2015, at 5:09 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  
Stacy Bavol, Utility Financial Analyst  
Jim Barrett, Building Official  
Sonja De La Fuente, Executive Assistant/Deputy City Clerk  
Marie A. Calderon, City Clerk

The invocation was given by Pastor Steve Braun of Banning Foursquare Church. Councilmember Moyer 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 significant exposure to litigation that item was not discussed. On the two cases of initiation of litigation a status report was given with no reportable action taken. With respect to the Robertson's Ready Mix, Lt., v. City of Banning matter a status report was given and the Council gave direction for further discussions. In regards to real property negotiations: a) Banning Chamber of Commerce – 60 E. Ramsey, and b) Fire Memories Museum – 5261 W. Wilson a status report was given on those two items and no action was taken. With respect to labor negotiations concerning the Banning Police Officers Association (BPOA) and Banning Police Management Association (BPMA) a status report was given and direction was given for further negotiations. On the personnel matter with regards to the City Attorney Evaluation there was a discussion of the evaluation. With respect to the Fire Memories item he believes the Council wanted to make a brief report.

Councilmember Welch said as an update there has already been noted in the newspaper that the Fire Museum has chosen to discontinue their museum.

#### PUBLIC COMMENTS/CORRESPONSE/PRESENTATIONS

##### PUBLIC COMMENTS – On Items Not on the Agenda

Chris McCallum, 757 W. Westward addressed the Council regarding public comment and over the years it has changed and he thinks it needs to be reopen for a different perspective. He thinks that going forward we should as business people like himself and community members to find a way to have a public round table before they get to the Council meetings. If there are things that the Council is deciding on for the city, then we need and open forum to discuss those things on the agenda before they come in front of the Council. You may want to think about creating a public forum that could be televised just like Council meetings so when major issues come forward they have a chance to discuss them and decide within the community to either support the Council or reject it without sitting up here for 3 to 5 minutes to discuss it and then the Council gets to make the decision. Many different opportunities within our city have come and gone and we only get 3 to 5 minutes to talk about it. He thinks that as a community and as business people for us to start going forward they need to have more input. There are a lot of business people that the Council's decisions affect so maybe going forward the Council could think about creating a forum, a public forum, so maybe they could have better results going forward.

Eddie Geer said that he is on the side of the gentleman that just spoke. Most of us work 8 to 5 p.m. and maybe the Council could think about pushing these meetings off to a time when most of the citizens could actually make it. A lot of people from his church would come but a lot of them cannot make it because they work until 5. Also, he pays a percentage on his electric to public benefits and wanted to know where he could get a breakdown of who is getting that money, where it is going, are they on drugs, are they being tested; he is curious of where his money is going.

Susan Savolainen resident of Banning representing the Banning Community Advisory Committee stated that they were formed in January of 2014 to do exactly what the gentleman was asking about. It is an opportunity for improving two-way conversations between the Council and the public. They meet on the 4<sup>th</sup> Wednesday of each month (except in the summer) from 6:30 to 8 p.m. at the Banning Police Station so any member of the public is welcome to attend a meeting and right now they are looking for new members. So if you are interested in improving this city, improving communications with the City and are willing to do some work, please consider joining them. She said she is wearing a bright t-shirt to bring attention to the “community clean-up” that will be held on Saturday. They will meet at the Chamber of Commerce at 8:00 a.m. and work until 11 a.m. and do need volunteers to help tidy up a bit for Stagecoach Days.

Robert C. Rochelle, 1538 Bryan Street, addressed the Council stating that he is wearing a t-shirt that he got from Rochelle, Illinois. The town was named after his great, great grandfather so he wore in his honor tonight. He agrees with the previous two speakers regarding communication between the Council. He said the \$60 million dollar courthouse was established by a special committee of the Chamber of Commerce along with Jim Smith and himself and several other

people who worked and worked to get that courthouse established. That came out of a committee that had nothing to do with the City Council except he was on the Economic Development Committee with Mr. Botts that reported to the City Council but Jim Smith had the idea and he is a marketing man and a good sales man. He had the concept to have another committee go after that courthouse and not just that but a variety of other things that they worked on. He said we need to support the police and with this museum closing it is only logical that the police department would move in with the logistics that they have already established and they have been there before using that facility. Anybody can stop a train but it is hard to get the train moving. So we don't want any more negative bull on this whole Council let alone the audience. We are sick and tired of all the negativity that comes out from the few people that are here and the silent majority that are enjoying this meeting tonight because there are a lot of positive stuff going on out there. He is tired of hearing of all the lawsuits and all the city managers. We have had 11 city managers in 7 years so are they all bad. Alan Parker is over in San Bernardino and he would have liked a job in Banning but would have probably got fired like everyone else.

Bill Dickson, Banning Police Volunteers stated that after hearing some of the comments he thinks that we are in a very positive mode and moving in a very positive direction and because of that we need more police volunteers. If you have some spare time, think very seriously about becoming a volunteer for the Banning Police Department. It is a good thing to do and you are part of the community and it is a service that is really needed. So if you are interest please give him a call at 951-282-1138.

Maggie Scott addressed the Council regarding code enforcement stating that there are still a lot of things that need to be taken care of and she has called them a couple of times. People are still dumping their trash on the street. On Hathaway and Ramsey there are mattresses and carpet on the side of the street and she was wondering why isn't it that the code enforcement people are not going around taking care of these things; it is an eyesore. When you head east on Ramsey people have taken all of their blue bags of trash and left it on the vacant lot next to Caltrans of which there were 5 to 6 huge bags just sitting there and it doesn't look nice when you are coming into Banning. She doesn't know what we can do with people that are just dumping their trash. It used to be that you could just call the City and have things picked up and she doesn't know if that is still going on or not at least two to three times a year. She thinks that something should be put in the newspaper or the electric bill to let people know that you don't just have to dump your trash beside the road. Also the vacant homes, the one on Nicolet and Almond Way, they started to clean the front but everything is in the back. Something needs to be done with these vacant properties; they are not being taken care of. She said that she is tired of looking at it. If they are not going to take care of the property, then tear it down or something besides all the people that are living in them and all the trash that is there. The City should start doing something about this because it is an eyesore and she has been in Banning for a long time and she has never seen the City as bad as it is now.

Ingle Schuler resident of Banning stated that in regards to code enforcement she was very unsuccessful in getting the trash removed from West Westward and Eighth Street but then Sgt. Fisher from the Police Department took care of the situation and within days everything was gone so there was some action taken but not by code enforcement. We have codes and City ordinances so code enforcement needs to drive around and cite people because we have a way of

dealing with this but it is done rather arbitrarily, occasionally; there are cars parked on dirt. People get harassed and cited if they put their trash cans out the night before trash pickup. I guess we need to get up at 4 a.m. to put the trash out. That is the kind of thing that gets the attention of code enforcement and that is not right. The fire hazard of these places that burned three houses was because the wind was blowing into somebody else's yard because they had weeds up to the wazoo. We need to cite these people that are not taking care of their property. We have the vehicle to do it and if the bank owns it, let's get after the bank. Another problem she noticed was in regards to the items to be put on Future Agendas and some of these just disappear like the thing about starting Council meetings at a different time that Frank Burgess initiated. It was brought up again tonight but it doesn't show anywhere on the items for future agendas. Has that problem been solved; apparently not. We also need to bring the Housing Element before the people again. We were told of things that were not right on this last one to get it passed by the State; can we change it? She would propose that we do this as soon as possible. In regards to the utilities her current bill is for 29 days and the last one was for 34 days and cost here \$821.00 because she got into the high tier because of the extra days. She said that she does use a lot of water because one of her horses for instance, on the average, drinks 20 gallons a day and with the heat it is significantly more. She also has sheep and trees that need to be watered or if you insist, she can let them die and of course she can convince her animals that they can now drink only on Mondays, Wednesdays and Fridays.

Clarence Taylor, 190 E. Gilman addressed the Council stating that he was not here for the library because he thinks the Council's loyalty has already been demonstrated that you rather for the County to eventually take it over and city's taxpayer money will go to the County. In regards to the train situation from his understanding is that when kids go up 8<sup>th</sup> Street they are on State highway and it is illegal to cross State highway and also there is no walkway on San Gorgonio. Now with the recent incident which we knew eventually would happen he suggested a while back that there should be a walk-over the trains. Trains are governed by Federal law and maybe there would be available funds since the City said they don't have money. When he was living in Los Angeles and going to school as a fourth grader they had walk-overs and it was there before he started going to school and it is still there; we need a similar crossing. As far as security they can be monitored from the Banning Police Station like they monitor San Gorgonio and Ramsey and the same camera system can be wired into this new project. In regards to code enforcement and the houses that burned down he was visiting there a couple of days prior and the people had moved out and left tons of trash outside but code enforcement did not bother to take care of that situation. He was a volunteer with Fire Station 24 and both he and Bruce Herold (who recently passed away) fought a fire in a building in Cabazon and saved it before any of the fire companies arrived. He doesn't understand how you lose three homes; the wind was blowing but not that bad. He thinks it would behoove the City Council to have CalFire critique the situation and come back with a full report of what went wrong because the people who lost some of those homes said that the fire department was more concerned about saving the house that was on fire than trying to prevent the ones that were starting to ignite. He said we have three City Council members from Sun Lakes and if you are at Highland Springs and Ramsey and you watch the fire trucks come out of Station 20 it takes two and half minutes extra to go from Station 20 down the wrong side of 6<sup>th</sup> Street to Highland Springs, fight all that gridlock and get to Sun Lakes Blvd. entrance and they are doing that often so he doesn't think you are going to do much for the citizens of Banning on this side when you are not even having a fire department for

yourselves. How do 15,000 people live in Sun Lakes and don't even care about their own fire protection because two and half minutes can save a life if you are having a heart attack or a stroke.

Carl Douglas, Chairman of Stagecoach Days let everyone know that Stagecoach Days is coming. On August 15<sup>th</sup> they had a queen's coronation dance held at the Rowdy Rose on Lincoln Street and there were about 500 people in attendance. This past Saturday they had a junior rodeo at Dysart Park held by CJRA (California Junior Rodeo Association) and there were about 250 young kids competing with an attendance of about 500 to 600 people for the whole event. The people supported our businesses by staying in our hotels, ate at our restaurants and were more than happy to use the facilities here in Banning. Stagecoach Days will be held on September 11, 12, and 13 with a 3-day pro rodeo to be held each night. On Saturday morning they will be having a junior rodeo with all types of fun events for all age groups so everyone come on out and support Stagecoach Days.

Stacey Bavol with the City of Banning Utility Department addressed the Council and the public to put out a word of caution because they have received some calls this week in regards to some phone scams that are going on and it was happening last year and again this year. She wanted to reach out to inform and educate our residents and small businesses that the City of Banning will never call you and demand payment over the phone for electrical services. These frauds or scams that they run will call local small business or senior citizens and say that this is your local electrical department and you are three months behind and if you don't pay us in the next 20 minutes we are going to turn off your electricity. They are demanding payment over the phone with a pre-paid credit card. The City of Banning will never take a credit card payment over the phone. We do not call and demand payments over the phone like that. We always call directly from the City and you can look at the caller ID. We do not have 800 or 888 or 866 numbers. Our number is the 951-922-3100. Please at any point you have any questions whatsoever do not make any payments over the phone with these people; give the City a call. We are also trying to gather as much information as we can about these people, so you can call Customer Services for the Utility Billing Department and we will gladly take that information and share it with the police department. Again, we don't call, we don't take credit cards over the phone, and we don't demand payment in 20 minutes.

Mayor Franklin said that several comments were made about code enforcement so she asked Debbie Shubin from our Code Enforcement Department to talk about what we do.

Debbie Shubin said that currently they are caught up on past complaints. She said that once they received a complaint they have to contact the property owner so these vacant buildings that are full of transients and the fields full of mattresses first they have to find who owns them. After they figure out who owns the property they are sent a letter by registered mail and it gives them 15 days to respond. If they do not respond and don't clean it up, a second letter is sent and it gives them another 15 days to respond and at that point they can start the citation process. Once they find somebody to send an actual citation to normally they can get them to start cleaning things up but at that time 30 to 45 days can go by. We have some properties here in Banning that we have no idea who owns them and they are trying to find bank owners, homeowners, and there are people who own them and have walked away from them and don't care and they already have many liens; they

are worthless. There are about five houses that they have targeted so what they are trying to do in code enforcement this year is to hopefully get those five houses demolished which is going to cost the City money. They are also trying to put together how they can get one of the road camp crews to go back through the city like Mario's crew used to do because they used to pick up all of the junk that was lying around. As it is now if there is junk in the middle of a field, we have to get a hold of that owner and they have to come out to clean it up and that can take 30 to 45 days if not longer. Carl Syzoka is awesome and will pick up stuff that is really bad but they can only do so much there also. It is not that we are not doing anything, it takes time.

Mayor Franklin said that we cannot do a dialogue because this is public session but what we will try to do is to bring this back as an item that we can actually discuss.

#### CORRESPONDENCE

The City Clerk at this time read three items from the following people:

- Diane Box regarding a civil action brought on by our current Interim City Manager, Dean Martin (see Exhibit "A" attached).
- Fred Sakurai regarding water conservation, delineated offenses allegedly perpetrated by various people in authority upon the citizens of Beaumont, closed "secret" sessions of the City Council of Banning, and a progress report on the implementation of various items addressed at a town hall meeting many months ago at the Hampton Inn (see Exhibit "B" attached).
- Charlene Sakurai regarding the Fire Museum (see Exhibit "C" attached).

#### PRESENTATIONS:

1. Proclamation – Childhood Cancer Awareness Month – September 2015

Mayor Franklin said that this proclamation is proclaiming the month of September as Childhood Cancer Awareness Month and it would be mailed to the recipient.

2. Proclamation – Ollin (Ole) Tendeland
3. Proclamation – Rev. Esther De La Cruz

Mayor Franklin read the proclamations for Ollin (Ole) Tendeland and Rev. Esther De La Cruz. The Council made presentations to each of the families in deep appreciation of their service to our community and sincere sympathy upon their passing.

#### CONSENT ITEMS

Mayor Franklin said that there was a request to pull Consent Item No. 9 for discussion.

1. Approval of Minutes – Special Meeting – 07/14/15 (*Closed Session*)

Recommendation: That the minutes of the Special Meeting of July 14, 2015 be approved.

2. Approval of Minutes – Regular Meeting – 07/14/15

Recommendation: That the minutes of the Regular meeting of July 14, 2015 be approved.

3. Report of Investments for June 2015

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

4. 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.

5. 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.

6. Designation of Signature Events

Recommendation: That the City 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.

7. Resolution No. 2015-75, Amending the Classification & Compensation Plan for the City of Banning.

Recommendation: That the City Council adopt Resolution No. 2015-75, amending the classification and compensation plan and amending the Part-Time Resolution No. 2015-71 to include a new classification and changes to existing job descriptions.

8. Resolution No. 2015-76, Approving a Sick Leave Policy Pursuant to AB 1522 for Part-Time Employees of the City of Banning.

Recommendation: That the City Council adopt Resolution No. 2015-76, approving a sick leave policy pursuant to AB 1522 for part-time employees of the City of Banning.

Mayor Franklin opened Consent Items 1 through 8 for public comments; there were none.

**Motion Welch/Moyer to approve Consent Item 1 through 8. Motion carried, all in favor.**

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.

Interim City Manager Martin said that this is simply making formal the action the Council took to grant the same compensation to our directors as was given to the employees through the negotiation process and that was for a 2% lump sum payment, as well as, a 3% COLA increase and evidently our ordinance requires that when we modify the contract we also have to by resolution modify the accompanying compensation scale for the senior staff. Essentially this is a resolution that modifies that compensation scale so that it is consistent with the action that was taken with the contracts for the directors.

There were some Council questions and staff responses in regards to the employee contribution to CalPERS, the loss in compensation, the higher retirement benefit, and why did only two City directors get a lump sum and not all the City directors.

Mayor Franklin opened the item for public comments.

Ed Geer said so basically what she just said the workers are paying their 8% but basically you raised their pay so we are still in the same boat that we were right with pensions and stuff. Before we paid 8% of the retirement and the workers agreed to pay 8% but we raised their pay so isn't the City still being taken advantage of. Pensions are a big problem in this country; couldn't we have worked a better deal.

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

Interim City Manager Martin said what the City did was primarily protect its future. It didn't do much to change the situation for existing employees but what it does is it keeps the retirement benefit from growing so quickly and so exponentially in the future because future employees will fully be responsible for an amount that in the past the City was responsible for.

Councilmember Miller commented that this has nothing to do specifically with this but before he came on the Council and he was in the audience it was very frustrating to have the procedure where you have somebody ask a question and the Council sits here stone-faced and says there is nothing we can do and we will go on to answering questions. The whole procedure to him was so outrageous when he was not on the Council and now he is on the Council and he has to sit here with a stone-face instead of answering the questions and talking to the people who elected them. It just seems to him that something should be done so that there is more direct communication between the Council and the people who gave up there time to come here to talk to the Council.

**Motion Peterson/Moyer to approve Consent Item No. 9, adopting 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, as per Exhibit A attached to the resolution. Motion carried, all in favor.**

## PUBLIC HEARINGS

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 – Brian Guillot, Acting Community Development Director)

Acting Director Guillot gave the staff report on this item as contained in the agenda packet. Basically this ordinance is establishing what the City is already practicing but it is bringing the whole State into a coordinated program for all small rooftop solar.

Mayor Franklin opened the public hearing on this item. Seeing no one coming forward the Mayor closed the public hearing.

Mayor asks the City Clerk to read the title of Ordinance No. 1490. City Clerk read: 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 Peterson/Welch to waive further reading of Ordinance No. 1490. Motion carried 5/0 by roll call vote.**

**Motion Peterson/Welch that Ordinance No. 1490 pass its first reading. Motion carried 5/0 by roll call vote.**

#### REPORTS OF OFFICERS

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 – Phil Holder, Lieutenant)

Lt. Holder gave the staff report on this item as contained in the agenda packet. At this time he introduced Liza Kester, IT Technician, Howard Newton and Charles Rushing from RCIT who would be managing the program, Ryan Delaney and Michelle Clogan from Motorola, Inc. He started his power-point presentation (see Exhibit "D" attached) giving more details about the current radio system, system deficiencies, possible solutions, solution analysis, recommendation, and PSEC benefits and costs.

There were some questions and dialogue between the Council and staff in regards to what agencies are on PSEC now, why not stay on the trunk system with departments that are in line with Banning instead of PSEC, the various radio channels, how did ERICA and PSEC come about, why the two separate systems and who are in these separate systems, funding for next year, estimated time of delivery of equipment, is PSEC exclusive to Motorola, use of other qualified vendors/radios, internal department use, changes to equipment in the future, any down time of the system, and warranties on equipment.

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

**Motion Peterson/Moyer 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. Motion carried 5/0 by roll call vote.**

1. Status Report Regarding Village at Paseo San Gorgonio Project and Suggested Alternatives—Possible Further Extension of Design Review.  
(Staff Report – David J. Aleshire, City Attorney)

Councilmember Peterson left the dais at this time because of a conflict of interest.

City Attorney Aleshire gave the report on this item as contained in the agenda packet. The question in front of the Council is not whether you want to approve an Assignment to Vanir or how long you want to give them to build it or what the schedule would be or any of that because they just don't have those details. Tonight we are just trying to determine if this has been a positive enough discussion that you would basically extend the development approvals so that we could have a period of time to try and work this out without having development approvals expire. There has been some indication that Vanir's goal would be to be under construction by the end of the year. In terms of what would be a reasonable extension to try to get the assignment agreement worked out in the staff report they suggested and you certainly want to keep their feet to the fire but staff has suggested October 1, 2015. So whether you want to go with that date or something else it is his understanding that there would be an attempt to try to wrap this agreement up fairly quickly. The recommendation would be an extension for a period of time 60 or 90 days to allow staff to put together an Assignment Agreement so that Vanir would assume all the rights of Pearlman.

Mayor Franklin said that they will hear from the Sub-Committee first. Councilmember Welch and Councilmember Miller commented on the proposal from Vanir and the extension of the deadline. Councilmember Miller went through all the different concepts that are involved in this decision.

There were further comments from each of the Councilmembers and dialogue with staff in regards to this proposal and the extension of the design review to the end of October.

Mayor Franklin opened the item for public comments.

The following people spoke in regards to this item (*any written comments handed to the City Clerk will be attached as an exhibit to the minutes*):

Jerry Westholder, citizen addressed the Council stating that he would just be dealing with the facts. He felt that Councilmember Moyer should recuse himself because of his letter dated March 25, 2014 that is prejudice for the project. Also from first-hand knowledge Mr. Ashley told

him was that he didn't get involved in local politics but yet he both endorsed candidate and Councilman George Moyer and came out speaking for him so in his mind he is suspect that we have so many county projects in Banning already. He has worked in law enforcement for over 20 years and has sat on advisory councils on what to do with gangs in Los Angeles and he has the credentials to back that up. In regards to AB 109 both the Grand Jury of the County of Riverside and the LA Times that have both vindicated everything he had said to this Council last year and as a result our current stats show homicides up 200%, rape up 73%, robbery up 44%, assaults up 20% and burglary up 15% and that is just for Banning. Now the perception of a parole office downtown is not just a perception; it is a reality. All you have to do is get up at 5:30 a.m. and come down to 8<sup>th</sup> and Ramsey and you see what the County does when they let people out of jail. He also went over a timeline starting from March 2013 regarding this project which included the involvement of Vanir. Do not let the last piece of real estate downtown just go to another county building? Crime rates are increasing, transient population is increasing, homeless encampments are popping up all over town and it will only get worse. At this time he submitted to the City Clerk the facts that he just went over (Exhibit "E" attached).

Inge Schuler, resident was surprised to hear that Vanir was suddenly a partner with Pearlman and Vanir is then committed to build one building for the county; no taxes. She thinks that Councilmember Miller is right on the market with this particular development that is planned by Vanir. We always try to do the best for Banning with what will bring the income to Banning to improve the living conditions, the quality of life, the character and whatever the topic is we try our best and we always get taken. You drive through town and you see plenty of evidence. So in essence right now the Village at Paseo San Gorgonio is a dead deal; we are done with this. The loan that was made to this gentleman was never intended or designated as being assumable. We don't want to finance yet another developer just like a developer wanted to do in Moreno. Let's us not throw good money after bad and start the process again with Vanir. Four years have passed and JMA has had creative excuses leaving the city and her residents with a five-plus acre eyesore right in the middle of town. The background conveniently omits the \$4 million the CRA paid to acquire the properties. The original zoning was downtown commercial and then magically with the stroke of a pen by the City Manager the zoning and some contract items changed to allow offices. The whole thing needs to be rescinded and tossed out and started with somebody new who is really honest and the decisions like the vacation of Livingston need to be redone. Now she feels that his only motive is, as she learned tonight, that he wants to avoid a lawsuit by the County.

Gary Hironimus, resident said this project has been on the books since early 2011 and Pearlman has jerked this City around ever since. We spent \$4 million to purchase properties to make this jewel of downtown a reality to bring in retail shopping, restaurants, and hotel business all of which would produce sorely needed tax revenue for the city. Then we sold it to Pearlman for a measly \$1 million to make that vision a reality. The reality is that he didn't pay \$1 million and has yet to pay anything. We have granted multiple extensions and still no construction activity and still not payments. Worse, Pearlman was able to get the project changed without Council approval, without public notice, without any of the required processes and turn it into a courthouse support complex for the probation department and the District Attorney uses that produce little to no sales tax revenue to the city and will actually discourage other businesses from locating in that project. So now how do we recoup that \$3 to \$4 million dollar loss with

little to no sales tax revenue? Why can't the probation department expansion take place in the old courthouse; same with the District Attorney. Or how about they purchase and build on a lot that is off the main drag adjacent to the new courthouse. Why must it be on the one remaining downtown parcel that could actually be used for something positive for this city; a parcel that we spent \$4 million dollars on for just that purpose because something is better than nothing. He doesn't agree and most of the citizens of Banning don't agree either. So after years of making no payments, backroom deals changing the scope and purpose of the project and years of extension, Pearlman also known as JMA, is in default and his proposal is to let his long-time partner Vanir take over the project and get another extension; this is a shell game. These are people who do not deserve another extension no matter what they are calling themselves this month Pearlman/JMA/Banning Office Venture/Vanir, they are all one in the same and they will not do what this city needs to have done. This Council needs to foreclose and step back and take a breather and look for a completely new developer that will actually build something that Banning can be proud of and actually enhance the downtown and draw people and businesses to the area.

Diego Rose, resident and business owner said it is painfully obvious as you sit here and you listen to this and say how on earth is this still happening and why. No matter how it goes though it is going to look bad on the Council. You have somebody local that wants to develop the property, who wants to keep money local, who wants to provide the same things that were originally intended with the property and you don't want to do that. You are turning Banning into a welfare city. We have every government office you could possibly need out here. Let's put the probation office into the old Kmart right next to Sun Lakes and see how that goes. He said that in regards to his business it is all about perception and whether he has to deal with the police department here and him keeping an honest business making sure he doesn't have problems there; it's perception. You are creating your own perception right now that you are in a backdoor deal with the developer; that is what the public is seeing. If you think by bringing in more government down here is going to attract some kind of a different clientele, you will not get it. If you come down here every morning you can see everybody who has been released from the jail roaming the streets. You are not bringing in tons of lawyers and doctors and astute businessmen. No matter how you look at this it is going to end badly for all of the Council. Your perceptions are going to be the worst that they have even been and this is definitely going to leave a black mark.

Chris Millen, resident and business owner said he has to eat a little humble pie today because he agrees with Mr. Miller. Mr. Miller was wrong when he called him a liar and he will never forget that but Mr. Miller is right today. What he sees in this city is that we have more per capita government social services than we have basically people. He agrees that we do have a building here that can be retro-fitted for some of the things they were asking for off our main street but he said from the very start of this project that he thought it was a great project because it was going to bring tax revenue. We need to do good business just like he has through his limo business for over 20 years. At first he didn't agree with the little motorcycle shop that is now a beautiful structure. He didn't agree at first because but he sees now that it was a benefit to our city. This project is not a benefit to our city with the things that he has just heard on top of what he knows. We need to stop and take a breather like the gentleman said and then come back at it. There are good people in our town and he has been told that we will have about 60,000 residents possible in our community in the future and we are half way there but if continues to be a higher

population of county services we are not going to have the things to support those businesses and people and the things that we want here. We have to work together but right now this is a precious area of our city and we cannot let it go to something that may or may not work. We need to make sure it is positive. We have other things to do in this town and he thinks going forward he will be a part of that and will sit where the Council sits now in two and half years and whatever he needs to do that, he will do it.

Councilmember Miller said as a point of personal privilege he would like to apologize for calling Mr. McCallum a liar. He said he has no recollection that and that is not his type of language and he doesn't know how it occurred but does apologize for it.

David Ellis asked how many of you Councilmembers have really talked to the business owners on the east side of town where the County buildings are. He said that he walked door to door and a majority of them will tell you that the County does squat for them. So re-think this County deal bringing in money. We have had a criminal courthouse here for years and Mr. Pearlman said he wanted to wait and see what the courthouse brings in; it brings in the perception of criminals. Another thing is that this note is delinquent right now and you are talking about negotiating with a delinquent note and deal. It seems that three of the Council Members are so eager to go against what the people of this community want and he doesn't know why. Why are you so in favor of a project that the community doesn't want and as Diego Rose said, "Shame on you." Shame on you, shame on all of you except Mr. Miller who hit the nail right on the head.

Eddie Geer said no one at his church is in approval for this project. You need to hear the people of this town and listen to them; step back. Maybe the Council should read Donald Trump's book called "The Art of the Deal".

There was further Council comments in response to the public comments that were made and also in regards to the proposal by Vanir, the list of conditions that need to be done by Pearlman, and the evaluation of the original project.

Mayor Franklin said what the Council has been asked to look at is whether or not we are willing to extend two months from August 31, 2015 to October 31, 2015. There is nothing in the recommendation that we accept any of the conditions that have been outlined in the proposal. There is nothing that says we are making any changes to anything that was made prior. The only thing we are voting on tonight is whether or we are going to extend the time two months. Anything else would have to come back to the Council for approval.

City Attorney Aleshire emphasized that all those conditions that Councilmember Miller read have not been negotiated, they are not acceptable to the City the way they are being presented so there is no rush to enter into an agreement because those conditions need to be negotiated and there are many of those that they are already indicated by Vanir that are a problem. The issue is to extend the deadlines to allow a reasonable discussion of those things and see whether we can reach agreement. He thinks that Councilmember Miller has brought up some very valid points that if Pearlman is not willing to negotiate this thing is not going to go forward and you obviously understand why Vanir wants to be indemnified and held harmless but you can also understand why Pearlman would have problems with that. He thinks that it is instructive to help

everyone understand that there are a lot of things that would have to be worked out which is why they are not saying well let's extend it for two weeks; it would take some time to work it out. But there is no rush to arbitrarily do something that is not worked out. The idea is whether it is reasonable to give a period of time of trying to negotiate those points. He said that their office is not representing that it is only a couple of points and it will all fall into place; there are a number of obstacles in the conditions that are proposed.

There was more Council and staff dialogue in regards to doing another evaluation of the project because the prior evaluation was done five years ago and possibly have the consultant for economic development take a good look at this proposed project and give an evaluation.

**Motion Moyer to extend the design review through October 31<sup>st</sup> and ask our Economic Development Consultant to give us a report on the feasibility of this project as presented by Vanir and any alternatives and authorize continued negotiations with Vanir by our Council and sub-committee. Motion seconded by Councilmember Welch.**

Councilmember Miller said that there were so many demands by Vanir in this document. The chance of the Department of Finance approving it is somewhat questionable. Pearlman accepting these requirements, to him, he does not believe that he would accept it. So he does not believe that this project will come to us in a form that we can accept. If it does come to us, at that point it is worth spending the money on an evaluation. To spend the money on an evaluation before we have a complete proposal is a waste of money.

**Motion carried 3/1 by roll call vote with Councilmember Miller voting no.**

At this time Councilmember Peterson returned to the meeting.

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 – Fred Mason, Electric Utility Director)

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

There was some Council and staff dialogue in regards to electricity we receive.

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

**Motion Peterson/Welch that the City Council adopt Resolution No. 2015-77. Motion carried 5/0 by roll call vote.**

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 – Dean Martin, Interim City Manager)

Interim Director Martin gave the staff report as contained in the agenda packet.

There was some Council discussion on this item in regards to it being political, how can a sovereign nation be a voting member on WRCOG, and what do they contribute.

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

**Motion Weleh/Moyer that the City Council 1) adopt Resolution No. 2015-81, approving the amendment to the Joint Powers Agreement of the WRCOG (Western Riverside Council of Governments) 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. Motion carried 5/0 by roll call vote.**

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 – Dean Martin, Interim City Manager)

Interim Director Martin gave the staff report as contained in the agenda packet.

Councilmember Moyer said he didn't see a number filled in for liquidated damages and he wonder what that was going to be.

Interim Director Martin said he would have to defer to legal counsel on the question but he thinks that with these types of contracts it is typically no more than the value of the contract.

City Attorney Aleshire said in regards to the liquidated damages sometimes those are waived altogether. It depends upon how significant it is that we need to have delivery on a specific date and normally staff would tell us if they want the clause and they could come up with a penalty on a per-day charge and it could be anywhere from \$250 to \$1,000.

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

**Motion Miller/Welch 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. Motion carried 5/0 by roll call vote.**

#### SCHEDULED MEETINGS

Mayor Franklin recessed the Regular City Council Meeting to Scheduled Meetings of the City of Banning Utility Authority and Banning Financing Authority.

### BANNING UTILITY AUTHORITY (BUA)

Chairperson Franklin called to order the meeting of the Banning Utility Authority. All Board Members were present.

### 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 – Art Vela, Acting Public Works Director)

Acting Director Vela gave the staff report as contained in the agenda packet and also made a power-point presentation (see Exhibit "F" attached hereto.)

There was some Council and staff discussion on the monitoring numbers of the wells and also the advertising for professional services request just being advertised in the Press Enterprise and that it should have been advertised more widely as well.

Councilmember Peterson read a letter that they received from Ed Leonhardt dated August 24, 2015 on Chromium 6 Well Contamination (see Exhibit "G" attached hereto). He said rather than going out like Mr. Leonhardt says let's take his suggestion and do our due diligence a little bit more. There was a suggestion that Acting Director Vela talk to Mr. Leonhardt and maybe there are some other alternatives that we can do and then come back in a couple of weeks and let Council know what is going on.

Mayor Franklin opened the item for public comment. There were none.

**There was a consensus of the Council to continue this item to the second meeting in September for an update from the Acting Public Works Director and that the bid advertisement be sent out more widely.**

**Motion Miller/Moyer to continue the meeting to finish the agenda. Motion carried 5/0 by roll call vote.**

By common consent the meeting of the Banning Utility Authority adjourned and the next regular meeting will be held on Tuesday, September 8, 2015 at 5:00 p.m.

### BANNING FINANCING AUTHORITY (BFA) – no meeting.

Mayor Franklin reconvened the regular City Council Meeting.

### ANNOUNCEMENTS/REPORTS (Upcoming Events/Other Items if any)

Councilmember Moyer –

- He said a few months ago prior to approving the WRCOG (Western Riverside of Council Governments) renewal of a \$50,000 dollar contract Councilmember Peterson wanted to see a comparison of what the City was paying for the covered services and what Waste Management would charge for those same services. His concern was that we were paying for services that Waste Management was capable of providing at a lower price or even for free. That comparison was completed by staff and it turns out that most of the services in the contract were available through Waste Management at a reduced cost and many are free. As a result staff has decided not to seek a renewal of that contract and instead take advantage of Waste Management's offerings. Although some services and supplies will need to be purchased the over result will be a significant reduction in costs. We may not always agree on issues or how to approach them but thank you to Councilmember Peterson for insisting that we take another look at that contract; it was a good catch.
- In spite of the final outcome with the Pearlman situation he also wanted to thank Councilmembers Miller and Welch for their hard work and effort in trying to get the Village at Paseo San Gorgonio Project up and running. It took many hours over the past two years and through the delays and controversies they kept working to get the best deal possible.

Councilmember Welch

- Thank you to staff and City Treasurer McQuown on the sale of the water and electric bonds which was very successful. The City achieved a net present value savings of \$3.8 million which is 13.1% on the Water Bonds and \$2.9 million or 8.5% on the electric bonds. Overall this gross cash savings over the life of the bonds amount to nearly \$28 million dollars. Thank you to staff for a job well done.

Mayor Franklin –

- The Southern California Association of Governments (SCAG) has been hosting several meetings and we have talked about housing but what most people are going to be concerned about is a change in how we pay for our infrastructure for our roads and highways within the state. One of the things giving a lot of play is vehicle miles travel. At their most recent meeting last week one of the things they had a presentation on was whether or not there may be a combination of things. Right now we pay sales tax when we buy gas and there is a concern whether or not as we move to more alternative fuel vehicles whether or not the sales tax is the appropriate way to go. They also talked about the Ontario Airport that was something that our City supported going back to Ontario and as many of you may have read the City of Los Angeles has agreed to sell the Ontario Airport back to Ontario and the price is still being negotiated.
- There will be a Community Cleanup on Saturday, August 29<sup>th</sup>. On October 3<sup>rd</sup> there will be a paper shredding and bulky item drop off day from 9 to 11 a.m. at Dysart Park and it is free for anyone that lives in the city. There will be no drop off for medications or syringes. The reason they don't collect needles at the drop-off day is because there needs to be trained staff in dealing with it and we don't have any trained staff.

Alex Diaz, Chief of Police addressed the Council stating that about a month and half ago he had a meeting with other law enforcement agencies in the region and a couple of the agencies work with a program that actually brings a drop-off box to the police stations and they do the collection for

medication. So he is looking at the cost associated with that program to see if they can offer this at the station and it would be just for medication.

Mayor Franklin

- To add to the discussion about WRCOG and the contract she did have a meeting with Clara of Waste Management and she asked her why these services they were not offered before and she was basically told it was a change in staff. She said that when she took it to the Executive Director of WRCOG and talked about us paying for services that we can get for free he said that was absolutely wrong. So he is in agreement that if we can get it elsewhere for free; that is what we ought to do.
- We had a fire that occurred last week and she wanted to thank the police, the fire department, public works, water department and electric department and especially to our city employees that not only came out but they were very helpful in helping to get services back on and taking care of damages that were happening. But they really reached out to work with the residents and some of the other residents whose homes were not impacted but had a lot of concerns. She thought our staff did a really good job of trying not only to help where they could with containing an issue that was very emotional for a lot of people that day.

City Committee Reports – None

Report by City Attorney – Nothing to report at this time.

Report by Interim City Manager Martin -

- The first Signing Authority Report will be coming to the September meeting and will be monthly thereafter.
- In regards to the comment on the bonds he wanted to thank Stifle and Company, as well as, the Williams Capital Group who were our underwriters who did an outstanding job in marketing the bonds, Norton Rose Fulbright our bond counsel who did an excellent job in drafting hundreds of pages of legal documentation. A congratulations to the City because we achieved an upgrade on our electric bonds and maintained our rating on our electric bonds despite the fact that for the next couple of years or so the financial part of it did not look good because of the impact of the drought yet we were able to maintain our rating on those bonds, and finally, to Art Vela and Fred Mason who did an excellent job in working with the finance team and with the rating agencies because if it were not for their efforts as well we would not have achieved the results that we did.

ITEMS FOR FUTURE AGENDAS

New Items –

Councilmember Peterson addressed the City Attorney asking that he get an Attorney General's opinion regarding the collection of developer impact fees for the San Gorgonio Memorial Hospital and for the San Gorgonio Pass Water Agency. In a letter from Rutan and Tucker which is a developer attorney they are requesting that the City of Banning not become an accessory to San Gorgonio Memorial Hospital District's attempt to collect an unauthorized new fee on developers. That they request the City to be prudent not to allow your City to become an agent for the implementation or collection of such unauthorized fees enacted without statutory

authority by a district limited purpose special district. And then finally they site that the San Gorgonio Memorial Hospital District is not vested with the type of police power that the State Constitution grants to cities and counties and accordingly San Gorgonio Memorial Hospital District does not have the police power authority or any statutory authority to enact development fees. He thinks it would be better that we get a State Attorney General opinion as to whether or not we are required by law or is it an option or what is it that we would have to vote that we all of a sudden become a tax collector for these special districts or how it would be imposed.

City Attorney Aleshire said that he does not have that letter and he would be happy to look at it. Normally to get an Attorney General's opinion we would have to get our legislator to request it. They don't do it for cities but if a legislator were to request the opinion, then you can get one so we would have to go through that process.

Councilmember Peterson said that several things that were mentioned today that just sparked interest and one of them was during the City Attorney evaluation when we talked about Oddfellows. Since Bill Manis has left as the Economic Development Director there has been no reports about Oddfellows and what has occurred with that building, what has occurred with the lease and what has occurred with the equipment ever since the Stoppe and he signed an agreement with the City for that building and for the equipment and since that time it has changed hands and has Russo signed some agreement now with the Successor Agency for the equipment, for the building, and for the repayment. He feels that a report is needed as to what is going on with this building.

Interim City Manager said that we have actually drawn up an Assumption of Liability Agreement and Russo did agree to assume that liability but we are waiting for Ugapo to actually execute the agreement. A copy was sent to them for review and he is waiting to hear back from them and he will call them by the end of the week to find out where they are at with the review of the agreement.

Councilmember Peterson said in seeing Jim Smith in the audience he was wondering what was going on with the collection of judgement and could they get an update.

City Attorney Aleshire said that an outside attorney has been handling this and he doesn't know what the status is but he will ask.

Councilmember Peterson said that he asked the Interim City Manager to put on the agenda to take a look at the organizational chart and see about taking Human Resources out from Administrative Services and making it its own department. He said that he has done a lot of research on that or the six main functions of human resources and why it should be in its own separate department to where that person only instead of reporting to a finance director or an administrative services director that that person would at least report directly to the City Manager. He would still like to see a study, if it is not agreeable, of why it wouldn't be agreeable and why we shouldn't move forward with taking that department and making it separate and moving out from Finance. He has never understood why Human Resources reports to anybody other than the City Manager particularly with personnel issues or anything else. He would like to see it in its own department and he thinks it needs to be studied.

Interim City Manager Martin said that they can do that although if you wanted it to be a study, he doesn't know if that could be done by the next Council Meeting.

City Attorney Aleshire asked Councilmember Peterson if he wanted to put these things you are bringing up on to the Pending Items List.

Councilmember Peterson said it is things for future agenda but he doesn't want future agenda for next year and then all of sudden it drops off. These are things that he has asked to go on the agenda and have them discussed. He would like to see the human resources issue on the agenda for September. As far as the Attorney General's opinion that is a legal thing. What he doesn't want to see happen is that with these new ordinances being passed by these special districts all of a sudden we are becoming a tax collector.

City Attorney Aleshire said this item is not on the agenda and what he understands is that you have given us some subjects and we will put them on and stage the appropriate time to come back to the Council to give a report.

Councilmember Miller said based upon the public comments there were quite a few comments that he thinks is worth putting on the agenda and that is how to run these meetings so that there is more interaction with the people that attend. He would like to see that as an agenda item.

Mayor Franklin said maybe that can go as part of our workshop on legal issues. City Attorney said that is right.

Councilmember Miller said something that was on the agenda that has disappeared off the pending items was the time of the meeting. Again there are people always talking about that.

Mayor Franklin reminded the Council that they did talk about the time of the meeting and there was a consensus of the Council to not change the time.

Councilmember Miller asked that it be put back on since it has been mention periodically. He also asked that we have something on the agenda about how we handle the trash that is on Ramsey Street.

Mayor Franklin said that is an agenda item and will add that to Future Item No. 3.

Councilmember Miller said that we have had complaints so many times about the electric bill cycle and again he doesn't understand why because that is just a simple programming procedure. He thinks that should go on the agenda as to how to have the electric bills be a constant number of days so that people cannot go into the higher tier.

Mayor Franklin said that we can still add it but we have had conversations about using the smart meters and that would be an electronic reading basically the same time every month and we are talking about paying for that and installing that throughout the city and it should be done by spring of next year and should also allow for people to read their own meters.

Fred Mason said that people can read their own meters right now but if the City doesn't get the reading, it doesn't set the billing. With the smart meters it allows the City to go out and read a complete route in a very short period of time because they are remote read and he describe how that would be done. They are doing a pilot program right now and there are 120 meters installed. He will be coming back to the Council with results probably in March with that analysis. Then based on the analysis which he anticipates will be positive and then with approval from the Council he would move forward with the entire city.

Miller said then it does not need to be on the agenda at this time.

Councilmember Miller said we certainly want safety and would like to add to the agenda safe walkways for the students from the schools. He would also like a report from the Fire Department exactly why those three houses were lost.

Mayor Franklin said that it is her understanding that there are regular safety classes at the high school about crossing the railroad tracks and they have this on an on-going basis and she knows that is not what Councilmember Miller is talking about but they do have classes for students about the trains all the time.

Mayor Franklin said we have talked about it before but she would like a session regarding the Housing Element so that we can get back to making sure that we are addressing what we promised we would do which was to talk about whether we could change some of the places we've set as high-density.

Mayor Franklin asked the Council if they could remove Pending Item No. 2 from the agenda regarding the fee study because that was discussed and approved this evening. Item No. 4 has to do with the utility bill issue for the Chamber of Commerce and she asked the Council if they would like to keep this on the Pending Item list. **There was a consensus of the Council to keep this item on the Pending Item list until they receive a report.**

#### Pending Items – City Council

1. Discussion regarding City's ordinance dealing with sex offenders and child offenders.  
(6/2015)
2. Discussion regarding Animal Control Services (7/2015)
3. Discussion regarding change in time for Council Meetings
4. Fee Study
5. Discussion of City Manager authority to give a contract of \$25,000.
6. Review Consent Calendar policy.
7. Discussion of vacant properties where people are discarding furniture.
8. Report on Banning Chamber of Commerce Utility Bill Issue

*(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.)*

#### ADJOURNMENT

By common consent the meeting adjourned at 9:46 p.m.

---

Marie A. Calderon, City Clerk

**THE ACTION MINUTES REFLECT ACTIONS TAKEN BY THE CITY COUNCIL. A COPY OF THE MEETING IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK'S OFFICE.**

Marie Calderon

From: dianen Jason1@aol.com  
Sent: Thursday, August 20, 2015 4:29 PM  
To: Marie Calderon  
Subject: Please Read at Council Meeting August 25th

Diane Box  
Banning, CA

August 20, 2015

Marie Calderon, City Clerk  
Mayor Franklin and City Council Members  
99 Ramsey Ave  
Banning, CA 92220

Mayor and Council Members,

Unfortunately, I am not able to attend the City Council Meeting on August 25<sup>th</sup>, and I would appreciate the City Clerk reading my letter aloud during the open session.

Once again, the actions and decisions of this City Council never cease to amaze me. While surfing the internet, I came across a Civil Action brought on by our current Interim City Manager, Dean Martin.

As I read the Civil Suit (Superior Court No. CIVRS1000767), I learned that Dean Martin is suing his former employer "Inland Empire Utilities Agency", and his former Supervisor for: (1) retaliation in violation of the Fair Employment and Housing Act (FEHA); (2) racial discrimination in violation of FEHA; (3) defamation (Civ. Code, § 45 et seq.); and (4) wrongful constructive termination in violation of FEHA. In essence Dean Martin is suing for: Race/Age Discrimination, Defamation and Wrongful Termination. All allegations that we've heard before.

It seems Dean Martin has many things in common with: former City Manager Andy Takata, former Public Works Director Duane Burk, and former Police Chief Leonard Purvis. They all like to take from the People they served.

I have to ask you, do any of you perform a due diligence or background on these employees? Is there some unknown reason as to why you would hire such a person to head our City? Have you ever seen the spots on the leopard change? Why would you hire a person that, is presently involved in a lawsuit with his former employer? Dean Martin has a history, what prevents him from suing our City?

As a Certified Private Investigator, I am very familiar with background checks. Should the City Council not have the time to conduct a THOROUGH background on a City Manager candidate, please feel free to contact me, and I will perform it for the City, Free of Charge.

Diane Box

Exhibit "A"

23  
reg.mtg.-08/25/15

Marie Calderon

*City Council Meeting  
MCC*

From: Frp2002@aol.com  
Sent: Wednesday, July 15, 2015 10:46 AM  
To: Marie Calderon  
Subject: Fwd: letter to be read at the city council meeting

This is the 'original', sent Sunday, July 12...email.

Sake

---

From: Frp2002@aol.com  
To: [mcalderon@ci.Banning.ca.us](mailto:mcalderon@ci.Banning.ca.us)  
Sent: 7/12/2015 9:52:00 P.M. Pacific Daylight Time  
Subj: letter to be read at the city council meeting

Good evening.

My name is Fred Sakurai, and I live in Banning, and have chosen this method of stating my viewpoint to the City Council and the viewing audience in the City of Banning.

On Sunday evening, on the PBS channel KCVR, they showed a program hosted by Huel Howser concerning water conservation. I do not know when this program was produced, but all topics covered in the program are very appropriate for the current draught conditions in California.

They spoke of drought-tolerant plants, waterless lawn, and a sophisticated sprinkler timing device, controlled by satellite, that took into account humidity and current weather conditions. I would like to suggest that the City and/or the Pass Water Agency purchase and obtain rights to show this program on our local Channel 10...often and at varying times.

Another topic: in a recent issue of the Press Enterprise, an article written by David Danelski, staff writer, delineated the offenses allegedly perpetrated by various people in

authority upon the citizens of Beaumont. I think the citizens of Banning should read the article and be aware these allegations might be applicable to Banning.

Unfortunately, due to the closed "secret" sessions of the City Council, and the very sparse reports by the legal counsel of "no reportable action", it is very difficult to detect whether some of these offenses might be in the works.

I would like to request fewer and shorter "secret" sessions, and also a more inclusive report of what goes on in these sessions.

Lastly, at a town hall meeting at the Hampton Inn, many months ago, many items that needed attention were listed. And after persistent requests, the Interim City Manager and the City Council in attendance, stated that they would begin implementation of remedial action starting July 1. I would like to request a progress report, if there is any.

Fred Sakurai  
frp2002@aol.com

2

Exhibit "B"

25

reg.mtg.-08/25/15

Marie Calderon

From: Frp2002@aol.com  
Sent: Monday, August 24, 2015 5:21 PM  
To: Marie Calderon  
Subject: letter to be read as part correspondence

AUG 24 2015  
mac

City Clerk's Office

Marie...

Would you please read this at the council meeting. I am unable to attend. Thanks!

August 24, 2015

To the City Council:

The City Council as a whole has, in it's own very negatively persuasive way, forced yet another wonderful entity of our community to close its doors.

The Fire Memories Museum has been a bright spot in this community for citizens and visitors alike. The Hammers and all of the volunteers have opened their Museum and their hearts to all in the Pass Area. They never turned down a request to participate in an event, or to do a favor for others.

To me...and to many I have spoken to...this decision (although the Council did not *directly make* the decision to close however, it did prevent the Museum from staying open) is like a slap in the face to all of us.

And for this, the certain members of the Council should be ashamed.

Charlene Sakurai  
4985 Bermuda Dunes Ave.  
Banning, CA

Exhibit "C"

<sup>26</sup>  
reg.mtg.-08/25/15

BANNING POLICE DEPARTMENT	
<b><i>Radio System Assessment &amp; Recommendation</i></b>	
Current Status _____	
Solutions _____	
Recommendation _____	
Cost _____	

<b>PRESENTERS</b>	
Phil Holder <i>Lieutenant</i>	Liza Kester <i>IT Technician</i>
Howard Newton <i>Radio Engineer</i> <i>RCIT</i>	Charles Rushing <i>Radio Engineer 2</i> <i>RCIT</i>
Ryan Delaney <i>Sr. Account Mgr.</i> <i>Motorola, Inc.</i>	Michelle Clogan <i>Systems Engineer</i> <i>Motorola, Inc.</i>

Exhibit "D"

27

reg.mtg.-08/25/15

## CURRENT SYSTEM

- The Banning Police Department's current radio system
  - Analog VHF Repeater System
  - Two receive/transmit sites
  - Two receive sites
  - Non-encrypted
  - Motorola Gold Elite Radio System
  - Microsoft Server 2003 & Microsoft Windows XP Operating System
  - Motorola APX 7000 and APX 7500 Multi-Band radios

## SYSTEM DEFICIENCIES

- Analog transmissions commonly contain static interference.
- Transmissions not encrypted.
- Radio coverage "dead spots."
- Officers cover each others transmissions due to limited radio output.
- Limited geographic coverage outside of city limits.
- Secondary (back-up) site does not provide adequate coverage when in use.
- Inadequate back-up power supply at primary transmit/receive site.
- Antiquated dispatch operating/software systems.
- July 2015 - Several failures occurred requiring PSEC connection.

Exhibit "D"

.28  
reg.mtg.-08/25/15

## POSSIBLE SOLUTION #1

- Upgrade the department's current analog VHF system by implementing the following improvements:
  - Replace the outdated Motorola Gold Elite Radio System with the Motorola MCC7500 KCORE Radio System.
  - Add 3 additional receive sites in the City to address the "dead spots."
  - Move the secondary (back-up) transmit/receive site to a location that provides the same geographic coverage as the primary site.
  - Add new point-to-point microwave connections between police department and primary transmit/receive site.
- The estimated cost for this solution is approximately \$349,000 with an added cost of approximately \$19,800 to the current annual cost of \$39,744.

## POSSIBLE SOLUTION #2

- Join the Eastern Riverside County Interoperable Communications Authority (ERICa) for radio communication services, managed by 5 municipal agencies, by implementing the following improvements:
  - Replace the outdated Motorola Gold Elite Radio System with the Motorola MCC7500 KCORE Radio System in order to operate on ERICA's 800 MHz system.
  - Add at least one and possibly two communication towers depending on the geographic coverage of the current ERICA transmit/receive sites in the San Gorgonio Pass area.
  - The City would need to determine the level of ERICA membership it desired, either as a "Subscriber" or "Voting Member."
- The estimated cost for this solution is between approximately \$458,000 - \$521,000 with an estimated annual subscriber rate of \$42,600 or \$100,000 depending on the level of membership in ERICA.

Exhibit "D"

29

reg.mtg.-08/25/15

## POSSIBLE SOLUTION #3

- Join the Riverside County Public Safety Enterprise Communications (PSEC) Radio System, operated by the Riverside County Information Technology (RCIT) Division, by implementing the following steps:
  - Replace the outdated Motorola Gold Elite Radio System with the Motorola MCC7500 KCORE Radio System in order to operate on PSEC's 700 MHz system.
  - Contract with RCIT to provide engineering, project management, infrastructure set-up, radio programming, and associated labor costs to the complete the transmission to PSEC.
  - Enter into PSEC Use Agreement with Riverside County, which would include a four year holiday subscriber rate beginning July 1, 2015.
- The estimated cost for this solution is no more than \$432,000. The annual subscriber rate would not begin until FY 2019-20 at \$31,094 and would increase by 6% each year to reach \$41,066 in FY 2024-25.

## SOLUTION ANALYSIS

- The overall analysis of the three proposed solutions and basis for the final recommendation was determined by estimated cost, interoperability, geographic system coverage, officer safety and redundancy capabilities.
  - Estimated Cost
    - Upgraded VHF System - \$349,000 & over \$59,544 annually
    - ERICA System - \$458,000 - \$521,000 & over \$53,600 or \$111,000 annually
    - PSEC System - \$432,000 & \$11,000 annually until FY 2019-20 (\$42,094)
  - Interoperability
    - Upgraded VHF System requires "Patch" connection
    - ERICA and PSEC systems allow for seamless communication between officers in the field.

### Exhibit "D"

## SOLUTION ANALYSIS

- Geographic Coverage

- Upgraded VHF System - City of Banning and a few miles outside of City limits.
- ERICA System - Coachella Valley, areas in and around Beaumont, and out to downtown Riverside and points in between. Unknown if current coverage is sufficient for all of the City.
- PSEC System - Coverage encompasses all of Riverside County and areas beyond. System has already been tested in areas within and around the City.

- Officer Safety

- Upgraded VHF System does not include encryption. It could be added but interoperability capabilities would be further diminished.
- ERICA and PSEC systems both have encrypted frequencies.

## SOLUTION ANALYSIS

- Redundancy Capabilities

- Upgraded VHF System - One Master Control Site at the police department, with handheld radios as back-up. If the primary transmit/receive site fails the new location for the back-up site would provide the same level of coverage.
- ERICA System - One Master Control Site located in the Coachella Valley with back-up equipment specific to Beaumont PD's operation housed at the Beaumont Police Department. If primary transmit/receive site fails at Mt. David, Beaumont PD two back-up transmit/receive sites at its city hall.
- PSEC - Two Master Control Sites located in Riverside and Blythe each capability of running the entire system with seamless transition. Five cell groups comprised of 29 transmit/receive sites located in the areas where Banning Police Officers operate.

Exhibit "D"

## RECOMMENDATION

Based on information obtained through the solution analysis involving estimated costs, interoperability, geographic system coverage, officer safety, and redundancy capabilities, Banning Police Department Staff recommend approval for implementation of the PSEC Radio System for the Banning Police Department.

This recommendation is consistent with recommendation #4 of the 2013-14 Riverside County Grand Jury Report, which states, "Municipal police agencies in Riverside County without direct Public Safety Enterprise Communications (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."

## PSEC BENEFITS

The following benefits would be immediately realized upon implementation of the PSEC system:

- ✓ Use of a reliable and state-of-the-art equipment and software
- ✓ Encrypted radio transmissions
- ✓ 100% coverage in the City
- ✓ Use of 700MHz spectrum digital radio with clear transmissions
- ✓ Significant geographic increase in radio coverage outside of the City limits
- ✓ Expanded number of talk groups
- ✓ Direct interoperability between officers in the field from allied agencies
- ✓ Multiple cell tower locations designed to support one another in the event of failure
- ✓ Two Master Control Sites to ensure operational capabilities
- ✓ Four year subscriber rate holiday beginning July 1, 2015

Exhibit "D"

## PSEC COST

The following costs are associated with the transition to and operation on PSEC:

- \$395,677 five year sole source lease/purchase agreement with Motorola, Inc. for the equipment necessary to operate on PSEC. The first annual payment of \$88,649 would not be due until one year after the lease/purchase was signed. The annual cost would be offset by the estimated annual savings (\$28,377) to maintain the current radio system.
- Not more than \$37,000 for RCIT services due upon the department's successful integration onto the PSEC radio system. Savings in maintaining the current radio system will help offset this cost during the current fiscal year.
- In FY 2019-20, the four year PSEC holiday rate period ends and the estimated subscriber rate of \$31,094 will start. Subscriber rates will increase 6% per year through FY 2024-25 when the estimated annual subscriber rate will be \$41,066.

## PSEC COST

City Staff has discussed the Motorola, Inc. lease/purchase agreement with California Consulting 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.

Exhibit "D"

3.3

reg.mtg.-08/25/15

THE END

Questions  
?

Exhibit "D"

34

reg.mtg.-08/25/15

Received 8/25/15  
Council mtg.

Posted: Friday, March 21, 2014 12:15 am

0 comments

To the Editor,

Some city councilmen have aligned against the Village at Paseo San Gorgonio project, using half-truths and scare tactics to convince residents the proposed project is bad and presents a danger to our community. It would appear that they adhere to the philosophy that if you tell a lie long and loud enough people will begin to think it is true.

One message read, "we don't want rapists and robbers" coming to the "Jewel of the City." It also said, "probation officers are involved in many officer involved shootings," and tells you to "Google: Probation Officer Shootings." Well, I did, and reviewed 21 pages of shooting incidents. I found most of the incidents had nothing to do with probation officers. Those that did involved members assigned of joint task forces dealing with drugs and gangs. It has been here for 40 years without incident. The head of the Riverside County probation department told me there are rarely any problems in or around the office where the probationers are always on their best behavior.

They talk of having ice cream stores, clothing, and kid's stores. What were they looking at? The proposed plan by the developer last May 17, loudly quoted by a councilman, said "retail shops." This could be ice cream stores, but more likely, being across the street from a police station and court house, it would attract professionals and businesses related to the court house. The developer, a recognized expert, explained this to council on Feb. 11. He provided demographics retail companies require relating to population and income levels before they will enter a market. He explained the area does not meet those requirements. One councilman wrote, "but I do pay attention and will listen."

Exhibit "E"

35  
reg.mtg.-08/25/15

Evidently not to experts, because he continues to ignore them by wanting to put a square peg in a round hole.

At a recent council meeting the same councilmen said they were shocked to see the project was now going to have an "office building" instead of a "hotel." I find it curious that these councilmen apparently have not read the development agreement until very recently. Also, the May 17 article they have quoted clearly states "hotel or office building." In short, this has been public knowledge for almost a year, so why were they acting surprised now.

Their misinformation goes further with references to past mistakes of the council in purchasing land and selling it cheap, and making misleading allegations against our past city manager. They also question the Banning Chamber of Commerce's endorsement of the project. Perhaps the Chamber knows that old adage "if you build it they will come" is better than sitting on vacant land for another 5 to 10 years. Perhaps the Chamber realizes that the influx of people and decent paying jobs downtown will foster commerce and help fill empty storefronts that will generate sales tax revenue. I already know of one court related business that moved here from Yucaipa to take advantage of the court's proximity. Now the same councilmen have put another roadblock in front of the developer. They refused to vacate two streets that dead end into the project. Art Welch said, "vacating streets has always been a part of the proposal." I guess the councilman who wrote, "but I will do whatever is in my power to correct this current course," is sticking to his word.

When will the misrepresentations and deceptions stop? For example, one councilman issued a press release saying he was completely cleared of any wrong doing in the police chief matter. The truth is he was never cleared of anything. The suit was settled, at a large cost to the city, therefore no investigation ever took place. Another city councilman stated that the city manager resigned, inferring it was voluntary. That is not true. He was forced to

resign and who knows how much our council's actions are going to cost us in that case. Then came the attempt to ruin Takata's credibility in an effort to garner public support for the forced resignation. Now these same councilmen have given themselves the right to hire. Who knows how many future claims will be paid due to inappropriate actions by council members.

Our council is compounding past mistakes with new ones. A councilman recently resigned because he thought nothing was being accomplished. I disagree with that. A lot is being done and it is all negative. I believe we are taking huge steps backward by, discouraging future investors in our city, and exposing our city to massive law suits. The residents of Banning deserve more. We need leaders who put their personal grudges and agendas aside to move our city forward.

*George Moyer, Banning*

Exhibit "E"

37

reg.mtg.-08/25/15

BANNING POLICE DEPARTMENT  
JUNE, 2015

CRIME	Jun-15	Jun-14	% CHGE	YTD-15	YTD-14	% CHGE
<b>PART 1 CRIMES</b>						
Homicide	2	0	200%	3	1	200%
Rape	2	2	0%	19	11	73%
Robbery	5	4	25%	13	9	44%
Assaults Agg/Simp	27	15	80%	154	120	28%
Burglary	14	20	-30%	130	113	15%
Vehicle Theft	8	6	33%	66	67	-1%
Larceny	27	25	8%	118	141	-16%
<b>OTHER</b>						
Narcotics	34	16	113%	99	103	-4%
DUI	10	0	1000%	33	18	83%
T/C Non-Injury	14	23	-39%	77	114	-100%
T/C Injury	0	2	-100%	13	33	-61%
T/C Fatal	0	0	0%	0	0	300%
Citations	117	103	14%	819	792	3%
<b>Total Incidents</b>	<b>3488</b>	<b>2978</b>	<b>17%</b>	<b>20192</b>	<b>18248</b>	<b>11%</b>

Up until last yr. March  
changed zoning code for Gov. buildings  
class this been ~~giving~~ <sup>giving</sup> by the +  
office of Finance, or State Capitol?  
Approved these changes.

This project has been delayed for too many years. Requirements and dates for being vertical have come and gone enumerable times, as has the due date of the note. We now have the opportunity to start over, and without corruption.

There has NEVER been thought into the placement of the County buildings, as they are scattered all over town, from Hargrave to 22<sup>nd</sup> St..

Why doesn't this Council move to centralize these building? Seems to me, all Government Buildings could be East of the Courthouse between Ramsey and Williams, and move as far East as they want.

Why do you want to take the LAST piece of PRIME DOWNTOWN real estate and erect another Government Building, and in the last place we have to build a shopping center.

Could it be because the dirt is virtually for free? Another big give a way from the last Council..... We all know that Mayor Franklin brought this developer here, and she Champions this project today. Ever wonder Why?

Crime rates are increasing, transient population is increasing, homeless encampments are popping up all over town, and it will only get worse.

You have an opportunity to stop this project, or at least have it change course. If you give the project to Vanir, then go back to the original agreement and have the hotel brought back. Put this office east of the Courthouse where it belongs.

The PEOPLE OF THIS CITY DO NOT WANT THE PROBATION OFFICE, OR ANY OTHER OF ASHLEY'S BUILDINGS IN OUR DOWNTOWN.

KEEP ONE THING IN MIND COUNCIL MEMBERS: YOU WORK FOR THE PEOPLE OF BANNING, NOT MARION ASHLEY.

Exhibit "E"

reg.mtg.<sup>39</sup> -08/25/15

## RESOLUTION NO. 2015-13UA

August 25, 2015

### PRIMARY DRINKING WATER STANDARDS

- Aug, 2013 – California Department of Public Health sets CrVI MCL at 10 ppb.
- On June 20, 2014 water agencies received a letter from the CDPH stating that the new MCL for CrVI would become effective on July 1, 2015.
- Initial monitoring was required to begin on or before January 1, 2015.
  - Monitoring is required for all wells.

Exhibit "F"

40

reg.mtg.-08/31/15

## COMPLIANCE DETERMINATION

- Quarterly monitoring is required when the MCL is exceeded by a single sample:
  - Compliance is determined by whether a **running annual average exceeds the MCL**.

## MONITORING

WELLS	3 Quarter Average Cr-VI (ppb)	Avg Production AC-FT/YR (2010-2014)
→ C2	17.0 12.8	143
→ C3	15.7 11.8	660
→ C4	14.3 10.8	530
→ C6	13.3 10.0	463
M10	11.0	158
M11	11.5	420
→ M12	23.0 17.3	236
		<b><math>\Sigma = 2,710</math></b>

- 2010-2014 City Wide Average Production = 8,500 AC-FT/YR

Exhibit "F"

41  
reg.mtg.-08/31/15

## CORRECTIVE ACTION PLAN

- Dynamic Well Profiling
  - September, 2015 – February, 2016
- Modifications to Wells
  - June, 2016 – December, 2017
- Analysis to Determine Treatment Options
  - June, 2016- March, 2017
- Design/Construction of Treatment Facilities
  - July, 2017 – December, 2018

## RESO NO. 2015-13 UA

- Award a Professional Service Agreement to BESST, INC for Dynamic Mass Profiling of seven production wells.
- Staff advertised an RFP in the Press Enterprise and the City's website.
- Received one proposal.
- Evaluation committee evaluated the proposal and determined that the consultant met the project requirements.

Exhibit "F"

42

reg.mtg.-08/25/15

## RESO NO. 2015-13 UA

- The cost of the project is in the amount of \$248,238.00
  - 7 wells x \$33,034.00/well = \$231,238.00
  - Cross sectional analysis = \$17,000.00
- Scope:
  - Access/Video survey
  - Dynamic flow profiling (22 points)
  - Dynamic sampling (20 samples)
  - Reports/Analysis/Recommendations

## DYNAMIC WELL PROFILING

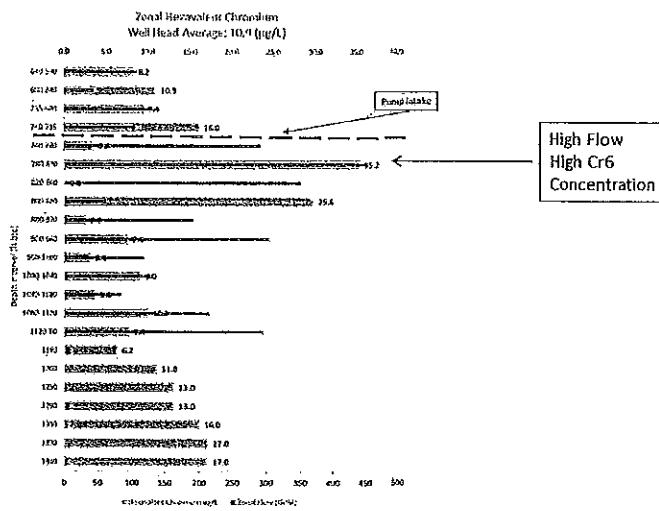


Exhibit "F"

QUESTIONS?

Comments by Ed Leonhardt, 08/24/15 on Chromium 6 well contamination.

My name is Ed Leonhardt and I have been a Banning resident since 1999. I presently live at 4837 Mission Hills Drive, Banning. I have been a Registered Professional Engineer (RPE) in California for over 45 years. I am a retired environmental engineer and have been certified as a RPE in the States of Illinois, Massachusetts, Oregon, New Jersey, Arizona, Indiana, Nevada, and Maryland. I felt it was vital to send you this email concerning the article I read in the Sunday, August 16, 2015 Press Enterprise titled "City Faces Costly Well Cleanup."

The article indicated that you will be deciding very soon whether to spend \$350,000 on a study of seven ground water wells which contain Chromium 6 levels exceeding California drinking water quality standards. Additionally, treatment equipment cost may be as much as \$2 million with annual operational and maintenance cost in the range \$1.3 million.

Much has been written about Chromium 6 and its treatment over the past 25 years. I implore each one of you to take the time and go to the internet. Search the subject "Chromium 6 reduction by Fe(II) as an inexpensive and accepted water treatment process which reduces Chromium 6 to a less harmful Chromium 3. I am suggesting that a University within our area with an environmental engineering department be contacted for advice or even to conduct a study on the Banning well water. The study could include a trial treatment process by passing contaminated well water through a bath containing oxidized iron (rusted iron parts possible from a local junk yard) followed by filtration through a granular activated carbon bed and finally water analysis. The ion exchange reduction process suggested here could reduce the current Chromium 6 levels below the State's standards.

I believe the City Council should investigate the possibility of Chromium 6 reduction by Fe(II) to complete their due diligence on the Chromium 6 subject.

Exhibit "G"

45

reg.mtg.-08/25/15

**--THIS PAGE INTENTIONALLY LEFT BLANK--**

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

09/08/15  
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Franklin on September 8, 2015 at 4:05 p.m. at the Banning Civic Center Large Conference Room, 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.  
Lona N. Laymon, City Attorney  
Rita Chapparosa, Deputy Human Resources Director  
Stacy Bavol, Utility Financial Analyst  
Marie A. Calderon, City Clerk

**CLOSED SESSION**

City Attorney Laymon announced the closed session items as follows: one case of significant exposure to litigation pursuant to Government Code Section 54956.9 (d)(2); 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 regarding 42 W. Ramsey Street; Labor Negotiations with the Banning Police Officers Association (BPOA); and Personnel Matters pursuant to Government Code Section 54957 with regards to potential personnel appointment.

Mayor Franklin opened the closed session items for public comments; there were none. Councilmember Moyer recused himself from the discussion regarding potential initiation of litigation matter because of a conflict of interest.

Meeting went into closed session at 4:07 p.m. and recessed at 5:08 p.m.

## ADJOURNMENT

By common consent the meeting adjourned at 5:08 p.m.

---

Marie A. Calderon, City Clerk

**--THIS PAGE INTENTIONALLY LEFT BLANK--**

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

09/08/15  
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Franklin on September 8, 2015, at 5:11 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.  
Lona N. Laymon, 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  
Tim Chavez, Battalion Chief  
Leila Lopez, Office Specialist  
Marie A. Calderon, City Clerk

The invocation was given by Pastor Daniel Pedraza, First Hispanic Baptist Church. Councilmember Peterson led the audience in the Pledge of Allegiance to the Flag.

## REPORT ON CLOSED SESSION

Assistant City Attorney Laymon said that the Council met in closed session in regards to one case of potential initiation of litigation pursuant to Government code Section 54956.9 (d)(4); existing litigation pursuant to Government Code Section 54956.9 (d)(1) in the case of Robertson's Ready Mix v. the City of Banning; real property negotiations pursuant to Government Code Section 54956.8 to confer with its real property negotiator Dean Martin in regards to 42 W. Ramsey; labor negotiations pursuant to the provisions of Government Code Section 54957.6 with the City be represented by the City Attorney and negotiations are with the BPOA; and personnel matters pursuant to Government Code Section 54957 with regards to potential personnel appointment. There was no reportable action from any of the discussions.

**PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS**

#### **PUBLIC COMMENTS – *On Items Not on the Agenda***

Jerry Westholder addressed Council Member Moyer stating nice deflection of taking the focus off the issue of the parole agents and trying to put it on him as if he has some narcissistic insecurity for the election loss. He pointed out that there was no community forum at Sun Lakes or at city hall like there has been in previous years but why talk about that. He directed his attention to Mr. Welch, Mrs. Franklin and Mr. Moyer stating that he has in his possession several articles for them to read because he doesn't want them ignorant and un-educated what a parole department will do in downtown Banning under AB 109 and hopefully take a careful look at them because it is important. He said he can remember a time, Mrs. Franklin, when you would be the first one to say this is not a good idea. There is not a person up here that would sell a \$3 million dollar piece of property for a million dollars and then wait until they build and then collect on it; it is just bad business. He addressed Councilmember Welch stating that it was bad form when you would address your constituents that voted you into office as rabble-rousers when we are exercising our fundamental right of free speech to advise our elected representatives how we feel about the governance of this City. You're elected to represent the city of Banning and not the County of Riverside. The city of Banning is first and anything we can do to help the county along the way is okay so long as it doesn't interfere with the residents of Banning and he thinks, "Banning first".

Inge Schuler, resident stated that she was pleased to see the following issues on the Items for Future Agendas – Pending Items List: Item No. 5 that this development impact fee collected by non-government agencies is going to be at least discussed; Item No. 7, Time of City Council meetings because you heard at the last City Council meeting that several people had a heck of a time getting here on time to make it after work such as the gentleman from the church and Gary Hironimus and she is sure there are others so you don't have the turnout of the citizens that you might consider to be representative of the opinion, Item No. 10, Housing Element, and Items 3 and 6 in regards to recouping the money that is owned to the City so it is nice to see that there is at least an effort made. In regards to Councilmember Art Welch as one of the targets of his invective against the residents of Banning at the last Council meeting the citizens of Banning who made the effort to exercise their democratic rights to attend the City Council meetings and to participate in the debate about the issues that concern the city's future she is offended by his disregard for the constitutionally guaranteed first amendment rights. In his position as an elected official it behooves him to listen to the concern of the citizens of Banning, especially if, he disagrees with them. If he desires only a cent, he should collect his acolytes at Sun Lakes and bus them to the meetings. Characteristically Council Member Welch's attack comments are not part of the official minutes.

Chris McCallum addressed the Council stated that he moves forward he is learning about what he is going to be doing in a few years where the Council is sitting now. Over the last couple of weeks since the last meeting people have said different things as he walks through the community and one of the things he wanted to tell Mr. Miller is that he accepts his apology and he appreciates it because it is something that has been a burden on him for some time. A good friend of his told him that he gets too emotion when addressing the Council. That is true; he agrees with it. He gets emotional because he has internalized things in his life to where he gets pissed because he is passionate that is not a good thing for him so he internalizes it and it comes out in his emotion. Do not ever expect that his emotion is weakness because it is not; it is very, very strong. He cares about his community. He said that people also have told him as he goes forward that he needs to get to the point and that means eight seconds. He said the San Gorgonio

Inn project was sold to us as a project that we were going to eliminate history for the opportunity for a better future. He does not see 25% of that project in a parole or probation or a DA or any other kind of government as his future and he rejects anything to do with that. If anyone would like to see him as he goes forward, he is at Johnny Russo's Haven on the corner of San Gorgonio and Ramsey at 8 a.m. and he hopes people will come and talk with him to discuss the history of Banning because he has been here 37 years in the same house. He thanked Interim City Manager for giving of his time a week ago to discuss some of the issues that he thinks that are important in this community and the Interim City Manager has some ideas and he hopes the Council will listen to him because that is why we hired him and pay him for and for the Council to direct him.

Dorothy Familetti-McLean said that Stagecoach Days, the signature event for Banning, is upon us and it is going to be good. She invited the entire community to show up September 11-13 at Dysart Park where they will be having professional rodeo at 7 p.m. on Friday and Saturday and 3 p.m. on Sunday. There will be a carnival with vendors, the Whiskerino Contest at 5:30 p.m. on Friday, County Nation Band on Friday and Saturday from 8 a.m. to midnight. The entrance fee for the event is \$5.00. There will be many things going on Saturday and Sunday and local people in town are coming to perform and you can sit in the Beer Garden and enjoy what is going on. The time of the event is 4 p.m. to midnight on Friday, 8 a.m. till midnight on Saturday (Junior Rodeo, Parade downtown at 10 a.m., carnival and vendors with the Rodeo at 7 p.m.), and Sunday at 8:00 a.m. starting with Cowboy Church (carnival and vendors, rodeo, Battle of the Bands and awards) till 10 p.m.

Diego Rose addressed the Council to follow-up from the last Council meeting he attended. He directed his comments to Councilmember Welch saying that it was pretty self-explanatory the way he came across after the meeting which he thinks is pretty shameful. However, in regards to the conversation that they were having last week about perception he ironically had a visit the following day from the Alcohol and Beverage Control at his business. They came in with guns and vests under the assumption that there was hard alcohol being served which there was not and also decided to rifle through all the draws to find anything else that they possibly could but he did appreciate the visit. Again, with perception he doesn't know how that would have been such an ironic visit since it is very difficult to get ABC to do much. He thinks the general consensus across town whether you are hearing it or not about this project is that we are either foot stalling or pretending that we are working on it is really going to turn into a black eye for this community and he doesn't think that there is any other way that something along those lines could be resolved in the manner in which it is proceeding right now. He hopes that everybody kind of gathers their wits about them and decides to say maybe we should listen to our constituents, maybe they are on to something, and there is another avenue that we can elect to take. He remembers that with the Measure J that was put forward he stood here and looked at the City Attorney and guaranteed him that it is not legal to use City funds to go after a private company and yet nobody wants to listen to the constituents and ironically the City has lost that ruling in court. It doesn't take a law degree to understand some of these things that are going on. So the perception again, is that we are missing the mark. It is time to start moving forward making wise decisions moving us forward at a rapid pace and not taking one step forward and two steps back. And whether you think it or not there is no "good-ole-boy" club out here; there is a bunch of people who care about the city.

David Ellis resident addressed Councilmember Welch stating that he made the front page of the Banning Informer. "Good, they are all gone" great statement from a politician voted in by the

people. We all know what happens to people that get on the front page of the Banning Informer – police chief, city manager, public works director, councilmember. He is kind of upset about the alcohol doesn't know if is true or not; not good. He doesn't think it is good for him to be negotiating deals for our City. Then Art Welch working for Senator Morrell; amazing. What is your agenda? Working for the State of California, pushing the County, trying to help out a developer in lawsuit by putting a project that people don't want. You made a statement that the letter from the ex-City Manager, Andrew Takata, you had no knowledge of because you were not here yet the letter is November 25, 2013. That is a year after you were elected so maybe you could explain why you had no knowledge of the "Takata Letter". You also made a statement about the Pearlman Project that there are nine letters from hotel owners that declined to build in our city; it's hearsay. He has a copy of the paperwork, Resolution No. 2015-06, that never came to the Planning Commission like Councilmember Welch stated. This went right from staff to the City Council. Mr. Ellis said he would still like to see the nine letters that the hotel owners sent in. Mr. Ellis went over some of the repliers from the hotel owners that ranged from "not interested", "not in Banning", "looking for an upscale site", "no response – left messages – sent emails", "have a better site", "not financially viable", "average daily rate low", to "prefers highway egress and ingress location". He said that area hotels declined to respond. He asked why wasn't all this stuff discussed when this project was put together. It kind of bothers him because they never heard any of this. There are no letters saying that they turned it down; it is all hearsay.

Don Smith resident addressed the Council stating that there are going to many times that he disagrees with them and he is going to try his best and not make it personal and start calling you names or making it evil. Sometimes he just thinks the Council is wrong. You might notice by his shirt that he is making a statement today. He thinks the Council negotiated poorly with Fire Memories and made a mistake that will be to the long-term detriment of this town. Does that mean that you guys are bad? No, you were just wrong. There are going to be major issues in this town in which the Council is not going to be 5/0 because it is not simple; it is a complicated issue and there is going to be a divided Council. When there is a divided Council we as a city have to let you know which way we think you should want to go but we have to do it in a respectful manner. We have to allow the Council to then take their votes and then tell you that you are wrong and then move on to the next issue where we agree with you and work to make this a better town. In that regard he hopes to see all five of the Council Members at Stagecoach Days and those of you that don't show up, he will be mentioning it.

## CORRESPONDENCE

The City Clerk at this time read three items from the following people:

- Gary Hironimus regarding the Village at Paso Project and his effort to make public comment in an effort to add some clarifications of what Council Members were discussing and the public being able to add to Councils' discussions; and the arrogant behavior of Art Welch verbally attacking and insulting those citizens who took the time out of their lives to attend and address the Council (Exhibit "A" attached).
- Fred Sakurai regarding the closing of the Fire Memories Museum (Exhibit "B" attached).

Councilmember Miller said as a point of personal privilege he believes he is entitled to respond to that letter. He said the sub-committee that discussed what to do with the Fire Museum and

had met with the Fire Museum had nothing to do with him or Councilmember Peterson. It was Councilmembers George Moyer and Art Welch. He and Councilmember Peterson had nothing to do with the discussions of the Fire Museum. Their decision to leave had nothing to do with him or Don Peterson.

PRESENTATIONS:

1. 10851 Award to Corporal Patrick Kelly

Lt. Goncalves from the California Highway Patrol (CHP), San Gorgonio Office stated he was honored to be here to present a 10851 Award to Corporal Patrick Kelly. The 10851 Award is the Vehicle Code Section to charge somebody for a stolen vehicle and there is a strict criteria to earn this award and it has to take place within a one-year period and this was done between August 6, 2014 and July 17, 2015. The recoveries totaled more than \$48,000 dollars in the city of Banning and that is a huge accomplishment. Corporal Kelly is out there actively looking for stolen vehicles; it is not something that just drops in your lap. He presented Corporal Kelly with the 10851 pin on behalf of the CHP to wear on his uniform and also a certificate from the Automobile Club of Southern California and also signed by their Division Commander Jim Abele.

2. Promotion of Corporal Patrick Kelly

3. Badge Pinning of Sergeants Robert Fisher and Michael Bennett

Chief Diaz gave a brief history of the three supervisors before conducting the badge pinning. Corporal Patrick Kelly came to Banning on Feb. 14, 2008 from the Riverside Sheriff's Office and he is the epitome of what community service is about. Sgt. Michael Bennett was a Reserve with the Sheriff's Dept. and then came over to Banning PD as a Reserve and was officially hired on June 24, 2005. Sgt. Robert Fisher came to Banning from the Beaumont PD where he was a Reserve and was hired on March 29, 1994. The City Council at this time congratulated each of the officers.

APPOINTMENTS

1. Planning Commission Appointment

Mayor Franklin said that the Council did interview two candidates that submitted applications. The interview process was done today at 3 p.m.

**Motion Welch/Moyer to appoint Richard Krick to fill the vacant position on the Planning Commission for the remainder of the term that ends February 2016. Motion carried by roll call vote 3/2 with Councilmembers Miller and Peterson voting no.**

CONSENT ITEMS

Mayor Franklin said that Consent Item No. 6 has been pulled for a future discussion and there was a request to pull Consent Items 2 through 9 for discussion.

1. Approval of Minutes – Special Meeting – 08/25/15 (*Closed Session*)

Recommendation: That the minutes of the Special Meeting of August 25, 2015 be approved.

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

**Motion Miller/Moyer to approve Consent Item No. 1. Motion carried by roll call vote 5 /0.**

2. Approval of Minutes – Regular Meeting – 08/25/15

Mayor Franklin opened the item for public comment.

David Ellis said that he was a little disappointed and he would like to know whose fault it is for omitting minutes that were very important two weeks ago. The minutes reflecting the people opposed to the Pearlman Project not in the packet and also the comments made by Councilmember Welch were not in it as well and he finds it kind of strange.

Mayor Franklin asked the City Attorney to comment on the minutes.

City Attorney Laymon said aside from the official minutes that are approved by the City Council on each consent calendar there is also a video and that can be transcribed, for example, if there was ever any sort of legal challenge and we needed a transcript all testimony of all members of either the public or the Council would be available for transcription. Also, if the Council wishes by a motion to include further items into the minutes that are approved on this this agenda, you are welcome to do so.

Councilmember Miller said that the City passed a resolution recognizing the fact that with modern technology the transcript or the actual discussion is available on disc and therefore the previous Council passed Resolution No. 1995-21 which says we can certainly look at the total discussion the minutes should contain: 1) Roll Call, 2) Subject Matter Caption (from Agenda), 3) Name and Address of Public, and 4) Action taken. To him that makes sense. Very, very brief and if anyone wants to see the whole thing they can look at the disc. And yet if we have been looking at the minutes for the past several years, they were all sorts of things in there that is not listed in this list. We have a complete description of the statements from the individuals (audience) and we have descriptions and discussions of each of the items of the various agenda items and they are rather lengthy. Yet, when it comes to the discussion we had on the Pearlman Project, now the Vanir Project, it simply says the names of the people who spoke for or against the subject and everyone spoke against it so the minutes are misleading in that respect. It is very acceptable from the resolution that he just read to simply have their names and nothing else. It seems to him that we have to follow the rules so we either have a complete discussion or a summary of what everyone said which appears in every other item on the agenda or we simply have the names of the people who spoke with nothing else. The fact of the minutes of this meeting have both the discussion and statements of people on other items and no discussion of the Vanir Project is incorrect so he ask that these minutes be removed or corrected, either to remove everything from them except the four statements that are listed in our previous resolution or have a complete statement including the statements of the people who spoke against the Vanir project.

**Motion Miller that the minutes be corrected either way to remove everything or add everything. Not to arbitrarily just choose the Vanir Project as the one that is not written in the minutes. Motion seconded by Councilmember Peterson.**

City Attorney Laymon said furthermore, if the Council wishes, we do have a rule on point in 5.10 of the Council's Manual of Procedures which she read verbatim. "An account of all proceedings of Legislative Body in open meeting shall be kept by the Clerk/Secretary. The Clerk/Secretary shall prepare an abbreviated record of the meeting proceedings for approval by the Legislative Body which when adopted by the Legislative Body shall be the official Minutes of the meeting. Amendment of the minutes may only be made as to factual accuracy and not as to a change of the intent of the underlying action. The Minutes of the meeting need not be verbatim. Only the best and most complete available recording of the meeting shall constitute the official record of the Legislative Body (City Council), but the Minutes shall constitute the official record of the Council meeting where a verbatim record of the meeting is not available."

There was Council discussion of the minutes and that they be uniform either to eliminate all statements and simply give their names or we summarize the statements of everyone for every single item on the agenda. They would like the minutes to be uniform to have either simply their names or a complete summary of what they said.

Mayor Franklin said so that we can have further discussion on it we have that meeting coming up regarding Council meetings and we can have that included as one of the items.

There was some further discussion about the minutes.

Mayor Franklin clarified the motion and said that there are two parts and that is to: 1) that these minutes be amended from the meeting of August 25, 2015; and 2) what we do from this point forward.

Councilmember Miller said we can put off what we are going to do in the future until that meeting she talked about but he would propose that we amend these minutes to include a summary of what everyone said at that meeting since summaries of what everyone said is given on all the other items a summary of what they said should be given on this item also.

**Councilmember Miller made a substitute motion that these minutes be amended to include a summary of the statements of each individual who spoke on the Vanir Project. Motion seconded by Councilmember Peterson. Motion carried by roll call vote 5/0.**

3. Ordinance 1490 – 2<sup>nd</sup> Reading: 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.

Councilmember Miller said he didn't have anything specific about this ordinance which is an excellent ordinance however, there has been a concern expressed by Fred Mason in regard to the fact that people who have solar systems still use the total transmission wires of the system and many of these systems actually require no payment because they generate enough electricity but they still

use the wires and there was discussion as to whether or not they should be charged for some basic service. He was wonder if anything has been decided about that issue.

Director Mason said yes and what they are doing right now is a pilot project where they put 120 meters on different types of dwellings to determine the average demand for each one of those dwellings. Once that study is done staff will come back to Council requesting approval to install smart meters across the entire city on all the dwellings in the City and then staff will come forward to Council with a new rate structure that doesn't change the rates as far as the actual amount of money the bills will be but will divide it into a demand charge that will cover the fixed charges that the utility has and then a lower energy charge that will cover the actual variable costs associated with the actual electricity/energy. The entire process should be completed by the end of next year.

**Motion Moyer/Miller that Ordinance No. 1490 pass its second reading and be adopted.** Mayor Franklin opened the item for public comment; there were none. **Motion carried by roll call vote 5/0.**

4. Contracts Approved Under City Manager Authority.

Councilmember Peterson said he has a lot of questions on this new system. In the first 8 days from July 1st to July 8<sup>th</sup> you issued out \$221,324.00 in \$25,000 each contracts. Originally these contracts were supposedly in the event we have emergencies, etc. we needed to have these contracts in place. However when he looks at the following contracts: Chris Taylors Plumbing for \$25,000 for plumbing repairs but "as needed", Couts Heating and Cooling for \$25,000 for HVAC repairs "as needed", Southern California West Coast Electric for electric repair service on an "as needed" and goes on and on until we finally get to \$278,324.20 in contracts in 49 days of which probably 90% of these should have been sent out for an RFP. He doesn't mind having the power to issue contracts but where does Chris Taylors Plumbing compare on an "as needed" basis to ABC Plumbing or Acme Plumbing as far as their hourly rate, their call-out charge, just basic charges that they will have or a pre-negotiated charge on some other things. He looked to see if RFP's were sent out and if not, why not? The same thing for HVAC because he knows there are a zillion HVAC companies in town and could have this been consulted with a flat fee service but for the Council he doesn't know if you are paying these people \$1,000 dollars and hour or \$10.00 an hour. The only one that he is aware of on here that actually went out for RFP was with Bob Murray and Associates for the City Manager recruitment. He doesn't understand the no-bid contracts and particularly to the point of almost \$300,000.00 dollars' worth of no-bid contracts.

Interim City Manager Martin that he would have to look at each of them because he doesn't clearly remember every single one but staff will attest because they were probably very frustrated with him in regards to the number of times he had sent contracts back to them asking whether or not it went through a bidding process and whether or not this was something that should go out for an RFP. A number of these were on-going operational type contracts that have typically been renewed from year to year so they were very frustrated with his challenges to them but ultimately a number of them he agreed to go forward with the understanding that 1) they either did at least get 3 quotes or in some way bid it out and he had them document it on the cover letter; 2) some he allowed to go out for just a few months while they work on an RFP so as to not stop work in the city; and 3) some of them he agreed that they could go for a year but it was noted and promised that they would go out next year in a bidding process. He said that he was presented with a number of contracts that were

just on-going and every year they were being renewed and he has explained to staff that that process cannot continue. But for this year we just couldn't stop things from happening.

There was further Council and staff dialogue in regards to these contracts to expand on the comments, provide all contracts/documentation to Council, why the issuance of no-bid contracts, responsibility for issuing these contracts, possibility of bringing this item back to the Council and lower the approval amounts that the City Manager can approve, and expand the report to include more information as to RFP's, bid process.

Mayor Franklin said that she did speak with Interim City Manager Martin earlier to expand the report to include comments as to whether or not there were bids, if we went through the bid process, and whether or not it was an emergency item. Also if there was a bid process to go ahead and include the documents and if there was no bid process some documentation as to why there was not.

Councilmember Miller said when they first discussed this and Interim City Manager came up with an excellent proposal that you were going to give us this information and as he remembers anyone who got a contract like this it would only apply for one year and that you would not have the same people do for more than one year and would send it out for bid after one year and is that your policy.

Interim City Manager Martin said if they have not already been bid out then yes, that would definitely be the case and that has been his instruction to staff.

City Attorney Laymon said it would be an extension of the matrix essentially to include some other elements. Also there is a provision in their form contract that says that they should not be added on to year after year for an amount that is either 10% of the original contract price or \$25,000 dollars or whichever is less so they should be coming back with those extensions, if she remembers correctly, it can only happen twice. They should be coming back at least once every three years anyway.

There was some further Council and staff comments in regards to this report, input from the Council as to what they would like to see, why give the maximum of the contact at one time, how much of the \$25,000 has been spent, want to see actual RFP's that were sent out on the contract, bids that have come back in, issuance of the contract.

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

**Motion Miller/Peterson to approve. Motion carried by roll call vote 5/0.**

5. Resolution No. 2015-83, Approving the Banning Electric Utility Power Content Label.

Councilmember Miller said that in 2014 you listed that coal was still 62% of our electric production. He thought that the San Juan Plant was being closed and is that still going.

Director Mason said that the San Juan Plant doesn't close until December 31, 2017 so we will continue to have coal production until that time. He also gave some information in regards to mandates with the State regarding renewable energy.

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

**Motion Moyer/Miller to adopt Resolution No. 2015-83. Motion carried by roll call vote 5/0.**

6. Resolution No. 2015-84, Approving Amendment No. 1 to the Memorandum of Understanding Between the City of Banning and City of Banning Police Management Association setting forth the complete negotiated terms and conditions of employment for the represented employees.

This item was pulled off the agenda to a future agenda.

7. Resolution No. 2015-85, Approving the Second Amendment to Purchase Order No. 25685 increasing the total amount by \$5,930.88 to cover the 8% sales tax for material and services supplied for the anti-graffiti coating on the decorative streetlights, installed as part of the Downtown Underground Project by WESCO Distribution, Inc.

Councilmember Miller said he spoke to Mr. Mason about this and asked to see the original bid that we were asked to approve an increase on.

Director Mason displayed a graphic stating that back in August 2015 the Council approved the resolution that added the anti-graffiti coating and there were two different options and the Council went with Option 1 with an amount of \$74,136.00 for the anti-graffiti treatment to the decorative street lights. Unfortunately that amount did not include the sales tax and that was an error made by staff and so when they received the invoices recently to pay they realized that the \$74,136.00 was \$5,930.88 short and that is the percent sales tax.

Councilmember Miller asked if this is the actual bid from the company and when you get a bid is the sales tax not included in that bid when somebody says it is going to cost you this much and they actually provided a bid that is the amount of money that they expect to receive, is it not?

Director Mason said that it was the bid per light. The quote they received it had on the bottom of it, plus sales tax, but at the time they presented this to Council that documentation was not included.

There was Council and staff dialogue in regards to this bill regarding the tax and the total amount due.

**Motion Miller that this bill be postponed until you can send us all the data so we can evaluate whether or not the total is indeed \$74,136.00 or whether it should include the tax.**

Councilmember Miller asked the City Attorney about this item stating that it says "plus tax" and then it has a total.

City Attorney Laymon said that \$74,136.00 does not include tax. On page 96, of the agenda packet, you have the material total, real total, of \$80,066.88 which is what includes the sales tax. Director Mason said that was correct.

Councilmember Miller said that he would accept the legal opinion, however if this were a personal bill sent to him, he would not accept it. He hopes that in the future that we check these things very carefully.

**First motion died for a lack of a second. Motion Moyer/Welch to adopt Resolution No. 2015-85.**

Mayor Franklin opened the item for public comment.

David Ellis, citizen of Banning asked on this bill is this material and labor. Do you pay sales tax on labor?

Mayor Franklin closed the item for public comment.

Director Mason said the first question he asked was why are we paying sales tax on labor and what he was told from Pam in Finance was that if something was done that becomes a part of the complete product that you pay sales tax on the whole thing. He said he did not particularly agree with that but accepted it.

Mayor Franklin opened the item for additional public comment.

Jerry Westholder said that he would like a legal opinion on that because he doesn't think the information Mr. Mason received was accurate. He doesn't believe in the state of California you are taxed for any labor costs.

City Attorney Laymon said that they would have to research that question.

**Motion carried by roll call vote 5/0.**

8. Resolution No. 2015-89, Consenting to the Transfer of Control of Franchisee from Verizon to Frontier Communications.

There were no questions from the Council on this item.

**Motion Miller/Peterson to adopt Resolution No. 2015-89.** Mayor Franklin opened the item for public comment; there were none. **Motion carried by roll call vote 5/0.**

9. Sponsorship of Banning Stagecoach Days.

Councilmember Peterson reminded the public that before Councilmember Bob Botts quit and walked off the dais in October 2013 he wrote the following emails: "We will probably put in hitching posts and stagecoaches to attract visitors in the downtown that will move us back to hick town USA." Also, "If Stagecoach Days cannot stand on their own, then maybe it is time we try something else." Councilmember Peterson said that now both of those are ludicrous remarks considering that Botts voted to give the Banning Cultural Alliance \$1.4 million with no measurable results whatsoever. Personally he likes western motif and open spaces and hitching posts and stagecoaches do not bother him at all. He would like to see this Council support Stagecoach Days and our new signature event. Stagecoach Days has made a remarkable comeback and under the new management Stagecoach Days has reemerged into a huge and successful venue and is once again on course to being Banning's signature event. As we all know, not everything is roses. The other day he was informed by Stagecoach Days of an ABC requirement that is requiring them to

provided 16 security officers to be in the Beer Garden while it is open and serving alcohol. This unexpected requirement is taxing on Stagecoach Days and the additional monetary assistance from the City would certainly be appreciated.

**Motion Peterson/Moyer proposed a change to their cash donation to increase it from \$2,500 to \$10,000 annually and pledge the support of City staff for up to \$10,000 of in-kind services.**

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

Mayor Franklin said that this is not a new event and it is coming back and she thinks we do have a lot of the community supporting it.

Mayor Franklin reopened the item for public comments.

Don Smith said from 1992 through 1998 he was the Treasurer for Stagecoach Days so he is familiar with the books of that time period. During that time period, 20 years ago, the City of Banning annually was one of the two or three major sponsors of Stagecoach Days donating \$10,000 per year. After 1998 when the new committee took over the number went way up because the City was paying the bills but he would suggest going back to our historic sponsorship of \$10,000 so we can improve the event so long as the budget allows. Many people in town enjoy Stagecoach Days and would like to see the City spend money on it.

Dorothy Familetti-McLean thanked the Council for that motion and said it will help tremendously and they appreciate it and Stagecoach Days will get bigger and better every year.

Mayor Franklin closed public comments.

City Attorney Laymon said that was a lengthy statement by Councilmember Peterson and asked him for clarity of the record to please repeat the specifics of the motion.

**Councilmember Peterson made a motion to increase the cash donation to Stagecoach Days from \$2,500 to \$10,000 annually and continue with the \$10,000 of in-kind services. Seconded by Councilmember Moyer.**

Mayor Franklin asked if we have money for this item. Interim City Manager said that we have the budget.

**Motion carried by roll call vote 5/0.**

#### REPORTS OF OFFICERS

1. Approval of Resolution No. 2015-88, Accepting an Amended Contract for Legal Services Appointment Lona N. Laymon as City Attorney.  
(Staff Report – Lona N. Laymon, City Attorney)

City Attorney Laymon gave the staff report as contained in the agenda packet. She stated that in the staff report there is a short sort of resume/summary for the background of each person proposed for the legal team which she read for the benefit of the audience. Present were Robert

Khuu who would serve as the City's new Assistant City Attorney and Miles Hogan who would service as the City's primary contact for water issues. They both addressed the Council giving a brief summary of their experience. Also attached to the staff report is a report about their legal services history and cost analysis.

Mayor Franklin said for clarification if there is a need for the City to still seek special counsel, we will still be able to do that.

City Attorney Laymon said the Council always has that right. The Council also always has the right to change-up and revise the legal team as it sees fit and that is actually a very simple amendment.

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

**Motion Moyer/Welch that the City Council adopt Resolution No. 2015-88, accepting "Amendment No. 1 to Contract Services Agreement" for City Attorney services with Aleshire & Wynder LLP (the "Amended Contract"). The Amended Contract appoints Lona N. Laymon as the City Attorney. Current City Attorney, Mr. David J. Aleshire, will remain a "senior advisor" on the City's legal team. In addition to the appointment of Ms. Laymon as City Attorney, the contract appoints Mr. Robert Khuu as the Assistant City Attorney, and sets forth other general "clean-up" changes to the original contract. No changes to the rates for legal services are proposed. The proposed Amended Contract is attached as Attachment 1. Motion carried by roll call vote 5/0.**

2. Resolution No. 2015-86, Approving the Amendment to the Agreement between Mullen & Associates, Inc. and the City of Banning.  
(Staff Report – Fred Mason, Electric Utility Director)

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

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

**Motion Peterson/Miller that the City Council adopt Resolution No. 2015-86, Approving the Purchase Agreement Amendment to Purchase Order No. 25889 between Mullen & Associates, Inc. and the City of Banning to include to include additional engineering services related to the Sunset Grade Separation Project. Motion carried by roll call vote 5/0.**

3. Resolution No. 2015-78, Awarding the Construction Contract for Construction of Apron Markings, Signage and Obstruction Removals at Banning Municipal Airport and Approving the Airport Improvement Program Grant Agreement Offer from the Federal Aviation Administration for AIP Project No. 3-06-0018-014-2015.  
(Staff Report – Art Vela, Acting Public Works Director)

Acting Director Vela gave the staff report as contained in the agenda packet.

Mayor Franklin asked Acting Director Vela what is the actual amount needed and do you need this before September 14<sup>th</sup>. Acting Director Vela said the amount is \$80,300.00 plus a 10% contingency of \$8,030.00 and he was not sure about the date.

Councilmember Peterson said with the unknown ending of the airport and this is going to be the same reiteration of a question that has come up for the last three years as to why are we going to continue to take grants that are going to have to be repaid and continue to put money into this facility that we really don't know what we are going to do with. Do we really need to keep pouring money into it?

Acting Director Vela said this project was identified in the 2015 ACIP (Airport Capital Improvement Plan) and that is why it was taken out to bid and the reason it was identified in there because it is a safety project. Due in December of this year is the 2016 ACIP to FAA (Federal Aviation Administration) and that will be before the Council before that date and he can guarantee the Council that there will not be a lot on that ACIP.

There was some Council and staff dialogue in regards to the items that are bad at the airport and the items that need to be repaired.

Councilmember Moyer said 90% of \$127,000 is another \$114,000 that we would have to repay the FAA if we decide to close it down, and is that correct. Acting Director Vela said that was correct.

Councilmember Moyer said in looking at the bids are we sure that Regency-Pacific being 47% under the next highest bid is really a responsible bidder.

Acting Director Vela said he had the same concern because they analyze the bids with every project that they have and he was assured by Regency-Pacific that they were comfortable with their bid.

Councilmember Miller said that everyone kind of alluded to the fact that the airport is questionable and he doesn't think it is questionable. He thinks that there is no question that the airport will be closed. It is way too valuable as a piece of property to be used every once in a while by an airplane. The future of Banning depends upon it being used as property. So as, Councilmember Peterson said, everything we put into it has to be paid back and it will have to be paid back by the City. He hopes that this is the last thing we have to waste our money on.

Mayor Franklin said in going back to what was said are you saying that these are basically safety items that we need to do and if they are and if we don't do them, do we have any repercussion from the FAA.

Acting Director Vela said he is sure they wouldn't be very happy about it. From his understanding, there is nothing legally that they can do to require us to make these improvements. Unfortunately, we have identified that there are these safety issues so there is a liability there is something were to happen.

Mayor Franklin opened the item for public comments.

Don Smith stated that he spoke on this topic before and he and Councilmember Miller have spoken on this topic and he thinks it is a reasonable possibility that it might be possible to use the airport for something that would generate more for the city of Banning than our airport currently generates. A year or two ago there was a special meeting that Councilmember Miller asked for and we had a representative here from the FAA that basically told us that if we sold the airport 100% of the dollars would have to go back to the airport and to the extent the grants were paid off and there was still a profit they got that money also to give to other airports to assume our traffic. So while he shares the concern about having to pay the grant back he kind of inferred that 100% of the sales price is how much they are going to want.

Councilmember Miller said that is not exactly what he said. His whole purpose in coming here was to keep the airport open and that is what the FAA is for and he said that everything has to be paid back. We will have to pay back something to pay the other airports that take it but he did not say that every penny that we get had to be paid back. The land is not being generated by the airport. And secondly, if we do use the land, we are probably not interested primarily in the money that the land gets; it's the sales tax or whatever is built on that land.

Rickard Krick said when he listens to this about the airport its Banning most valuable asset that you guys just wanting to flush away for free. There is a lot of other land available in this town for development. If that was the last piece of ground available still in the city of Banning for development, then he would say maybe you have a plausible, reasonable explanation of closing the airport but let face it, there is a lot of vacant ground here for development. So you close one thing because it looks like a bombed out airport. Whose fault is that; the Council. If you don't put money to it and you don't spend it, it is going to look like hell and I guess it does. Hangars were made down there for airports; not storage. If the City goes in and empties the hangars and makes the airport available for airport use and manages the airport as an airport and not a storage facility, then he would think you have an airport. But this Council's mindset needs to change and you need to look at the available open ground available in the town for development.

Mayor Franklin closed public comments.

**Motion Miller/Moyer that the City Council adopt: I) Resolution No. 2015-78, Awarding the Construction Contract for Federal Aviation Administration Airport Improvement Program (“AIP”) Project No. 3-06-0018-014-2015, to Regency-Pacific Development Corp. of Beaumont, California, for an amount of “Not to Exceed” \$80,300.00, and rejecting all other bids; II) Authorizing an additional ten-percent (10%) construction contingency in the amount of \$8,030.00 to be used for additional work that arises from unforeseen conditions; III) Authorizing the Interim Administrative Services Director to make necessary adjustments and appropriations as it relates to the Construction Agreement with Regency-Pacific Development Corp.; and IV) Authorizing the Interim City Manager to execute the construction agreement with Regency-Pacific Development Corp. and Grant Agreement Offer and subsequent Grant Agreement with the Federal Aviation Administration (“FAA”). Motion carried by roll call vote 5/0.**

4. Resolution No. 2015-87, Urging the State to Provide New Sustainable Funding for State and Local Transportation Infrastructure.  
(Staff Report – Art Vela, Acting Public Works Director)

Acting Director Vela gave the staff report as contained in the agenda packet.

There was much Council discussion about this item in regards to the increase of registration fees, increase in diesel fuel and gas, higher taxes, the League of California Cities seems to always be for higher taxes, this tax measure has to be refined and investigated much further, statements that they say about this tax are absolutely incorrect, it is not the Council's job to tell the State what the people in Banning think, the City of Banning seems to always end up on the short end of the stick, other cities are getting all of the big funds, and the State has a tendency when it runs short in its General Fund to take money from other funds

Mayor Franklin opened the item for public comment.

Jerry Westholder said he is whole-heartedly in agreement with this Council to not agree with this particular resolution especially since the State is talking about a mileage tax and he thinks the vagueness of this opens that door for that mileage tax where it says they can seek out revenue through other places to compensate. The last thing we need is another tax on our vehicles.

Don Smith said that last month he went to northern California and we are a dollar more a gallon in southern California than they are in northern California and it has something to do with our refineries and how they don't work well apparently. But Banning's demographics are low in the economic area and high in the need to commute to jobs area. So this would really affect how much Banning pays because of the amount of travel some of us have to do to get to work and at the same time we cannot afford it. He is pretty sure that if we polled the city of Banning we would find out that most of them, well above a majority, are not in favor of paying higher gas taxes. So he thinks this Council can strongly state that the people in Banning are not in favor of paying higher gas taxes. He is pretty sure our representatives are not in favor of this. The question is whether enough democrats are going to vote no and there is quite a few of them that are hesitating and if the City of Banning would let those people know that we don't think that this is a good idea it might help the democrats in the Assembly and the Senate vote no.

Mayor Franklin closed public comment.

**Motion Peterson/Welch to disapprove Resolution No. 2015-87. Motion carried by roll call vote 5/0.**

Mayor Franklin asked the Council if they would be interested in sending the response back that until the State can even come up with a clear path that does not tax residents that they need to really work on what kind of transportation they are really going to have and with that they have to figure out how to not take that money if they have other problems.

There was Council and staff dialogue on what should be included in drafting a response to the State.

Councilmember Welch said the last paragraph on page 214 we could use to reflect what our vote was and that is, "The City of Banning strongly urges the Governor and the Legislature to identify a sufficient and stable funding source without increasing tax base of any kind for local street and road improvement maintenance."

Interim City Manager Martin said we use that statement and simply send a letter to the State to that affect.

**After some discussion there was consensus of the Council to use that paragraph that Councilmember Welch just stated.**

#### SCHEDULED MEETINGS

BANNING UTILITY AUTHORITY (BUA) – no meeting

BANNING FINANCING AUTHORITY (BFA) – no meeting.

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

Councilmember Moyer –

- He said he read the letter written by Interim City Manager Martin to WRCOG concerning TUMF fees and stated that it was an excellent and it stated a very good position for us and he thanked Interim City Manager for the letter.
- At our last meeting a resident talked about the County Sheriff's Dept. releasing inmates from the Smith Correction Facility in downtown Banning. The inference was that a lot of inmates were being released and just dumped here so he contacted the Sheriff's Dept. to see what their policy is and to check to see if it is still being followed. He was contacted by Chief Deputy Scott Collins and provided information about their release, which he read in detail, and he also gave information in regards to the original agreement. He will be speaking with them further as to why they are not following the original plan and will be having more discussions with them to find out why they still releasing prisoners at midnight and if they are in Banning, that means they are being released right here in the Civic Center and so they are working on that part of that and will come back after he gets more information from the County.
- Recently a young man lost his life needlessly trying to cross the railroad tracks at San Gorgonio Ave. on his way to school. He understands that this is not the first incident involving children trying to go to school and railroad tracks. There are many remedies that come to mind but they would all take time and money to put in place. For example, a pedestrian bridge over the tracks would be very costly and involve a lot of time consuming red tape with Caltrans and the railroad people and still not guarantee that the kids would use it. Many people feel that they would still cross the tracks rather than take the time and extra steps to go up and over. We are trying to get in touch with the school district to discuss this and other issues and for some time now the 2 plus 2 meetings have not taken place. Our attempts to contact the district representatives have so far gone unanswered. He suggests that these meeting be resumed as quickly as possible and that our first topic of discussion should be "Safety of Children Getting to School". He would further suggest as a temporary solution a crossing guard be placed at the railroad tracks one and half hours before school and after school hours to monitor and protect the children at this dangerous area.

Councilmember Peterson –

- He said that there is a serious issue occurring in the city with regards to our water department. It has been discovered that four water meters located inside the Sun Lakes Country Club have not

been read or have stopped registering usage for some time. There are two meters at the main clubhouse that are and have been in perfect working order for years however, an external registering device for two of the meters stopped working in 2008 and 2011 but the internal device continued to register every drop of water used. There is another meter at the mini-clubhouse that has not been registering since June 20, 2011 and there was an irrigation meter that was discovered in December 2013 that was not even in the City's accounting system. There are many questions that need to be asked and some of the questions are: by who were the errors discovered, how were the errors detected, did the meter reader report the inoperative meters, and when was Sun Lakes notified of the errors. The meters were discovered inoperative approximately two years ago yet they were not replaced until six months ago. What happened to the meter readings prior to the discovery two years ago? Based on a Water Rule No. 6 and using no more than three years of undercharges to adjust the Sun Lakes bill the estimated undercharge is calculated at around \$180,000.00. However, going back to 2008 and using the figure of \$60,000 per year the Sun Lakes bill could realistically be \$420,000.00 this is an amount we should be talking about and not the watered-down amount of \$180,000.00 or most likely a settlement amount of probably \$24,000.00. How is it that these types of oversights and emptiness continue to rise in the City? If the City cannot monitor its own utilities or it continues to make deals with certain groups in the city and we give away our products, then he suggests that we find alternative sources like turning over our utilities to Southern California Edison or other similar companies. The taxpayer cannot continue to subsidize others in the city. He thought the \$40,000 owned by the Chamber of Commerce was a bundle but what we have now is unprecedented in this city and other epic proportions. We have seen water and electric rates rise over the years and we are beginning to understand why. He would like to see an outside forensic audit firm complete an audit of both our utilities both inside and out and it is about time for accountability and transparency in this City. So this will be investigated but he thinks it should be coming out now before the rumors in the city begin to fly and at least the people have some idea of what is going on and there will be further reports to come in the future.

Mayor Welch –

- In regards to Stagecoach Days starting Wednesday evening we have the Spaghetti Dinner at the Community Center where they crown the grandmother and grandfather of the year and they will be riding in the parade on Saturday morning. Also, there will be judging on Friday at 5:30 p.m. of the Whiskerino contest.

Mayor Miller –

- He read the following statement at this time, "I believe that it is very important that the residents of Banning know what the City Council is doing. The minutes of the Council meetings state (or should state) what people and Council Members say about an item, but do not indicate what the agenda item actually specifies. I initially asked our local newspaper the Record Gazette (RG) to print these summaries, but they refused. To me, it should be something any newspaper would be glad to have. However, in my opinion, the Record Gazette does not represent Banning fairly. It opposed our mining tax which produces much needed revenue for our city. It supported having a sludge burning plant in Banning, which would have destroyed our quality of life and health. It rarely prints anything of importance about Banning. The website TBI.COM (The Banning Informer.com) indicated that they would publish these summaries, and I therefore have been, and will continue to publish these summaries in TBI. This website provides information not found anywhere else, and certainly not in the RG. TBI is an amazing website. Every article it publishes contains references and copies of all the documents on which the story is based, so

the readers can judge for themselves the accuracy of the story. It contains information not available elsewhere. It printed the documents concerning the fact that the city had overpaid for the oil spill clean-up that I did not know existed, and I do not know that anyone else on the Council knew existed. It was from an article published in the TBI that I first found out that Pearlman the developer of the ill-fated Village at Paseo had changed the plan, dropping the hotel, and had received approval from the City Manager for that change, despite the fact that the contract called for City Council approval. So for those of you interested in what the City Council actions are they can be found in TBI.COM.

Mayor Franklin --

- She thanked the people who came out on the Saturday before last to help with the community cleanup. She believes that there were 13 people from the community and several high school students that came and participated and spent a lot of time to help make Ramsey Street look a little more presentable especially for Stagecoach Days.
- October 3<sup>rd</sup> is a Bulky Item Drop Off Day and you can do free paper shredding, as well as, electronic drop off. This will be held at Dysart Park from 8 to 11 a.m.

City Committee Reports - None

#### ITEMS FOR FUTURE AGENDAS

New Items --

Councilmember Peterson said it has been talked about several times about getting a starter late time and he is not too enthused about going late but he does believe the Council should really consider a 6:00 p.m. start time. He thinks that one hour could make a difference for the public. He would like the Council to consider this item and see what we can come up with. Also, he has talked to the City Manager several times about the Human Resources issue and talked about getting that moved in the organizational chart and appointing a director instead of having a manager underneath the Finance Director. He asked if we will get to that anytime soon or will it keep getting postponed.

Interim City Manager said it was actually scheduled for today but due to the length of the closed session it got postponed. He will bring it back to the next meeting.

Councilmember Peterson said that he sees Jim Smith in the audience again and at for the last couple of times he asked about what is going on with the collection of the judgement and do we have any information on that item.

Interim City Manager said he will get back to the Council and thought it was an issue that legal counsel was working on. City Attorney Laymon said that she will touch bases with someone about this matter.

Councilmember Miller said that Councilmember Moyer pointed out something very important and that is being assured that the students are able to go across the tracks from school and he thinks that should be an agenda item for discussion.

Councilmember Welch said in regards to the same topic that Councilmember Miller brought up he would like to see the question answered about signage. He knows it is not a definite solution

but it is a reminder when our students are walking on those streets. There is no signage down there to get their attention and there needs to be some kind of an alert.

Pending Items – City Council

1. Discussion regarding City's ordinance dealing with sex offenders and child offenders. (9/22/15)
2. Discussion of vacant properties and on Ramsey Street where people are discarding furniture.
3. Report on Banning Chamber of Commerce Utility Bill Issue
4. Workshop on legal issues (whistleblowers, harassment, personnel issues, consent calendar policy, more interaction with public, form of minutes, ). (9/8/15)
5. Attorney General Opinion re. Developer Impact Fees collected by hospital or other agencies.
6. Collection of Judgement re. Jim Smith
7. Discussion re. Time of City Council Meetings
8. Safe Walkways for student from the schools
9. Report from Fire regarding why three homes were lost.
10. Housing Element

*(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.)*

Report by City Attorney – nothing to report at this time.

Report by City Manager

- We have a water rate study in process but because of the Chromium 6 issue and its potential impacts that will be postponed because it is going to be another few months before we get a clearer picture on what the Chromium 6 issue is going to cost us and that needs to be built into the water rate study. It will come back probably the early part of next year once we are through analyzing our Chromium 6 issues.
- He asked Chief Chavez to provide a report on those three homes that were destroyed by fire.

Chief Chavez stated that there was a fire on August 17<sup>th</sup> with the alarm coming in at 3:03 p.m. of a report of a garage fire at the corner of Indian School Lane and Florida on the north east corner of town with the first engine arriving on scene at 15:09. He proceeded to give details about the incident and the amount of engines and fire fighters on scene. He said that to him the major factors that caused problems on this fire were the extreme dryness of the ornamental vegetation, the high temperatures, low humidity and the winds.

Councilmember Moyer addressed Interim City Manager Martin regarding the recruitment deadline to fill the City Manager position and the possibility of expediting that recruitment before October 9<sup>th</sup>. Council said that they wanted to interview candidates as soon as they become available.

Interim City Manager said based on his conversation with the consultant he understands the need to move this forward quickly.

ADJOURNMENT

By common consent the meeting adjourned at 7:59 p.m.

---

Marie A. Calderon, City Clerk

THE ACTION MINUTES REFLECT ACTIONS TAKEN BY THE CITY COUNCIL. A COPY OF THE MEETING IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK'S OFFICE.

**--THIS PAGE INTENTIONALLY LEFT BLANK--**

## CITY COUNCIL AGENDA

**Date:** September 22, 2015

**TO:** City Council

**FROM:** Dean Martin, Interim City Manager

**SUBJECT:** Approval of Accounts Payable and Payroll Warrants for Month of July 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 July 2015.

The reports are:

Expenditure approval lists	
July 2, 2015	385,158.88
July 9, 2015	443,624.95
July 16, 2015	852,723.15
July 23, 2015	321,750.34
July 30, 2015	192,504.41
September 15, 2015	5,479,444.64 (July Month End)
Payroll check registers	
July 10, 2015	10,451.62
July 24, 2015	8,658.81
Payroll direct deposits*	
July 10, 2015	289,340.45
July 24, 2015	265,486.19

\*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:



Dean Martin

Dean Martin  
Interim City Manager

# CITY of BANNING

## Fund/Department Legend

*Fund/Department Legend*

### **001 General Fund Departments**

0001 – General	203 – Police Volunteer Fund
1000 – City Council	204 – D.A.R.E. Donation Fund
1200 – City Manager	300 – City Administration COP Debt Service
1300 – Human Resources	360 – Sun Lakes CFD #86-1
1400 – City Clerk	365 – Wilson Street #91-1 Assessment Debt
1500 – Elections	370 – Area Police Computer Fund
1800 – City Attorney	375 – Fair Oaks #2004-01 Assessment Debt
1900 – Fiscal Services	376 – Cameo Homes
1910 – Purchasing & A/P	400 – Police Facilities Development
2060 – TV Government Access	410 – Fire Facilities Development
2200 – Police	420 – Traffic Control Facility Fund
2210 – Dispatch	421 – Ramsey/HIGHLAND Home Road Signal
2279 – TASIN – SB621 (Police)	430 – General Facilities Fund
2300 – Animal Control	441 – Sunset Grade Separation Fund
2400 – Fire	444 – Wilson Median Fund
2479 – TASIN – SB621 (Fire)	451 – Park Development Fund
2700 – Building Safety	470 – Capital Improvement Fund
2740 – Code Enforcement	475 – Fair Oaks #2004-01 Assessment District
2800 – Planning	600 – Airport Fund
3000 – Engineering	610 – Transit Fund
3200 – Building Maintenance	660 – Water Fund
3600 – Parks	661 – Water Capital Facilities
4000 – Recreation	662 – Irrigation Water Fund
4010 – Aquatics	663 – BUA Water Capital Project Fund
4050 – Senior Center	669 – BUA Water Debt Service Fund
4060 – Sr. Center Advisory Board	670 – Electric Fund
4500 – Central Services	672 – Rate Stability Fund
4800 – Debt Service	673 – Electric Improvement Fund
5400 – Community Enhancement	674 – '07 Electric Revenue Bond Project Fund
	675 – Public Benefit Fund
	678 – '07 Electric Revenue Bond Debt Service Fund

### **All Other Funds**

002 – Developer Deposit Fund	680 – Wastewater Fund
003 – Riverside County MOU	681 – Wastewater Capital Facility Fund
100 – Gas Tax Street Fund	682 – Wastewater Tertiary
101 – Measure A Street Fund	683 – BUA Wastewater Capital Project Fund
103 – SB 300 Street Fund	685 – State Revolving Loan Fund
104 – Article 3 Sidewalk Fund	689 – BUA Wastewater Debt Service Fund
110 – CDBG Fund	690 – Refuse Fund
111 – Landscape Maintenance	700 – Risk Management Fund
132 – Air Quality Improvement Fund	702 – Fleet Maintenance
140 – Asset Forfeiture/Police Fund	703 – Information Systems Services
148 – Supplemental Law Enforcement	761 – Utility Billing Administration
149 – Public Safety Sales Tax Fund	805 – Redevelopment Obligation Retirement Fund
150 – State Park Bond Fund	810 – Successor Housing Agency
190 – Housing Authority Fund	830 – Debt Service Fund
200 – Special Donation Fund	850 – Successor Agency
201 – Sr. Center Activities Fund	855 – 2007 TABS Bond Proceeds
202 – Animal Control Reserve Fund	856 – 2003 TABS Bond Proceeds
	857 – 2003 TABS Bond Proceeds Low/Mod

**--THIS PAGE INTENTIONALLY LEFT BLANK--**

## CITY COUNCIL AGENDA

**Date:** September 22, 2015  
**TO:** City Council  
**FROM:** Dean Martin, Interim City Manager  
**SUBJECT:** Report of Investments for July 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 July 2015. As of July 31, 2015, the City's operating funds totaled \$78,460,563. Included in Successor Agency operating funds is \$848,678 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Summary Schedule.

As of July 31, 2015 approximately 41% of the City's unrestricted cash balances were invested in investments other than LAIF.

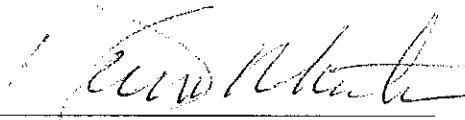
The July Investment Report includes the following documents:

- 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 0.320% in July. The average rate for all investments in June was 0.361%.

**RECOMMENDED AND APPROVED BY:**



Dean Martin  
Interim City Manager

**Summary Schedule of Cash and Investments****Operating Funds**Petty Cash

		<u>Amount</u>
		3,705

Bank Accounts

Wells Fargo Bank		
Bank of America-Airport		
Bank of America-Parking Citations		
Bank of America-CNG Station		

<i>Money Market and Bank Account Sub-Total</i>	4,530,250
--	-----------

Government Pools

Account #1 Operating Amount	44,595,266		
Account #1 CRA Bond Cash Bal.	848,678		
Local Agency Investment Fund: Account #1		0.320%	45,443,945
Account #2 Successor Agency Cash Bal	0		
Local Agency Investment Fund: Account #2		0.320%	0

<i>Government Pool Sub-Total</i>	<u>45,443,945</u>
----------------------------------	-------------------

<b>Operating Cash Balance</b>	<b>49,977,900</b>
-------------------------------	-------------------

Restricted Operating Funds

Riverside Public Utilities- Highmark U.S. Government Money Market Fund	0.040%	581,731
California ISO Corp- Union Bank		109,519
Worker's Compensation Program- (PERMA)		1,790,942

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2	0.464%	26,000,471
--	--------	------------

<i><b>Operating Funds Total</b></i>	<b><u>78,460,563</u></b>
-------------------------------------	--------------------------

**Fiscal Agent**

	<u>Amount</u>
US Bank	34,981,926

<i><b>Fiscal Agent Total</b></i>	<b><u>34,981,926</u></b>
----------------------------------	--------------------------

\* 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
<b><u>Bank Accounts</u></b>								
4,517,013	Wells Fargo Bank-Operating	n/a	0.18%	daily	varies	4,517,013	n/a	4,517,013
6,423	Bank of America-Airport	n/a	0.02%	daily	varies	6,423	n/a	6,423
3,424	Bank of America-Parking Citations	n/a	0.02%	daily	varies	3,424	n/a	3,424
3,390	Bank of America-Parking Citations	n/a	0.02%	daily	varies	3,390	n/a	3,390
Sub-total								4,530,250
<b><u>Government Pools</u></b>								
45,443,945	L.A.I.F. account #1	n/a	0.320%	daily	varies	45,443,945	n/a	45,443,945
0	L.A.I.F. account #2	n/a	0.320%	daily	varies	0	n/a	0
								45,443,945
<b><u>Investments-US Bank/Piper Jaffray</u></b>								
2,000,000	Federal Home Loan Bks	n/a	0.700%	12/27/2016	3/27/2014	2,000,000		2,001,660
2,000,000	Federal Home Loan Bks	n/a	0.500%	7/15/2016	4/15/2014	2,000,000		2,000,820
1,700,000	FHLMC Mtn	n/a	0.700%	12/30/2016	6/30/2014	1,700,000		1,700,595
2,000,000	Federal Home Loan Bks	n/a	1.200%	5/24/2018	11/6/2014	2,000,000		1,994,860
1,000,000	FNMA	n/a	1.250%	11/27/2018	5/27/2015	1,000,000		1,000,980
2,000,000	Federal Home Loan Bks	n/a	1.100%	3/29/2018	7/1/2015	2,000,000		1,998,200
2,000,000	FHLMC Mtn	n/a	1.250%	11/27/2018	7/27/2015	2,000,000		1,999,600
13,303,756	Money Market	n/a	0.010%	daily	varies	13,303,756	0	13,303,756
US Bank/Piper Jaffray Average Rate=								26,000,471

Average Rate All= 0.361%

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 133 days and does not include Bond Reserve Fund Investments.

City of Banning Investment Report  
Individual Investments with Fiscal Agent

July 31, 2015

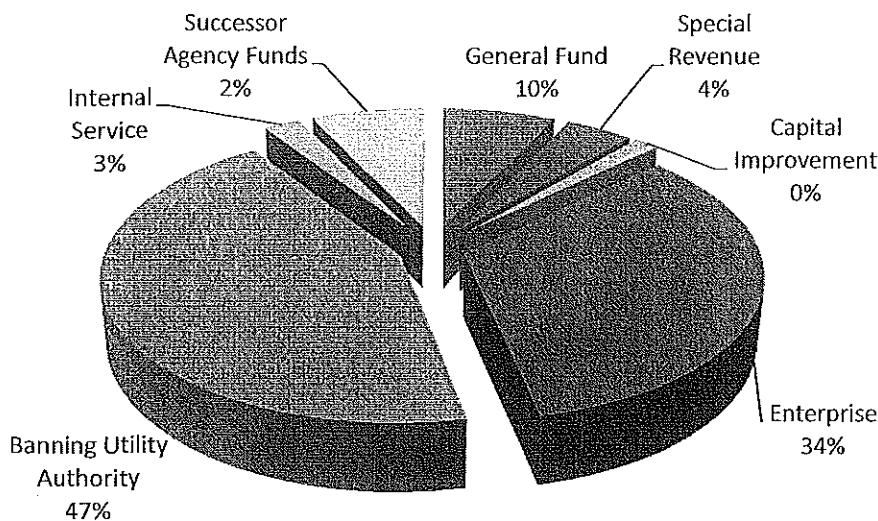
TRUSTEE	Bond Maturity Date	Investment Description	Current Yield	Bond Maturity Date	Minimum Reserve Requirement	Jul-15	7/31/2015 Market Value
<b>COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A</b>							
2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 5-Ct	0.020%	daily	188,024	3.67	223,072
<b>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003</b>							
2003 CRA Tax Allocation Bonds	2028	US Treasury Bill	4.61%	1/29/2015	971,250	1,239.09	1,013,031
		US Bank Mmkt 5-Ct	0.020%	daily		2.05	250,008
		US Bank Mmkt 5-Ct	0.020%	daily		2.06	463,702
Surplus Fund		US Bank Mmkt 5-Ct	0.000%	daily			12
<b>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007</b>							
Redevelop Fund	2037	US Bank Mmkt 5-Ct	0.020%	daily		137.00	8,334,048
		US Bank Mmkt 5-Ct	0.020%	daily		6.16	375,025
Reserve Fund		US Bank Mmkt 5-Ct	0.020%	daily	1,875,100	30.83	1,875,318
Special Fund		US Bank Mmkt 5-Ct	0.020%	daily			937,277
Surplus Fund		US Bank Mmkt 5-Ct	0.000%	daily			11
<b>BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>							
Interest Account		US Bank Mmkt 5-Ct	0.000%	daily			2
Principal Account		US Bank Mmkt 5-Ct	0.020%	daily		1.32	80,007
		US Bank Mmkt 5-Ct	0.020%	daily		53.69	3,266,474
<b>BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</b>							
Interest Account		US Bank Mmkt 5-Ct	0.000%	daily			10
Principal Account		US Bank Mmkt 5-Ct	0.020%	daily		6.90	420,014
Reserve Fund		US Bank Mmkt 5-Ct	0.020%	daily	2,310,738	37.99	2,310,854
Project Fund		US Bank Mmkt 5-Ct	0.020%	daily		26.34	1,602,469
<b>BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</b>							
		US Bank Mmkt 5-Ct	0.000%	daily			17
		US Bank Mmkt 5-Ct	0.020%	daily	2,672,050	43.93	2,672,183
Acquisition & Construction		US Bank Mmkt 5-Ct	0.020%	daily		198.87	11,158,392
<b>*Paid Semi-Annually-Deposited into Money Mkt Account</b>						<b>Total</b>	<b>1,789.90</b>
							<b>34,981,926</b>

# 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 July 2014 to June 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 30<sup>th</sup> 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.

**--THIS PAGE INTENTIONALLY LEFT BLANK--**

## CITY COUNCIL AGENDA CONSENT CALENDAR

**DATE:** September 22, 2015

**TO:** City Council

**FROM:** Rita Chapparosa, Deputy Human Resources Director

**SUBJECT:** Adopt Resolution No. 2015-84, Approving Amendment No. 1 to the  
Memorandum of Understanding (MOU) between the City of Banning and  
City of Banning Police Management Association

**RECOMMENDATION:** Adopt Resolution No. 2015-84 approving Amendment No. 1 to the Memorandum of Understanding (MOU) between the City of Banning and the City of Banning Police Management Association setting forth the complete negotiated terms and conditions of employment for the represented employees.

**JUSTIFICATION:** Section 3505.1 of the Meyers-Milias-Brown Act ("MMBA") (Gov't Code Sections 3500-3511) provides that: "If agreement is reached by the representatives of the public agency and a recognized employee organization or recognized employee organizations, they shall jointly prepare a written memorandum of such understanding, which shall not be binding, and present it to the governing body or its statutory representative for determination." Once approved by the governing body of the local agency, a Memorandum of Understanding between the City and its recognized employee organizations regarding changes in terms and conditions of employment becomes a binding agreement between the employee organizations and the local government. *Thus, City Council approval of the signed Amendment No. 1 to the Memorandum of Understanding between the parties is required by the MMBA in order to be binding on the parties.*

**BACKGROUND:** The City and BPMA entered into the BPMA MOU 2014-2016 which was approved by the City Council on August 12, 2014. The City's labor relations negotiation team and the Banning Police Management Association labor representatives reopened negotiations on or around June 9, 2015 per the terms of the BPMA MOU 2014-2016.

The City negotiated the deal points with BPMA for a one percent (1%) lump sum one-time, non-recurring payment of the annual base pay rate effective August 8, 2015 for employees hired on or before July 1, 2014. In addition, all Unit members will receive a cost of living COLA salary increase of 3% of base pay effective the beginning of the pay period of September 14, 2015 to the new salary schedule attached to the amended MOU. The City

agreed to increase the Cafeteria Plan to \$1,200 per month effective the beginning of the pay period of September 14, 2015.

The labor negotiation team did make non-monetary changes to the amendment.

**FISCAL DATA:** The fiscal impact will result in a \$14,645 budget increase to the General Fund Account. Due to the minimal financial impact of the lump sum payments, no appropriation is being requested at this time.

**RECOMMENDED BY:**



Rita Chapparosa  
Deputy Human Resources Director

**APPROVED BY:**



Dean Martin  
Interim City Manager

Attachments:

1. Resolution No. 2015-84 – Amendment No. 1 to the Memorandum of Understanding (MOU) between the City of Banning and City of Banning Police Management Association

**RESOLUTION NO. 2015-84**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING  
APPROVING AMENDMENT NO. 1 TO THE MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF BANNING AND CITY OF BANNING POLICE  
MANAGEMENT ASSOCIATION**

**WHEREAS**, the City of Banning has recognized the City of Banning Police Management Association (BPMA) as the bargaining unit representing the Police Management Unit; and

**WHEREAS**, the City and BPMA have successfully met and conferred to negotiate an Amendment No. 1 to the Memorandum of Understanding between the City of Banning and the BPMA effective January 1, 2014 through June 30, 2016 (BPMA MOU 2014-2016) pursuant to the Meyers-Milias-Brown Action (“MMBA”)(Gov’t Code Sections 3500-3511) and the City’s Employer-Employee Relations Resolution NO. 2010-45; and

**WHEREAS**, MMBA Section 3505.1 provides that the parties shall jointly prepare a written memorandum of understanding when a tentative agreement is reached to be accepted and approved by the governing body or its statutory representative; and

**WHEREAS**, once approved by the governing body of a local agency, a memorandum of understanding becomes a binding agreement between the employee organization and the local agency.

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

**SECTION 1:** That the City Council approves Amendment No. 1 to the Memorandum of Understanding Between the City and the Banning Police Management Association for the period of July 1, 2014 through June 30, 2016, a copy of which is attached hereto and by this reference made a part hereof.

**PASSED, APPROVED AND ADOPTED** this 22<sup>nd</sup> day of September, 2015.

---

Deborah Franklin, Mayor  
City of Banning, California

**ATTEST:**

---

Marie A. Calderon, City Clerk

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

---

Lona N. Laymon, 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. 2015-84 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 22<sup>nd</sup> day of September, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

**AMENDMENT NO. 1 TO THE  
MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF BANNING AND THE  
CITY OF BANNING POLICE MANAGEMENT ASSOCIATION**

**EFFECTIVE JANUARY 1, 2014 THROUGH JUNE 30, 2016**

This Amendment No. 1 to the Memorandum of Understanding between the City of Banning and the City of Banning Police Management Association, effective January 1, 2014 through June 30, 2016 ("BPMA MOU 2014-2016") is made and entered into by and between the City of Banning, a municipal corporation ("City"), and the City of Banning Police Management Association ("BPMA").

**R E C I T A L S:**

WHEREAS, the City and BPMA entered into the BPMA MOU 2014-2016, which was approved by the City Council on August 12, 2014; and

WHEREAS, the City and the BPMA reopened negotiations on or around June 9, 2015 per the terms of the BPMA MOU 2014-2016; and

WHEREAS, the City performed a salary survey as required by the BPMA MOU 2014-2016; and

Whereas, the parties agree to eliminate the existing language of the reclassification of Police Lieutenant to Police Captain. The parties agree not to pursue this reclassification during the term of this MOU.

WHEREAS, the BPMA and the City have agreed to provide BPMA members hired on or before July 1, 2014 with an additional one percent (1%) lump sum one-time, non-recurring payment of their current annual base pay rate effective September 8, 2015.

WHEREAS, the City developed a new Salary Schedule dated July 1, 2015 which implements a 3% increase to the Steps in each Salary Grade as shown on the salary schedule provided herewith as Attachment "A"; and

WHEREAS, the City and the BPMA agreed that the three percent (3%) cost of living adjustment salary increase to base pay will be paid at the beginning of the pay period of September 14, 2015; and

WHEREAS, the City and BPMA agreed to increase the BPMA Cafeteria plan to \$1,200.00 per month will be paid on the next full pay period following City Council adoption of the MOU Amendment; and

WHEREAS, the BPMA and the City desire to clarify that the \$150 utility allowance granted to BPMA members may only be paid once per household that reside within the City as a discount against the cost of electric and water service during the period of such residency; and

WHEREAS, the BPMA and the City desire the BPMA MOU 2014-2016 to reflect the Records Management Programs as set forth in updated Administrative Policy No. 28 adopted by Resolution 2013-24; and

WHEREAS, the BPMA and the City desire to remove Reopener No. 1 from the BPMA MOU 2014-2016.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree to amend the BPMA MOU 2014-2016 as follows:

#### ARTICLE 1 PREAMBLE.

1.4 The parties agree not to pursue the Police Lieutenant reclassification during the term of this MOU.

#### ARTICLE 11 SALARIES, PERFORMANCE EVALUATIONS, & PROBATIONARY PERIOD.

11.1 Assignment to Ranges. Effective the first full pay period beginning after adoption of this MOU, all Unit employees will be placed on ranges with defined steps as shown on the attached salary schedule. The salary range for Police Lieutenant is 87. The salary table is calibrated in approximate 2.5% increments. Unit members will receive an additional one percent (1%) lump sum one-time, non-recurring payment of the annual base pay rate effective September 8, and a three percent (3%) cost of living adjustment salary increase to base at the beginning on the pay period of September 14, 2015 as shown on the salary schedule provided herewith as Attachment "A".

- (a) No Unit employee shall be granted a step increase unless and until such employee has obtained an overall meets requirements evaluation rating consistent with the applicable administrative policies of City.
- (b) A first denial of a step increase shall not be an allowable subject of the exercise of employee rights under any grievance procedure afforded by the City or this MOU.
- (c) A Unit employee denied a step increase for failing to achieve an overall meets requirements performance rating shall be entitled to be re-evaluated in six (6) months from the date of the performance evaluation which led to the denial of the step increase. If the employee's overall performance is rated meets requirements, then the employee shall be granted the appropriate step increase effective the first pay period following the six month re-evaluation period. Such step increase shall not be retroactive.

(d) If the employee's performance continues to fail to achieve an overall meets requirements performance rating after the six (6) month re-evaluation period, then the employee shall be given a final denial of a step increase for the remainder of the regular evaluation period. Denial of a step increase under this subsection may, at the employee's option, be subject to the non-binding grievance procedure provided for in this MOU.

11.2 Salary Survey. The parties deem as satisfied and completed the required salary surveys and classification study for positions covered by this MOU. The parties will use as comparison cities the following ten (10) cities: Beaumont, Blythe, Cathedral City, Colton, Desert Hot Springs, Hemet, Indio, Montclair, Palm Springs, and Rialto.

## ARTICLE 21 MEDICAL AND DENTAL INSURANCE.

21.1 Cafeteria Plan City Contributions. The City agrees to the following contribution to each Unit employee's cafeteria account: effective beginning the pay period of September 14, 2015, the City shall contribute \$1,200.00 per month and up to \$20.00 per month towards the California Law Enforcement Association disability policy. Said contribution shall first be used to provide for health insurance for the employee. Employee shall be covered by health insurance with a City approved health plan unless the employee provides proof to the City that employee is covered by another acceptable health plan as determined by the City's Human Resources Department. The balance may be used for any of the following or any combination thereof:

- (a) Health insurance for employee's spouse and/or dependents.
- (b) Dental Plan for employee, spouse and/or dependents.
- (c) Eye care plan for employee, spouse and/or dependents.
- (d) Term life insurance on employee's life.
- (e) Deferred compensation programs.
- (f) Supplemental insurance options.

## ARTICLE 23 MISCELLANEOUS BENEFITS

23.3 Utility Allowance. The City shall pay \$150 per month per Unit member household as a discount against the cost of electric and water service during the period of such residency. In no event shall the City pay more than \$150 per household.

## ARTICLE 28 INVESTIGATION DOCUMENTS AND MATERIALS.

The City shall continue to maintain investigation documents and material in accordance with the City's Records Management Program as set forth in Administrative Policy No. A-28, which was adopted by Resolution No. 2013-24.

#### ARTICLE 29 RE-OPENERS.

During the term of this MOU, unless otherwise provided, the parties shall not meet and confer with respect to any subject or matter whether or not referred to in this MOU, unless mutually agreed to otherwise.

The parties agree, however, to the following re-opener:

1. The parties agree to re-open this MOU for the limited purpose of meet and confer over changes to the performance evaluation form and the evaluation process for BPMA represented employees.

This Amendment No. 1 to the BPMA MOU 2014-2016 has been developed as a result of meet and confer sessions between authorized representatives of the City and the BPMA regarding issues related to wages, hours and other terms and conditions of employment. The City's representatives and the BPMA have reached an understanding as to certain recommendations to be made to the City Council for the City of Banning. The parties hereto acknowledge that this Amendment No. 1 to the BPMA MOU 2014-2016 shall not be in full force and effect until adoption by the Banning City Council.

In witness whereof, the parties have caused their signatures to be affixed this 8th day of September, 2015.

City of Banning

Banning Police Management Association

---

Dean Martin  
Interim City Manager

---

Phil Holder  
President

---

Rita Chapparosa,  
Deputy Human Resources Director/Employee  
Relations Officer

---

Colin J. Tanner, Esq.  
Deputy City Attorney/Chief Labor Negotiator

**City of Banning**  
**Salary Schedule**  
**2.5506% Between Steps**

Attachment "A"

<b>Grade</b>		<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>	<b>Step 8</b>	<b>Step 9</b>	<b>Step 10</b>	<b>Step 11</b>	<b>Step 12</b>	<b>Step 13</b>
01	Hourly	5.3043	5.4396	5.5784	5.7206	5.8666	6.0162	6.1696	6.3270	6.4884	6.6539	6.8236	6.9976	7.1761
	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	5.4370	5.5757	5.7179	5.8638	6.0133	6.1667	6.3240	6.4853	6.6507	6.8203	6.9943	7.1727	7.3556
	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	5.5731	5.7152	5.8610	6.0105	6.1638	6.3210	6.4822	6.6476	6.8171	6.9910	7.1693	7.3522	7.5397
	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	5.7120	5.8577	6.0071	6.1603	6.3175	6.4786	6.6438	6.8133	6.9871	7.1653	7.3480	7.5355	7.7277
	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	5.8548	6.0041	6.1573	6.3143	6.4754	6.6405	6.8099	6.9836	7.1617	7.3444	7.5317	7.7238	7.9208
	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	6.0014	6.1545	6.3115	6.4725	6.6376	6.8069	6.9805	7.1585	7.3411	7.5283	7.7204	7.9173	8.1192
	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	6.1514	6.3083	6.4692	6.6342	6.8035	6.9770	7.1549	7.3374	7.5246	7.7165	7.9133	8.1152	8.3221
	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	6.3053	6.4661	6.6310	6.8002	6.9736	7.1515	7.3339	7.5209	7.7128	7.9095	8.1112	8.3181	8.5303
	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	6.4630	6.6278	6.7969	6.9702	7.1480	7.3303	7.5173	7.7090	7.9057	8.1073	8.3141	8.5262	8.7436
	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	6.6245	6.7935	6.9668	7.1445	7.3267	7.5136	7.7052	7.9017	8.1033	8.3099	8.5219	8.7393	8.9622
	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	6.7899	6.9631	7.1407	7.3228	7.5096	7.7011	7.8976	8.0990	8.3056	8.5174	8.7347	8.9574	9.1859
	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	6.9596	7.1371	7.3192	7.5058	7.6973	7.8936	8.0950	8.3014	8.5132	8.7303	8.9530	9.1813	9.4155
	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**

Attachment "A"

<b>Grade</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>	<b>Step 8</b>	<b>Step 9</b>	<b>Step 10</b>	<b>Step 11</b>	<b>Step 12</b>	<b>Step 13</b>	
13	Hourly Biweekly Annual	7.1337 570.69 14,838.00	7.3156 585.25 15,216.46	7.5022 600.18 15,604.57	7.6935 615.48 16,002.58	7.8898 631.18 16,410.74	8.0910 647.28 16,829.31	8.2974 663.79 17,258.56	8.5090 680.72 17,698.76	8.7260 698.08 18,150.18	8.9486 715.89 18,613.12	9.1769 734.15 19,087.87	9.4109 752.87 19,574.72	9.6510 772.08 20,074.00
14	Hourly Biweekly Annual	7.3120 584.96 15,209.00	7.4985 599.88 15,596.92	7.6898 615.18 15,994.74	7.8859 630.87 16,402.70	8.0871 646.96 16,821.06	8.2933 663.47 17,250.10	8.5048 680.39 17,690.08	8.7218 697.74 18,141.29	8.9442 715.54 18,604.00	9.1724 733.79 19,078.51	9.4063 752.50 19,565.13	9.6462 771.70 20,064.16	9.8923 791.38 20,575.91
15	Hourly Biweekly Annual	7.4947 599.58 15,589.00	7.6859 614.87 15,986.61	7.8819 630.55 16,394.37	8.0829 646.64 16,812.52	8.2891 663.13 17,241.34	8.5005 680.04 17,681.10	8.7173 697.39 18,132.07	8.9397 715.18 18,594.55	9.1677 733.42 19,068.82	9.4015 752.12 19,555.19	9.6413 771.31 20,053.97	9.8872 790.98 20,565.46	10.1394 811.15 21,090.01
16	Hourly Biweekly Annual	7.6822 614.58 15,979.00	7.8782 630.25 16,386.56	8.0791 646.33 16,804.52	8.2852 662.81 17,233.13	8.4965 679.72 17,672.68	8.7132 697.06 18,123.44	8.9354 714.83 18,585.70	9.1633 733.07 19,059.74	9.3971 751.76 19,545.88	9.6367 770.94 20,044.42	9.8825 790.60 20,555.67	10.1346 810.77 21,079.96	10.3931 831.45 21,617.63
17	Hourly Biweekly Annual	7.8745 629.96 16,379.00	8.0754 646.03 16,796.76	8.2813 662.51 17,225.18	8.4926 679.40 17,664.53	8.7092 696.73 18,115.08	8.9313 714.50 18,577.12	9.1591 732.73 19,050.95	9.3927 751.42 19,536.86	9.6323 770.58 20,035.17	9.8780 790.24 20,546.19	10.1299 810.39 21,070.24	10.3883 831.06 21,607.66	10.6533 852.26 22,158.78
18	Hourly Biweekly Annual	8.0712 645.69 16,788.00	8.2770 662.16 17,216.19	8.4881 679.05 17,655.31	8.7046 696.37 18,105.63	8.9266 714.13 18,567.43	9.1543 732.35 19,041.01	9.3878 751.03 19,526.67	9.6273 770.18 20,024.72	9.8728 789.83 20,535.47	10.1246 809.97 21,059.25	10.3829 830.63 21,596.38	10.6477 851.82 22,147.22	10.9193 873.54 22,712.11
19	Hourly Biweekly Annual	8.2731 661.85 17,208.00	8.4841 678.73 17,646.91	8.7005 696.04 18,097.01	8.9224 713.79 18,558.59	9.1500 732.00 19,031.95	9.3834 750.67 19,517.38	9.6227 769.81 20,015.19	9.8681 789.45 20,525.69	10.1198 809.59 21,049.22	10.3779 830.23 21,586.10	10.6426 851.41 22,136.68	10.9141 873.13 22,701.30	11.1925 895.40 23,280.32
20	Hourly Biweekly Annual	8.4798 678.38 17,638.00	8.6961 695.69 18,087.87	8.9179 713.43 18,549.22	9.1454 731.63 19,022.34	9.3786 750.29 19,507.52	9.6178 769.43 20,005.08	9.8631 789.05 20,515.33	10.1147 809.18 21,036.60	10.3727 829.82 21,575.21	10.6373 850.98 22,125.50	10.9086 872.69 22,689.84	11.1868 894.94 23,268.56	11.4721 917.77 23,862.05
21	Hourly Biweekly Annual	8.6918 695.35 18,079.00	8.9135 713.08 18,540.12	9.1409 731.27 19,013.01	9.3740 749.92 19,497.95	9.6131 769.05 19,995.27	9.8583 788.66 20,505.27	10.1097 808.78 21,028.27	10.3676 829.41 21,564.62	10.6320 850.56 22,114.65	10.9032 872.26 22,678.71	11.1813 894.51 23,257.15	11.4665 917.32 23,850.35	11.7590 940.72 24,458.67
22	Hourly Biweekly Annual	8.9091 712.73 18,531.00	9.1364 730.91 19,003.65	9.3694 749.55 19,468.36	9.6084 768.67 19,965.43	9.8535 788.28 20,495.18	10.1048 808.38 21,017.93	10.3625 829.00 21,554.01	10.6268 850.14 22,103.77	10.8979 871.83 22,667.55	11.1758 894.07 23,245.70	11.4609 916.87 23,838.61	11.7532 940.26 24,446.64	12.0530 964.24 25,070.17
23	Hourly Biweekly Annual	9.1317 730.54 18,994.00	9.3646 749.17 19,478.46	9.6035 768.28 19,975.28	9.8484 787.88 20,484.77	10.0996 807.97 21,007.25	10.3572 828.58 21,543.06	10.6214 849.71 22,092.54	10.8923 871.39 22,656.03	11.1701 893.61 23,233.90	11.4550 916.40 23,826.50	11.7472 939.78 24,434.22	12.0468 963.75 25,057.44	12.3541 988.33 25,696.55
24	Hourly Biweekly Annual	9.3601 748.81 19,469.00	9.5988 767.91 19,965.58	9.8437 787.49 20,474.82	10.0947 807.58 20,997.05	10.3522 828.18 21,532.60	10.6163 849.30 22,081.81	10.8870 870.96 22,645.03	11.1647 893.18 23,222.61	11.4495 915.96 23,814.93	11.7415 939.32 24,422.35	12.0410 963.28 25,045.27	12.3481 987.85 25,684.07	12.6631 1,013.05 26,339.17

**City of Banning**  
**Salary Schedule**  
**2.5506% Between Steps**

Attachment "A"

<b>Grade</b>		<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>	<b>Step 8</b>	<b>Step 9</b>	<b>Step 10</b>	<b>Step 11</b>	<b>Step 12</b>	<b>Step 13</b>
25	Hourly	9.5942	9.8389	10.0899	10.3472	10.6112	10.8818	11.1594	11.4440	11.7359	12.0352	12.3422	12.6570	12.9798
	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	9.8341	10.0850	10.3422	10.6060	10.8765	11.1539	11.4384	11.7302	12.0293	12.3362	12.6508	12.9735	13.3044
	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	10.0798	10.3369	10.6006	10.8709	11.1482	11.4326	11.7242	12.0232	12.3299	12.6443	12.9668	13.2976	13.6367
	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	10.3317	10.5953	10.8655	11.1426	11.4268	11.7183	12.0172	12.3237	12.6380	12.9604	13.2909	13.6299	13.9776
	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	10.5899	10.8600	11.1370	11.4211	11.7124	12.0111	12.3175	12.6316	12.9538	13.2842	13.6230	13.9705	14.3268
	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	22,688.82	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	10.8548	11.1317	11.4156	11.7068	12.0054	12.3116	12.6256	12.9476	13.2779	13.6165	13.9638	14.3200	14.6852
	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	11.1264	11.4102	11.7013	11.9997	12.3058	12.6197	12.9415	13.2716	13.6101	13.9573	14.3133	14.6783	15.0527
	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	11.4043	11.6952	11.9935	12.2994	12.6131	12.9348	13.2647	13.6031	13.9500	14.3058	14.6707	15.0449	15.4287
	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	11.6894	11.9876	12.2933	12.6069	12.9284	13.2582	13.5963	13.9431	14.2988	14.6635	15.0375	15.4210	15.8144
	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	11.9817	12.2873	12.6007	12.9221	13.2517	13.5897	13.9363	14.2918	14.6563	15.0302	15.4135	15.8066	16.2098
	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	12.2813	12.5945	12.9157	13.2452	13.5830	13.9294	14.2847	14.6491	15.0227	15.4059	15.7988	16.2018	16.6150
	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	12.5685	12.9095	13.2388	13.5765	13.9228	14.2779	14.6421	15.0155	15.3985	15.7912	16.1940	16.6071	17.0306
	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**

Attachment "A"

<b>Grade</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>	<b>Step 8</b>	<b>Step 9</b>	<b>Step 10</b>	<b>Step 11</b>	<b>Step 12</b>	<b>Step 13</b>	
37	Hourly Biweekly Annual	12.9029 1,032.23 26,838.00	13.2320 1,058.56 27,522.53	13.5695 1,085.56 28,224.52	13.9156 1,113.25 28,944.41	14.2705 1,141.64 29,682.67	14.6345 1,170.76 30,439.76	15.0078 1,200.62 31,216.15	15.3906 1,231.24 32,012.35	15.7831 1,262.65 32,828.86	16.1857 1,294.85 33,666.19	16.5985 1,327.88 34,524.88	17.0219 1,361.75 35,405.47	17.4560 1,396.48 36,308.53
38	Hourly Biweekly Annual	13.2255 1,058.04 27,509.00	13.5628 1,085.02 28,210.64	13.9087 1,112.70 28,930.19	14.2635 1,141.08 29,668.08	14.6273 1,170.18 30,424.79	15.0004 1,200.03 31,200.81	15.3830 1,230.64 31,996.62	15.7753 1,262.03 32,812.72	16.1777 1,294.22 33,649.64	16.5903 1,327.23 34,507.91	17.0135 1,361.08 35,388.07	17.4474 1,395.80 36,290.68	17.8925 1,431.40 37,216.31
39	Hourly Biweekly Annual	13.5563 1,084.50 28,197.00	13.9020 1,112.16 28,916.19	14.2566 1,140.53 29,653.73	14.6202 1,169.62 30,410.08	14.9931 1,199.45 31,185.72	15.3755 1,230.04 31,981.14	15.7677 1,261.42 32,798.85	16.1699 1,293.59 33,633.37	16.5823 1,326.59 34,491.22	17.0053 1,360.42 35,370.96	17.4390 1,395.12 36,273.12	17.8838 1,430.70 37,198.31	18.3399 1,467.20 38,147.09
40	Hourly Biweekly Annual	13.8952 1,111.62 28,902.00	14.2496 1,139.97 29,639.17	14.6131 1,168.04 30,395.15	14.9858 1,198.86 31,170.41	15.3680 1,229.44 31,965.44	15.7600 1,260.80 32,780.75	16.1620 1,292.96 33,616.86	16.5742 1,325.93 34,474.29	16.9969 1,359.75 35,353.59	17.4304 1,394.44 36,255.32	17.8750 1,430.00 37,180.05	18.3309 1,466.48 38,128.36	18.7985 1,503.88 39,100.86
41	Hourly Biweekly Annual	14.2423 1,139.38 29,624.00	14.6056 1,168.45 30,379.59	14.9781 1,198.25 31,154.45	15.3601 1,228.81 31,949.08	15.7519 1,260.15 32,763.97	16.1537 1,292.29 33,599.65	16.5657 1,325.26 34,456.64	16.9882 1,359.06 35,335.49	17.4215 1,393.72 36,236.76	17.8659 1,429.27 37,161.01	18.3216 1,465.72 38,108.84	18.7889 1,503.11 39,080.85	19.2681 1,541.45 40,077.64
42	Hourly Biweekly Annual	14.5986 1,167.88 30,365.00	14.9709 1,197.67 31,139.49	15.3528 1,228.22 31,933.73	15.7443 1,259.55 32,748.24	16.1459 1,291.67 33,583.51	16.5577 1,324.62 34,440.09	16.9801 1,358.40 35,318.52	17.4132 1,393.05 36,219.36	17.8573 1,428.58 37,143.17	18.3128 1,465.02 38,090.54	18.7798 1,502.39 39,062.08	19.2588 1,540.71 40,058.40	19.7501 1,580.00 41,080.12
43	Hourly Biweekly Annual	14.9635 1,197.08 31,124.00	15.3451 1,227.61 31,917.85	15.7365 1,258.92 32,731.95	16.1379 1,291.03 33,566.81	16.5495 1,323.96 34,422.96	16.9716 1,357.73 35,300.95	17.4045 1,392.36 36,201.34	17.8484 1,427.87 37,124.69	18.3037 1,464.29 38,071.59	18.7705 1,501.64 39,042.65	19.2493 1,539.94 40,038.47	19.7402 1,579.22 41,059.69	20.2437 1,619.50 42,106.96
44	Hourly Biweekly Annual	15.3375 1,227.00 31,902.00	15.7287 1,258.30 32,715.69	16.1299 1,290.39 33,550.14	16.5413 1,323.30 34,405.87	16.9632 1,357.05 35,283.42	17.3958 1,391.67 36,183.36	17.8395 1,427.16 37,106.26	18.2946 1,463.56 38,052.69	18.7612 1,500.89 39,023.26	19.2397 1,539.18 40,018.59	19.7304 1,578.43 41,039.30	20.2337 1,618.69 42,086.05	20.7498 1,659.98 43,159.50
45	Hourly Biweekly Annual	15.7212 1,257.69 32,700.00	16.1221 1,289.77 33,534.05	16.5333 1,322.67 34,389.37	16.9550 1,356.40 35,266.50	17.3875 1,391.00 36,166.01	17.8310 1,426.48 37,088.46	18.2858 1,462.86 38,034.44	18.7522 1,500.17 39,004.54	19.2305 1,538.44 39,999.39	19.7210 1,577.68 41,019.62	20.2240 1,617.92 42,065.86	20.7398 1,659.18 43,138.80	21.2688 1,701.50 44,239.09
46	Hourly Biweekly Annual	16.1139 1,289.12 33,517.00	16.5249 1,322.00 34,371.88	16.9464 1,355.71 35,248.57	17.3787 1,390.29 36,147.62	17.8219 1,425.75 37,069.61	18.2765 1,462.12 38,015.10	18.7427 1,499.41 38,984.72	19.2207 1,537.66 39,979.06	19.7109 1,576.88 40,998.77	20.2137 1,617.10 42,044.48	20.7293 1,658.34 43,116.87	21.2580 1,700.64 44,216.61	21.8002 1,744.02 45,344.39
47	Hourly Biweekly Annual	16.5168 1,321.35 34,355.00	16.9381 1,355.05 35,231.26	17.3701 1,389.61 36,129.87	17.8132 1,425.05 37,051.40	18.2675 1,461.40 37,995.43	18.7334 1,498.68 38,965.57	19.2113 1,536.90 39,959.42	19.7013 1,576.10 40,976.63	20.2038 1,616.30 42,023.83	20.7191 1,657.53 43,095.69	21.2475 1,699.80 44,194.89	21.7895 1,743.16 45,322.12	22.3452 1,787.62 46,478.11
48	Hourly Biweekly Annual	16.9298 1,354.38 35,214.00	17.3616 1,388.93 36,112.17	17.8044 1,424.36 37,033.25	18.2586 1,460.69 37,977.82	18.7243 1,497.94 38,946.48	19.2018 1,536.15 39,939.85	19.6916 1,575.33 40,958.55	20.1939 1,615.51 42,003.24	20.7089 1,656.71 43,074.58	21.2371 1,698.97 44,173.24	21.7788 1,742.30 45,173.24	22.3343 1,786.74 45,299.92	22.9040 1,832.32 46,455.34

**City of Banning**  
**Salary Schedule**  
**2.5506% Between Steps**

Attachment "A"

<b>Grade</b>		<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>	<b>Step 8</b>	<b>Step 9</b>	<b>Step 10</b>	<b>Step 11</b>	<b>Step 12</b>	<b>Step 13</b>
49	Hourly	17,3534	17,7960	18,2499	18,7154	19,1927	19,6822	20,1843	20,6991	21,2270	21,7685	22,3237	22,8931	23,4770
	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	37,015.64	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	17,7870	18,2407	18,7059	19,1831	19,6723	20,1741	20,6887	21,2163	21,7575	22,3124	22,8815	23,4652	24,0637
	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	18,2317	18,6967	19,1736	19,6627	20,1642	20,6785	21,2059	21,7468	22,3015	22,8703	23,4536	24,0518	24,6653
	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	18,6875	19,1641	19,6529	20,1542	20,6683	21,1954	21,7360	22,2904	22,8590	23,4420	24,0399	24,6531	25,2819
	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	19,1548	19,6434	20,1444	20,6582	21,1851	21,7255	22,2796	22,8478	23,4308	24,0282	24,6411	25,2696	25,9141
	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	19,6337	20,1344	20,6480	21,1746	21,7147	22,2686	22,8365	23,4190	24,0163	24,6289	25,2571	25,9013	26,5619
	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	20,1245	20,6378	21,1642	21,7040	22,2576	22,8253	23,4075	24,0045	24,6168	25,2447	25,8885	26,5489	27,2260
	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	20,6274	21,1535	21,6931	22,2464	22,8138	23,3957	23,9924	24,6044	25,2319	25,8755	26,5355	27,2123	27,9064
	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	21,1433	21,6825	22,2356	22,8027	23,3843	23,9808	24,5924	25,2197	25,8629	26,5226	27,1991	27,8928	28,6043
	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	21,6716	22,2244	22,7912	23,3726	23,9687	24,5800	25,2070	25,8499	26,5092	27,1854	27,8788	28,5899	29,3191
	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	22,2135	22,7800	23,3611	23,9569	24,5680	25,1946	25,8372	26,4962	27,1720	27,8651	28,5758	29,3046	30,0521
	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	22,7688	23,3495	23,9450	24,5558	25,1821	25,8244	26,4831	27,1586	27,8513	28,5616	29,2901	30,0372	30,8033
	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**

Attachment "A"

<b>Grade</b>		<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>	<b>Step 8</b>	<b>Step 9</b>	<b>Step 10</b>	<b>Step 11</b>	<b>Step 12</b>	<b>Step 13</b>
61	Hourly	23.3380	23.9332	24.5437	25.1697	25.8117	26.4700	27.1452	27.8375	28.5476	29.2757	30.0224	30.7881	31.5734
	Biweekly	1,867.04	1,914.66	1,963.49	2,013.58	2,064.93	2,117.60	2,171.61	2,227.00	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	23.9216	24.5318	25.1575	25.7992	26.4572	27.1320	27.8240	28.5337	29.2615	30.0078	30.7732	31.5581	32.3630
	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	24.5197	25.1451	25.7865	26.4442	27.1187	27.8103	28.5197	29.2471	29.9931	30.7581	31.5426	32.3471	33.1722
	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	25.1327	25.7737	26.4311	27.1053	27.7966	28.5056	29.2327	29.9783	30.7429	31.5270	32.3311	33.1558	34.0015
	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	25.7611	26.4181	27.0919	27.7829	28.4916	29.2183	29.9635	30.7278	31.5115	32.3153	33.1395	33.9847	34.8516
	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	26.4048	27.0783	27.7669	28.4772	29.2036	29.9484	30.7123	31.4956	32.2990	33.1228	33.9676	34.8340	35.7225
	Biweekly	2,112.36	2,166.26	2,221.52	2,278.18	2,336.28	2,395.87	2,456.96	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	27.0649	27.7552	28.4631	29.1891	29.9336	30.6971	31.4801	32.2830	33.1064	33.9508	34.8168	35.7048	36.6155
	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	27.7413	28.4469	29.1745	29.9187	30.6818	31.4643	32.2669	33.0899	33.9339	34.7994	35.6870	36.5972	37.5306
	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	28.4351	29.1604	29.9041	30.6669	31.4490	32.2512	33.0738	33.9174	34.7825	35.6696	36.5794	37.5124	38.4692
	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	29.1462	29.8896	30.6519	31.4337	32.2355	33.0577	33.9008	34.7655	35.6522	36.5616	37.4941	38.4505	39.4312
	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	29.8745	30.6365	31.4179	32.2193	33.0410	33.8838	34.7480	35.6343	36.5432	37.4753	38.4311	39.4113	40.4166
	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	30.6216	31.4027	32.2036	33.0250	33.8673	34.7312	35.6170	36.5255	37.4571	38.4125	39.3922	40.3970	41.4273
	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**

Attachment "A"

<b>Grade</b>		<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>	<b>Step 8</b>	<b>Step 9</b>	<b>Step 10</b>	<b>Step 11</b>	<b>Step 12</b>	<b>Step 13</b>
73	Hourly	31.3870	32.1876	33.0086	33.8505	34.7139	35.5993	36.5073	37.4384	38.3933	39.3726	40.3768	41.4067	42.4628
	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	32.1716	32.9922	33.8337	34.6967	35.5816	36.4892	37.4199	38.3743	39.3531	40.3568	41.3862	42.4418	43.5243
	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	32.9760	33.8170	34.6796	35.5641	36.4712	37.4015	38.3554	39.3337	40.3370	41.3658	42.4209	43.5029	44.6124
	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	33.8005	34.6626	35.5467	36.4534	37.3831	38.3366	39.3144	40.3172	41.3455	42.4001	43.4815	44.5906	45.7279
	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	34.6457	35.5293	36.4356	37.3649	38.3179	39.2952	40.2975	41.3253	42.3794	43.4603	44.5688	45.7056	46.8714
	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	35.5115	36.4173	37.3462	38.2987	39.2756	40.2773	41.3046	42.3581	43.4385	44.5465	45.6827	46.8479	48.0428
	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	36.3995	37.3279	38.2800	39.2564	40.2577	41.2845	42.3375	43.4173	44.5247	45.6604	46.8250	48.0193	49.2441
	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	37.3091	38.2607	39.2366	40.2374	41.2637	42.3162	43.3955	44.5023	45.6374	46.8014	47.9951	49.2193	50.4747
	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	38.2423	39.2177	40.2180	41.2438	42.2958	43.3746	44.4809	45.6154	46.7789	47.9720	49.1956	50.4504	51.7372
	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	39.1981	40.1979	41.2231	42.2746	43.3528	44.4586	45.5926	46.7554	47.9480	49.1710	50.4251	51.7112	53.0302
	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	40.1779	41.2027	42.2536	43.3313	44.4365	45.5699	46.7322	47.9242	49.1465	50.4000	51.6855	53.0038	54.3558
	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	99,662.25	102,224.75	104,832.09	107,505.94	110,247.99	113,059.97
84	Hourly	41.1827	42.2331	43.3103	44.4150	45.5478	46.7096	47.9009	49.1227	50.3756	51.6605	52.9782	54.3294	55.7151
	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**

Attachment "A"

<b>Grade</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>	<b>Step 8</b>	<b>Step 9</b>	<b>Step 10</b>	<b>Step 11</b>	<b>Step 12</b>	<b>Step 13</b>	
85	Hourly Biweekly Annual	42,2120 3,376.96 87,801.00	43,2887 3,463.09 90,040.45	44,3928 3,551.42 92,337.02	45,5251 3,642.01 94,692.17	46,6862 3,734.90 97,107.39	47,8770 3,830.16 99,584.21	49,0982 3,927.85 102,124.21	50,3505 4,028.04 104,728.99	51,6347 4,130.78 107,400.20	52,9517 4,236.14 110,139.55	54,3023 4,344.18 112,948.77	55,6873 4,454.99 115,829.64	57,1077 4,568.62 118,784.00
86	Hourly Biweekly Annual	43,2673 3,461.38 89,996.00	44,3709 3,549.67 92,291.44	45,5026 3,640.21 94,645.42	46,6632 3,733.06 97,059.45	47,8534 3,828.27 99,535.05	49,0739 3,925.91 102,073.79	50,3256 4,026.05 104,677.28	51,6092 4,128.74 107,347.18	52,9256 4,234.05 110,085.18	54,2755 4,342.04 112,893.01	55,6598 4,452.79 115,772.46	57,0795 4,566.36 118,725.35	58,5354 4,682.83 121,753.56
87	Hourly Biweekly Annual	44,3490 3,547.92 92,246.00	45,4802 3,638.42 94,598.83	46,6402 3,731.22 97,011.66	47,8298 3,826.39 99,486.04	49,0498 3,923.98 102,023.53	50,3008 4,024.07 104,625.75	51,5838 4,126.71 107,294.33	52,8995 4,231.96 110,030.98	54,2488 4,339.90 112,837.43	55,6324 4,450.59 115,715.46	57,0514 4,564.11 118,666.90	58,5065 4,680.52 121,693.62	59,9988 4,799.91 124,797.54
88	Hourly Biweekly Annual	45,4577 3,636.62 94,552.00	46,6171 3,729.37 96,963.64	47,8062 3,824.49 99,436.80	49,0255 3,922.04 101,973.03	50,2759 4,022.08 104,573.96	51,5583 4,124.66 107,241.22	52,8733 4,229.87 109,976.52	54,2219 4,337.75 112,781.58	55,6049 4,448.39 115,658.18	57,0232 4,561.85 118,608.16	58,4776 4,678.21 121,633.38	59,9691 4,797.53 124,735.76	61,4987 4,919.90 127,917.27
89	Hourly Biweekly Annual	46,5942 3,727.54 96,916.00	47,7827 3,822.61 99,387.94	49,0014 3,920.11 101,922.93	50,2512 4,020.10 104,522.57	51,5329 4,122.64 107,188.53	52,8473 4,227.79 109,922.48	54,1953 4,335.62 112,726.16	55,5776 4,446.21 115,601.35	56,9951 4,559.61 118,549.88	58,4489 4,675.91 121,573.62	59,9397 4,795.17 124,674.47	61,4685 4,917.48 127,854.42	63,0363 5,042.90 131,115.47
90	Hourly Biweekly Annual	47,7591 3,820.73 99,339.00	48,9773 3,918.18 101,872.74	50,2265 4,018.12 104,471.11	51,5076 4,120.61 107,135.75	52,8213 4,225.71 109,868.35	54,1686 4,333.49 112,670.65	55,5502 4,444.02 115,544.43	56,9671 4,557.37 118,491.51	58,4201 4,673.61 121,513.75	59,9101 4,792.81 124,613.08	61,4382 4,915.06 127,791.46	63,0052 5,040.42 131,050.91	64,6123 5,168.98 134,393.50
91	Hourly Biweekly Annual	48,9529 3,916.23 101,822.00	50,2015 4,016.12 104,419.07	51,4819 4,118.55 107,082.38	52,7950 4,223.80 109,813.63	54,1416 4,331.33 112,614.53	55,5225 4,441.80 115,486.88	56,9387 4,555.10 118,432.49	58,3910 4,671.28 121,453.23	59,8803 4,790.42 124,551.01	61,4076 4,912.61 127,727.81	62,9739 5,037.91 130,985.64	64,5801 5,166.41 134,326.56	66,2273 5,298.18 137,752.69
92	Hourly Biweekly Annual	50,1769 4,014.15 104,368.00	51,4567 4,116.54 107,030.01	52,7692 4,221.54 109,759.92	54,1151 4,329.21 112,559.45	55,4954 4,439.63 115,430.40	56,9108 4,552.87 118,374.56	58,3624 4,668.99 121,393.82	59,8610 4,788.08 124,490.10	61,3776 4,907.77 127,665.34	62,9431 5,032.95 130,921.57	64,5485 5,161.32 134,260.86	66,1949 5,292.97 137,685.32	67,8832 5,427.97 141,197.12
93	Hourly Biweekly Annual	51,4313 4,114.50 106,977.00	52,7431 4,219.44 109,705.56	54,0883 4,327.07 112,503.71	55,4679 4,437.43 115,373.22	56,8827 4,550.61 118,315.93	58,3335 4,668.68 121,333.70	59,8214 4,785.71 124,428.44	61,3472 4,907.77 127,602.11	62,9119 5,032.95 130,856.73	64,5165 5,161.32 134,194.36	66,1621 5,292.97 137,617.12	67,8496 5,427.97 141,127.18	69,5802 5,566.41 144,726.77
94	Hourly Biweekly Annual	52,7173 4,217.38 109,652.00	54,0619 4,324.95 112,448.78	55,4408 4,435.27 115,316.90	56,8549 4,548.39 118,258.18	58,3050 4,664.40 121,274.47	59,7922 4,783.37 124,367.70	61,3172 4,905.38 127,539.82	62,8812 5,030.49 130,792.85	64,4850 5,158.80 134,128.85	66,1298 5,290.38 137,549.94	67,8165 5,425.32 141,058.29	69,5462 5,563.70 144,656.12	71,3201 5,705.60 148,345.72
95	Hourly Biweekly Annual	54,0351 4,322.81 112,393.00	55,4133 4,433.07 115,259.70	56,8267 4,546.13 118,199.51	58,2761 4,662.09 121,214.31	59,7625 4,781.00 124,306.00	61,2868 4,902.94 127,476.55	62,8500 5,028.00 130,727.96	64,4530 5,156.24 134,062.31	66,0970 5,287.76 137,481.70	67,7828 5,422.63 140,988.31	69,5117 5,560.94 144,584.36	71,2847 5,702.77 148,272.13	73,1029 5,848.23 152,053.96
96	Hourly Biweekly Annual	55,3861 4,430.88 115,203.00	56,7987 4,543.90 118,141.37	58,2474 4,659.80 121,154.68	59,7331 4,778.65 124,244.85	61,2567 4,900.53 127,413.84	62,8191 5,025.53 130,663.66	64,4213 5,153.71 133,996.37	66,0645 5,285.16 137,414.08	67,7495 5,419.96 140,918.96	69,4775 5,558.20 144,513.24	71,2496 5,699.97 148,199.20	73,0669 5,845.35 151,979.16	74,9306 5,994.44 155,855.54

**City of Banning**  
**Salary Schedule**  
**2.5506% Between Steps**

Attachment "A"

<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 Biweekly Annual	56.7707 4,541.65 118,063.00	58.2187 4,657.49 121,094.82	59.7036 4,776.29 124,183.47	61.2264 4,898.11 127,350.89	62.7880 5,023.04 130,599.11	64.3895 5,151.16 133,930.17	66.0318 5,282.55 137,346.19	67.7160 5,417.28 140,849.34	69.4432 5,555.46 144,441.84	71.2144 5,697.15 148,125.98	73.0308 5,842.46 151,904.08	74.8935 5,991.48 155,778.54	76.8038 6,144.30 159,751.83
98	Hourly Biweekly Annual	58.1899 4,655.19 121,035.00	59.6741 4,773.93 124,122.12	61.1961 4,895.69 127,287.98	62.7570 5,020.56 130,534.58	64.3577 5,148.62 133,864.00	65.9992 5,279.94 137,278.33	67.6826 5,414.61 140,779.76	69.4089 5,552.71 144,370.48	71.1792 5,694.34 148,052.80	72.9947 5,839.58 151,829.03	74.8565 5,988.52 155,701.58	76.7658 6,141.27 159,672.91	78.7238 6,297.90 163,745.53
99	Hourly Biweekly Annual	59.6447 4,771.58 124,061.00	61.1660 4,893.28 127,225.30	62.7261 5,018.09 130,470.31	64.3260 5,146.06 133,798.08	65.9667 5,277.34 137,210.74	67.6492 5,411.94 140,710.44	69.3747 5,549.98 144,299.40	71.1442 5,691.53 147,979.90	72.9588 5,836.70 151,754.27	74.8197 5,985.57 155,624.92	76.7280 6,138.24 159,594.28	78.6850 6,294.80 163,664.90	80.6920 6,455.36 167,839.33
100	Hourly Biweekly Annual	61.1356 4,890.85 127,162.00	62.6949 5,015.59 130,405.39	64.2940 5,143.52 133,731.51	65.9339 5,274.71 137,142.47	67.6156 5,409.25 140,640.43	69.3402 5,547.22 144,227.60	71.1088 5,688.70 147,906.27	72.9225 5,833.80 151,678.77	74.7824 5,982.60 155,547.49	76.6898 6,135.19 159,514.68	78.6459 6,291.67 163,583.47	80.6518 6,452.15 167,755.63	82.7089 6,616.72 172,034.61
101	Hourly Biweekly Annual	62.6639 5,013.12 130,341.00	64.2622 5,140.98 133,665.48	65.9013 5,272.11 137,074.75	67.5822 5,406.58 140,570.98	69.3060 5,544.48 144,156.38	71.0737 5,685.89 147,833.23	72.8865 5,830.92 151,603.87	74.7455 5,979.64 155,470.68	76.6520 6,132.16 159,436.11	78.6071 6,288.56 163,502.69	80.6120 6,448.96 167,672.99	82.6681 6,613.45 171,949.66	84.7766 6,782.13 176,335.40
102	Hourly Biweekly Annual	64.2308 5,138.46 133,600.00	65.8690 5,269.52 137,007.60	67.5491 5,403.93 140,502.12	69.2720 5,541.76 144,085.76	71.0389 5,683.11 147,760.82	72.8508 5,828.06 151,529.60	74.7089 5,976.71 155,394.52	76.6144 6,129.15 159,358.01	78.5686 6,285.48 163,422.60	80.5725 6,445.80 167,590.85	82.6276 6,610.21 171,865.42	84.7351 6,778.81 176,249.02	86.8984 6,951.71 180,744.43
103	Hourly Biweekly Annual	65.8365 5,266.92 136,940.00	67.5158 5,401.26 140,432.79	69.2378 5,539.03 144,014.67	71.0038 5,680.30 147,667.91	72.8148 5,825.19 151,454.84	74.6720 5,973.76 155,317.84	76.5766 6,126.13 159,279.38	78.5298 6,282.38 163,341.96	80.5328 6,442.62 167,508.16	82.5868 6,606.95 171,780.62	84.6933 6,775.46 176,162.06	86.8535 6,948.28 180,655.25	89.0688 7,125.50 185,263.04
104	Hourly Biweekly Annual	67.4822 5,398.58 140,363.00	69.2034 5,536.27 143,943.10	70.9685 5,677.48 147,614.51	72.7786 5,822.29 151,379.57	74.6349 5,970.79 155,240.65	76.5386 6,123.09 159,200.22	78.4908 6,279.26 163,260.78	80.4927 6,439.42 167,424.91	82.5458 6,603.66 171,695.25	84.6512 6,772.10 176,074.51	86.8103 6,944.83 180,565.47	89.0245 7,121.96 185,170.97	91.2952 7,303.61 189,893.94
105	Hourly Biweekly Annual	69.1692 5,533.54 143,872.00	70.9335 5,674.68 147,541.60	72.7427 5,819.42 151,304.80	74.5981 5,967.85 155,163.98	76.5008 6,120.06 159,121.59	78.4520 6,278.16 163,180.14	80.4530 6,436.24 167,342.22	82.5050 6,600.40 171,610.45	84.6094 6,768.75 175,987.54	86.7674 6,941.40 180,476.28	88.9805 7,118.44 185,079.51	91.2501 7,300.01 189,800.15	93.5775 7,486.20 194,641.19
106	Hourly Biweekly Annual	70.8986 5,671.88 147,469.00	72.7069 5,816.55 151,230.34	74.5614 5,964.91 155,087.63	76.4631 6,117.05 159,043.29	78.4134 6,273.07 163,099.85	80.4134 6,433.07 167,259.87	82.4644 6,597.15 171,526.00	84.5678 6,765.42 175,900.95	86.7247 6,937.98 180,387.48	88.9367 7,114.94 184,988.44	91.2052 7,296.41 189,706.75	93.5314 7,482.52 194,545.41	95.9171 7,673.36 199,507.49
107	Hourly Biweekly Annual	72.6712 5,813.89 151,156.00	74.5247 5,961.98 155,011.38	76.4255 6,114.04 158,965.11	78.3746 6,269.99 163,019.67	80.3739 6,429.91 167,177.65	82.4239 6,593.91 171,441.68	84.5262 6,762.10 175,814.47	86.6821 6,934.57 180,298.80	88.8930 7,111.44 184,897.50	91.1603 7,292.83 189,613.49	93.4655 7,478.84 194,449.78	95.8699 7,669.59 199,409.41	98.3152 7,865.21 204,495.55
108	Hourly Biweekly Annual	74.4880 5,959.04 154,935.00	76.3879 6,111.03 158,886.77	78.3362 6,266.90 162,939.34	80.3343 6,426.74 167,095.27	82.3833 6,590.66 171,357.20	84.4845 6,758.76 175,727.84	86.6394 6,931.15 180,209.95	88.8492 7,107.94 184,806.39	91.1154 7,289.23 189,520.06	93.4394 7,475.15 194,353.96	95.8227 7,665.81 199,311.15	98.2667 7,861.34 204,394.78	100.7731 8,061.85 209,608.07

**City of Banning**  
**Salary Schedule**  
**2.5506% Between Steps**

Attachment "A"

<b>Grade</b>		<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>	<b>Step 8</b>	<b>Step 9</b>	<b>Step 10</b>	<b>Step 11</b>	<b>Step 12</b>	<b>Step 13</b>
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	6,755.41	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	189,428.10	194,257.60	199,212.34	204,293.45	209,504.15	214,847.77
110	Hourly	78,2587	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	8,869.99	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	8,865.61	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

## CITY COUNCIL AGENDA

**DATE:** September 22, 2015

**TO:** Successor Agency

**FROM:** Dean Martin, Interim City Manager

**SUBJECT:** Rotation of Senior Underwriter to Raymond James & Associates, Inc

**RECOMMENDATION:** Appoint Raymond James & Associates, Inc as Senior Underwriter for the refunding of the City's 2003 and 2007 Tax Allocation Bonds.

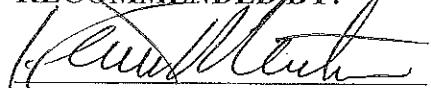
**JUSTIFICATION:** The City of Banning had previously approved a team of firms to serve as underwriters for the City and the Successor Agency. At the time of approval, the intent was to periodically rotate among the pre-approved underwriters for debt issuances as they arose. Raymond James is being recommended for the role of senior underwriter, replacing Stifel. Williams Capital is to remain as the co-senior manager as an advantageous match to Raymond James due to its niche market.

**BACKGROUND:** Staff has been working closely with the bond counsel and the financial advisor in reviewing the tax allocation bonds. In anticipation of a potential refunding of those bonds, staff is moving forward with the drafting of documents including the Indenture and the Preliminary Official Statement (POS). The input of the underwriter is essential for bonding documentation, especially the Indenture and the POS. Stifel, Raymond James and Williams Capital Group have previously been approved as underwriters for the City's debt issuances (See attached staff report from May 28, 2015). It was staff's intent at the time of that approval that there would be a rotation among the underwriters. Staff recommends rotating Raymond James into the role of senior underwriter, replacing Stifel. This is not a reflection on Stifel or its performance, since they achieved outstanding results for the City for the recent refunding of the Water System and Electric System bonds. It is merely a rotation to allow opportunity for another approved firm to execute a transaction on behalf of the City, particularly in the interest of preserving financial independence. Raymond James is an excellent firm and well capitalized, with a strong and successful track record. Williams Capital Group has a niche retail investor base that makes the pairing of them with Raymond James advantageous to the marketing of the bonds.

As with the refunding of the water and electric bonds, there will be no out-of-pocket cost to the City to compensate the underwriting team. The underwriter's takedown, or compensation, will be taken directly from the bond issue.

**FISCAL DATA:** No fiscal impact. Underwriter compensation will come from the bond proceeds.

RECOMMENDED BY:



Dean Martin

Interim City Manager

## CITY COUNCIL AGENDA

**Date:** September 22, 2015

**To:** Honorable Mayor and City Council

**From:** Fred Mason, Electric Utility Director

**Subject:** Resolution No. 2015-90, Approving the Reinstatement of the Business Retention Electric Rate Schedule and the Economic Development Rate Agreement for Business Retention of Electric Service Customer

**RECOMMENDATION:** Adopt Resolution No. 2015-90, approving the reinstatement of the Business Retention Electric Rate Schedule and the Economic Development Rate Agreement for Business Retention of Electric Service Customer, attached herewith as Exhibit "A" and "B" respectively.

**JUSTIFICATION:** The City Council approved the Business Retention Electric Rate Schedule ("BR Rate") and the Economic Development Rate Agreement for Business Retention of Electric Service Customer on November 9, 2010 in Resolution No. 2010-81, attached herewith as Exhibit "C". The BR Rate expired on December 31, 2013. Although to date no business customer has taken advantage of the BR Rate, staff wishes to keep the BR Rate current to use as a tool to retain larger commercial and industrial customers within the City of Banning. Given the economic environment of the City, it is in the best interests of the Electric Utility and of the City in general to have incentives in place that can be used to retain its larger business customers who may be considering relocating to another area.

**BACKGROUND:** On November 9, 2010 the City Council approved the BR Rate with the goal of supporting existing businesses that generate jobs and revenue. The BR Rate is a tool which will enable the City to retain larger commercial and industrial customers that may be actively looking to relocate outside of Banning's service territory. The rate would only apply to electric utility customers with a minimum Demand of 100 kW. Additional eligibility requirements are outlined below, and will ensure that the proposed rate is not potentially misused.

Banning Electric Utility ("Utility") delivers electricity to customers through distribution and transmission facilities. These facilities represent capital investment whose dollars are spread amongst all customers and recovered over a long-term period. Energy is produced and/or obtained from generation facilities through long-term contracts to meet base load needs, with summer peaking needs obtained through short-term contracts or on the open market. The Utility has a number of fixed costs which must be paid regardless of customer demand or load. Retaining revenue generated by larger commercial and industrial customers will preserve the costs to existing customers, as the fixed costs will be continued to be allocated over a larger

customer base. Cost recovery for these fixed costs is spread over several decades, so it would be possible to reduce these charges for larger commercial and industrial customers for a limited timeframe. This benefit could be made available to existing customers with significant electric demand that are actively looking at relocating outside the Utility's service territory. Over a longer period, a substantial decrease in customer load would potentially increase the overall distribution and transmission costs for all customers. Therefore, it would be reasonable to defer charging full costs for fixed distribution and transmission service to existing large customer load for a two year period, if it were determined that the customer would then commit to staying in Banning's service territory.

The BR Rate requires that the customer execute the standard Banning Economic Development Rate Agreement for Business Retention of Electric Service Customers, attached herewith as Exhibit "B". This includes providing documentation verifying the customer's relocation activities. The Agreement is a two-year contract that provides a rate reduction, while still recovering all variable costs to serve the customer's load during the two year term. The customer would return to full tariff rates in year three. If the customer terminates their service at any time during the two-year agreement, they must pay the City the total amount of the discounted portion of the rate.

In addition to maintaining economic stability for the Utility, the BR Rate also would help maintain local jobs and the City's tax base. Many major utilities in California (both municipal and investor-owned) have some form of a business retention rate. Some of the challenges considered when proposing such a rate are:

1. Ensuring that the rate and term provide a balance between cost recovery and long-term revenue stability for the electric utility;
2. Offering meaningful savings to customers that will influence decisions to relocate out of Banning's service territory; and
3. Ensuring that the business retention rate has no negative impact on other customers.

The BR Rate is targeted towards larger commercial and industrial customers (minimum 100 kW demand) as their large electric loads assist in reducing overhead costs to all utility customers. Smaller customers are already included in the City's power planning process, and do not produce load or revenues that provide meaningful benefits to other utility customers.

Typical customers at the 100 kW size could be a Walgreens or Rite-Aid, a medium to large manufacturing facility, a refrigerated distribution warehouse, or a single business occupying a large office building.

The BR Rate would provide a 20 percent rate reduction off the applicable Energy and Demand Charges for Schedule C and Schedule TOU rates for the first year and a 10 percent reduction off the second year of the two-year term of the Banning Economic Development Rate Agreement for Business Retention of Electric Service Customer. All other charges and conditions applicable to Schedule C and Schedule TOU customers would apply as shown in the corresponding rate schedules.

Staff recommends City Council approval of the reinstatement of the Business Retention Electric Rate Schedule and the Banning Economic Development Rate Agreement for Business Retention of Electric Service Customer, attached herewith as Exhibit "A" and "B" respectively, as a way to maintain the economic stability within the City of Banning. If approved, the BR Rate would be reinstated immediately.

**FISCAL DATA:** There is no negative fiscal impact by adopting these rates. Any customer would continue to pay all power and transmission costs, while receiving a discount of the distribution costs over a two-year period.

**RECOMMENDED BY:**

  
Fred Mason

Electric Utility Director

Prepared by Jim Steffens

**APPROVED BY:**

  
Dean Martin

Interim City Manager

**--THIS PAGE INTENTIONALLY LEFT BLANK--**

**RESOLUTION NO. 2015-90**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING APPROVING THE REINSTATEMENT OF THE BUSINESS RETENTION ELECTRIC RATE SCHEDULE AND THE BANNING ECONOMIC DEVELOPMENT RATE AGREEMENT FOR BUSINESS RETENTION OF ELECTRIC SERVICE CUSTOMER**

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

**WHEREAS**, On November 9, 2010 the City Council of the City of Banning adopted Resolution No. 2010-81, which approved the Business Retention Electric Rate Schedule and the Economic Development Rate Agreement for Business Retention of Electric Service Customer; and

**WHEREAS**, the Business Retention Electric Rate Schedule expired on December 31, 2013; and

**WHEREAS**, the Electric Utility wishes to reinstate the Business Retention Electric Rate Schedule effective immediately; and

**WHEREAS**, the Business Retention Electric Rate Schedule and Banning Economic Development Rate Agreement for Business Retention of Electric Service Customer, attached herewith as Exhibit "A" and "B" respectively, will not have a negative impact on other Banning Electric Utility customers, and will provide a tool to the City to retain larger commercial and industrial businesses in Banning by offering a discounted electric rate;

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

**SECTION 1.** Adopt Resolution No. 2015-90 approving the reinstatement of the Business Retention Electric Rate Schedule and the Banning Economic Development Rate Agreement for Business Retention of Electric Service Customer.

**SECTION 2.** Authorize the City Manager or his/her designee to implement said Business Retention Electric Rate Schedule effective immediately, and execute and administer said Banning Economic Development Rate Agreement for Business Retention of Electric Service Customer with qualified Banning Electric Utility commercial and industrial customers.

**PASSED, ADOPTED AND APPROVED** this 22<sup>nd</sup> day of September 2015.

---

Deborah Franklin, Mayor  
City of Banning

**ATTEST:**

---

Marie A. Calderon, City Clerk  
City of Banning

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

---

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

**SCHEDULE BR**  
**BUSINESS RETENTION RATE**

**Applicability:**

This Schedule is applicable to existing customers with a minimum monthly demand of at least 100 kW provided that:

- A. The Customer must demonstrate to the satisfaction of the Electric Utility Director of Banning Electric that relocation of its entire operations or a qualified portion of their operations which consists of load of at least 100 kW, to a site outside of Banning's service territory is a viable alternative or that the threat of closure of the customer's existing facilities is otherwise imminent.
- B. Customers must provide:
  1. An affidavit that "but for" the economic development retention rate incentives, in combination with other city-sponsored-incentives, such customer would relocate outside of the City's electric service territory, and
  2. Substantial evidence demonstrating the business has considered viable locations outside of Banning's service territory including but not limited to incentive offer letters from competing states, local jurisdictions and economic development organizations and/or real estate sale and lease agreements for competing sites, or
  3. Substantial evidence documenting the imminent threat of facility closure, including but not limited to letters from business owners or appropriate corporate officers documenting the circumstances which have lead to this imminent threat and why the Business Retention Rate is necessary to retain the business within Banning's service territory.
- C. The customer's application for this Schedule is approved by the Electric Utility Director of Banning Electric, based upon standards and guidelines adopted by resolution and approved by the Banning City Council.

**Territory:**

City of Banning

**Rates:**

Except as provided herein, or in the Economic Development Business Retention Rate Agreement, all charges and provisions of the customer's Otherwise Applicable Tariff shall apply, except that the customer's Energy and Demand charges shall be subject to discount as follows:

Exhibit "A"

Year 1 – 20%  
Year 2 – 10%

**Special Conditions:**

**1. Term:**

Economic Development Business Retention Rate Agreements entered into under this Schedule shall be for a single two-year term.

**2. Otherwise Applicable Tariff:**

The Utility's published electric rate schedule which otherwise applies to Customer for service provided under this Schedule.

**3. Approval:**

Application of this Schedule shall be subject to approval of the Electric Utility Director. The Electric Utility Director's approval shall be based upon standards and guidelines established, approved, and adopted by resolution of the Banning City Council. The standards and guidelines: 1) shall include but not be limited to the consideration of such factors as evidence that relocation is imminent, job retention, property tax increment, land use, City's business base, retention of a business within the Banning Electric Service Area and City's overall economic development strategic vision and 2) shall provide adequate protection against arbitrary application of the Schedule.

The Electric Utility Director's decision to disapprove application of this Schedule to a customer shall be appealable to the Banning City Council, not later than thirty days after Banning notifies the customer of the Electric Utility Director's decision. Customer shall file a written appeal with the Banning City Clerk setting forth the grounds on which the appeal is based. The Banning City Council shall consider the appeal within thirty (30) days after receipt of the written appeal, and shall affirm, modify or reverse the decision of the Electric Utility Director.

**4. Agreement**

The customer must sign the standard Economic Development Business Retention Rate Agreement, as approved by the Banning City Council, in order for the rates under this Schedule to be applicable. In addition to the other terms of this Schedule, the Economic Development Business Retention Rate Agreement shall require the customer to reimburse Banning for all rate reductions received under this Schedule, if the customer fails to maintain the required minimum load during the two-year term of the Agreement.

**5. Minimum Load:**

All customers must agree to maintain a minimum level of load for two years from the date service is first rendered under this Schedule as set forth in the Economic Development Business Retention Rate Agreement.

**6. State Mandated Benefits Charge:**

The rates in Customer's Otherwise Applicable Tariff and under this Schedule are subject to a surcharge as adopted via City Council Resolution No. 2001-62, and such surcharge as in effect from time to time. The applicable Public Benefits Charge will be applied to the Customer's total electricity usage charges for the applicable billing period.

**7. Miscellaneous Fees and Charges:**

Rates charged pursuant to this Schedule shall be subject to any energy Users Taxes, Utility Users Taxes and any other governmental taxes, duties, or fees which are applicable to Electric Service provided to Customer by Banning. Rates are also subject to adjustment, as established and adopted by the Banning City Council in response to federal or state climate change laws renewable portfolio standards or other mandatory legislation. These adjustments may include but are not limited to charges to mitigate the impacts of greenhouse gas emissions or "green power" premiums. No discount shall be made to Customer for these fees and charges.

**8. Agreement Deadline:**

The start date of the Economic Development Business Retention Rate Agreement shall commence with the customer's first full billing cycle following approval of the Electric Utility Director.

**9. Program Cap and Termination Date:**

The total contract demand on this Schedule shall collectively not exceed 2 MW (megawatts) at any one time. Once this limit is reached, the rate will be closed to all customers, new or existing, until such time as qualified customers under the 2 MW Program Cap with an executed Economic Development Business Retention Rate Agreement expires thus allowing participation by additional qualified customers until a new 2 MW Program Cap is reached.

This Schedule will remain open until either the above mentioned 2 MW cap is met or until this Schedule is terminated by Banning's City Council, whichever occurs first.

**10. Restrictions:**

Residential customers, Small Commercial customers, and federal, state or local governmental agencies are not qualified under this Schedule.

**--THIS PAGE INTENTIONALLY LEFT BLANK--**

**ECONOMIC DEVELOPMENT RATE AGREEMENT**  
**FOR BUSINESS RETENTION OF ELECTRIC SERVICE CUSTOMER**  
**(CUSTOMER'S NAME)**

THIS BUSINESS RETENTION RATE AGREEMENT for Electric Service Customer is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between \_\_\_\_\_ ("Customer"), and the CITY OF BANNING ("Banning"), a California general law city and municipal corporation organized and existing under the laws of the State of California, each hereinafter sometimes referred to individually as "Party" and collectively as "Parties."

**RECITALS**

This Agreement is made with reference to the following facts, among others:

- A. Customer is a commercial or industrial end-use electric customer that is currently served by Banning and was approved for eligibility by the Electric Utility Director, and that meets the applicability requirements of Banning's Electric Rate Schedule BR ("Schedule BR").
- B. Banning owns and operates a municipal utility, engaging in the business of generating, transmitting and distributing electric energy to its retail customers and others.
- C. Customer desires to enter into this electric service agreement pursuant to Schedule BR in order to receive a discount for Electric Service purchased during the term of this two (2) year Agreement.
- D. Banning desires to provide this discount to Customer to encourage Customer to remain in Banning's service territory, thereby continuing to generate additional revenue, which will reduce the costs to existing customers, as Banning's fixed costs will be allocated over a larger group of customers.

**AGREEMENT**

In consideration of the mutual covenants and promises in this Agreement, the Parties agree as follows:

1. **DEFINITIONS.** Terms used herein with initial capitalization, whether in singular or plural, shall have the meaning set forth in the Electric Rules except as defined below:
  - 1.1 **Agreement:** This Business Retention Rate Agreement for Electric Service Customer between Customer and Banning.
  - 1.2 **Authorized Representative:** The representative designated by each Party, in accordance with Section 13.1, to act on such Party's behalf with respect to those matters specified in this Agreement.
  - 1.3 **Base Period Usage:** Base Period Usage for Expanded Load Customers shall be the average monthly energy use and demand for the customer during the last three years.

1.4     Commencement Date: The date on which Banning shall begin charging Customer for Electric Service at the Electric Rate as such date may be established pursuant to Section 2.1 and may be tolled pursuant to Section 10.3, but not to exceed twelve (12) months from the Effective Date.

1.5     Current Peak Demand: As determined by averaging the Customer's annual peak demand of the past three years. If a Customer has not had service for at least three years, the maximum peak for the entire service period will be used.

1.6     Customer Sites: Customer's metered locations to which Banning shall provide Electric Service under this Agreement as listed in Exhibit "A".

1.7     Effective Date: The date this Agreement is executed by both parties, as set forth in the introductory paragraph of the Agreement.

1.8     Electric Rate: Those Customer's Otherwise Applicable Rate Schedule for Electric Service, less the discounts set forth in Subsection 4.2.

1.9     Electric Rules: Applies to all, or any combination of, Banning's "Electric Rules & Regulations", "Electric Utility Rate Schedule", and "Miscellaneous Utility Fees", as modified from time to time and adopted by Banning's City Council.

1.10    Electric Service: Energy, demand, substation, distribution and transmission service necessary to deliver such Energy to Customer's Points of Interconnection, and such other services that Banning is required to provide pursuant to this Agreement, the Electric Rules and any programs or services mandated by a state or federal regulatory agency, or Banning's City Council.

1.11    Electric Utility Director: The Director of the City of Banning's Electric Utility Department.

1.12    Energy: Electric energy, expressed in kilowatt-hours.

1.13    Interest Rate: The lesser of ten percent (10%) per annum or the maximum rate permitted by law.

1.14    Labor Dispute: A strike, walkout, lockout or other dispute between a Party's labor force and the Party.

1.15    Liquidated Damages: Damages owed by Customer to Banning as provided in Section 8 of this Agreement.

1.16    Minimum Charge: The amount as defined in Customer's Otherwise Applicable Rte Schedule.

1.17    Minimum Load: The minimum metered kilowatt input at the Point of Interconnection during one calendar month as averaged over a rolling one year period, as referenced in Subsection 4.5 below.

1.18 Otherwise Applicable Rate Schedule: Banning's published electric rate Schedule TOU or electric rate Schedule C, as applicable.

1.19 Point of Interconnection: The defined point where Banning's electric distribution facilities interconnect with Customer's account meters listed, and as such points may be depicted in Exhibit A.

1.20 Public Benefit Charge: The surcharge imposed on all Banning electric utility customers as established by Banning's City Council from time to time pursuant to California Public Utilities Code Section 385.

1.21 Term: The two (2) year period of this Agreement during which the Electric Rate is applicable beginning on the Commencement Date.

1.22 Time Period: The On-Peak, Mid-Peak or Off-Peak energy billing period as defined in the applicable Electric Utility Rate Schedules.

1.23 Uncontrollable Force: Any cause beyond the control of the Party affected and asserting excuse from performance, including but not restricted to flood, drought, earthquake, storm, fire, lightning, epidemic, war, riot, civil disturbance or disobedience, labor dispute, labor or material shortage, sabotage, restraint by court order or public authority, and action or inaction by, or failure to obtain the necessary authorizations or approvals from, any governmental agency or authority which by exercise of due diligence such Party could not reasonably have been expected to avoid and to the extent which by exercise of due diligence it has been unable to overcome. The Party claiming such Uncontrollable Force must give the other Party at least ten (10) days written notice of the commencement of such cause, and keep the other Party informed concerning the continuance of such cause.

## 2. COMMENCEMENT DATE; TERM.

2.1 Commence After Notice: Banning shall begin providing Electric Service at the Electric Rate with the next regular billing period after Customer notifies Banning in writing of the date that Electric Service should begin under Schedule BR ("Commencement Date"), which date shall be not more than twelve (12) months following the Effective Date.

2.2 Estimated Date: Customer estimates that the Commencement Date for Electric Service under Schedule BR shall commence with the next regular billing period beginning after \_\_\_\_\_ and shall provide Banning with written notice of any change in such date no later than five (5) business days before such date.

2.3 Term: Except as provided in Subsection 10.3, the Term of this Agreement shall be two (2) years from the Commencement Date.

2.4 Termination: This Agreement may be terminated (subject to payment of Liquidated Damages) upon written notice as follows:

2.4.1 Termination at Customer's Request: On the sixtieth (60th) day after Banning receives notice by Customer requesting termination of this Agreement.

2.4.2 Termination for Nonpayment: On the thirtieth (30th) day after Banning sends notice of nonpayment to Customer, if Customer fails to pay any amount due hereunder, under Schedule BR or the Electric Rate Schedules.

2.4.3 Termination for Noncompliance: On the fifth (5th) day after Banning sends notice of noncompliance to Customer, if Customer fails to comply with any term or condition of Schedule BR or this Agreement, or if any representation made by Customer in this Agreement is untrue in any material respect, or if Customer ceases the operations to which this Agreement applies or moves its operations out of Banning's service territory.

2.4.4 Termination for Ineligibility: On the fifth (5th) day after Banning sends notice of ineligibility to Customer, if Banning determines that Customer was not eligible for Schedule BR when the Agreement was signed, that Customer has become ineligible for Schedule BR, or that any material statement in Customer's Affidavit of Eligibility pursuant to Section 3 submitted to the Electric Utility Director was untrue.

2.4.5 Termination for Failure to Maintain Minimum Load: On the ninetieth (90th) day after Banning sends such notice to Customer of failure to maintain Minimum Load, if Customer fails to maintain its Minimum Load during any regular billing period during the Term of this Agreement and if during such ninety (90) day notice period Customer fails to increase and maintain its load to the Minimum Load and fails to demonstrate to Banning's satisfaction that it will continue to maintain its Minimum Load for the remaining Term of this Agreement.

2.4.6 Termination for Failure to Commence Service: Banning may terminate this Agreement effective upon Banning giving written notice to Customer, if Customer does not begin service within twelve (12) months after the Effective Date.

2.5 Obligations Continuing: Termination of this Agreement shall not relieve either Party of its obligations incurred prior to termination.

2.6 Existing Rate Schedule: Upon termination of this Agreement, Banning's obligations to provide Electric Service to Customer and the rates and rules applicable to Banning's provision of such Electric Service shall be pursuant to Banning's then existing Electric Rate Schedules.

2.7 Nonrenewable: This Agreement is not renewable at the expiration or termination of its Term.

### **3. CUSTOMER AFFIDAVIT OF ELIGIBILITY.**

Customer represents and warrants to Banning that it satisfies the criteria for Schedule BR eligibility as indicated by Customer's initials below **[Customer must initial Subsections 3.1 and 3.2]:**

3.1 Customer Qualifications: [ ]

3.1.1 Customer has a projected minimum monthly electrical demand of at least one hundred (100) kW and an annual peak demand of at least two hundred (200) kW; and

3.1.2 Customer provides an affidavit that "but for" the business retention rate incentives, in combination with other city-sponsored incentives, such customer would relocate outside of Banning's electric service territory; and

3.1.3 Customer provides substantial evidence demonstrating the business has considered viable locations outside of Banning's service territory, including, but not limited to incentive offer letters from competing states, local jurisdictions and economic development organizations, and/or real estate sale and lease agreements for competing sites;

3.2 Representation: [ ] Customer represents and warrants under penalty of perjury under the laws of the State of California that all covenants, statements of facts, representations, and documents provided to Banning and the Electric Utility Director with respect to Customer's eligibility for Schedule BR are true and correct.

#### 4. ELECTRIC SERVICE AND RATES.

4.1 Electric Service Requirements: Customer agrees to purchase from Banning and Banning agrees to sell to Customer at the Electric Rate set forth herein, all of Customer's Electric Service requirements at Customer's Site(s) including Electric Service necessary to deliver such Energy to Customer's Points of Interconnection, throughout the Term of this Agreement. Except as expressly provided in this Agreement, Banning shall provide such Electric Service in accordance with the Electric Rules. In the event any term of this Agreement adds to, varies or contradicts the Electric Rules, the terms of this Agreement shall prevail.

4.2 Electric Rate: Customer shall pay Banning for Electric Service at Customer's Otherwise Applicable Rate Schedule beginning with the Commencement Date during the period set forth below. The discount set forth below applies towards the applicable Energy Charge and Demand Charge of Customer's Otherwise Applicable Rate Schedule:

Year 1	20%
Year 2	10%

In addition to the Electric Rate, Customer shall pay the Miscellaneous Fees and Taxes and Miscellaneous Charges, as set forth in Subsections 4.3 and 7.2, respectively.

4.3 Miscellaneous Fees and Taxes: All charges for Electric Service pursuant to this Agreement shall be subject to Banning's Public Benefit Charges, any applicable state or federal energy Tax, and any other governmental taxes, duties, or fees, as may be revised from time to time by the relevant regulatory authority, applicable to Electric Service provided by Banning.

4.4 Service to Others: The Electric Service provided herein is expressly reserved for Customer's sole use. Customer is prohibited from transferring, providing or reselling all or any portion of such service to any third party or parties.

4.5 Covenant to Maintain Minimum Load: By initialing Subsection 3.1 above, respectively, Customer covenants to maintain the Minimum Load designated in Subsection 4.5.1 throughout the Term of this Agreement.

4.5.1 The Minimum Load for a Customer representing and warranting its eligibility for Schedule BR under Subsection 3.1 of this Agreement shall be a minimum monthly demand of at least one hundred (100) kilowatts and an annual peak demand of at least two hundred (200) kilowatts.

## 5. METERING SERVICES.

5.1 Existing Accounts: Banning shall maintain, service and replace (as needed), and retain ownership of all electric meters at the existing Customer Site(s) as reflected in Exhibit A. These meter services and meters shall be provided free of charge, so long as such meters are standard meters consistent with those provided to similar Banning non-residential customers.

5.2 New Accounts: This Agreement applies only to the meters and accounts at Customer's Site existing as of the Effective Date and reflected in Exhibit A. All new, modified or upgraded service, meters, and accounts shall be added in accordance with the terms, conditions, costs, and rates in the Electric Rules.

## 6. BILLING AND PAYMENT.

6.1 Procedure: Unless otherwise specified in this Agreement, all billing for Electric Service shall be rendered and payments collected in accordance with the Electric Rules.

6.2 Adjustments of Bills for Undercharges: Banning reserves the right to adjust any Customer bill for undercharges, computed and billed in accordance with the Electric Rules in effect at the discovery of an error.

## 7. PUBLIC BENEFIT AND MISCELLANEOUS CHARGES.

7.1 Public Benefit Charge: In accordance with the requirements of California Public Utilities Code section 385, Banning's City Council adopted a usage based Public Benefit Charge equal to 2.85% of electricity costs, which is generally applicable to all Banning electric customers. Customer shall pay the Public Benefit Charge in addition to the Electric Rate, on a monthly basis so long as the Public Benefit Charge remains in effect in Banning.

7.2 Miscellaneous Charges: Customer shall pay any other applicable new fees or surcharges imposed by Banning on other non-residential customers in accordance with Customer's Otherwise Applicable Rate Schedule, unless specifically exempted by Banning's City Council, after the Effective Date of this Agreement, in the same manner and amounts, as set forth in the Electric Rules, and any premiums or surcharges as established by Banning's City Council in response to federal or state climate change laws, renewable portfolio standards, or other mandated legislation. These charges shall include but not be limited to charges to mitigate the impacts of greenhouse gas emissions or "green power" premiums.

## 8. LIQUIDATED DAMAGES.

8.1 Liquidated Damages for Early Termination: Upon termination of this Agreement before the end of its Term, Customer shall pay Banning Liquidated Damages. The payment of Liquidated Damages is required to ensure that neither Banning nor its ratepayers are

financially or otherwise damaged if this Agreement is prematurely terminated before the end of its Term.

8.2 Reasonable Approximation: It would be extremely difficult for the Parties to identify the amounts of increased or additional costs attributable to early termination of this Agreement. The Parties agree the Liquidated Damages specified herein are a reasonable approximation of damages which Banning and its ratepayers may incur as a result of such early termination, and that the damage amount does not represent a penalty.

8.3 Amount: Liquidated Damages under this Agreement shall be an amount equal to the difference between (i) the amount the Customer would have paid for its Electric Service if billed at the Otherwise Applicable Rate Schedule from the Commencement Date to the date of termination, and (ii) the amount billed to Customer under this Agreement and Schedule BR during the same period plus interest (at the Interest Rate), retroactively applied on the foregoing amounts from the original billing due dates to the date of payment.

8.4 Revert to Applicable Rates: After termination of this Agreement, Customer shall be billed at the Otherwise Applicable Rate Schedule.

8.5 Security: Prior to the Effective Date or at any time during the Term, Banning, through its Authorized Representative, may in its discretion require Customer to establish a letter of credit or other security as a condition to providing Electric Service under Schedule BR to secure repayment of any Liquidated Damages.

## 9. ASSIGNMENT OF INTERESTS.

9.1 Approval of Assignment Required: This Agreement is personal to Customer as served by Banning, and Customer shall not assign or transfer this Agreement or assign or transfer any privilege hereunder, or interest herein, in whole or in part ("assign") without the prior written consent of Banning, which consent shall not be unreasonably withheld. Any attempt by Customer to make such an assignment without Banning's consent shall be void ab initio, shall confer no right on any third party, and shall entitle Banning to terminate this Agreement on five (5) days written notice to Customer pursuant to Subsection 2.4.3.

9.2 Grounds for Disapproval: It shall not be unreasonable for Banning to withhold its consent to a request for assignment that does not meet all of the following requirements:

9.2.1 The request to Banning must be given in writing no less than sixty (60) days prior to the proposed effective date of such assignment;

9.2.2 The written request must include documentation satisfactory to Banning that the proposed assignee's Electric Service usage at the Customer's Site for the Term of the Agreement shall be substantially identical to or greater than Customer's Energy Usage;

9.2.3 The written request shall include documentation and security, satisfactory to Banning, that the assignee's creditworthiness is as good as or better than Customer's creditworthiness as of the Effective Date; and

9.2.4 Assignee shall execute such documentation as Banning shall require expressing assignee's assumption of all of Customer's obligations, duties and liabilities under this Agreement.

9.2.5 Customer makes payment of \$500.00 to Banning in advance of Banning's review of the assignment request as compensation for Banning's administrative costs of such review.

## 10. UNCONTROLLABLE FORCE.

10.1 No Default for Uncontrollable Force: No Party shall be considered to be in default in the performance of any obligation under this Agreement when and to the extent that failure of performance shall be caused by an Uncontrollable Force. Provided that no Party shall be relieved by operation of this section of any obligation to pay any payments then due or for Electric Service provided prior to the Uncontrollable Force.

10.2 Conditions for Excusing Performance: A Party rendered unable to fulfill all or any part of its obligations by reason of an Uncontrollable Force shall be excused from its performance affected by the Uncontrollable Force to the extent the following conditions are satisfied:

10.2.1 The suspension of performance is of no greater scope and no longer duration than is required by the Uncontrollable Force.

10.2.2 The non-performing Party uses its best efforts to cure its inability to perform; provided that this Subsection shall not require the settlement of any labor dispute on terms, which, in the sole judgment of the Party involved in the labor dispute, are contrary to its interest. Both Parties understand and agree that the settlement of labor disputes shall be at the sole discretion of the Party having the labor dispute.

10.2.3 The non-performing Party shall give prompt written notice of the occurrence and particulars of the Uncontrollable Force, no later than ten (10) days following commencement of the claimed Uncontrollable Force, and the date on which the non-performing Party gives such notice shall be the date from which the non-performing Party's performance is excused. The notice shall estimate the period of continuance of the Uncontrollable Force.

10.2.4 The non-performing Party shall keep the other Party informed concerning the continuance of the delay and the conclusion thereof.

10.3 Tolling of Agreement: Upon the occurrence of an Uncontrollable Force, as provided in this Section 10, that prevents Customer from performing all or any part of its obligations under this Agreement, Customer may request that Banning suspend the terms of this Agreement for the duration of the Uncontrollable Force. Customer will be billed at the Otherwise Applicable Rate Schedule for the duration of the suspension of this Agreement. When Customer is able to resume its obligations under this Agreement, Customer shall give Banning written notice to that effect immediately. Resumption of the terms of this Agreement shall commence with the next regularly scheduled billing period. In addition, the Term of this Agreement will be extended for up to twelve (12) months beyond the Term originally established in this Agreement by the length of time this Agreement was suspended.

10.4 Termination for Other Cause: The occurrence of an Uncontrollable Force shall not: (i) prevent Banning from terminating this Agreement in accordance with Subsections 2.4.2, 2.4.3, 2.4.4, 2.4.5, or 2.4.6, or (ii) except as provided under Subsection 10.3, extend the period any level of discount is available as provided in Subsection 4.2.

## **11. INDEMNITY.**

11.1 Indemnity and Hold Harmless: Except for any liens, claims, costs, damages, liability or loss resulting from Willful Action, as defined herein, Customer agrees to indemnify, protect, defend, and hold harmless Banning, and Banning's employees, officers, managers, agents and City Council Members from and against any claim for damage, charge, lawsuit, action, judicial, administrative, regulatory or arbitration proceeding, damage, cost, expense (including reasonable attorney and expert fees), judgment, civil fine and penalties, liabilities or losses of any kind or nature whatsoever whether actual, threatened or alleged, which arise out of, pertain to, or relate to, or are a consequence of, or are attributable to, or are in any manner connected with this Agreement but only in proportion to and to the extent such liens, claims, damages, liability or loss are caused by or result from the negligent acts, errors, or omissions of Customer, its employees, officers, or agents. This indemnification provision shall apply to any acts, omissions, negligence, recklessness, or willful misconduct, whether active or passive, on the part of the Customer or anyone employed or working under the Customer.

11.2 Willful Action: "Willful Action" shall be defined as an action taken or not taken by a Party at the direction of its directors, officers, or employees where:

11.2.1 An action is knowingly or intentionally taken or not taken with conscious indifference to the consequences thereof or with intent that injury or damage would probably result therefrom; or

11.2.2 An action has been determined by final arbitration, judgment, or judicial decree to be a material default under this Agreement and occurs beyond the time specified for curing such default or, if no time to cure is specified therein, occurs or continues thereafter beyond a reasonable time to cure such default; or

11.2.3 An action is knowingly or intentionally taken or not taken with the knowledge of material default under this Agreement.

11.3 Limitation: Willful Action does not include any act or failure to act which is merely involuntary, accidental, negligent, or performed (or not performed).

11.4 Survival: The provisions of this Section 11 shall be binding upon the Parties to the full extent permitted by law. The obligations set forth herein are binding on the successors, assigns and heirs of Customer and shall survive termination of this Agreement.

## **12. RELATIONSHIP OF PARTIES, THIRD PARTIES AND SUCCESSORS.**

12.1 Partnership: This Agreement does not create any association, partnership, joint venture or agency between the Parties or their successors in interest. Any correspondence or other references to "partner" or other similar terms will not be deemed to alter, amend or change the relationship between the Parties unless there is a formal written

agreement specifically detailing the rights, liabilities and obligations of the Parties as to a new, specifically defined legal relationship.

12.2 Dedication of Facilities: No undertaking by one Party to the other Party under this Agreement shall constitute the dedication of the electric system or any portion thereof by the undertaking Party to the public or to the other Party, and it is understood and agreed that any such undertaking under any provision of this Agreement by a Party shall cease upon the termination of such Party's obligations under this Agreement.

12.3 Third Party Beneficiaries: This Agreement shall not be construed to create rights in or to grant remedies to, any third party as a beneficiary of this Agreement or of any duty, obligation or undertaking established in this Agreement.

12.4 Successors: This Agreement shall be binding upon and inure to the benefit of the successors, heirs, administrators, executors and assigns of the Parties.

### **13. REPRESENTATIVES AND NOTICES.**

13.1 Representatives: Upon the Effective Date of the Agreement, the Electrical Utilities Director for Banning, and person identified on the execution page for Customer shall be the Authorized Representatives who will act on its behalf in the implementation of this Agreement. Either Party may at any time change, via written notice, the designation of its Authorized Representative to the other Party.

13.2 Form of Notice: Any notice and other communication required or permitted to be given under this Agreement shall be deemed given: (i) when hand delivered; or (ii) one (1) business day after pickup by Federal Express or similar overnight delivery service properly addressed as provided below; or (iii) three (3) business days after such notice or communication shall have been deposited with the United States Postal Service, postage prepaid and properly addressed as provided below; or (iv) when sent by facsimile transmission to the fax numbers provided below, with receipt of such fax confirmed telephonically, provided that on the same day such notice or communication shall also be hand delivered or sent by overnight delivery pursuant to this Subsection.

13.3 Addresses of Parties: Notices to Banning should be given to: Electric Utility Director, City of Banning, 99 East Ramsey Street, Banning, CA 92220; Notices to Customer shall be given to the addressee at the location shown on the execution page.

13.4 Changes of Address: Either Party may change such address by giving notice to the other Party as provided herein.

### **14. ENFORCEMENT**

14.1 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.

14.2 Governing Law: This Agreement shall be interpreted, governed by, and construed under the laws of the State of California or the laws of the United States as applicable without regard to the conflicts of laws or rules thereof. Any action at law or in equity brought by either of the Parties for the purpose of enforcing a right or rights provided in this Agreement shall be tried in a court of proper jurisdiction in the County of Riverside, State of California, and the Parties hereby waive all provisions of law providing for a change of venue in such proceedings to any other county.

14.3 Damage Limitation: Banning shall not be liable for any consequential, incidental, indirect, or special damages, whether in contract, tort, or strict liability including, but not limited to, lost profits, property damage, personal injury and loss of power, arising out of or in any way related to power outages, other electric service interruption(s), Banning's performance or nonperformance of its obligations under this Agreement or termination of this Agreement.

14.4 Attorney 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, whether or not the matter proceeds to judgment.

14.5 Disputes: All disputes regarding questions of fact, opinions or interpretation of provisions in this Agreement shall be submitted to the Authorized Representatives. If the Authorized Representatives are unable to resolve the dispute, the matter shall be referred to the individuals designated to receive notices pursuant to Section 13. Nothing in this Agreement precludes either Party from taking any lawful action it deems appropriate to enforce its rights.

14.6 Waivers: 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. 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.

## 15. MISCELLANEOUS.

15.1 Integration and Amendment: This Agreement contains the final, complete, and exclusive statement of the terms of the agreement between the Parties pertaining to the subject matter of this Agreement, and supersedes all prior and contemporaneous oral or written communications of the Parties. Neither Party has been induced to enter into this Agreement by, nor is any Party relying on, any representation or warranty of the other Party outside those expressly set forth in this Agreement. Ambiguities or uncertainties in the wording of this Agreement shall not be construed for or against either Party, but shall be interpreted in a manner that most accurately reflects the original intent of the Parties, and is consistent with the nature of the Parties' rights and obligations. No modification of this Agreement shall be valid or binding unless in writing duly signed by both Parties.

Exhibit "B"

15.2 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.

15.3 Exhibits: All documents referred to below and attached to this Agreement as Exhibits are incorporated into and made a part of this Agreement. Exhibit "A": Customer Site(s); Metered Accounts

15.4 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.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the date and year first-above written.

**CITY:**

CITY OF BANNING, a municipal corporation

---

City Manager

ATTEST:

---

City Clerk

**APPROVED AS TO FORM:**

ALESHIRE & WYNDER, LLP

---

Lona N. Laymon, City Attorney

**CUSTOMER:**

---

---

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Address for Notice Representative:  
Name: \_\_\_\_\_  
Street: \_\_\_\_\_  
City: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

Two signatures are required if a corporation

**NOTE: CUSTOMER'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 CUSTOMER'S BUSINESS ENTITY.**

## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF

On \_\_\_\_\_, \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared \_\_\_\_\_, proved to me on the basis of satisfactory evidence to be the person(s) whose name(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 OR TYPE OF DOCUMENT

\_\_\_\_\_ TITLE(S)

PARTNER(S)  LIMITED  
  GENERAL  
 ATTORNEY-IN-FACT  
 TRUSTEE(S)  
 GUARDIAN/CONSERVATOR  
 OTHER \_\_\_\_\_

\_\_\_\_\_ NUMBER OF PAGES

\_\_\_\_\_ 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 \_\_\_\_\_, \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared \_\_\_\_\_, proved to me on the basis of satisfactory evidence to be the person(s) whose name(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 OR TYPE OF DOCUMENT

PARTNER(S)  LIMITED  
  GENERAL  
 ATTORNEY-IN-FACT  
 TRUSTEE(S)  
 GUARDIAN/CONSERVATOR  
 OTHER \_\_\_\_\_

\_\_\_\_\_

NUMBER OF PAGES

\_\_\_\_\_

DATE OF DOCUMENT

#### SIGNER IS REPRESENTING:

(NAME OF PERSON(S) OR ENTITY(IES))

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

EXHIBIT "A"  
CUSTOMER SITE(S); METERED ACCOUNTS

RESOLUTION NO. 2010-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING APPROVING THE BUSINESS RETENTION ELECTRIC RATE SCHEDULE AND THE BANNING ECONOMIC DEVELOPMENT RATE AGREEMENT FOR BUSINESS RETENTION OF ELECTRIC SERVICE CUSTOMER

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

WHEREAS, the City Council adopted the "Three Year Strategies with One Year Goals Supporting the Vision and Mission Statements" document on May 12, 2009, which provided direction to staff to implement the Council's vision for the City over the next three years; and

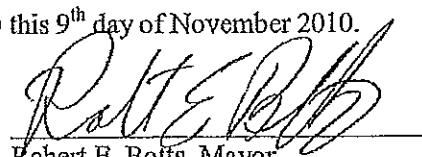
WHEREAS, approval of the Economic Development Electric Rate supports the goal outlined in said document to "support existing businesses that generate jobs and revenue"; and

WHEREAS, the Business Retention Electric Rate Schedule and Banning Economic Development Rate Agreement for Business Retention of Electric Service Customer, attached herewith as Exhibit "A" and "B" respectively, will not have a negative impact on other Banning Electric Utility customers, and will provide a tool to the City to retain larger commercial and industrial businesses in Banning by offering a discounted electric rate;

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

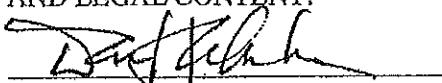
1. Adopt Resolution No. 2010-81 approving the Business Retention Electric Rate Schedule and the Banning Economic Development Rate Agreement for Business Retention of Electric Service Customer, and authorize the City Manager or his/her designee to implement said Rate Schedule effective December 1, 2010, and execute and administer said Agreement with qualified Banning Electric Utility commercial and industrial customers.
2. Authorize the Mayor to execute Resolution No. 2010-81. Said authorization shall become void if not executed within 30 days of the effective date of this resolution.

PASSED, APPROVED, AND ADOPTED this 9<sup>th</sup> day of November 2010.



Robert E. Bolts, Mayor  
City of Banning

APPROVED AS TO FORM  
AND LEGAL CONTENT:



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

**--THIS PAGE INTENTIONALLY LEFT BLANK--**

## CITY COUNCIL AGENDA

**DATE:** September 22, 2015

**TO:** City Council

**FROM:** Dean Martin, Interim City Manager

**SUBJECT:** League of California Cities Annual Conference Resolutions

**RECOMMENDATION:** That the City Council consider the attached resolutions and determine a city position so that the voting delegate can represent the City's position on each resolution.

**BACKGROUND** The League of California Cities Annual Conference will be held September 30 – October 2 in San Jose. At the Annual Conference, the League will consider four resolutions introduced by the deadline, Saturday, August 1, 2015. Resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. The letters of concurrence are included in this packet of material.

**FISCAL DATA:** No fiscal impact to the City of Banning

**RECOMMENDED BY:**

  
\_\_\_\_\_  
Dean Martin, Interim City Manager

**--THIS PAGE INTENTIONALLY LEFT BLANK--**



1400 K Street, Suite 400 • Sacramento, California 95814  
Phone: 916.658.8200 Fax: 916.658.8240  
[www.cacities.org](http://www.cacities.org)

August 17, 2015

AUG 31 2015

TO: Mayors, City Managers and City Clerks  
League Board of Directors

RE: Annual Conference Resolutions Packet  
Notice of League Annual Meeting

Enclosed please find the 2015 Annual Conference Resolutions Packet.

**Annual Conference in San Jose.** This year's League Annual Conference will be held September 30 – October 2 in San Jose. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at [www.cacities.org/ac](http://www.cacities.org/ac). We look forward to welcoming city officials to the conference.

**Closing Luncheon/General Assembly - Friday, October 2, 12:00 p.m.** The League's General Assembly Meeting will be held at the San Jose Convention Center.

**Resolutions Packet.** At the Annual Conference, the League will consider four resolutions introduced by the deadline, Saturday, August 1, 2015, midnight. These resolutions are included in this packet. Resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. These letters of concurrence are included with this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider these resolutions and to determine a city position so that your voting delegate can represent your city's position on each resolution. A copy of the resolution packet is posted on the League's website for your convenience: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

The resolutions packet contains additional information related to consideration of the resolution at the Annual Conference. This includes the date, time and location of the meetings at which the resolution will be considered.

**Voting Delegates.** Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the General Assembly Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. If your city has not yet appointed a voting delegate, please contact Meg Desmond at (916) 658-8224 or email: [mdesmond@cacities.org](mailto:mdesmond@cacities.org).

Please Bring This Packet to the Annual Conference  
September 30 – October 2, San Jose

**--THIS PAGE INTENTIONALLY LEFT BLANK--**



*Annual Conference  
Resolutions Packet*

*2015 Annual Conference Resolutions*



*San Jose*

*September 30 – October 2*

## INFORMATION AND PROCEDURES

**RESOLUTIONS CONTAINED IN THIS PACKET:** The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, four resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees.

**POLICY COMMITTEES:** Four policy committees will meet at the Annual Conference to consider and take action on the resolution referred to them. The committees are Administrative Services; Environmental Quality; Housing, Community and Economic Development; and Revenue and Taxation. These committees will meet on Wednesday, September 30, 2015, at the Hilton San Jose. The sponsors of the resolutions have been notified of the time and location of the meetings.

**GENERAL RESOLUTIONS COMMITTEE:** This committee will meet at 1:00 p.m. on Thursday, October 1, at the San Jose Convention Center, to consider the reports of the four policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

**ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY:** This meeting will be held at 12:00 p.m. on Friday, October 2, at the San Jose Convention Center.

**PETITIONED RESOLUTIONS:** For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (47 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:00 p.m., Thursday, October 1. Resolutions can be viewed on the League's Web site: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: [mdesmond@cacities.org](mailto:mdesmond@cacities.org) or (916) 658-8224

## GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

### Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
  - (a) Focus public or media attention on an issue of major importance to cities.
  - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
  - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
  - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

## LOCATION OF MEETINGS

### Policy Committee Meetings

Wednesday, September 30  
Hilton San Jose  
300 Almaden Boulevard, San Jose

9:00 a.m. – 10:30 a.m.: Environmental Quality  
Housing, Community & Economic Development

10:30 a.m. – Noon: Administrative Services  
Revenue and Taxation

### General Resolutions Committee

Thursday, October 1, 1:00 p.m.  
San Jose Convention Center  
150 West San Carlos Street, San Jose

### Annual Business Meeting and General Assembly Luncheon

Friday, October 2, 12:00 p.m.  
San Jose Convention Center  
150 West San Carlos Street, San Jose

## KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action
		1      2      3
1 - Policy Committee Recommendation to General Resolutions Committee		
2 - General Resolutions Committee		
3 - General Assembly		

### ADMINISTRATIVE SERVICES POLICY COMMITTEE

	1	2	3
1   League Bylaw Amendment			

### ENVIRONMENTAL QUALITY POLICY COMMITTEE

	1	2	3
4   Compensation for Prolonged Electrical Power Outages			

### HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

	1	2	3
2   Overconcentration of Alcohol & Drug Treatment Facilities			
3   Residential Rentals, Support for SB 593 (McGuire)			

### REVENUE AND TAXATION POLICY COMMITTEE

	1	2	3
3   Residential Rentals, Support for SB 593 (McGuire)			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: [www.cacities.org](http://www.cacities.org). The entire Resolutions Packet will be posted at: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

## KEY TO ACTIONS TAKEN ON RESOLUTIONS (*Continued*)

Resolutions have been grouped by policy committees to which they have been assigned.

<u>KEY TO REVIEWING BODIES</u>	<u>KEY TO ACTIONS TAKEN</u>
1. Policy Committee	A Approve
2. General Resolutions Committee	D Disapprove
3. General Assembly	N No Action
	R Refer to appropriate policy committee for study
<u>ACTION FOOTNOTES</u>	
* Subject matter covered in another resolution	a Amend+
** Existing League policy	Aa Approve as amended+
*** Local authority presently exists	Aaa Approve with additional amendment(s)+
	Ra Refer as amended to appropriate policy committee for study+
	Raa Additional amendments and refer+
	Da Amend (for clarity or brevity) and Disapprove+
	Na Amend (for clarity or brevity) and take No Action+
	W Withdrawn by Sponsor

### Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).

## 2015 ANNUAL CONFERENCE RESOLUTIONS

### **RESOLUTION REFERRED TO ADMINISTRATIVE SERVICES POLICY COMMITTEE**

#### **1. RESOLUTION RELATING TO LEAGUE BYLAWS AMENDMENTS REGARDING SUCCESSION OF LEAGUE OFFICES TO FILL VACANCIES**

Source: League Board of Directors

Referred to: Administrative Services Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, the League of California Cities® is a nonprofit mutual benefit corporation under California law and, as such, is governed by corporate bylaws; and

WHEREAS, the League's Board of Directors periodically reviews the League's bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership interests; and

WHEREAS, on two occasions in recent years when vacancies arose in office of President of the Board of Directors after disappointing reelection results, the vacancy was filled in accordance with the League Bylaws by the First Vice President becoming President at the next Board meeting. This left a vacancy in the office of First Vice President that was filled by the Board by advancing the Second Vice President. This required recruiting a new Second Vice President that the Board chose, as provided in the Bylaws, from the ranks of the Board itself; and

WHEREAS, in September 2014 the Board chose a new Second Vice President as usual and also a new First Vice President who had not previously served as Second Vice President because the prior Second Vice President was elected to county office and was no longer eligible. When the President was not reelected in November 2014, the First Vice President advanced to the office of President with only two months of experience as a League officer. Additionally, the Second Vice President was advanced to First Vice President; and

WHEREAS, the Board of Directors believe this confluence of events twice in recent years demonstrates a weakness in the succession of League offices required by the League Bylaws because the accelerated advancement of officers in the event of a vacancy in the office of President may deprive the junior officers and the League of adequate time to serve and develop expertise and relationships in the offices of Second and First Vice President; and

WHEREAS, it is the unanimous recommendation of the League Board that the League membership amend article VIII, section 4, of the League bylaws to allow the Immediate Past President to fill an unexpected vacancy in the office of President for the unexpired term if the Immediate Past President agrees. If not, the current succession process would occur; and now, therefore, be it,

**RESOLVED**, by the General Assembly of the League of California Cities assembled in Annual Conference in San Jose, October 2, 2015, that article VIII, section 4 of the League bylaws be amended to read as follows:

## Article VIII: Officers

### Section 1: Identity.

The officers of the League are a President, a First Vice-President, a Second Vice-President/Treasurer, an Immediate Past President, and an Executive Director.

### Section 2: Duties of League Officers.

- (a) **President.** The President presides at all League Board meetings and all General Assemblies. The President has such other powers and duties as may be prescribed by these bylaws or the League Board.
- (b) **First Vice-President.** The First Vice-President carries on the duties of the President in the President's temporary absence or incapacity. The First Vice-President has such other powers and duties as may be prescribed by these bylaws or the League Board.
- (c) **Second Vice-President/Treasurer.** The Second Vice-President/Treasurer carries on the duties of the President in the President's and First Vice-President's temporary absence or incapacity. The Second Vice-President/Treasurer has such other powers and duties as may be prescribed by these bylaws or the League Board.

### Section 3: Election.

The League Board elects the League's President, First Vice-President and Second Vice-President for terms of one year. The election occurs at the League Board's meeting at the Annual Conference.

### Section 4: Vacancies.

A vacancy in the office of President is filled at the next meeting of the League Board by the *Immediate Past President who shall serve for the unexpired term of office and, upon election of a new President at the next Annual Conference, shall subsequently serve a full term as Immediate Past President. In the event the Immediate Past President is not available to fill the vacancy in the office of the President, or declines in writing, it shall be filled by the* succession of the First Vice-President to that office. A vacancy in the office of First Vice-President, or Second Vice-President/Treasurer, is filled for the un-expired term by appointment *by the League Board* of a member of the League Board. A vacancy in the office of the Immediate Past President is filled for the un-expired term by the last Past President continuing to hold a city office.

/////////

### Background Information on Resolution No. 1

**Source:** League Board of Directors

#### **Background:**

In 2010 and again recently in 2014 the city official elected League President at the Annual Conference in September was not returned to office by the voters of their city. This development triggered a series of steps laid out in the order of succession in the League Bylaws that mandates that the First Vice President advance to the office of President at the next Board meeting and that the Board fill the vacancy in the office of First Vice President for the remainder of the term.

When the Board filled the League offices in September 2014, the Second Vice President could not advance to First Vice President since she had been elected to the office of county supervisor and was ineligible to serve. Consequently the Board selected two directors to fill both the offices of First Vice President and Second Vice President. Neither had previously served as a League officer.

When the vacancy in the office of President occurred after the November general election, the First Vice President advanced to the office of President after having served only two months as a League officer in contrast to the normal advancement process of twenty-four months. The Second Vice President was advanced to the office of First Vice President after having served only two months as a League officer. The Board also chose a new Second Vice President.

At the February, 2015 meeting of the League Board of Directors, the Executive Committee recommended unanimously an amendment to the order of succession in Art. VIII, Sec. 4 of the League Bylaws. The proposed amendment would allow the most experienced member of the Executive Committee, the Immediate Past President, to fill out the remainder of the term of office of a President who leaves the office before its term is completed if the Immediate Past President is willing and able to do so. This arrangement would allow the First Vice President to continue serving and to advance to the office of President on the schedule envisioned by the League Bylaws. If the Immediate Past President were unable or unwilling to serve, the existing order of succession would occur.

/////////

#### League of California Cities Staff Analysis on Resolution No. 1

Staff: Alicia Lewis  
Committee: Administrative Services Policy Committee

##### Summary:

This resolution seeks to streamline the succession process when filling a vacancy for the office of President of the Board of Directors. It would allow for the League bylaws to be amended, allowing the Immediate Past President to fill an unexpected vacancy in the office of President for the remainder of the vacating President's term. Changes to League bylaws require a 2/3 vote of the General Assembly.

##### Background:

The past few years have yielded several occasions where the succession line for Board of Directors leadership was disrupted due to disappointing election results and officers taking office outside of city government.

In September 2014 the Board chose a new First and Second Vice President. The First Vice President had not previously served as Second Vice President because the prior member was elected to county office and therefore no longer eligible. When the President was not reelected in the November 2014, the First Vice President advanced to the office of President with only two months of experience as a League officer. Additionally, the Second Vice President was advanced to First Vice President. This transition far outpaced the normal process for advancing as an officer on the Board of Directors.

##### Fiscal Impact:

This impact of this resolution would have no fiscal impact.

##### Comments:

The nature of this resolution is to ensure that there is a smooth succession process in place and that current Vice-Presidents (First and Second) have ample time to prepare for their role as President. By

allowing the Immediate Past President to finish out the term of a vacated presidency the Board would ensure there is minimal disruption to the workflow and goals of the association.

**RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE**

**2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS**

Source: City of Malibu

Concurrence of five or more cities/city officials: Cities: Artesia; Duarte; La Canada Flintridge; Lakewood; Lomita; and Pico Rivera. City Officials: Los Angeles Council Member Mitchell Englander

Referred to: Housing, Community and Economic Development Policy Committee

Recommendation to General Resolutions Committee:

**WHEREAS**, residential group home facilities provide valuable rehabilitation and support services for those who live in them, which benefits the greater society; and

**WHEREAS**, state departments license these facilities through several state agencies, and operators are required to meet various state statutory requirements; and

**WHEREAS**, in addition to residents, these facilities often include live-in managers and other staff, who provide a variety of services to residents which may include meals, workshops, training, counseling and other services. These uses and services may also require frequent deliveries to be made to the facility, shuttle van service provided to residents, and additional automobile traffic due to shift changes, visiting hours, and other activities. Collectively, these uses often generate more noise and activity than expected from a traditional single-family home; and

**WHEREAS**, the overconcentration of residential group homes changes the character of neighborhoods as they become centers for the delivery of various services. This environment not only creates a disruption to long-time residents, it can also diminish the quality of the residential treatment experience for group home residents as the neighborhood assumes a more institutional setting; and

**WHEREAS**, the State and local governments operate in partnership regarding the location of these residential care facilities in residential neighborhoods in order to carry out the policy of the State to prevent overconcentration of such facilities in these neighborhoods; and

**WHEREAS**, the state has adopted a 300 foot separation requirement between facilities licensed by the Department of Social Services,<sup>1</sup> but these siting standards have not been extended to apply to facilities licensed by other state agencies such as the Department of Health Care Services or other licensed or unlicensed facilities; and

**WHEREAS**, it is the policy of the State that each county and city permit and encourage development of sufficient numbers and types of alcoholism or drug abuse recovery or treatment facilities as are commensurate with local need;<sup>2</sup> and

---

<sup>1</sup> Health & Safety Code Section 1520.5

<sup>2</sup> Health & Safety Code Section 11834.20

**WHEREAS**, the California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law;<sup>3</sup> and

**WHEREAS**, the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability;<sup>4</sup> and

**WHEREAS**, there is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities; and

**WHEREAS**, many community concerns could be addressed if State agencies communicated and collaborated more with local governments; and

**WHEREAS**, the League of California Cities is committed to working in partnership with the Legislature and Administration to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations established by State and federal law.

**RESOLVED**, at the League of California Cities General Assembly, assembled at the League Annual Conference on October 2, 2015 in San Jose, that the League calls for the Governor and the Legislature to work with the League and other stakeholders to address the following issues:

1. Explore options to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities.
2. Avoid the creation of institutional settings when multiple facilities are concentrated in a single location, while also reducing noise, congestion and other concerns often raised by residents in residential neighborhoods.
3. Determine the appropriate balance between not-for-profit (including county) facilities and for-profit facilities in residential neighborhoods.

/////////

#### Background Information on Resolution No. 2

**Source:** City of Malibu

##### **Background:**

State law preempts local zoning regulation for licensed drug and alcohol treatment facilities. State and federal anti-discrimination laws require cities to treat facilities that function as single housekeeping units the same as any other "family." In many areas of the state, these facilities are impacting residential neighborhoods because their concentration in certain neighborhoods tends to change the character of the area from a residential neighborhood to more like a hospital and institutional zone in terms of the land use impacts.

In order to avoid overconcentration in residential neighborhoods, most state-licensed group homes are required by state law to meet certain distancing requirements from other licensed group homes. Alcohol

---

<sup>3</sup> Government Code 12955(l)

<sup>4</sup> 42 U.S.C. Section 12134

and drug programs are treated differently under state law in this respect and no distancing requirements apply. In fact, the state licensing agency does not impose any restrictions on the number of facilities in the vicinity of one another and have been allowing licensees to obtain two licenses on one lot and to operate integrated multi-structure facilities under the guise of multiple single-family residential licenses. Similarly, state law currently requires private foster family agencies operating in residential zones to be organized and operated on a nonprofit basis, while drug and alcohol programs and sober living homes are permitted to operate as a for-profit business in residential zones. The addiction recovery industry has become big business. There are now thousands of treatment facilities and sober living homes in California and the number is rapidly increasing.

State policy sought integration of group homes into residential neighborhoods, not disintegration of the residential character of the neighborhoods. A course correction is required to advance state policy. Through zoning authority, cities can preserve the very neighborhoods that the community-care model depends on to provide the therapeutic environment of a residential neighborhood. Distancing requirements both respond to the biggest concern of local government (over concentration that impairs neighborhood character) and advances state policy. In addition, limiting the zoning preemption to non-profit programs will also assist in preserving the integrity of residential neighborhoods.

/////////

#### League of California Cities Staff Analysis on Resolution No. 2

Staff: Dan Carrigg  
Committee: Housing, Community and Economic Development

##### Summary:

This Resolution calls for the Governor and the Legislature to work with the League and other stakeholders to explore options to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities, avoid the creation of institutional settings when multiple facilities are concentrated in a single location, and determine the appropriate balance between not-for-profit (including county) facilities and for-profit facilities in residential neighborhoods.

##### Background:

The City of Malibu is sponsoring this resolution as a way of highlighting an issue that continues to create zoning and land use problems in single-family neighborhoods. While this is not a new issue for the League and its cities, and the League has existing policy in this area, the sponsors view the passage of this resolution as helpful in restarting conversations with the Legislature and the Governor's Administration that can hopefully lead to productive solutions.

HCED Committee member and Malibu Council Member Lou La Monte raised this issue at the Committee's June meeting, where he presented a resolution that had recently been adopted by the California Contract Cities Association on May 15. The Committee encouraged him to work with League staff in his effort to draft a measure to be presented at the League's annual conference. League staff worked with Mr. La Monte in this regard, mostly in helping ensure that the various "whereas clauses" appropriately reflect the important legal rights of patients and obligations of public entities that Legislators will expect to be balanced in any solutions to local land use issues.

##### Resolved Clauses from Recent CCCA Resolution:

*NOW THEREFORE, the Members of the California Contract Cities Association hereby re-affirms its commitment to cooperation among units of government that serve the people of California and urges the*

*California state legislature to enact legislation that empowers local government to preserve the residential character of neighborhoods necessary to effect state policy regarding group homes as follows:*

1. *Amend the state law to provide the same distancing and notice requirements for ADP facilities as it does for Community Care Act facilities;*
2. *Enact legislation providing standards that prevent overconcentration of unlicensed sober living homes to maintain residential character of neighborhoods which has therapeutic benefit for the occupants; and*
3. *Restrict the zoning preemption for licensed ADP facilities to those owned and operated by non-profit organizations.*

**Fiscal Impact:**

Minor, if any.

**Comment:**

- 1) The League has significant existing policy in this area. In the past the League has had internal task forces and sponsored and supported various legislative proposals.
- 2) Making significant progress in this area has been difficult in the Capitol. Federal and state fair housing and anti-discrimination laws and various court decisions have bearing on local authority in this area. Patient advocacy groups and sympathetic legislators have been suspicious of any solutions that they see as limiting patient access. Thus, any effort to develop solutions to address local land use concerns must also remain sensitive to these issues and the perspective of legislators that sit on committees with jurisdiction in these areas.

**Existing League Policy:**

Related to this Resolution, existing policy provides:

- The League supports permitting cities to exercise review and land use regulation of group home facilities and residential care facilities in residential neighborhoods including the application of zoning, building and safety standards. State and county licensing agencies should be required to confer with the city's planning agency in determining whether to grant a license to a community care facility. The League recognizes that better review and regulation of residential care facilities will protect both the community surrounding a facility and the residents within a facility from a poorly managed facility or the absence of state oversight.
- The League supports state legislation to require a minimum distance of 300 feet between all new and existing residential care facilities. The League supports notification of cities about conditional release participants residing in group homes.

**RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT AND REVENUE & TAXATION POLICY COMMITTEES**

**3. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS**

Source: City of West Hollywood

Concurrence of five or more cities/city officials: Cities of Healdsburg, Mammoth Lakes, Napa, Piedmont, Santa Cruz, Santa Monica, Sonoma

Referred to: Housing, Community & Economic Development; Revenue & Taxation Policy Committees  
Recommendation to General Resolutions Committee:

**WHEREAS**, the temporary rental of residential houses, condominiums, rooms, and apartments for tourist or transient use is a developing part of the sharing economy; and

**WHEREAS**, while these rentals provide additional options to the traveling public, and income to affected property owners or tenants, it is also important that such rentals comply with local laws, regulations and ordinances; and

**WHEREAS**, the temporary rental of residential houses, condominiums, rooms, and apartments for tourist or transient use can present numerous challenges to neighborhoods and adjacent property owners and create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows; and

**WHEREAS**, where temporary rental of residential units for tourist or transient use is allowed in conformance with local laws, regulations and ordinances, the applicable transient occupancy tax (TOT) should also be collected. The temporary rental of residential units for tourist or transient use is in direct competition with hotels, motels and other accommodations where guests pay the local TOT, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor; and

**WHEREAS**, the Thriving Communities and Sharing Economy Act, introduced as SB 593 by Senator Mike McGuire (D-2, Healdsburg), prohibits the operators of transient residential hosting platforms from advertising residential units for tourist or transient use if such use will violate any ordinance, regulation, or law within the applicable city or county that opts into its provisions, and requires the confidential quarterly reporting to the city or county of the following information (if the City or County adopts an ordinance requiring the reporting of the data):

1. The address of each residential unit that was occupied for tourist or transient use during the quarterly period.
2. The total number of nights the residential unit was occupied for tourist or transient use.
3. The amounts paid for the occupancy of the residential unit for tourist or transient use.

**WHEREAS**, the provisions of SB 593 bolster existing local authority to enforce local ordinances and collect revenue associated with the temporary rental of residential units by allowing local agencies access to the data necessary to enforce their ordinances and requiring short-term rental hosting platforms to collect local TOT and remit it to the appropriate jurisdiction if short-term rentals are allowed in that jurisdiction; and

**WHEREAS**, the provisions of SB 593 provide a helpful regulatory framework that cities and counties may choose in lieu of exercising their existing authority; and

**WHEREAS**, the League of California Cities supports SB 593 because it recognizes and preserves local flexibility to address the temporary rental of residential units in the manner that best fits with the unique issues and conditions found in each local jurisdiction; and

**WHEREAS**, SB 593 provides local jurisdictions with the data and framework necessary to collect TOT revenues from short-term rentals, to pay for vital local services; and

**WHEREAS**, SB 593 provides local jurisdictions with the data and framework necessary to enforce local regulations designed to ensure the safety of the public and residents living adjacent to short-term rentals; and

**WHEREAS**, despite any existing challenges faced by cities in regulating or collecting revenue from the temporary rental of residential units, cities would oppose any effort to undermine their existing local authority to regulate land use or collect local TOT revenue.

**RESOLVED**, at the League of California Cities General Assembly, assembled at the League Annual Conference on October 2, 2015 in San Jose, as follows:

1. Land use regulation and local tax collection are best overseen and implemented locally.
2. While temporary rental of residential units can offer innovative opportunities for travelers and property owners within the developing sharing economy, cities must retain flexibility to address any problems raised by such uses in a manner that reflects the unique issues and conditions in their communities.
3. Cities have existing legal authority and tools to regulate and collect revenue from the temporary rental of residential units, and SB 593 provides the data and framework that supports and bolsters such local efforts.
4. The League encourages cities to support SB 593.

|||||||

#### Background Information on Resolution No. 3

**Source:** City of West Hollywood

##### **Background:**

The sharing economy has quickly become common place in the everyday life of many individuals, whether they participate in ride-sharing, have rented a short-term residential unit, or live in a community where either is prevalent. The sharing economy has provided benefits to many, but also includes many issues that must be addressed in order to allow these sharing practices to effectively incorporate into our communities. Specifically, the short-term rental of residential units has grown exponentially within the last several years throughout the State, and its impacts need to be addressed.

Presently, many cities and counties prohibit the renting of residences for less than 30 days. However, these prohibitions are frequently ignored by Online Vacation Rental Businesses (“OVRBs”), causing unwanted burdens on cities while reducing TOT collection from sanctioned hotels. The short-term rental of residential properties presents numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows. The rentals facilitated by OVRB's in these cities and counties go against the expressed wishes of the residents.

For the cities and counties that do allow short-term residential rentals, most require hosts to register and that transient occupancy taxes be paid. However, registration and payment of TOT in these cities and counties are based on the owners of the short terms residential units voluntarily reporting their rental activity. However, there has been a severe under-registration of hosts and underpayment of TOT. Only 10% of hosts in San Francisco have followed the city ordinance to register. Sonoma County has had to spend in excess of \$200,000 in an attempt to track down those rentals that are not paying the required TOT under the ordinance. And Los Angeles is currently experiencing a rental housing shortage due in part to the recent popularity of OVRBs.

Cities and counties have been unable to obtain this information due to the fact that OVRB's pass their responsibility to individual homeowners. This lack of oversight and enforcement presents a gap in accountability, and as a result, local laws and regulations are not being followed.

Sen. Mike McGuire's Thriving Communities and Sharing Economy Act (SB 593) will provide local jurisdictions with the data and framework necessary to collect TOT revenues from short-term rentals, to pay for vital local services; or conversely, the data necessary to help cities enforce local regulations designed to ensure the safety of the public and residents living adjacent to short-term rentals, if those rental are not allowed.

Specifically, SB 593 would: 1) Prohibit the operators of short-term residential hosting platforms from advertising residential units for tourist or transient use if such use will violate any ordinance, regulation, or law, within the applicable city that opts into the bill's provisions; 2) Require short-term rental housing platforms to collect and remit applicable transient occupancy tax (if short-term rentals are allowed in the city and the collection of TOT is required by the city); and 3) Require the confidential quarterly reporting of the address of each residential unit that was occupied for tourist or transient use during the quarterly period, the total number of nights the residential unit was occupied for tourist or transient use, and the amounts paid for the occupancy of the residential unit for tourist or transient use.

The premise of SB 593 is simple: reinforce local laws already on the books. Where vacation rentals are legal, the bill will assist local jurisdictions in their regulation and collection of Transient Occupancy Taxes, (TOT) as more than 430 cities and 56 counties impose a TOT. Where vacation rentals are illegal by local ordinance, the bill will prohibit online vacation rental businesses from making a rental.

The Thriving Communities and Sharing Economies Act will empower local control, provide desperately needed funding for parks, local roads, fire and police services, and promote safe neighborhoods. SB 593 will require online vacation rental businesses to disclose information to cities and counties and/or collect and disperse Transient Occupancy Tax dollars – projected to be in the hundreds of millions of dollars statewide.

The emerging short term rental industry is an important segment of the state economic fabric and an issue of statewide importance. SB 593 would assist in facilitating a shared economy that will be beneficial to California's cities and their residents.

/////////

#### League of California Cities Staff Analysis on Resolution No. 3

Staff: Dan Carrigg

Committees: Housing, Community & Economic Development; Revenue & Taxation

#### Summary:

This Resolution seeks to highlight and increase support for SB 593 (McGuire), which is pending in the Legislature. SB 593, titled the Thriving Communities and Sharing Economy Act, seeks to bolster local efforts to regulate and collect transient occupancy taxes from the temporary rental of residential houses, condominiums, rooms, and apartments for tourists and transient use. The League is currently in support of this legislation.

#### Background:

The City of West Hollywood and other cities are sponsoring the resolution in an effort to expand awareness of the issue among cities and encourage additional support for SB 593. They view the

legislation as helpful in bolstering local efforts to appropriately regulate a growing vacation rental industry.

The author introduced SB 593 based upon his past experience as both former Mayor of Healdsburg and a Sonoma County Supervisor. These areas are popular with tourists, and the affected communities are facing increasing land use and revenue collection issues. SB 593 is currently on the Senate Floor and is considered a “two-year bill,” meaning that it cannot move until January 2016.

In addition to the League, SB 593 has a broad range of support:

**Support:** American Federation of State, County, and Municipal Employees, AFL-CIO; American Hotel and Lodging Association; Asian American Hotel Owners Association; American Insurance Association; Association of California Insurance Companies; Andaz West Hollywood General Manager Lin Schatz; Association for Los Angeles Deputy Sheriffs; City of Big Bear Lake; Borrego Springs Chamber of Commerce & Visitors Bureau; California Apartment Association; California Association of Boutique and Breakfast Inns; California Association of County Treasurers and Tax Collectors; California Apartment Association; California Association of Code Enforcement Officers; California College and University Police Chiefs Association; California Narcotics Officers Association; California Police Chiefs Association; California Hotel and Lodging Association; California Labor Federation; California Professional Firefighters; California State Association of Counties; California Teamsters Public Affairs Council; Contra Costa County Treasurer-Tax Collector Russell Watts; Paul Desterman, Mindy Desterman; El Dorado County Treasurer-Tax Collector C.L. Raffety; Douglas Engmann; Fairmont San Jose General Manager Kelley Cosgrove; Hilton Los Angeles/Universal City General Manager Mark Davis; Hotel Association of Los Angeles; Hotel Council of San Francisco; Humboldt County Convention and Visitors Bureau; International Faith Based Coalition; League of California Cities; Long Beach Firefighter Association; Los Angeles Alliance for a New Economy; Los Angeles Police Protective League; Town of Mammoth Lakes; Marin County Council of Mayors and Councilmembers; Marriot Courtyard in Larkspur General Manager Sam Pahlavan; Denise McNicol; Mendocino County Board of Supervisors; Mendocino County Treasurer-Tax Collector Shari Schapmire; Mono County Board of Supervisors; Ashok Mukherje; National Association of Mutual Insurance Companies; Neighbors for Overnight Oversight; Jenny Oaks; Pacific Association of Domestic Insurance Companies; Riverside Sheriffs Association; Rural County Representatives of California; Sacramento Hotel Association; San Diego County Hotel-Motel Association; San Franciscans for Reasonable Growth; San Luis Obispo County Auditor-Controller-Treasurer-Tax Collector James Erb; San Mateo County Central Labor Council; Santa Cruz County Convention and Visitors Council; Service Employees International Union; ShareBetter San Francisco; Sierra County Auditor-Treasurer-Tax Collector Van Maddox; Siskiyou County Treasurer-Tax Collector Wayne Hammar; Sonoma County Auditor-Controller-Tax Collector David Sundstrom; Sonoma County Board of Supervisors; City of Thousand Oaks; Tulare County Auditor-Controller-Treasurer-Tax Collector Rita Woodard; Tuolumne County Treasurer-Tax Collector Shelley Piech; UNITE-HERE, AFL-CIO; United Firefighter of Los Angeles City, Local #112; Natasha Yankoffski.

**Opposition:** Airbnb; Consumer Watchdog; Internet Association, TechNet.

**Fiscal Impact:**

Transient Occupancy Taxes are a significant source of local revenue. Many cities and counties are encountering challenges identifying units in their community that are being used as vacation rentals and collecting associated revenue. Where vacation rentals are permitted by local ordinance, the passage of SB 593 can assist local efforts, thereby increasing local revenues to support local services.

**Comment:**

- 3) Earlier this year the League’s Housing Community and Economic Development Committee and Revenue and Taxation Committee reviewed an earlier version of SB 593 and initially adopted a

Support, If Amended position, which was concurred with by the League board. The author later incorporated the League's amendments into the bill and the League issued a support letter on the current version of the bill.

- 4) Local governments already have extensive authority to regulate land use and collect local taxes. While vacation rentals may be an increasingly popular option for the traveling public, local ordinances are beginning to adjust. The League supports SB 593 because it is crafted in a way that supports local authority in dealing with this emerging issue. Local agencies can either opt in to its provisions or continue to address issues differently under their existing local authority.

**Existing League Policy:**

Related to this Resolution, existing policy provides:

**HCED Policy:** The League believes that local zoning is a primary function of cities and is an essential component of home rule.

**Rev. & Tax Policy:** Additional revenue is required in the state/local revenue structure. There is not enough money generated by the current system or allocated to the local level by the current system to meet the requirements of a growing population and deteriorating services and facilities.

**RESOLUTION REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE**

4. **RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO WORK WITH THE LEAGUE OF CALIFORNIA CITIES TO ENACT LEGISLATION OR TO OTHERWISE COMPEL SOUTHERN CALIFORNIA EDISON TO CREATE A PROGRAM TO AUTOMATICALLY PROVIDE DIRECT COMPENSATION TO ITS CUSTOMERS AFFECTED BY PROLONGED ELECTRICAL POWER OUTAGES UNDER SPECIFIED CIRCUMSTANCES.**

**Source:** City of Rancho Palos Verdes

**Concurrence of five or more cities/city officials:** Cities of Hermosa Beach, Lomita, Palos Verdes Estates, Rolling Hills and Rolling Hills Estates

**Referred to:** Environmental Quality Policy Committee

**Recommendations to General Resolutions Committee:**

WHEREAS, local governments in California are often reliant upon investor-owned private utility companies for the provision of electrical power to their citizens, businesses and institutions; and,

WHEREAS, the reliability and consistency of electrical supply and transmission is critically important to local governments to ensure the protection of the public safety, health and general welfare of communities; and,

WHEREAS, prolonged disruptions in electrical service can jeopardize the health of citizens who have a variety of physical challenges and rely on a constant source of power for medical devices; the safety of senior citizens who are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and the financial well-being of citizens, businesses and institutions that suffer from the loss of food, medication and other perishable items during prolonged power outages; and,

WHEREAS, Southern California Edison (SCE), an investor-owned utility serving 15 million customers in Southern and Central California, experiences frequent and prolonged service disruptions due to both planned and unplanned outages, equipment failures and weather-related events, which adversely affect local governments within its service area; and,

**WHEREAS**, SCE has been fined by the California Public Utilities Commission in the past due to prolonged service disruptions, most recently being levied a \$24.5 million penalty as a result of a prolonged outage that resulted from a wind storm in 2011; and,

**WHEREAS**, although SCE provides a claim process by which its customers may seek compensation for financial losses incurred as a result of prolonged service disruptions, SCE appears to reject most such claims; which places an unreasonable burden upon its customers and creates a false impression that customers will be compensated for their losses; and,

**WHEREAS**, at least one other investor-owned utility in California, Pacific Gas and Electric (PG&E) in Northern and Central California, has existing programs and procedures in place (“Safety Net” and “Service Guarantee”) that automatically and directly compensate its customers when they are affected by prolonged service disruptions, including disruptions due to weather events and other causes, without the need for customers to seek compensation through a claim process; and,

**WHEREAS**, these PG&E programs provide for “Storm Inconvenience Payments” of \$25 to \$100 for weather-related service disruptions of forty-eight (48) hours or more; as well as \$30 service credits in instances of where the customer’s electrical service is not restored within four (4) hours, or the customer is not provided with a time for service restoration within four (4) hours; the customer is without electrical service for twenty-four (24) hours or more in the event of unplanned service disruptions (unless the cause of the disruption is completely beyond the utility’s control); and the customer is without electrical service as a result of a planned service interruption where less than seventy-two (72) hours’ notice is provided to the customer; and,

**WHEREAS**, local governments within SCE’s service area believe that requiring SCE to implement automatic and direct compensation programs for prolonged service disruptions, similar to those implemented by PG&E, will provide tangible relief to citizens, businesses and institutions that are adversely affected by prolonged outages, and will incentivize SCE to improve the reliability of its equipment and service; and now therefore let it be,

**RESOLVED** by the General Assembly of the League of California Cities, assembled in San Jose on October 2, 2015, that the League calls for the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel SCE to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances; and let it be,

**FURTHER RESOLVED** that such program shall be modeled upon PG&E’s “Safety Net” and “Service Guarantee” programs, and shall cover weather-related events and planned and unplanned service disruptions.

|||||||

#### Background Information on Resolution No. 4

**Source:** City of Rancho Palos Verdes

**Background:**

The City of Rancho Palos Verdes and other cities in the South Bay region of Los Angeles County have longstanding concerns regarding the ineffective process by which Southern California Edison (SCE) addresses residents’ claims, and desires to obtain the League’s assistance in correcting that process. On the Palos Verdes Peninsula, SCE’s aged infrastructure has caused fires and repeated, prolonged power

outages. The prolonged power outages are the focus of this request, because they adversely affect residents in a variety of ways, particularly:

- Residents who have a variety of physical challenges and rely on a constant source of power for medical devices;
- Residents who are senior citizens and are particularly susceptible to injury if power outages persist for a long period of time into the evening hours; and,
- Residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

The California Public Utilities Commission (CPUC) has the authority to impose penalties on utilities, including for prolonged power outages, and did so in connection with an extreme wind event that occurred in the Los Angeles area in 2011. However, the CPUC is not authorized to award claims to residents for prolonged electrical power outages. If a resident has a claim he or she wishes to pursue, the resident must file a claim with SCE, along with documentation of the financial loss that was incurred. If the claim is rejected, the resident then must file a lawsuit against SCE (probably in small claims court). Most residents will not want to spend the time and effort to pursue small claims for monetary damages arising from extended power outages.

SCE only awards claims for damages caused by its own negligence. This means that if an extended power outage is caused by a weather-related event, the claim will be denied. The SCE website also states that it will not cover claims for power surges. Since SCE often moves power from one line to another to enable repairs and maintenance, SCE can be the cause of the power surge, but residents still will not receive compensation for those claims.

### **Proposed Legislation**

The proposed resolution calls upon the Governor and Legislature to enact legislation (or take other action) that will provide rebates in flat amounts to SCE customers for extended power outages under specified conditions. The proposed legislation could be modeled on the “Safety Net” and “Service Guarantee” programs offered by Pacific Gas and Electric (PG&E), another California-based investor-owned utility, which provides specific rebates to its customers based upon the type, cause and duration of service interruptions. These penalties are designed to provide direct compensation to SCE’s customers who are adversely affected by prolonged power outages, and to incentivize SCE to restore the power as quickly as possible. They also will eliminate the frustration that SCE’s customers experience as a result of SCE’s existing claim process.

/////////

### **League of California Cities Staff Analysis on Resolution No. 4**

Staff: Jason Rhine  
Committee: Environmental Quality

#### **Summary:**

Resolution No. 4 calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel Southern California Edison (SCE) to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage under specified circumstances.

#### **Background:**

City of Rancho Palos Verdes asserts that the South Bay region of Los Angeles County has longstanding concern regarding the ineffective process by which SCE addresses residents’ claims associated with

prolonged electrical power outages. The City believes that SCE's aged infrastructure has caused fires and repeated, prolonged electrical power outages. Prolonged electrical power outages can adversely affect residents who have physical challenges and rely on a constant source of power for medical devices; residents who are senior citizens and are particularly susceptible to injury if electrical power outages persist for a long period of time into the evening hours; and, residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged electrical power outages.

According to information provided by SCE, SCE has the following customer compensation program:

#### **Service Guarantee Program**

SCE shall provide the following four service guarantees to its electric customers and provide a \$30 credit when these service guarantees are not met. Unless otherwise stated below, the four service standards apply only to active service accounts served under the Residential, General Service and Industrial, or Agricultural and Pumping rate schedules.

- **Restoration of Service Within 24 Hours:** SCE will restore electrical service within 24 hours of when SCE first becomes aware of a power outage. The first credit will be applied if the outage exceeds 24 hours. Additional credits will be applied for each succeeding 24-hour period that the customer is without service. Partial credits will not be paid for outage periods less than a full 24-hour increment. *Power outages associated with a moderate, severe, or catastrophic storm condition are exempt from the program.*
- **Missed Appointments:** When an appointment for a field service visit is made with a customer for a specific appointment time, and the customer's presence is required for establishing new service, a billing inquiry, or meter installation, SCE will arrive at the agreed upon appointment within 30 minutes before or after the scheduled time.
- **Notification of Planned Outages:** SCE will provide customers with notification of a planned outage at least three calendar days prior to the event. SCE will notify customers either by US Postal Service mail, by phone, in-person or door-to-door through door hangers, or by e-mail if SCE has the customer's e-mail address on file. If a planned outage is rescheduled to a new date not specified in the original notice to the customer, SCE will provide a new notice at least three calendar days in advance of the rescheduled planned outage.
- **Timely and Accurate First Bill:** SCE will issue an accurate first bill to a new customer of record within 60 days of establishing service. The bill and bill accuracy is defined according to the terms and conditions of SCE's Rule 9 (Rendering and Payment of Bills) and Rule 17 Section A (Adjustment of Bills and Meter Tests Usage) and Section D (Adjustment of Bills for Billing Error). The service guarantee credit process will be initiated once SCE is aware that the first bill was either inaccurate or issued beyond sixty days of establishing service. The first bill for any given customer account is eligible for only one service guarantee credit regardless of whether the bill is late, inaccurate, or both.

According to PG&E's website, PG&E offers the following customer compensation programs:

#### **Compensation for Extended Outages**

**STORMS MESSAGE:** If you are a residential customer and have gone without power for at least 48 hours due to severe storm conditions, you may qualify for a payment under PG&E's Safety Net Program. This program provides for the automatic payment of \$25 - \$100, which is paid about 60 days following the storm outage. In some cases, processing may take 90-120 days (heavy storm season).

#### **Safety Net Program**

We understand how inconvenient it is for customers who go without power for 48 hours or longer due to severe events, such as a storm. That is why PG&E created the following:

- PG&E will provide payments to residential customers we determine were without power for more than 48 hours due to a severe storm.
- The payments will range from \$25 up to \$100, depending on the length of the outage.

#### Eligibility

- The Storm Inconvenience Payment provision of the Safety Net Program applies to residential customers only (rate schedules E-1, E-6, E-7, E-8, E-9, EM, ES, ESR, ET, and EV); customers also may be enrolled in programs such as CARE and medical baseline.
- Businesses, agricultural accounts, multi-family building common areas, streetlights, and all other customers other than residential customers are ineligible for Storm Inconvenience Payments.
- Storm Inconvenience Payments will not be issued to customers in areas where access to PG&E's electric facilities was blocked (mud slides, road closures or other access issues). Also, if customer equipment prevented restoral or extended customer outage (ex. weatherhead, service drop, etc.).
- The outage must have occurred during a major weather-related event that caused significant damage to PG&E's electric distribution system.
- The outage must have lasted more than 48 hours.
- Storm Inconvenience Payments are in increments of \$25 (\$100 maximum per event). Payment levels are based on the length of the customer's outage:
  - 48 to 72 hours \$25
  - 72 to 96 hours \$50
  - 96 to 120 hours \$75
  - 120 hours or more \$100
- Both bundled-service and direct-access residential customers qualify for Storm Inconvenience Payments.
- Storm Inconvenience Payments will be issued to the customer of record.
- A customer with multiple residential services such as a primary residence and a vacation home is eligible for Storm Inconvenience Payments at each location where there was a storm-related outage of more than 48 hours.
- Customers must have an open account (service agreement) in good standing at the time of the outage and at the time payment is issued (generally 45 to 60 days after the event).
- For master-metered accounts such as mobile home parks, the customer of record will receive the Storm Inconvenience Payment for the master meter only.

#### Service Guarantee Program

Gas and electricity are essential to keep your life running smoothly, safely and efficiently. When your service is interrupted or in need of repair, you expect a reasonable and timely response. To ensure that we provide this to you, PG&E has implemented service guarantees, which spell out our commitment to prompt customer service for our customers:

- **Guarantee 1: Missed Appointments:** PG&E will meet the agreed upon appointment time set with our customer during contact with our Call Center or automatically credit your account \$30.
- **Guarantee 2: Non-Emergency Investigations:** PG&E will investigate non-emergency situations (check meter) and communicate results to a customer within seven days of a customer's request. Check-meter appointments between October 15 and December 15 of each year will be scheduled within 10 workdays. If an off-site meter test is required, PG&E will communicate the results to the customer within 30 days. If access is required to the customer's premises, then an appointment is necessary. Failure to meet the service guarantee will result in a \$30 credit to the customer's account. An automatic credit to the customer's account would apply only if PG&E misses a scheduled appointment date. If

the appointment is scheduled beyond five workdays, the customer must notify PG&E to receive the credit. If PG&E's records show that such scheduling was at the customer's request, the credit does not apply.

- **Guarantee 3: Emergency:** The Emergency Service Guarantee is not currently in effect.
- **Guarantee 4: Complaint Resolution:** PG&E will decide on a course of action to resolve a complaint and communicate it to the customer within three working days. PG&E will communicate the complaints resolution to the customer within 10 working days, or 30 working days when an off-site meter test is required or an on-site home audit is requested. Failure to meet the service guarantee will result in a \$30 credit to the customer's account.
- **Guarantee 5: New Meter Installations:** PG&E will meet the agreed upon date for new service meter installations and service turn-ons or automatically credit your account \$50.
- **Guarantee 6: Electric Service Disruptions:** PG&E will respond to customer calls reporting electric service interruptions within four hours by restoring service; or by informing the customer, upon request, when service restoration is expected; or automatically credit your account \$30.
- **Guarantee 7: Electric Service Restoration:** PG&E will restore electric service within 24 hours, unless the cause is absolutely beyond our control, or we will automatically credit your account \$30 for each 24-hour period you are without service.
- **Guarantee 8: Commencing Bills:** PG&E will issue an accurate commencing bill to a new customer account within 60 days of service initiation, or we will automatically credit your account \$30.
- **Guarantee 9: Planned Interruptions:** PG&E shall provide at least three days' notice of a planned interruption in service. Failure to meet the service guarantee will result in a \$30 credit to the customer's account. This guarantee will require a customer call and PG&E investigation to determine if PG&E's commitment to notify customers 72 hours in advance of planned interruptions was missed. Customers notified of planned service interruptions 72 hours in advance may have their service interrupted on multiple occasions on the date(s).
- **Guarantee 10: Service Termination in Error:** Impacted customers will be eligible for a \$100 credit adjustment if PG&E terminates service in error.

#### **Fiscal Impact:**

No Impact on City Funds. Compelling SCE to create automatic direct compensation programs modeled on PG&E's "Safety Net" and "Service Guarantee" programs would have no direct fiscal impact on cities because the "Safety Net" program is limited to residential customers and the "Service Guarantee" program is very similar to SCE's existing program. However, residential customers would receive direct payments in specified circumstances for prolonged electrical power outages.

#### **Comment:**

- The City of Rancho Palos Verdes, in sponsoring this resolution, does not believe that SCE has an effective process to address customer damage claims associated with prolonged electrical power outages. According to the resolution, the City of Rancho Palos Verdes would like to compel SCE to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances. Additionally, the program would be modeled upon PG&E "Safety Net" and "Service Guarantee" programs, and shall cover weather-related events and planned and unplanned service disruptions.
- *What is SCE's process to provide relief to customers that have experienced a prolonged electrical power outage?* As part of SCE's four point service guarantee program, customers experiencing an electrical power outages exceeding 24 hours, may qualify for a \$30 credit under specific conditions. However, prolonged electrical power outages

caused by a moderate, severe, or catastrophic storm condition are exempt from the program.

- *How does PG&E provide relief to customers that have experienced a prolonged electrical power outage?* Like SCE, PG&E has a multi-point service guarantee program that provides customer credits that range from \$30 - \$100 for a wide range of activities. In addition, PG&E has a specific, weather related program, the “Safety Net” program, which provides automatic, direct payment to customers experiencing electrical power outages, in excess of 48 hours.
- *What type of customer compensation program does the Resolution call for?* The Resolution calls for a customer compensation program that expands beyond PG&E’s two existing programs. Under the Resolution, the City of Rancho Palos Verdes would like to compel SCE to adopt a program based on PG&E’s “Safety Net” and “Service Guarantee” programs, and also cover weather-related events and planned and unplanned service disruptions.
- *Do these programs really provide funds to residential customers?* While the Resolution holds PG&E’s programs in high esteem, after hearing from a number of city officials in PG&E’s service territory, it seems that there is a great deal of skepticism around the effectiveness and utilization of their residential compensation programs. Is PG&E’s program really working as described?
- *What about California’s other Investor Owned Utilities (IOU) and municipal utilities?* The Resolution is directed at SCE. However, the committee may want to consider the implications of the Resolution on the other investor owned utilities and municipal utilities.
- *Is legislation the best approach?* The Resolution calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel SCE to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage. Given that the California Public Utilities Commission regulates all of the investor owned utilities, it may be more appropriate to seek a regulatory change rather than a legislative proposal.
- *More information to come.* The Resolution could have broader implications beyond SCE and PG&E. Prior to the Environmental Quality Policy Committee and General Resolutions Committee meeting at Annual Conference, League staff will provide additional background information on the following:
  - Other IOU electrical power outage compensation programs.
  - Municipal utility electrical power outage compensation programs.
  - Role of the California Public Utilities Commission.

#### Existing League Policy:

In response to the energy crisis of 2001, the League of California Cities established extensive policy and guiding principles related to the electric industry. However, there is no existing policy that pertains to prolonged power outages or compensating customers for damages incurred during a prolonged power outage.

**LETTERS OF CONCURRENCE**  
**Resolution No. 2**  
**Overconcentration of Alcohol & Drug Treatment Facilities**

**--THIS PAGE INTENTIONALLY LEFT BLANK--**



---

## THE CITY OF ARTESIA, CALIFORNIA

---

18747 CLARKDALE AVENUE, ARTESIA, CALIFORNIA 90701

Telephone 562 / 865-6262

FAX 562 / 865-6240

"Service Builds Tomorrow's Progress"

July 15, 2015

President Stephany Aguilar  
League of California Cities  
1400 K Street Suite 400  
Sacramento, CA 95814  
Fax: (916) 658-8240

**Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS**

Dear President Aguilar,

I, Mayor Pro Tem Victor Manalo, City of Artesia wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

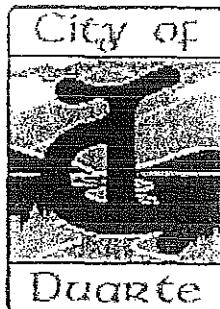
In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,



Victor Manalo  
Mayor Pro Tem  
City of Artesia



# CITY OF DUARATE

Sixteen Hundred Huntington Drive, Duarate, California 91010-2392  
Tel 626-357-7931 FAX 626-358-0018 [www.accessduarate.com](http://www.accessduarate.com)

July 22, 2015

Stephany Aguilar, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814  
Fax: (916) 658-8240

Mayor  
Tzeitel Paras-Caracci  
Mayor Pro Tem  
Samuel Kang  
Councilmembers  
John Pasano  
Margaret E. Finlay  
Liz Reilly  
City Manager  
Dorell George

Re: A Resolution of the League of California Cities calling for legislation to preserve therapeutic environments for group homes, and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods

The City of Duarate wishes to support the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods, to be adopted on October 2, 2015, at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning, and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law. The Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods, or the overconcentration of these facilities, as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if State agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting, and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Tzeitel Paras-Caracci  
Mayor



City Council  
David A. Spence, Mayor  
Jonathan C. Curtis, Mayor Pro Tem  
Michael T. Davitt  
Leonard Pieroni  
Terry Walker

July 15, 2015

President Stephany Aguilar  
League of California Cities  
1400 K Street Suite 400  
Sacramento, CA 95814  
Fax: (916) 658-8240

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar:

I am a City Council member of the City of La Cañada Flintridge and wish to express my support of the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods. Said resolution is scheduled for consideration on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, I believe the Governor and Legislature should respect individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government.

Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Michael T. Davitt  
Council Member  
CCCA Executive Board Member

Ron Pictures  
Vice Mayor

Tom Rogers  
Council Member

Steve Credit  
Council Member

Diane Ballou  
Council Member

CITY OF LAKWOOD

CITY OF CALIFORNIA

Jeff Wood  
Mayor

July 21, 2015

President Stephany Aguilar  
League of California Cities  
1400 K Street Suite 400  
Sacramento, California 95814

Re: Resolution for Legislation to Preserve Therapeutic Environments for Group Homes and Avoid Impacts of Overconcentration of Alcohol and Drug Abuse Recovery and Treatment Facilities in Residential Neighborhoods

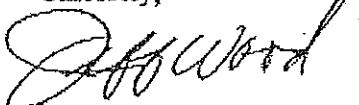
Dear President Aguilar:

The City of Lakewood supports the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods. We support that this resolution be adopted at the Annual League of California Cities Conference on October 2, 2015 in San Jose, California.

Lakewood recognizes that residential group home facilities provide valuable services for those who live in them. However, we also recognize that these facilities often generate more noise and activity than expected from a traditional single-family home, and that overconcentration of these homes can change the character of the neighborhoods where they are situated. Overconcentration can occur because state agencies that oversee these homes have different siting standards (facilities licensed by the state Department of Social Services require a 300 foot separation between facilities, but those facilities licensed by other state agencies, such as the Department of Alcohol and Drugs Programs, do not have such a requirement). This resolution will seek to address, via legislation, overconcentration of alcohol and drug treatment prevention facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities.

Thank you for your consideration, support and adoption of this important resolution at the League Annual Conference.

Sincerely,



Jeff Wood  
Mayor

Lakewood



MITCHELL ENGLANDER  
LOS ANGELES CITY COUNCILMEMBER, TWELFTH DISTRICT

July 24, 2015

President Stephany Aguilar  
League of California Cities  
1400 K Street Suite 400  
Sacramento, CA 95814  
Fax: (916) 658-8240

**Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR  
LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND  
AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE  
RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS**

Dear President Aguilar,

I, Los Angeles City Councilmember Mitchell Englander, wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

MITCHELL ENGLANDER  
President Pro Tempore,  
Chair, City of Los Angeles Public Safety Committee



CITY COUNCIL

HENRY SÁNCHEZ JR.  
JIM GAZELEY  
MICHAEL G. SAVIDAN  
BEN TRAINA  
MARK WARONEK



ADMINISTRATION

MICHAEL ROCK  
CITY MANAGER

CITY OF LOMITA

July 23, 2015

President Stephany Aguilar  
League of California Cities  
1400 K Street Suite 400  
Sacramento, CA 95814  
Fax: (916) 658-8240

**RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS**

Dear President Aguilar:

I, Mayor Henry Sanchez, Jr., City of Lomita, wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

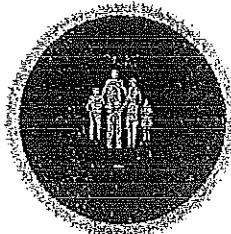
Sincerely,

A handwritten signature in black ink, appearing to read "Henry Sanchez Jr." The signature is fluid and cursive.

Henry Sanchez, Jr.  
Mayor, City of Lomita

cc: Kelli Lofing, California Contract Cities Association, [kelli@contractcities.org](mailto:kelli@contractcities.org)

CITY HALL OFFICES • P.O. BOX 339 • 24300 NARBONNE AVENUE, LOMITA • CALIFORNIA 90717  
(310) 325-7110 • FAX (310) 325-4024 • [www.lomita.com/cityhall](http://www.lomita.com/cityhall)



## City of Pico Rivera OFFICE OF THE CITY COUNCIL

6615 Passons Boulevard • Pico Rivera, California 90660 • (562) 801-4371  
web: [www.pico-rivera.org](http://www.pico-rivera.org) • e-mail: [spend@pico-rivera.org](mailto:spend@pico-rivera.org)

**GREGORY SALCIDO**  
*Mayor*

July 15, 2015

Stephany Aguilar, President  
League of California Cities  
1400 K Street Suite 400  
Sacramento, CA 95814  
Fax: (916) 658-8240

Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR  
LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP  
HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL  
AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN  
RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar,

I, Gregory Salcido, Mayor of the City of Pico Rivera wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

Stephany Aguilar, President  
League of California Cities  
Legislation to Preserve Therapeutic Environments  
for Group Homes  
Page 2

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,



Gregory Salcedo  
Mayor

GS:BC:sp

**--THIS PAGE INTENTIONALLY LEFT BLANK--**

**LETTERS OF CONCURRENCE**  
Resolution No. 3  
Residential Rentals, Support for SB 593 (McGuire)

**--THIS PAGE INTENTIONALLY LEFT BLANK--**



# CITY OF HEALDSBURG ADMINISTRATION

401 Grove Street  
Healdsburg, CA 95448-4723

Phone: (707) 431-3317  
Fax: (707) 431-3321

Visit us at [www.ci.healdsburg.ca.us](http://www.ci.healdsburg.ca.us)

July 29, 2015

Stephany Aguilar, President  
League of California Cities  
1400 K Street  
Sacramento, CA 95814

RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)  
AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD  
AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST  
OR TRANSIENT USES

Dear President Aguilar:

The City of Healdsburg supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

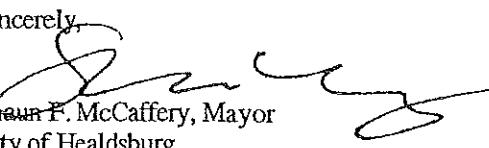
The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Healdsburg believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For these reasons, the City of Healdsburg supports the League's Resolution.

Sincerely,

  
Shaun P. McCaffery, Mayor  
City of Healdsburg

cc: Meg Desmond, League of California Cities, [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
John Leonard, City of West Hollywood, [jleonard@weho.org](mailto:jleonard@weho.org)



## Mammoth Lakes Town Council

P.O. Box 1609, Mammoth Lakes, CA, 93546

(760) 934-8989

[www.townofmammothlakes.ca.gov](http://www.townofmammothlakes.ca.gov)

---

July 30, 2015

Stephany Aguilar, President  
League of California Cities  
1400 K Street  
Sacramento, CA 95814

**RE: LETTER IN SUPPORT OF A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES  
SUPPORTING SB 593 (MCGUIRE)**

Dear President Aguilar:

The Town of Mammoth Lakes supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015. The Town of Mammoth Lakes is a small, rural community in the Eastern Sierra Region of about 8,000 full-time residents. Mammoth Lakes is a tourist destination, servicing hundreds of thousands of visitors each year. We are geographically isolated from populated areas by several hundred miles and are supported by our one primary industry – tourism.

The League's proposed resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, and decrease available housing stock. In Mammoth Lakes, with a limited police force that is not staffed 24-hours a day and a code enforcement staff of one, enforcement of these types of issues can be very challenging.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all transient rentals should be subject to the same tax. The revenues generated support local services, including but not limited to, public safety, snow removal, maintenance of public parks and facilities, road maintenance, and recreation programs, which directly affect local quality of life and the attraction of the community for a visitor.

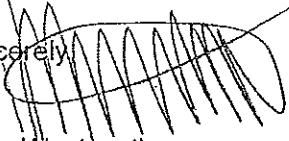
This proposal will make it much easier for communities such as Mammoth Lakes that depend on revenue from TOT to enforce existing rules and regulations and collect TOT as specified in our Municipal Code. Mammoth Lakes relies heavily on TOT collection to operate the Town government; nearly 65% of the Town's operating budget is funded by the collection of TOT.

Collection of TOT is so important to the Town that we have three full-time employees dedicated its enforcement. This includes making sure that people remit their taxes on time, but more importantly it is tracking down violators who are renting their units without an approved permit, renting units in locations where the zoning does not permit it, and/or not remitting their taxes to the Town. Enforcement is made much more difficult by the use of online vacation rental business (OVRB) websites where unit numbers and addresses are typically not listed and often owners do not require the payment of TOT. The data proposed to be collected and provided to us by OVRBs will be of great value as we manage transient rentals in our community.

The Town of Mammoth Lakes believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For all of these reasons, the Town of Mammoth Lakes supports the League California Cities' Resolution.

Sincerely,



John Wentworth  
Councilmember  
Town of Mammoth Lakes

cc: Meg Desmond, League of California Cities, [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
John Leonard, City of West Hollywood, [jleonard@weho.org](mailto:jleonard@weho.org)



## MAYOR AND CITY COUNCIL

July 27, 2015

Stephany Aguilar, President  
League of California Cities  
1400 K Street  
Sacramento, CA 95814

Dear President Aguilar:

**RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)  
AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND  
FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR  
TRANSIENT USES**

The City of Napa supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

The City of Napa's zoning ordinance defines a "Rental Housing Shortage" as a vacancy rate less than 5%. A vacancy rate of less than 2% is defined as "Severe". We are currently at severe levels. The City's vacancy rates have continued to decline from 4% in 2009 to less than 2% today. Our Housing Element recognizes the issue of rising housing costs in Napa and its impact on the goal of maintaining Napa's quality of life by balancing the availability of housing with other environmental considerations. Maintaining and protecting our housing stock is of utmost importance to the City of Napa.

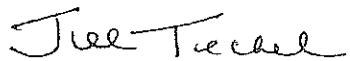
Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Napa believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations

regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For the reasons as stated above, the City of Napa supports the proposed Resolution.

Sincerely,



Jill Techel  
Mayor  
CITY OF NAPA

JT/dr

cc: City of Napa City Councilmembers  
Meg Desmond, League of California Cities, [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
John Leonard, City of West Hollywood, [jleonard@weho.org](mailto:jleonard@weho.org)  
City Manager Mike Parness  
Community Development Director Rick Tooker

**CITY OF PIEDMONT**  
**CALIFORNIA**



July 30, 2015

Stephany Aguilar, President  
League of California Cities  
1400 K Street  
Sacramento, CA 95814

**RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING  
SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS  
THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY  
RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES**

Dear President Aguilar:

The City of Piedmont supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Piedmont believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and

a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For these reasons, the City of Piedmont supports the Resolution.

Sincerely,



Paul Benoit  
City Administrator  
City of Piedmont

cc: Meg Desmond, League of California Cities, [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
John Leonard, City of West Hollywood, [jleonard@weho.org](mailto:jleonard@weho.org)



M A Y O R A N D C I T Y C O U N C I L

809 Center Street, Room 10, Santa Cruz, CA 95060 • (831) 420-5020 • Fax: (831) 420-5011 • [citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com)

July 27, 2015

Ms. Stephany Aguilar, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593  
(McGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS  
NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF  
RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES**

Dear President Aguilar:

As Mayor of the City of Santa Cruz, I am writing in support of the proposed resolution related to the Thriving Communities and Sharing Economy Act and concur in the submission of the resolution for consideration by the League of California Cities (LOCC) General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging “shared economy.”

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. Such rental situations may create additional noise, traffic, parking, and privacy and public safety issues; subvert local rent control laws; decrease available housing stock; and, in some cases, turn residential neighborhoods into de facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated Transient Occupancy Tax (TOT) should also be collected. These units are in direct competition with hotels, motels, and other accommodations where guests pay the local TOT, so all such uses should be subject

Ms. Stephany Aguilar, President

July 27, 2015

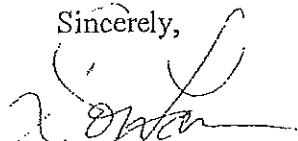
Page 2

to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash collection, park maintenance, and other local public services which directly affect local quality of life and make the community attractive to a visitor.

I believe SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

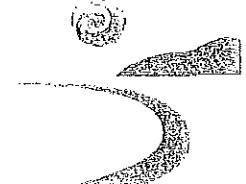
For these reasons, I support the proposed resolution and hope that the LOCC will consider adoption of this resolution at its October conference.

Sincerely,



Don Lane  
Mayor

cc: Meg Desmond, League of California Cities, [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
John Leonard, City of West Hollywood, [jleonard@weho.org](mailto:jleonard@weho.org)



City of  
Santa Monica®

July 24, 2015

**Mayor Kevin McKeown**  
**Mayor Pro Tempore Tony Vazquez**

**Councilmembers**  
**Gleam Davis**  
**Sue Himmelrich**  
**Pam O'Connor**  
**Terry O'Day**  
**Ted Winterer**

Stephany Aguilar, President  
League of California Cities  
1400 K Street  
Sacramento, CA 95814

Dear President Aguilar:

**RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES**

The City of Santa Monica supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Santa Monica believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

In Santa Monica, a city of just over 90,000 residents, passage of SB 593 in concurrence with our local ordinance, will generate estimated annual revenues of approximately \$138,500 in Transient Occupancy Tax and would return approximately 1,000 units to the housing market.

For these reasons, the City of Santa Monica supports the City's Resolution.

Sincerely,

Kevin McKeown  
Mayor

cc: Meg Desmond, League of California Cities, [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
John Leonard, City of West Hollywood, [jleonard@weho.org](mailto:jleonard@weho.org)

# City of Sonoma

No. 1 The Plaza  
Sonoma California 95476-6690  
Phone (707) 938-3681 Fax (707) 938-8775  
E-Mail: [cityhall@sonomacity.org](mailto:cityhall@sonomacity.org)



July 27, 2015

Stephany Aguilar, President  
League of California Cities  
1400 K Street  
Sacramento, CA 95814

Dear President Aguilar:

**RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES**

The City of Sonoma supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

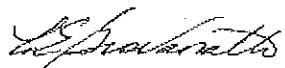
The City of Sonoma believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

The City of Sonoma is a tourist destination and the proliferation of vacation rentals is a top priority for City staff. The workload in monitoring and attempting to ensure compliance with local

regulations is over-burdening our small staff. In addition, the sale of available housing has become a market for out of town investors to purchase and create new vacation rentals. Without legislative intervention, vacation rentals become an epidemic in a desirable destination location and the local residents "pay the price".

For these reasons, the City of Sonoma supports the League's Resolution.

Sincerely,



Carol E. Giovanatto  
City Manager  
For and on behalf of the City of Sonoma

cc: Meg Desmond, League of California Cities, [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
John Leonard, City of West Hollywood, [jleonard@weho.org](mailto:jleonard@weho.org)

**LETTERS OF CONCURRENCE**  
**Resolution No. 4**  
**Compensation for Prolonged Electrical Power Outages**

**--THIS PAGE INTENTIONALLY LEFT BLANK--**



# City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, CA 90254-3885

July 30, 2015

Stephany Aguilar, President  
League of California Cities  
1400 K St., Ste. 400  
Sacramento, CA 95814

Dear President Aguilar:

The City of Hermosa Beach supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact Andrew Brozyna at (310) 318-0238 or [abrozyna@hermosabch.org](mailto:abrozyna@hermosabch.org) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Bakaly'.

Tom Bakaly  
City Manager

CITY COUNCIL

HENRY SANCHEZ JR.  
JIM GAZELEY  
MICHAEL G. SAVIDAN  
BEN TRAINA  
MARK WARONEK



CITY OF LOMITA

July 28, 2015

Stephany Aguilar, President  
League of California Cities  
1400 K St., Ste. 400  
Sacramento, CA 95814

Dear President Aguilar:

The City of Lomita supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

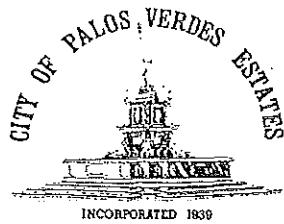
As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact Laura Vander Neut, Management Analyst at (310) 325-7110, ext. 151 or [l.vanderneut@lomitacity.com](mailto:l.vanderneut@lomitacity.com) if you have any questions.

Sincerely,

Henry Sanchez, Jr.  
Mayor, City of Lomita

cc: Kit Fox, Senior Administrative Analyst, City of Rancho Palos Verdes, [KitF@rpvca.gov](mailto:KitF@rpvca.gov)

CITY HALL OFFICES • P.O. BOX 339 • 24300 NARBONNE AVENUE, LOMITA • CALIFORNIA 90717  
(310) 325-7110 • FAX (310) 325-4024 • [www.lomitacity.com/cityhall](http://www.lomitacity.com/cityhall)



CITY OF  
*Palos Verdes Estates*

OFFICE OF  
THE MAYOR

CALIFORNIA

July 29, 2015

Stephany Aguilar, President  
League of California Cities  
1400 K St., Ste. 400  
Sacramento, CA 95814

Dear President Aguilar:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' proposed resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our City values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact City Manager Anton Dahlerbruch at 310.378.0383 or [adahlerbruch@pvestates.org](mailto:adahlerbruch@pvestates.org) if you have any questions.

Sincerely,

A handwritten signature in black ink.

James F. Goodhart  
Mayor

Enclosure: Rancho Palos Verdes Proposed League Resolution

c: Palos Verdes Estates City Council  
Rancho Palos Verdes City Council  
Doug Willmore, Rancho Palos Verdes City Manager  
Jeff Kiernan, League of California Cities Regional Public Affairs Manager (via email)  
Post Office Box 1086, Palos Verdes Estates, California 90274-0283



# City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD  
ROLLING HILLS, CALIF. 90274  
(310) 377-1521  
FAX: (310) 377-7288

July 30, 2015

Stephany Aguilar, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Aguilar,

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San Jose.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to me at (310) 377-1521 or [rcruz@cityofrh.net](mailto:rcruz@cityofrh.net) if you have any questions.

Sincerely,

Raymond R. Cruz  
City Manager

RC:hl 07-30-15RPV\_League\_ResolutionConcurrence\_SCE

c: Mayor and City Council

JOHN C. ADDLEMAN  
*Mayor*  
STEVEN ZUCKERMAN  
*Mayor Pro Tem*  
BRITT HUFF  
*Council Member*  
JUDY MITCHELL  
*Council Member*  
FRANK ZERUNYAN  
*Council Member*  
DOUGLAS R. PRICHARD  
*City Manager*



CITY OF  
**ROLLING HILLS ESTATES**  
4045 PALOS VERDES DRIVE NORTH • ROLLING HILLS ESTATES, CA 90274  
TELEPHONE 310.377.1577 FAX 310.377.4468  
[www.ci.Rolling-Hills-Estates.ca.us](http://www.ci.Rolling-Hills-Estates.ca.us)

July 29, 2015

Stephany Aguilar, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Aguilar:

As Mayor of the City of Rolling Hills Estates, I support the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San Jose.

The proposed resolution seeks to require reasonable compensation to Southern California Edison (SCE) customers for losses incurred due to prolonged service disruptions which jeopardize the safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of these outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

I urge the League to place this matter before the General Assembly for consideration. Please feel free to contact me if you have any questions.

Sincerely,

John C. Addleman  
*Mayor*

JCA:hn

**--THIS PAGE INTENTIONALLY LEFT BLANK--**