

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

June 27, 2017  
**5:00 p.m.**

Banning Civic Center  
Council Chambers  
99 E. Ramsey Street

*The following information comprises the agenda for a regular meeting of the City Council; and a scheduled meeting of the Banning Utility Authority.*

*Per City Council Resolution No. 2016-44 matters taken up by the Council before 10:00 p.m. may be concluded, but no new matters shall be taken up after 10:00 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 Dylan Peck, New Creation Church
- Pledge of Allegiance
- Roll Call – Councilmembers Andrade, Franklin, Peterson, Welch, Mayor Moyer

**II. REPORT ON CLOSED SESSION**

**III. PRESENTATION**

1. Proclamation - Rick Diaz, Sr. Retirement ..... (ORAL)

**IV. PUBLIC COMMENTS / CORRESPONDENCE / COUNCIL ANNOUNCEMENTS  
& REPORTS / CITY MANAGER REPORT / SCHEDULE MEETINGS**

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. 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 for future study, research, completion and/or future Council Action.) (See last page. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.*

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

## CORRESPONDENCE

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

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

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

## REPORT BY CITY MANAGER

## SCHEDULE MEETINGS

1. Joint Meeting with Planning Commission and Parks and Recreation Commission regarding Brown Act, Code of Conduct, and Roberts Rules of Order

## **V. APPOINTMENTS**

1. Planning Commissioner Resignation & New Appointment.....**1**  
(Staff Report – Patty Nevins, Community Development Director)  
Recommendation: **Discuss and consider selecting one (1) candidate from the eligibility list to fill a vacancy on the Planning Commission.**

## **VI. 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: Approve Consent items 1 through 11: Items \_\_, \_\_, to be pulled for discussion.**  
*(Resolutions require a recorded majority vote of the total membership of the City Council)*

1. Approval of Minutes – Special Meeting – 05/08/17 *(Workshop)* .....**33**
2. Approval of Minutes – Special Meeting – 05/23/17 *(Workshop)* .....**37**
3. Approval of Minutes – Special Meeting – 06/13/17 *(Workshop)* .....**69**
4. Approval of Minutes – Special Meeting – 06/13/17 *(Closed Session)* .....**83**
5. Approval of Minutes – Regular Meeting – 06/13/17 *(Regular Meeting)* .....**85**
6. Approval of Minutes – Special Meeting – 02/07/2017 *(Closed Session)* .....**117**
7. Employment Agreement Between the City of Banning and Alejandro Diaz for the Position of Interim City Manager.....**119**
8. Accounts Payable and Payroll Warrants Issued in May 2017.....**127**
9. Ordinance No. 1508 – 2<sup>nd</sup> Reading: An Ordinance of the City of Banning, California, Amending Chapter 3.24 of the Banning Municipal Code to Revise Definitions, Expand the Purchasing Officer's Duties, Modify Fiscal Parameters, Clarify Procurement Options and Add to the Current List of Exceptions .....**169**
10. Public Works Capital Improvement Project (CIP) Status List.....**179**
11. Resolution 2017-66 Approving Appropriations Limit for Fiscal Year 2017-18 .....**183**

- Open Consent Items for Public Comments
- Make Motion



## **VII. PUBLIC HEARING**

1. Ordinance 1513 – Recreational Vehicle, Recreational Trailer, and Utility Parking - **Continued to the July 11, 2017, City Council Meeting**

## **VIII. REPORTS OF OFFICERS**

1. Information Technology Division Changes ..... **261**  
(Staff Report – Patrick Stephens, IT/Media Technician)  
Recommendation: **Consider approving Information Technology Division Changes**
2. Policy B-30 Administrative Procedures – Procurement Policies and Procedures ..... **271**  
(Staff Report – Jennifer McCoy, Purchasing Manager)  
Recommendation: **Consider adopting Administrative Procedures – Finance Policies – Policy B-30 titled Procurement Policies & Procedures.**
3. Resolution 2017-46, Approving the Addition of Energy Efficient LED Security Lighting Options on Schedule OLS (Outdoor Lighting Service – Security) of the Electric Utility Rate Schedule ..... **413**  
(Staff Report – Fred Mason, Electric Utility Director)  
Recommendation: **Consider adopting Resolution 2017-46 approving the addition of energy-efficient LED security lighting options on Schedule OLS (Outdoor Lighting Service – Security) of the Electric Utility Rate Schedule.**
4. Resolution 2017-62, Approving the Second Amendment to the Astoria 2 Solar Project Power Sales Agreement with Southern California Public Power Authority ..... **421**  
(Staff Report – Fred Mason, Electric Utility Director)  
Recommendation: **Consider adopting Resolution 2017-62 approving the Second Amendment to the Astoria 2 Solar Power Project Sales Agreement (PSA) with Southern California Public Power Authority (SCPPA).**
5. Resolution 2017-60, Awarding a Construction Agreement to Environmental Construction, Inc. and Approving an Amendment to the Professional Services Contract with V2C Group, Inc. for the Roosevelt Williams Park Improvements ..... **447**  
(Staff Report – Art Vela, Public Works Director)

Recommendation: **Consider adopting Resolution 2017-60: 1) awarding a Construction Agreement for the Roosevelt Williams Park Improvements to Environmental Construction, Inc. of Woodland Hills, California, in the amount of \$2,585,178 plus a 10% Contingency for a total of \$,2843,696 and reject all other bids; 2) approving an Amendment to the Professional Services Contract with V2C Group, Inc. in the amount of \$10,000 for construction phase assistance; 3) authorizing the Acting City Manager or his designee to make necessary budget adjustments; and 4) authorizing the Acting City Manager or his designee to execute the Construction Agreement with Environmental Construction, Inc. and to execute the Amendment with V2C Group, Inc.**

6. Resolution 2017-61, Awarding a Construction Agreement to Belco Electric for Traffic Signal System Improvements on Ramsey Street .....491  
(Staff Report – Art Vela, Public Works Director)

Recommendation: **Consider adopting Resolution 2017-61, approving a Construction Agreement with Belco Electric of Chino, California, for Traffic Signal System Improvements on Ramsey Street in the amount of \$494,469 plus a 10% contingency for a total project budget of \$543,916, and reject all other bids.**

7. Resolution 2017-64, Approving a Consultant Services Agreement with Aspen Environmental Group for Professional Environmental Services for a Proposed Banning Distribution Center.....531  
(Staff Report – Patty Nevins, Community Development Director)

Recommendation: **Consider adopting Resolution 2017-64, approving a Professional services Agreement with Aspen Environmental Group to provide peer review services of an Environmental Impact Report and associated documents for the proposed Banning Distribution Center project.**

8. Resolution 2017-65, Authorizing Participation in the County of Riverside’s Urban County Program for Fiscal Years 2018-19, 2019-20, and 2020-21 .....555  
(Staff Report – Ted Shove, Economic Development Manager)

Recommendation: **Consider adopting Resolution 2017-65; 1) authorizing the City’s participation in the County of Riverside’s Urban County Program for Fiscal Years 2018-19, 2019-20, and 2020-21; 2) authorizing the Mayor to execute the agreement; and 3) authorizing the City Attorney to take such additional, related action that may be necessary.**

9. Information Relating to Marijuana Regulations .....577  
(Staff Report – Patty Nevins, Community Development Director)

Recommendation: **Receive and discuss information relating to Marijuana Regulations.**

10. Clearing of Oleander Bushes from Caltrans Right of Way .....695  
(Staff Report – Rochelle Clayton, Deputy City Manager/ASD)

Recommendation: **Receive and file report regarding clearing of Oleander bushes from the Caltrans Right of Way.**

**RECESS CITY COUNCIL MEETING AND CALL TO ORDER A SCHEDULE MEETING  
OF THE BANNING UTILITY AUTHORITY**

**BANNING UTILITY AUTHORITY**

Roll Call: Boardmembers Andrade, Franklin, Peterson, Welch, Chairman Moyer

**I. 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: Approve Consent item 1: Item \_\_\_, to be pulled for discussion.**  
*(Resolutions require a recorded majority vote of the total membership of the City Council)*

1. Notice of Completion – Project 2016-01W, Repairs to Wells and Booster Pump ..... **751**

**II. REPORTS OF OFFICERS**

1. Resolution 2017-09 UA, Approving the Renewal of the Professional Services Agreement with Stoel Rives, LLP for Legal Counsel Services ..... **757**  
(Staff Report – Art Vela, Public Works Director)

**Recommendation: Consider adopting Resolution 2017-09 UA: 1) approving the renewal of the Professional Services Agreement with Stoel Rives, LLP, in the amount of \$110,000 for legal counsel services; 2) authorizing the Acting City Manager or his designee to make necessary budget adjustments, appropriations and transfers; and 3) authorizing the Acting City Manager to execute the Professional Services Agreement.**

2. Resolution 2017-10 UA, Awarding a Construction Agreement for Wastewater Treatment Plant Fencing ..... **767**  
(Staff Report – Art Vela, Public Works Director)

**Recommendation: Consider adopting Resolution 2017-10 UA, approving a Construction Agreement for Wastewater Treatment Plant Fencing with Moore Fence Company of Perris, California, in the amount of \$82,915 plus a 10% contingency for a total project budget of \$91,206, and reject all other bids.**

3. Resolution 2017-11 UA, Awarding a Maintenance Agreement for Tank Inspection and Cleaning ..... **781**  
(Staff Report – Art Vela, Public Works Director)

**Recommendation: Consider adopting Resolution 2017-10 UA, approving a Maintenance Agreement for Tank Inspection and Cleaning with Inland Potable Services, Inc. of Centennial, Colorado, in the amount of \$44,129 plus a 10% contingency for a total project budget of \$48,542, and reject all other bids.**

4. Resolution 2017-12 UA, Approving a Professional Services Agreement for the Continued Implementation of a Stream Flow Monitoring Program Related to the Flume.....791  
(Staff Report – Art Vela, Public Works Director)

Recommendation: **Consider adopting Resolution 2017-12 UA: 1) approving a Professional Services Agreement with U.S. Geological Survey, in the amount of \$121,848 for the continued implementation of a stream flow monitoring program related to the Flume; 2) authorizing the Acting City Manager or his designee to make necessary budget adjustments, appropriations and transfers; and 3) authorizing the Acting City Manager to execute the Professional Services Agreement.**

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

**ADJOURN SCHEDULED MEETING OF THE BANNING UTILITY AUTHORITY AND RECONVENE REGULAR CITY COUNCIL MEETING**

**IX. ITEMS FOR FUTURE AGENDAS**

New items –

Pending Items – City Council

1. Consideration of Playhouse Bowl as Signature City Event
2. Update on Banning Business Center
3. Information Technology – Media Room/Production Set

**X. ADJOURNMENT**

*Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Friday, 8 a.m. to 5 p.m.*

**NOTICE:** Any member of the public may address this meeting of the Mayor and City 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]



## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Alex Diaz, Acting City Manager

**PREPARED BY:** Patty Nevins, Community Development Director

**MEETING DATE:** June 27, 2017

**SUBJECT:** Planning Commissioner Resignation & New Appointment

### **RECOMMENDATION:**

Consider accepting Planning Commissioner Ray Briant's resignation and selecting a candidate to fill the vacated position on the Planning Commission.

### **ANALYSIS:**

Planning Commissioner Ray Briant has submitted a letter of resignation (Attachment 1), received on June 15, 2017. Commissioner Briant was appointed to the Planning Commission in February 2015 and his term expires in February 2019. The letter states that due to personal reasons, Commissioner Briant will no longer be able to perform his duties as a Planning Commissioner, effective immediately.

The Planning Commission consists of five (5) members appointed by the City Council. The Commissioners each serve a four year term, which is intended to stagger every two (2) years concurrent with the City's elections.

Two Planning Commission member positions previously expired in May 2017. The City Clerk advertised the Planning Commission openings and received seven (7) applications from the following candidates: Eric Shaw, Jerry Westholder, Jan Spann, Julian Jay Guevara III, George Ellis, Ingeborg Schuler, and Laura L. Leindecker (Attachment 2). The City Council interviewed the seven applicants and subsequently appointed two of them, Eric Shaw and Ingeborg Schuler, to fill the open positions. At the time that these two open positions were filled, the City Council also agreed to maintain the list of remaining applicants as an open list that

could be used for additional appointments if needed over the course of the next year.

The Commission's rules and responsibilities are governed by Chapter 2.28 of the Municipal Code (Attachment 3). The Commission's two main functions are to review land development applications for compliance with the Zoning Code and to make recommendations to the City Council regarding large projects and changes to the General Plan or Zoning Ordinance.

**FISCAL IMPACT:**

No direct fiscal impact. However, the Planning Commission is responsible for making decisions and/or recommendations on development applications (e.g. decisions on Design Review, Conditional Use Permit, and Variance applications, and recommendations on General Plan Amendments, Zone Changes, Specific Plans, and Tentative Tract Maps). A quorum of the Commission is required in order to make determinations, and vacancies on the Commission may impact the establishment of a quorum and the Commission's ability to make determination, which could in turn impact development timelines.

**ALTERNATIVES:**

The City Council may:

1. Accept Commissioner Briant's resignation; and,
2. a. Appoint one of the five applicants from the previously-established list; or,  
b. Direct the City Clerk to advertise the new vacancy; or,  
c. Provide staff with alternative direction.

**ATTACHMENTS:**

1. Commissioner Briant resignation letter
2. Previous Planning Commission applications
3. Chapter 2.28 of the Banning Municipal Code

Approved by:



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Alejandro Diaz  
Acting City Manager

# **ATTACHMENT 1**

Resignation Letter



From: Ray Briant  
5387 Breckenridge Ave  
Banning, CA 92220

To: Patty Nevins  
Interim Community Development Director

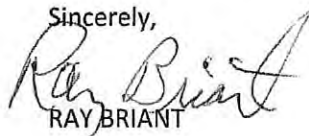


Subject: Resignation from City of Banning Planning Commission

This letter is to inform you that due to personal reasons, I will no longer be able to perform my duties as a Banning Planning Commissioner. This resignation is effective immediately.

I have enjoyed participating in the duties of the Planning Commission and will continue to watch Planning Commission activities as an interested observer.

Thank you for the privilege of serving.

Sincerely,  
  
RAY BRIANT

## **ATTACHMENT 2**

Previous Planning Commission Applications



## COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board  
you are applying for:

PLANNING COMMISSION

Name: ERIC JOSEPH (JOE) SHAW

Address: 651 BROOKLAWN DR BANNING 92220

Telephone Numbers: Home 769-6850 Cell 951-312-9775 Office \_\_\_\_\_

If employed, where you work and position \_\_\_\_\_

part-time engineering consultant to Beaumont Public Works

Length of residence in Banning 9 years

Are you a registered voter in Banning? (Yes) YES No \_\_\_\_\_

Requested below is information that will be used by the City Council as a screen process to determine which applicants will be interviewed for membership on City committees and boards. Ample space is provided; please do not submit supplemental materials.

Provide a Biographical sketch, including education, work experience, civic involvement and other background relevant to duties of the position you seek:

I have a degree in Architectural Engineering from Cal Poly, San Luis Obispo and have been a Registered Civil Engineer for over 50 years. I have been involved in various residential, commercial and municipal infrastructure projects throughout the Inland Empire for 27 years and have experience in both public and private sectors as Project Engineer, Project Manager, Construction Manager or Vice President. Projects have included highways, water, sewer and drainage projects in addition to several large significant residential and recreational developments. Some of my civic responsibilities have included Boy Scouts, soccer coach, City of Redlands Traffic Commission and currently Chairman of the Banning Planning Commission. I believe my design, construction and administrative experience qualifies for consideration to continue to serve on the Banning Planning Commission. Resume attached.

What types of major issues should this committee or board deal with?

Banning is on the verge of a new phase of expanded development. Issues concerning housing, zoning, infrastructure, environment, growth and services will be of increasing importance. The City also needs to continue to improve its image and attract new commercial and industrial interests. The Planning Commission will be on the forefront in considering these upcoming and critical issues.

Please identify specific problems facing the committee or board on which you would like to serve and explain how you feel they might be resolved:

Providing thorough and complete review of new development and its impacts on the community is of prime importance. Maintaining compliance with City and State requirements and fulfilling the needs of a growing City will be a continuing challenge. My responsibility will be to listen to and address the needs of the City, its people and render my best judgment in regards to what is best for the City and its citizens.

Your name will be considered by the City Council upon receipt of your application.

*This is a volunteer position. You must be a registered voter and reside in the city of Banning. You will also need to be fingerprinted and pass a background investigation.*

Please return to: City Clerk's Office/City of Banning  
99 E. Ramsey Street  
P. O. Box 998  
Banning, CA 92220

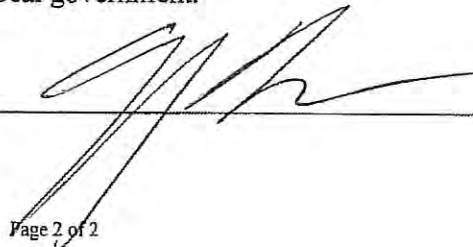
**RETURN BY:** March 24, 2017  
5:00 p.m.

Thank you for your willingness to serve your local government.

Date:

Feb 9, 2017

Signed:



Page 2 of 2



## E. JOSEPH SHAW P.E.

651 Brooklawn Drive  
Banning, CA 92220

951-312-9775  
[rce1025@aol.com](mailto:rce1025@aol.com)

### **EDUCATION**

B.S. Architectural Engineering

California State Polytechnic University  
San Luis Obispo, CA

### **REGISTRATION**

Registered Civil Engineer, California

Life Member ASCE  
Member APWA

### **EXPERIENCE**

Skilled in the administration and management and of engineering projects. Familiar with design and construction of transportation facilities, public works, industrial, commercial and residential development. Extensive experience in contract administration, proposals, project scheduling, claims avoidance, quality assurance, reporting, budgeting and bid preparation for both public works and private enterprise. Working knowledge of related fields including, environmental mitigation, drainage, soils, architecture, structures, surveying and land planning. Ability to effectively coordinate with owners, clients, consultants, contractors and public agencies in regards to implementation of engineering projects.

#### **Interwest Consulting Group ENGINEERING CONSULTANT**

**City of Beaumont, CA  
2016**

Came out of retirement to provide engineering assistance to City of Beaumont Public Works Department. Provide support to City Engineer and limited staff in all areas of municipal engineering including, wastewater collection, roadways, plan checking, project development and consultant coordination.

#### **City of San Bernardino CONSTRUCTION – SURVEY MANAGER**

**San Bernardino, CA  
2012**

Supervision and coordination of City Inspectors for both private and municipal projects. Projects included water and sewer, asphalt paving, drainage, signals, striping, off-site school improvements and dry utilities. Assisted with constructability review, bid preparation, coordinated field activities with other City departments.

#### **Wolfe Engineering and Design, Inc. VA Consulting, Inc. CONSULTANT CONSTRUCTION INSPECTOR**

**Tustin, CA  
Irvine, CA  
2011 - 2012**

Inspection for municipal public works including concrete curbs, sidewalks, driveways and ramps; asphalt paving, striping and grading, NPDES and traffic control. Projects were located in Redlands, Yorba Linda and Corona.

#### **Harris & Associates SR. CONSTRUCTION MANAGER**

**Rancho Cucamonga, CA  
2008 - 2011**

Represented Harris with clients, owners, designers and contractors; coordinate and oversee activities of construction managers and field inspectors; administration of consultant agreements; proposal preparation; coordinate and manage sub-consultants. Projects included oversight of Coachella Valley I-10 Interchange projects, CVAG; \$38M La Sierra / SR-91 Interchange, City of Riverside; On-call contracts with Caltrans Districts 7 and 8; and \$12M Sunnymead Blvd. Beautification Project, Moreno Valley.

## **E. JOSEPH SHAW P.E**

### **Adams Streeter Civil Engineers, Inc. DIRECTOR, INLAND EMPIRE DIVISION**

**Riverside, CA  
2004 - 2008**

Responsible for management of Riverside engineering office including project management, design oversight, proposal preparation, contract administration, recruitment, project scheduling and personnel administration. Adams Streeter provided subdivision engineering for various land development projects located throughout Riverside and San Bernardino counties. Clients included Horton, Griffin Homes, Meridian, and K Hovanian.

### **The Keith Companies (Stantec) VICE PRESIDENT, ENGINEERING SERVICES**

**Moreno Valley, CA  
2000 - 2004**

Responsible for administration of Engineering Department of Inland Division. Duties included supervision and design oversight of a 20-man engineering team involved in residential and industrial development projects. Tasks included proposal preparation, contract administration, personnel administration, recruitment and interdepartmental coordination. Principal-in-Charge of several large development projects including Summerwind, a 2500 acre master planned community, Calimesa; the 900 lot Villages of Avalon, Perris; the 600-acre Roripaugh Ranch, Temecula; 800 lot Cimarron Ridge; 600 lot Murrieta Oaks and the Redlands Commerce Center.

### **Fluor Daniel, Inc. PROGRAM MANAGER**

**San Bernardino, CA  
1994 - 2000**

Responsible charge of Program Management for Measure I Freeway projects for San Bernardino Associated Governments (**SANBAG**). Responsible for administration, coordination and direction of 20 member staff overseeing the design and construction of the \$1.6 billion freeway program in San Bernardino County. Coordinated with multiple jurisdictional agencies including Caltrans, SB County and involved cities. Project scope included contract management, construction management, consultant selection, environmental mitigation, coordination of right-of-way acquisition, utility relocation, historical relocation and development and monitoring of project budgets, costs and schedules. Significant projects included the \$900M Route 210 Foothill Freeway, \$200M Route 71 Chino Hills Freeway and the \$100M widening of the I-10 Freeway.

### **OTHER ENGINEERING EXPERIENCE**

**1963 - 1994**

Employed in other positions including Project Engineer, Project Manager, Vice President and Construction Manager for a number of firms. Projects included a wide variety of design and construction experiences including freeways, water resources, pipelines, petrochemical, structural, recreational and land development projects. Significant projects included Stockdale Villages, Bakersfield; Fox Valley Villages, Illinois; Eagle Mountain Landfill, Riverside Co; 35,000 acre ALTA mapping project, Trona, CA; 8MG underground reservoir, Loma Linda; Corona Hills Plaza, Corona; Sepulveda Basin Wildlife Refuge; Walt Disney World, Florida; Hamilton Beach Cove, Catalina Island; and the California Aqueduct Angeles Tunnel.

### **OTHER ACTIVITIES AND INTERESTS**

Chairman – City of Banning Planning Commission  
Former City of Redlands Traffic Commissioner  
Boy Scouts of America  
AYSO Soccer coach  
Barbershop Chorus member



## COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board on  
which you would like to serve: PLANNING COMMISSION

Name: GEORGE ELLIS

Address: 324 MEADOWLARK LANE

Telephone Numbers: Home 849-2991 Cell \_\_\_\_\_ Office \_\_\_\_\_

If employed, where you work and position \_\_\_\_\_

Length of residence in Banning 40+ YEARS

Are you a registered voter in Banning? Yes ☒ No \_\_\_\_\_

Requested below is information that will be used by the City Council as a screen process to determine which applicants will be interviewed for membership on City committees and boards. Ample space is provided; please do not submit supplemental materials.

Provide a Biographical sketch, including education, work experience, civic involvement and other background relevant to duties of the position you seek:

I have an extensive background in the history of Banning having enjoyed 5 generations living and working in Banning. I have served on the Banning Planning Commission as Commissioner and Chairman. Raising my family here we have enjoyed the Community Center and Swimming Pool. I have participated in many Stagecoach Days events over the years and now serve on the Stagecoach Days Committee. In the past, though not a member, I have helped the Banning Kiwanis Club with their community events downtown.

I have full understanding of public meeting procedures and ethics and have been certified in Ethics and Conflict of Interest laws. I am familiar with the Federal, State and Local Laws, Ordinances and Zoning Codes.

I am proficient with public speaking and negotiations coming from a career in high dollar sales that required negotiations.

I have studied Mechanical Drawing and Crime Prevention through Architectural Design. I have a full understanding of the importance of reading Blue Prints and Environmental Development Documents.



What types of major issues should this committee or board deal with?

Serving the best needs of the community as a whole.

Performing Due Diligence in all aspects of planning.

Having high morals values, not per-committed.

Be good guardians of our natural resources.

Please identify specific problems facing the committee or board on which you would like to serve and explain how you feel they might be resolved:

Specific Problems

Performance of due diligence and reading and understanding every document presented.

I will read and take the time to understand or get understanding of every document presented.

Your name will be considered by the City Council upon receipt of your application.

***This is a volunteer position. You must be a registered voter and reside in the city of Banning. You will also need to be fingerprinted and pass a background investigation.***

Please return to: City Clerk's Office/City of Banning  
99 E. Ramsey Street  
P. O. Box 998  
Banning, CA 92220

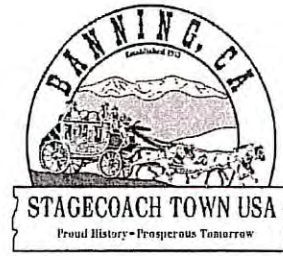
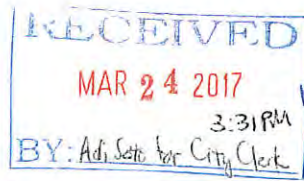
**RETURN BY: May 13, 2016  
5:00 p.m.**

Thank you for your willingness to serve your local government.

Date: 3-24-2017

Signed: 





## COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board

you are applying for:

PLANNING COMMISSION

Name: Ingeborg Schuler

Address: 1030 W. Westward Avenue, Banning, CA 92220

Telephone Numbers: Home 951 849 1483 Cell \_\_\_\_\_ Office \_\_\_\_\_

If employed, where you work and position Retired (Redlands Unified School District);  
operating riding/equestrian school on home premises

Length of residence in Banning since October 1978

Are you a registered voter in Banning? Yes ☒ No ☐

Requested below is information that will be used by the City Council as a screen process to determine which applicants will be interviewed for membership on City committees and boards. Ample space is provided; please do not submit supplemental materials.

Provide a Biographical sketch, including education, work experience, civic involvement and other background relevant to duties of the position you seek:

Pre graduate education in German school system; postgraduate work  
at UofR- MA '62; secondary teaching credential. Teaching various subjects  
(English, History, Foreign language) at Redlands H.S. 1966-2009 Business  
experience operating breeding and teaching disciplines on my own  
premises. Long time involvement in professional organizations at  
the board level. Familiar with local, county, and state laws governing  
projects before planning commissions and city councils, especially  
concerning EIR's, the Brown Act, CEQA, and AQMD. Committed  
to study diligently all documents presented at PC meetings

What types of major issues should this committee or board deal with?

*It seems that major issues presented to the planning commissions involve applications for special permits, variances to zoning restrictions, conditional use permits and similar mundane items. Occasionally, large projects of housing, industrial or commercial ventures come up. All require due diligence of the commissioners as well as scrutiny of all pertinent documents.*

Please identify specific problems facing the committee or board on which you would like to serve and explain how you feel they might be resolved:

- water quality and supply*
- development, management, and maintenance of infrastructure*
- balance interests of individual citizens, business and commercial factions against the common good*
- focus on affordability, safety, and sustainability*
- hold staff accountable for transparency, documentation, and correct assessment of costs in staff reports*

Your name will be considered by the City Council upon receipt of your application.

***This is a volunteer position. You must be a registered voter and reside in the city of Banning. You will also need to be fingerprinted and pass a background investigation.***

Please return to: City Clerk's Office/City of Banning  
99 E. Ramsey Street  
P. O. Box 998  
Banning, CA 92220

**RETURN BY: March 24, 2017  
5:00 p.m.**

Thank you for your willingness to serve your local government.

Date: 24 March 2017

Signed: *Nyborg Steuer*





## COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board  
you are applying for:

PLANNING COMMISSION

Name: Jan Spann

Address: 4515 Mockingbird Lane Banning, CA 92220

Telephone Numbers: Home 951-849-7996 Cell 909-721-2413 Office \_\_\_\_\_

If employed, where you work and position self employed co-owner J&J Inventories.

Length of residence in Banning 19 years

Are you a registered voter in Banning? Yes x No \_\_\_\_\_

Requested below is information that will be used by the City Council as a screen process to determine which applicants will be interviewed for membership on City committees and boards. Ample space is provided; please do not submit supplemental materials.

Provide a Biographical sketch, including education, work experience, civic involvement and other background relevant to duties of the position you seek:

BS from CSULB. Graduate courses in HR from UCR. My career has always been C suite management. I wrote the curriculum  
for a 12 week course "How to Live, Look, Write and Walk in Sober Society" for a major rehab facility. I was the Director of Staff and Services for a multi  
Dr. practice. I worked with the City to plan and develop a multi purpose campus. I served as the first Executive Director and Humane Officer of the Ramona  
Humane Society. During which time I worked with Hemet, San Jacinto and Riverside County writing contracts, grants, buying property to expand and  
develop the site which led to many planning commission meetings. I worked as Executive Director for large senior living facilities and dealt with code  
enforcement/health and welfare on City and State levels. My last position was Director of a large wound healing facility for a major hospital. I was  
hired during the developmental stages and worked with the City/County and State to make it all happen from plans to finished building.  
City involvement: Founding member of Banning's Centennial Committee, and Banning's Community Fund. 2x President and 2x Vice President of Gilman  
Ranch Hands. 3.75 yrs as Trustee of Banning Unified School District. 3 years as Clerk of the School Board. Member of  
Banning's Senior Citizen Advisory Committee, the San Geronio Educational Fund, and the Ad Hoc Committee for a possible animal shelter in Banning.

What types of major issues should this committee or board deal with?

Working with City Staff and Council to provide help and leadership in moving the City forward on all projects that require review insuring conformity and support for the City's adopted "general plan."

Please identify specific problems facing the committee or board on which you would like to serve and explain how you feel they might be resolved:

The Commission's responsibility is to be educational on issues and projects by holding public hearings where applicants can propose their projects (business or housing) and be assured of an unbiased, fair review. At the same time allowing for full public input (pro and con) during this hearing.

NIMBY (not in my back yard) is understandable and the public needs to be totally educated on all aspects of a project, not just word of mouth.

I feel with my many years in business and my time on the school board (where I have dealt with issues and this community) that contention can be minimized and progress is maximized.

The larger challenges deal with helping the City move forward in development, housing and employment. The overall process needs to be more user friendly

I think the Commission should work with the Staff and City Council to jump start and/or continue to expand development in the City.

I feel success would be an economic level that brings clean industrial jobs and housing to Banning so our residents can live, work and play within our Community.

Your name will be considered by the City Council upon receipt of your application.

***This is a volunteer position. You must be a registered voter and reside in the city of Banning. You will also need to be fingerprinted and pass a background investigation.***

Please return to: City Clerk's Office/City of Banning  
99 E. Ramsey Street  
P. O. Box 998  
Banning, CA 92220

**RETURN BY: March 24, 2017  
5:00 p.m.**

Thank you for your willingness to serve your local government.

Date: 3/21/2017

Signed: J. Spann



## COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board

you are applying for:

PLANNING COMMISSION

Name: Jerry Westholder

Address: 1151 Elisa Dawn Dr., Banning, CA 92220

Telephone Numbers: Home 951-381-1693 Cell 951-378-6659 Office 951-845-1366

If employed, where you work and position Highland Springs Fellowship,  
5297 W. Wilson St., Banning, Sr. Pastor

Length of residence in Banning 17 yrs.

Are you a registered voter in Banning? Yes ☒ No ☐

Requested below is information that will be used by the City Council as a screen process to determine which applicants will be interviewed for membership on City committees and boards. Ample space is provided; please do not submit supplemental materials.

Provide a Biographical sketch, including education, work experience, civic involvement and other background relevant to duties of the position you seek:

See attached Resume



What types of major issues should this committee or board deal with?

All issues pertaining to our city master plan  
and future development.

Please identify specific problems facing the committee or board on which you would like to serve and explain how you feel they might be resolved:

We have an already approved, City Master Plan. This  
is to be our guide line. All requests must be  
taken in light of it.

Your name will be considered by the City Council upon receipt of your application.

*This is a volunteer position. You must be a registered voter and reside in the city of Banning.  
You will also need to be fingerprinted and pass a background investigation.*

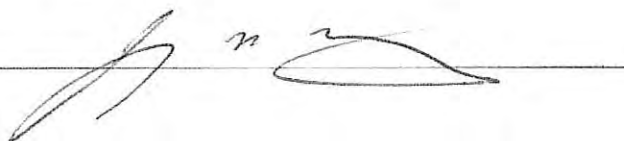
Please return to: City Clerk's Office/City of Banning  
99 E. Ramsey Street  
P. O. Box 998  
Banning, CA 92220

**RETURN BY:** March 24, 2017  
5:00 p.m.

Thank you for your willingness to serve your local government.

Date: 3.20.17

Signed:



## Jerry W. Westholder

1151 Elisa Dawn Drive  
Banning, California 92220  
Phone: (951)378-6659  
Email: Theowayne@yahoo.com

### QUALIFICATIONS

My strengths lie in my communication skills and my ability to work with people. I am a great people person. I am a motivator of people and have the ability to assess a situation or person and come up with a workable solution. I believe in being a team player, and because of this I am able to follow directions well. I believe in the chain of command, so I can give direction as well as follow it.

### EDUCATION

July 2008 Master Level Police Chaplain International Conference Police Chaplains  
March 2005 Critical Incident Stress Management: Basic UMBC Professional Education & Training  
Baltimore, Maryland  
April 2005 Advanced Critical Incident Stress Management, The Counseling Team International  
March 2004 Certificate of Completion; Post Level II, Riverside Sheriff's Academy  
March 2003 Certificate of Attendance for Continuing Education for Police Chaplain; International  
Conference Police Chaplains  
Sept. 2002 Certificate of Completion; Riverside County Sheriff's Dept.; Basic Chaplain Academy  
Aug. 2001 Certificate of Completion; Level III, Pt. 2; Riverside Sheriff's Academy  
Feb. 2001 Certificate of Completion; Level III, Pt. 1; Riverside Sheriff's Academy  
1998-2000 AMA Classes - Human Resources and the Law  
1991 Training in Crisis Response Team; L.A.P.D.  
1989 Advance Police Chaplain School; L.A.P.D. Academy  
1986 Continued Education  
Glendale City College; Glendale, CA  
Global University; Springfield, MO  
Riverside Community College; Riverside, CA  
1977-1980 Diploma in Pastoral Ministries; Christian Life School of the Bible; 5950 Spring Creek Road  
Rockford, Illinois 61114  
1978 Completed Junior Executive Training Program through Edison Brothers Retail Company.  
1976 Rock Valley Junior College; Rockford, Illinois 61114

### EMPLOYMENT

2000-present Senior Pastor; Highland Springs Fellowship, formerly known as Banning First Assembly of  
God; 5297 W. Wilson; Banning, California 92220  
Responsible for preaching Sunday morning and evening services, Wednesday evening prayer  
service; Bible studies, discipleship, counseling. Staff of 5, congregation of 75, wrote and  
implanted church policy; made sure ministries were compliant with Federal and State law,  
Administrator, oversee payroll and accounts payable/receivable  
2009-present Chaplain for Beaumont Police Dept. 660 Orange Ave. Beaumont Ca. 92223; Assisted in  
writing and implementing Chaplain program for said dept.; responsible for ministering to  
police officers and their families as well as other duties as assigned  
2007-present Surrogate for Banning Unified School District; 161 Williams, Banning Ca. 92220.  
Primary duty is to serve as a surrogate parent for children who are wards of the state to make  
sure their educational needs are met.  
2013-2014 Served as an appointed council member to Banning City Council  
2008-2010 Instructor for Global University Catalyst Program South Hills Community Church Corona Ca.

- 2000-2008 Sr. Chaplain for Banning Police Dept.; 125 E. Ramsey; Banning, CA 92220; Wrote and implemented Chaplain program for said dept.; responsible for ministering to police officers and their families as well as other duties as assigned
- 1998-2000 Human Resource Director; Road Ranger Enterprise; 333 E. State St.; Rockford Illinois 61104  
Responsible for all hiring of employees, background checks, writing policy manual and employee hand book, creating and enforcing a uniform policy, created a training program for managers and new employees, developed and instituted a 401K program, oversaw an insurance program, and unemployment claims. Made sure all stores were compliant with federal, state, and local employment laws. Created and instituted company newsletter; wrote job descriptions; conducted Sexual Harassment Investigations.
- 1992-1998 Senior Pastor, Metro Christian Center; 607 Walnut St. Rockford Illinois 61104  
Responsible for preaching Sunday morning and evening services, Sunday school, Wednesday evening Bible studies, discipleship, counseling. Men's Ministry at inner city church, overseer of a soup kitchen staff of 3, Congregation of 150. Wrote and implemented church policy. Head of staff and made sure ministries were compliant with Federal and State laws
- 1990-1992 Vice-Principal/Bible Teacher; Pacific Christian High School; 625 Coleman Ave. Los Angeles, Ca 90042  
Responsible for discipline of students at junior/senior high school; taught 9th -12th grade Bible classes including New Testament Studies, Old Testament Studies, Church History, and Ethics; assisted in spring break mission trip to Mexico; taught weightlifting, conditioning, Asst. Coach football, (defense), girl's softball; Chauffeurs license to drive the bus.
- 1985-1992 Chaplain, Los Angeles Police Department  
Part-time position, responsible for ministering to policemen, trained in crisis intervention.
- 1982-1990 CEO Christian Challenge Center; directed outreach to youth and gangs in North East Los Angeles; implemented summer day camps, tutoring program for at risk kids, Bible studies, after school drop in center, weight lifting program, basketball program, staff of 10 and numerous volunteers



## References

Rev. Daniel Wilderman  
24878 Felsen Drive  
Crestline, CA 92325  
949-375-4197

Chief Sean Thuillez  
Beaumont Police Dept.  
660 Orange Street  
Beaumont, CA 92220  
951-990-6910

Chief Alex Diaz  
Banning Police Dept.  
125 E. Ramsey Street  
Banning, CA 92220  
951-840-8563

Det. Jeff Perry  
4205 Evergreen Lane  
Banning, CA 92220  
951-796-2820

Det. Kevin Ford  
40041 ½ Dutton Street  
Cherry Valley, CA 92223  
909-289-5357

Mr. Dan Arnold  
President  
R.E.O.P.C.O. / Ranger Enterprises  
333 E. State St.  
Rockford Illinois 61104  
815-961-1700

## References

Rev. Daniel Wilderman  
24878 Felsen Drive  
Crestline, CA 92325  
949-375-4197

Chief Sean Thuillez  
Beaumont Police Dept.  
660 Orange Street  
Beaumont, CA 92220  
951-990-6910

Chief Alex Diaz  
Banning Police Dept.  
125 E. Ramsey Street  
Banning, CA 92220  
951-840-8563

Det. Jeff Perry  
4205 Evergreen Lane  
Banning, CA 92220  
951-796-2820

Det. Kevin Ford  
40041 ½ Dutton Street  
Cherry Valley, CA 92223  
909-289-5357



## COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board  
you are applying for:

PLANNING COMMISSION

Name: Julian Jay Guevara III

Address: 1393 W. Wilson St, Banning, CA, 92220

Telephone Numbers: Home 909-835-2621 Cell ← same Office ←

If employed, where you work and position Toys R US Distribution Center  
Rialto, CA Outbound Department Manager.

Length of residence in Banning Jul - 2010 (7 yrs)

Are you a registered voter in Banning? Yes 11 No     

Requested below is information that will be used by the City Council as a screen process to determine which applicants will be interviewed for membership on City committees and boards. Ample space is provided; please do not submit supplemental materials.

Provide a Biographical sketch, including education, work experience, civic involvement and other background relevant to duties of the position you seek:

I have completed my B.S Degree in Criminal  
Justice in 2009. I have worked in the  
transportation / Logistics field for 12 years now  
with Company's like Toys R US, Hanes and FedEx  
Ground. All with Manager titles. Two of my four  
kids are now in their 3RD year Banning pass  
Little League. This is something we love Doing  
in our community. I look forward to getting  
more involved in our great Community.



What types of major issues should this committee or board deal with?

Developing our Community and improving our "curb appeal". While keeping in mind that many of our residence love that "Country feel" that Banning has to offer. Making Banning A better place for our kids.

Please identify specific problems facing the committee or board on which you would like to serve and explain how you feel they might be resolved:

Right now it seems as if some of the Community is concerned with Rapid Growth. There is a balance or Common ground that can be reached if the community as well as our local government collaborate and work together. "Info/Feedback" events are a great way to start.

Your name will be considered by the City Council upon receipt of your application.

*This is a volunteer position. You must be a registered voter and reside in the city of Banning. You will also need to be fingerprinted and pass a background investigation.*

Please return to: City Clerk's Office/City of Banning  
99 E. Ramsey Street  
P. O. Box 998  
Banning, CA 92220

**RETURN BY:** March 24, 2017  
5:00 p.m.

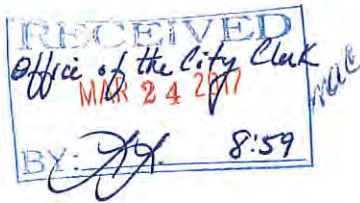
Thank you for your willingness to serve your local government.

Date:

3/21/2017

Signed:

Page 2 of 2



## COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board

you are applying for: PLANNING COMMISSION

Name: Laura L. Leindecker

Address: 469 N. 4th Street - Banning, CA 92220

Telephone Numbers: Home 951.922.9266 Cell 951.318.2750 Office \_\_\_\_\_

If employed, where you work and position LLLeindecker & Associates

Length of residence in Banning 12 years

Are you a registered voter in Banning? Yes ☒ No \_\_\_\_\_

Requested below is information that will be used by the City Council as a screen process to determine which applicants will be interviewed for membership on City committees and boards. Ample space is provided; please do not submit supplemental materials.

Provide a Biographical sketch, including education, work experience, civic involvement and other background relevant to duties of the position you seek:

Graduated UC Santa Barbara; worked in New York in commercial real estate/commercial development; financial publishing - publications for International Monetary Fund, World Bank venues, selling Country Profiles for these venues. My background is coordinating projects, communications, networking, creating events. LLLeindecker & Associates is an independent business, I am a Communication Specialist, in all aspects of Communication, Public Relations. A specific client whose commercial property went through a developing phase [phase 1] - a 2 year process I was able to work with the City of Banning with all departments i.e. Planning, Permits, Fire. I am a Rotarian, and Vice President of the Banning Chamber of Commerce. I am politically inclined; I choose to give to my community of Banning, for today - and the long run development of - it's future.



What types of major issues should this committee or board deal with?

Density of lots - Residential Issue

Downtown Planning

Vanir Issue

Please identify specific problems facing the committee or board on which you would like to serve and explain how you feel they might be resolved:

As I am a resident of District 1:

Specific issue - as we were divided into Districts, I would be representing District 1 which would be serving the purpose of representation, for that District.

Your name will be considered by the City Council upon receipt of your application.

*This is a volunteer position. You must be a registered voter and reside in the city of Banning. You will also need to be fingerprinted and pass a background investigation.*

Please return to: City Clerk's Office/City of Banning  
99 E. Ramsey Street  
P. O. Box 998  
Banning, CA 92220

**RETURN BY:** March 24, 2017  
5:00 p.m.

Thank you for your willingness to serve your local government.

Date: 3.24.2017

Signed: 

## **ATTACHMENT 3**

Chapter 2.28 of the Banning Municipal Code

2.28.010 - Planning commission—Membership requirements.

- A. Members of the planning commission shall be residents of the City of Banning who hold no other municipal office in the city. Members may not be employees of the city.
- B. Proof of residency shall be submitted at time of application to the commission through voter registration, utility bill at a physical address within the city boundaries. Residency shall be confirmed prior to appointment and maintained throughout the term served.

(Code 1965, § 2-5.)

2.28.020 - Term and vacancies.

- A. The planning commission shall consist of five members.
- B. Planning commissioners shall serve four-year terms, which shall be staggered every two years concurrent with the city elections. Appointments shall be made by the city council. Applications shall be made available and the closing date announced at least two months prior to the expiration of the commissioner's term to be filled.
- C. Members shall serve at the pleasure of the council and may be removed at any time by a majority vote of the entire council.
- D. Any member who is unexcused for two consecutive regular meetings of the commission or six meetings within a twelve-month period, whether the six meetings are excused or not, will be deemed to have resigned their office and the city council may appoint a new member to serve in the resigned commissioner's place for the remainder of their term.
- E. To be excused from any such meeting, a member shall notify the planning department, at least forty-eight hours prior to any such meeting. If a member is unable to attend due to illness, injury or family matters, a statement by the member at the next regular meeting of the commission shall constitute an excused absence.

(Code 1965, § 2-6.)

2.28.030 - Compensation.

- A. Members of the planning commission shall not receive compensation; reasonable traveling expenses to and from conferences and/or special field trips and training sessions shall be reimbursed.
- B. Upon authorization by the city manager, the planning commission and members of its staff, may attend city planning conferences or meetings, or hearings on city planning legislation, or matters affecting the planning of the city. The reasonable expenses of such attendance shall be charged upon the funds allocated to the commission.



- C. All fundings shall be established through the City of Banning budget, which shall be approved by the city council.

(Code 1965, § 2-7.)

2.28.040 - Rules of procedure.

- A. A quorum of the planning commission shall consist of a majority of the members (including any vacancies). A quorum must be present in order for the planning commission to hold a meeting.
- B. In the event that only three commissioners are present, any actions recommending amendment to the Municipal Code or general plan must be unanimous; all other actions would require a majority vote of the commission in attendance. A tie vote shall constitute a denial of the matter or request brought before the planning commission.
- C. The commission shall adopt rules for the transaction of business and shall keep a record of its transactions, findings, and determinations. The Brown Act and "Robert's Rules in Plain English" by Doris P. Zimmerman (Harper Perennial) shall be incorporated into such rules.
- D. The commission shall follow all applicable city fiscal and administrative policies and procedures.

(Code 1965, § 2-8.)

2.28.050 - Duties and responsibilities.

- A. The planning commission shall exercise those functions of the planning agency of the city delegated to it in the Banning Municipal Code.
- B. At the regular February meeting, the planning commission shall choose a chairperson and a vice-chairperson from among the planning commission members. The chairman and vice-chairman shall serve for one term. Both positions shall rotate every year. All members must be present to conduct this business.
  - 1. The chairperson shall preside at all regular and special meetings and rule on all points of order and procedure during the meetings.
  - 2. The vice-chairperson shall assume all duties of the chairperson in his or her absence.
  - 3. In the event the chairperson and vice-chairperson are both absent, an acting chairperson shall be appointed from the commission for the meeting from those present.
- C. The planning commission's scope of responsibility is to:
  - 1. Prepare, review, adopt, and recommend to the city council for its adoption, a long range, comprehensive general plan to guide the future physical

development and conservation of the city and its adjoining environs based on geographic, social, economic and political characteristics of the community;

2. Prepare, review, adopt and recommend to the city council for its adoption of special area specific plans for identifiable areas, wherein more detailed guidelines are needed to supplement the objectives of the general plan;
  3. Review development applications submitted to the city for consistency with adopted plans and ordinances. Approve or deny applications when final authority is granted to the planning commission by the Municipal Code. Make a recommendation on those actions for which the city council is the final reviewing approval body;
  4. Act as the appeal body on decisions made by the community development director;
  5. Perform such other functions and duties as the city council may from time to time direct and/or provide within the Banning Municipal Code.
- D. The commission may form ad-hoc subcommittees in accordance with the Brown Act, and make appointments to that subcommittee, as it deems necessary. A quorum of commission members may not be appointed to serve in a single subcommittee. Before forming a subcommittee, the commission shall establish a specific mission and term for the subcommittee.
- E. The planning commission is an important function within the City of Banning, and as such, certain expectations are held by the city council in making the appointment of individuals to the commission. These expectations include the following:
1. Commissioners will attend all regular meetings and special meetings as they arise;
  2. Commissioners will communicate expected and unexpected absences to the planning department, prior to the meeting;
  3. Commissioners will communicate any potential conflicts of interest on agenda items to the planning department in advance of the hearing to allow confirmation of a quorum;
  4. Commissioners will arrive on time to each meeting, fully participate, and remain in attendance until the end of each meeting;
  5. Commissioners will prepare themselves for each meeting by reading the agenda, reports and other materials, and visiting the site, as necessary, and communicate any questions to the secretary in advance of the hearing.

Pursuant to Resolution 2000-41, if a commissioner visits the site prior to a hearing on the matter, the commissioner shall disclose at the hearing such evidence and observation gathered during the site visit;

6. Commissioners are encouraged to attend the annual planner's institute (Monterey and Southern California) or an equivalent planning training program given by a University of California campus (or approved equivalent) and may

attend other planning conferences and or training classes as the need and opportunities arise. The city will also provide regular in-service training and make-up training where attendance is required;

7. New commissioners are expected to become familiar with the city's general plan, the "Planning Commission Handbook" (prepared by the State of California), and relevant Municipal Code sections particularly those relevant to zoning to become familiar with these documents. The "Guide for New Members" distributed by the Planning Commissioners Journal and [www.plannersweb.com](http://www.plannersweb.com) are other valuable resources for new commissioners;
  8. Applicants to the planning commission will be expected to attend a brief orientation session explaining the role of commissioners, the planning process, and the expectations of commissioners that are appointed; and
  9. New commission members will attend an expanded orientation session with the liaison to the commission and other staff, as deemed necessary, to provide new appointees with a solid understanding immediately upon appointment. The orientation will include an overview of the planning process, a review of the commission's structure, policies and bylaws, a summary of available documents and resources, and a review of the commission's relationship with citizens, staff, developers, and the governing body.
- F. The planning commission may serve on regional boards or commissions as directed by the city council.
- G. The planning commission shall participate in annual meetings with the city council to discuss development activity, development doctrine, policies, etc.

(Code 1965, § 2-8.1.)

#### 2.28.060 - Conflict of interest requirements.

- A. The State of California Political Reform Act requires planning commission members to disclose interests in investments, real property, and income derived within the City of Banning or from sources doing business within the City of Banning. Filings are required within ten days of assuming office and on an annual basis.
- B. Members shall not work for the "pass" cities, which include Beaumont, Calimesa, and Riverside County in roles, such as economic development, planning, or redevelopment.
- C. If an apparent conflict of interest arises, the member shall inquire of the city attorney or staff prior to the meeting.

(Code 1965, § 2-8.2.)

#### 2.28.070 - Staff liaison.

- A. The staff liaison to the planning commission shall be the community development director.
- B. The planning commission liaison, supported by the secretary to the planning commission (a staff position), shall be responsible for:
  - 1. Confirming that a quorum will be present prior to each meeting;
  - 2. Receiving and recording all exhibits, petitions, documents, or other material presented to the planning commission in support of, or in opposition to, any issue before the planning commission;
  - 3. Signing all meeting minutes and resolutions upon approval;
  - 4. Preparing and distributing agendas and agenda packets;
  - 5. Facilitating the tape recording of meetings and preparation of minutes; and
  - 6. Responding to all questions from planning commission members regarding agenda items in advance of meetings.

(Code 1965, § 2-8.3.)

#### 2.28.080 - Meeting times and places.

- A. The planning commission shall meet on the first Wednesday of each month at 6:30 p.m. at the city council chambers located at 99 E. Ramsey Street, or at such time and place as the commission may designate by resolution.
- B. Commissioners will attend special meetings as they arise.

(Code 1965, § 2-8.4.)

(Ord. No. 1427, § 1, 9-14-10)

#### 2.28.090 - Adoption.

- A. This document, as adopted and amended by council resolution, shall serve as the bylaws for the commission.

(Code 1965, § 2-9.)

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MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

05/08/17  
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Moyer on May 8, 2017 at 1:00 p.m. at the Banning Civic Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Michael Rock, City Manager  
John C. Cotti, Interim City Attorney  
Rochelle Clayton, Deputy City Manager/Administrative Services Dir.  
Art Vela, Public Works Director  
Heidi Meraz, Community Services Director  
Alex Diaz, Police Chief  
Fred Mason, Electric Utility Director  
Philip Southard, Public Information Officer  
Patty Nevins, Acting Community Development Director  
Ted Shove, Economic Development Manager  
Stacy Bouslog, Utility Financial Analyst  
Sonja De La Fuente, Executive Assistant/Deputy City Clerk  
Marie A. Calderon, City Clerk

PUBLIC COMMENTS – *On Items Not on the Agenda*

There were none.

WORKSHOP

1. Review and Discuss Brown Act, Fair Hearings and the City of Banning Code of Conduct.

Council Member Peterson reminded Mayor Moyer and City Council that in the minutes of the January 10, 2017, City Council Meeting where the City Manager reported that the Planning Commissioners and Parks & Recreation Commissioners would be invited as well, and it was the consensus of the Council to invite them and include ICMA Ethics training.

Mayor Moyer asked if the Planning Commissioners and Parks & Recreation Commissioners were invited to this meeting.



City Clerk Calderon advised it was not intentional to not invite the Planning Commissioners or the Parks & Recreation Commissioners, however it was overlooked.

Since the Planning Commissioners and Parks & Recreation Commissioners were not invited to the meeting, Interim City Attorney John Cotti suggested this particular item be continued to a future meeting and all elected and appointed officials are invited to attend.

Council Member Andrade asked about the ICMA Ethics training being included in this training when it is scheduled.

Mayor Moyer asked City Manager Rock if the ICMA Ethics training is something that ICMA does.

City Manager Rock explained that ICMA Ethics training is provided to City Managers.

Council Member Peterson asked the Interim City Attorney to contact ICMA to see if they would provide training. He confirmed that he would.

Interim City Attorney Cotti recommended choosing a date for this meeting once the new Planning Commissioners have come on board.

Mayor Moyer called for public comment on this item and the following people spoke in favor of all elected and appointed officials participating in a joint meeting for these important trainings:

David Ellis  
Inge Schuler

**Motion Welch/Andrade for this item to come back as a joint meeting. Motion carried, all in favor.**

2. Review and Consider Adopting the City's Core Values Statement and Review the Adopted Vision and Mission Statements.

Deputy City Manager/Administrative Services Director Clayton presented a Staff Report regarding the City's Core Values.

The Council would like staff to bring back a resolution formalizing the updated tag line, "Stagecoach Town USA - Proud History, Prosperous Tomorrow" that was decided on in 2013.

Council Member Franklin recommended amending the Customer Service Excellence line by adding the word effective after the word staying and a comma after the word patient.

Mayor Moyer called for public comment.

David Ellis asked that the City follow the core values.

**Motion Peterson/Welch to approve the core values as amended. Motion carried, all in favor.**

3. Discuss and Consider Updating the Strategic Goals for the 2017/18 Fiscal Year for the City of Banning.

City Manager Rock presented a Staff Report in regard to updating the Strategic Goals for the next Fiscal Year.

Council Member Andrade asked about Wi-Fi hot spots and City Manager Rock explained that expense is presenting an issue with this item.

Council Member Welch explained the issue with the Sheriff's release point.

City Manager explained the homelessness issue is a regional issue and will require a regional effort to solve.

Mayor Moyer called for public comment.

Jerry Westholder stated that 80% of the homeless population is there by choice and that the State legislature has seen a 153% increase in crime since AB109 passed. He would like to see a letter from this legislative body.

Mayor Moyer clarified that even though there is a name listed next to each priority on the list of strategic goals, the entire council is concerned with.

Council Member Peterson expressed that it has been a challenge over the past four years to get used to government vs. private sector process and how long it takes for things to get done, and that he is happy to see things beginning to move forward.

The Council agreed that it is up to the City Council to ensure the priorities are consistently reviewed and updated at least on a quarterly basis.

There was discussion regarding homelessness and the issues our law enforcement face.

Police Chief Diaz mentioned that studies show that it takes approximately 70 contacts per person before that person seeks help. Also, the change in laws have affected law enforcement's options. Homelessness is not a law enforcement problem, it is a society problem.

Mayor Moyer called for Public Comment.

David Ellis spoke on behalf of Dorothy McLean. She feels that as we promote health and safety, we promote wealth. In regard to the strategic goals it is mentioned to maximize tax dollars on property and she doesn't feel the courthouse accomplished this and feels that by providing reasonable utility rates and maximizing property tax the City would benefit. Mr. Ellis and Ms. McLean do not feel the County moving into the property across the street from City Hall would accomplish the City's goal of maximizing property tax.

**Motion Franklin/Andrade to adopt the Strategic Goals of the City. Motion carried, all in favor.**



ADJOURNMENT

By common consent the meeting adjourned at 2:29 p.m.

Minutes Prepared by:

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Sonja De La Fuente, Deputy City Clerk

Approved by:

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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.**

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

05/23/17  
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Moyer on May 23, 2017 at 2:30 p.m. at the Banning Civic Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: John C. Cotti, Interim City Attorney  
Rochelle Clayton, Deputy City Manager/Administrative Services Dir.  
Alex Diaz, Police Chief  
Fred Mason, Electric Utility Director  
Art Vela, Public Works Director  
Heidi Meraz, Community Services Director  
Tim Chavez, Battalion Chief  
Philip Southard, Public Information Officer  
Patty Nevins, Interim Community Development Director  
Ted Shove, Economic Development Manager  
Suzanne Cook, Finance Manager  
John McQuown, City Treasurer  
Sonja De La Fuente, Executive Assistant/Deputy City Clerk  
Marie A. Calderon, City Clerk

PUBLIC COMMENTS – *On Items Not on the Agenda*

There were none.

WORKSHOP

1. Proposed Adjustments to the Fiscal Year 2017-18 Adopted Budget  
(Staff Report – Rochelle Clayton, Deputy City Manager/Administrative Services Dir.)

Deputy City Manager addressed the Council stating that the Council did adopt a two-year budget last year so the 2016/17 and 2017/18 budgets have already been adopted. Today staff will present some position requests and some other departmental requests to update the adopted budget. Staff would like to receive some feedback, take questions, and take direction before staff brings back the formal request to amend the adopted budget in June. At this time she started her power-point presentation displaying the City's Organizational Chart, adopted General Fund Revenues, and adopted General Fund Expenditures. At this time she started with the Position Requests per her power-point presentation (attached Exhibit "A") as follows:

#### Water & Wastewater Department

- Management Analyst

#### Police Department

- Public Safety Dispatcher

Councilmember Peterson said in going back to Management Analyst is this position more of an entry level, management or a position used for promotion of current employees.

Deputy City Manager said that this is a mid-manager position so if we do have somebody that is qualified, we could promote someone into this position.

Councilmember Peterson said in regards to regards to the Public Safety Dispatcher you stated that we have two lieutenant positions available and are you saying that you are going to do away with one.

Deputy City Manager said we had two lieutenant positions and one position was reclassified to a Captain position so the other lieutenant still remains vacant. We have been using that position to under-fill a dispatcher but the lieutenant position is still there.

Councilmember Franklin said on that same subject since one is a Captain and one is a lieutenant would you want them to be the same. Are you going to reclassify the other one to a Captain also?

Deputy City Manager said no, that is not the intent. They do want to have a Captain position and a lieutenant position because there are different levels of tasks that should be cover by each.

Councilmember Franklin said in regards to Wastewater because you did talk about the IRWM (Integrated Regional Water Management) Program and we did get the grant for the plan but you are talking about the actual program and we are the lead agency for it.

Deputy City Manager said yes we are the lead agency and with her experience she worked with Mojave Water Agency as the lead agency and although she put a lot of time in just being with the water district that she was with Mojave had to assign one full-time person just to administer the program.

Councilmember Franklin said you also have in the tasks the ability to write grants and oversee the grant dollars and she knows that the City had already approved some grant writers so are we looking to kind of phase the consulting piece out and just stick with in-house.

Deputy Manager said it would be helpful for us to at least do some of these grants in-house because the level of work that we have to put in to working with the grant writers we almost may as well write the grant ourselves.

#### Purchasing

- Purchasing Assistant
- Buyer

Councilmember Franklin asked in regards to the Buyer does that do anything with our RFP (Request for Proposal) timelines and will this impact that also.

Deputy City Manager said no. This will just speed up the time it takes to actually release the public bid. This will significantly reduce the wait time from the time we get the requisition from the departments to actually opening it for bid.

Councilmember Franklin asked if this would also help us with auditing. Deputy City Manager said with auditing she believes it would help as far as not pulling someone away from their position and would help keep things going while for instance someone is on vacation, etc.

Deputy City Manager went over the costs for the Buyer and the Purchasing Assistant. She said that currently they have one person budgeted for half-time purchasing and half-time business license and what they would like to have is one full-time for purchasing and that would leave the other person full-time to business license and other processes that person was assigned along with a lot of ad hoc duties so there were quite a few other duties that could be processed more timely in finance if they had this position as well.

Mayor Moyer asked if this would alleviate the problem where they have to buy stuff that they need in a timely manner. Deputy City Manager said yes, absolutely.

Councilmember Peterson said he sees and has said this many times already a lot of new employees being hired over the last year especially and prior to that we didn't have a lot of hiring so with the Purchasing Manager and now a Buyer and a Purchasing Assistant and then software and then the other employees that were added in here as well and you add all of that up that is a sizeable chunk of change in salary and benefits and there is no new building so we are not getting new sales tax but gained a few stores in town. Are we going in the hole? Are we making any money? How is this actually weighing out?

Deputy City Manager said we have from the General Fund Revenues a projected increase of \$300,000. We have come way over even our year-to-date for our current and she knows that we are going to be adding at least one store, possibly a few stores and she didn't even include any new stores coming in but just with the increase we have a projected increase of \$300,000 of what we adopted.

Councilmember Peterson said when it comes to purchasing and all this his first four years on the Council we didn't have any of what we have now and it seemed as though Fred Mason, Art Vela, everybody and each department in his estimation was doing pretty well. What if we would have given each one of those department heads a credit card? They have a credit card which they are responsible for and when they needs pens, paper or whatever or we have an account at Office Depot and they get their supplies and each department is responsible for their own credit card that doesn't require an employee, it just requires accounting on them.

Deputy City Manager said what she has seen and this has happened and is still happening and staff is trying to correct is that they are making those purchases out of compliance with government code regulations. The required procurement is to get quotes when it exceeds a certain threshold. What she has seen, not only here but in other agencies on a regular basis, is splitting especially with credit cards. If you have a cap of so much with your spending limit, just spending just under that cap and then going the next day or even a couple of hours later and



spending that same amount so that you are still staying within your spending authority but that is really splitting the purchase which is going over your authority and again, that is out of compliance. So what she has seen is that being abused and it doesn't mean that it was on purpose because they are not trained in what the government codes are and what the requirements are so that is what she has seen in some agencies.

There was some further Council and staff dialogue in regards to the last time the city had a purchasing manager, is this really better and cost effective, compliance issues, and how much would be saved by getting additional staff.

Councilmember Andrade said it would be very informative if they could get that information regarding the savings. Also, if she can put together how many positions we have lost due to the downturn of the economy, how many positions have we since filled back, and how many are still open that have not been filled.

Deputy City Manager responded that we lost 40 and replaced about 10 but she will get exact numbers for the Council.

Councilmember Franklin said in regards to the Purchasing Assistance and Buyer if we were able to add one of the two, would that be sufficient for right now.

Deputy City Manager said yes. She would prefer the Buyer definitely because they could take on the higher level work.

Councilmember Franklin said she has some concerns and it is very tough to let people go. Even though it looks like things are well but in this day and age who knows what tomorrow is going to bring.

Councilmember Peterson said he follows real estate pretty closely and pretty much as everybody knows now it is a seller's market. Interest rates are looking to go up and they are talking about another pop in the bubble because prices are going up, going up and they can only go up so high and we are staring to approach that level. So he doesn't know where it is going but everybody is a speculator but we are getting to that point in time with money that we need to be careful again.

#### Utility Billing

- Field Service Representative – Part time

Councilmember Franklin said because we are talking about going to the smart meters for electric and tossed the idea about smart meters for water also what is the time frame for being able to use the smart meters for electric and if we are able to go 100% on that, would we still need the same number of meter readers if they are only going to have to read water.

Deputy City Manager said the process for installing meters is estimated to be done by November 2017 but they will still have to walk the same routes. It will just cut down going to two meters instead of one at each location. We currently have only one person processing services requests, turn-ons and turn-offs. This other part-time position if it is approved, would also allow for more training time to get at least two more meter readers trained. Staff is trying to schedule training but they are booked with meter reading so it doesn't allow for any training or down time. Again, this wouldn't be needed all the time but on an as-needed basis. If the time comes for the water

meters, then the staffing could always be reduced. We don't want to see anybody lose their jobs but there is usually room for turnover especially in the Water Department, so there could be movement and identify other places in vacant positions because we obviously don't want to fire or have anybody lose their job on a layoff but we could as we lose a meter reader not fill that position once we lose the need for it.

Councilmember Welch said one of the on-going concerns he has heard voiced by small businesses especially in the community and certainly there is no disrespect to any staff because we have been short but it is the time lapse of business license. Does that fit into this?

Deputy City Manager said that actually goes back to the other position for the Purchasing Assistant. The person who is processing the Purchasing Assistant duties is split 50% to Business License and 50% to Purchasing. Fifty percent is not enough time to process all of the business licenses timely. It has been going on that way for years and unfortunately there hasn't been a reallocation of duties until the person ended up going off and she realized how tasked that position had been. We do have a temp in right now working full time trying to catch up and again, once she really dug in into the whole business license process is when she discovered how drastically behind it was. So to a point that would assist if we had that Purchasing Assistant as a full-time. It would be two-fold in helping the purchasing but would also give us one full-time persons to do business license.

Councilmember Franklin said for clarification did you say that to do the businesses licenses it would take a person full-time pretty much. Deputy City Manager said it is more than half time. She would say that it is closer to about 70% to 75% of a full-time equivalent. The person assigned to it was also processing the airport rents, reconciling items that came up between utility billing and finance and had a lot of ad hoc responsibilities. So those responsibilities would go with the business license desk because it is not full-time they would find other tasks that could be assigned.

#### Parks

- Re-organization to move Park Maintenance to Community Services

Councilmember Peterson said that there is a petition going forward now to repeal SB1 (Road Repair and Accountability Act of 2017) and if SB1 gets repealed, what is going to happen with your employees.

Deputy City Manager said then they could not go forward with this as proposed. They would not have the funding outside of that funding. And because the estimated revenue should be coming into the City in November, staff would know fairly quickly once they get into the new fiscal year so they would definitely want to wait. There is a whole transition period so it would likely take the full year to transition into this and that would give them time to see if the funding actually does go through and if it doesn't they would not be able to go forward with this.

Councilmember Peterson said we need somebody in the parks. The parks are disgraceful, water needs to be turned on, and somebody needs to mow the grass. Whether or not you have Park Rangers which at this point in time he really doesn't care but we need maintenance workers. In all of these things that you are asking for he thinks that we need to prioritize what really needs to be done.

Deputy City Manager said that this workshop is to present everything and then talk about the priorities. Part of this reorganization is also including a \$100,000 dollar a year contract which would be basically be traded for one of the positions the way the organization is working to go towards a maintenance contract with an outside contractor for the mowing and hedging, the regular maintenance that we have at all of the parks and would cost approximately \$100,000. So part of this presentation and this request is to include that funding.

Councilmember Peterson said don't we have a Ford Tractor with a mower on the back that the guys can pull around and do that and not have to hire that out.

Deputy City Manager said what they have found in this analysis is that we are talking higher paid positions and it would cost us less money to contract that out for that type of work and use the maintenance workers on more specialized work like repairs and so forth and just the basic mowing and hedging are the other pieces. We have so many parks and it just takes time so instead of using higher paid employees staff found it more cost efficient to just contract that piece out. She said this is all for discussion and staff is just requesting the plan that was put together and it can be amended by the Council.

Councilmember Franklin asked Director Vela how much time is spent doing graffiti and is that the kind of position that we could hire somebody at a lesser level to be able to just take over doing that kind of stuff that would release some of our more senior employees to do more of the heavy duty type stuff.

Director Vela said that kind of work is typically assigned to our maintenance worker positions and there is really no position under that position so they are assigned those tasks. So there is a lot of graffiti not only in our parks but there is a lot of graffiti around our neighborhoods and again, if they were to right now with the staff that they have to dedicate the four park staff members that are funded through Parks dedicated to parks then they would have two guys maintaining 250 miles of right-of-way in our city. That would include graffiti, weed abatement, picking up at our trash receptacles in our right-of-way, fixing potholes, painting curbs, replacing street signs; it is a lot of work for two people. As the Deputy City Manager mentioned over the past couple of years they have had that discussion to transfer Parks over and the dilemma was that if we do that, now we are stuck with two guys doing streets. So when there were problems they would use the street and park guys as one crew.

Councilmember Franklin said so you would still have that flexibility if something came up to be able to pull the crews together if there was a specific project you were working on or no.

Director Vela said probably not. They could and they are still City employees and he thinks that if there was an emergency, they would just have to coordinate that with the Community Services Department.

Councilmember Welch said he could not agree more about the park maintenance especially with what we have approved as far as improvements to the parks and it is significant. We need a presence in the parks and it is very difficult to bring that much manpower on to really service and we have quite a few parks but to service all these parks on as a need basis we need routine service to the parks.



Councilmember Peterson said the City came together pretty quick when they went on the freeway and cut bushes. So when we say that we don't have the assets and we don't have this and it is hard to get people together it wasn't so hard to get that massive crew together to go out there on the freeway and cut down pepper trees and oleanders and get it hauled off to the dump. He thinks the City can do it when the City wants to do it and it is not too hard to gather those assets to get it down. He said that it saddens him when he drives to our neighbor to the west and knowing the financial stress that that City is under and to look at their parks they are immaculate and why are our parks in the condition that they are.

Deputy City Manager said our neighboring city has had an enormous amount of growth so they get a lot more revenue than the City of Banning.

Councilmember Franklin said that they also have a Parks and Recreation Department that is funded by the residents. It is a separate district and not a part of the City. There is the Beaumont-Cherry Valley Parks and Recreation District and it is a taxable entity to the residents. She said that idea was floated when Andy Takata was here and it was shot down immediately because it would mean residents would be paying an additional tax and we heard loud and clear that people were not interested in paying.

Councilmember Peterson said if we are going to hire people, they need to go to Community Services and he thinks public safety and our parks has to be a priority.

Mayor Moyer said he totally agrees and he also agrees with Councilmember Welch that if we are going to spend \$2 million on a park, we need to make sure that six months after they are done that it is still a good park.

There was some Council and staff discussion regarding the Park Ranges being POST certified and the type of duties they would have.

Councilmember Peterson said these are part-time positions and Deputy City Manager said yes. She said each part-time position with 1000 hours is about \$20,000.

Councilmember Andrade said on the other page you said an additional \$10,000 would be necessary for uniform supplies and user vehicles but yet on page 13 it says "Uniform Allowance/POST Certificate – 0".

Deputy City Manager said this is the basic template that they use to calculate salaries but they would not have a uniform allowance as part of their salary because they are part time and we would budget for that separately and the other equipment would be the two-way radios, the cost of gas and maintenance of the vehicles. She didn't have an exact breakdown but would be approximately \$10,000.

Councilmember Andrade said then it is budgeted for \$16,000 for 1000 hours but once they go over that 1000 hours they would automatically become PERS entitled. Deputy City Manager said that is why we are requesting the three part-time so that way they could adjust the schedules and rotate them so they wouldn't go over the 1000 hours.

#### OTHER DEPARTMENT REQUESTS



Deputy City Manager continued her slide presentation going over the Other Department Requests for:

Police Department

Community Development & Planning

Public Works

There was some Council and staff discussion regarding the repair and maintenance of HVAC system and CNG replacement and maintenance.

Central Services

Councilmember Franklin said we have talked about advertising and publishing and as more people are going online is there a way to find out if more of our residents are interested in getting like the 92220 Newsletter online as opposed to a paper one. She knows that we have put it in the utility bills and many people don't look at it.

There was Council and staff discussion regarding email notifications, website improvements/navigation/attractiveness, and electronic message board in front of city hall, hiring more people for the Information Technology (IT) department, possible IT interns, and an IT presentation is needed.

There was consensus of the Council to have Eric or Patrick in Information Technology give a staff report and presentation on exactly what their needs are.

Risk Management

Fire Contract Services

There was some Council comments in regards to the fire contract not being sustainable and trying to reign it in.

#### OTHER FUNDING CONSIDERATIONS

Deputy City Manager continued her slide presentation going over the Other Department Requests for:

Revenue from Robertson's Ready Mix

There was some Council comments in regards to possibly allocating some of this money for smart water meters, possibly phasing in those type of meters, and impact to water rate study.

Federal and State Lobbyists

Senate Bill 1 (SB 1) – Road Repair and Accountability Act of 2017

General Fund Revenue Projections

Deputy City Manager concluded her presentation.

Mayor Moyer said one of the things that has been discussed very lightly and off and on for several months now is going to the community for a sales tax increase. Is there any mention of that in the proposed budget?

Deputy City Manager said she would like to use that discussion as part of the possibilities for salary increases or position additions and other additions but because that is based on an actual vote she would have to put in some contingencies. She wouldn't want to put anything in the budget based on the possibility of passing that. We would want to do our heavy outreach and put in some possibilities if it does pass and then we could go forward with these proposals.

Mayor Moyer said it looks to him like what is being proposed here is going to add about \$340,000 to \$350,000 to the General Fund. Deputy City Manager said yes, if the Council approved and supported everything.

Mayor Moyer said in that \$340,000/\$350,000 the Park Crew that we were talking about because it was being paid out of Gas Tax money is not in there for another \$140,000 so if it doesn't get Gas Tax money then we are talking about \$500,000. Deputy City Manager said that is correct.

Councilmember Franklin said we talked about more police officers for traffic control and is that something that you are thinking about bringing back to the Council.

Deputy City Manager said right now they are trying to fill the positions we currently have but it is her understanding that until we can get current budgeted positions fully-staffed we were not going to request any additional positions.

Chief Diaz said his goal at the next budget review in about a year and half he is going to be asking for a couple of additional positions specific to the Traffic Bureau. We have not had a Traffic Bureau in about three and half years. As you know the department's two traffic officers retired and they do not have the personnel available right now to put on bikes. One of the issues that they encountered is traffic school and being a motor cop is one of the elite units and it is a very, very difficult course to get through. So the goal is to present to the Council a goal of adding two additional positions to the police department specific for that. The primary role of a motor officer is to write citations to educate the public. In regards to paying for themselves, it is something that will be on the long end of it; it won't be the first year but they will be writing citations. Even though they don't have a Traffic Bureau right now the officers having been doing a good job about writing citations. They wrote about 8% more citations than they did last year but they are not all traffic-related citations.

There was more Council and staff discussion in regards to filling the patrol positions.

Councilmember Peterson asked if this item was going to come back tonight for approval. Deputy City Manager said no. This was only a workshop so that staff could get direction from the Council on what they would like to see come back and what you support so that staff can bring this back in June.

Councilmember Peterson said in regards to the resolution on the agenda for tonight authorizing the Fiscal Year 2016-17 Mid-Year Budget Adjustments, what is that for. Deputy City Manager explained that this is for next fiscal year's budget adjustments. The presentation today is for next fiscal year's budget adjustments. For tonight there are just some mid-year adjustments for this past fiscal year. Unforeseen things that changed during the year that were not anticipated.

Councilmember Peterson said in regards to Stagecoach Days they were looking for 1000 seat bleachers and what is going on with that.

Deputy City Manager said that Stagecoach Days is going to rent the bleachers for this year and staff is working on an memorandum of understanding and what they have requested is that the City pay for half of the cost of installation of actual bleachers; not just the rental. That couldn't be put into place or even reviewed in time for this year's Stagecoach Days so they will be renting the bleachers for this year's event for the additional 1000 seats that they are asking for.

Councilmember Peterson asked who is going to be paying for that; the City. Deputy City Manager said no.

Councilmember Peterson said he understands that Michael Rock had promised Stagecoach Days that he would rent the 1000 seat bleachers but then all of a sudden it got cut to 500.

Deputy City Manager said no. Her conversations have been that Stagecoach Days would be renting the bleachers this year. They are questing that they pay for half and the City pay for half for permanent bleachers starting next calendar year.

Mayor Moyer said he wasn't invited to the last meeting and didn't know about it until after it was over. He received a couple of emails from Amy Pippenger and was planning on talking with the City Manager today. We need to get to work on it.

Councilmember Peterson said that we need 1000 seat bleachers. Deputy City Manager said that she knows that Art Vela worked on trying to get an estimate to try to get something in place this year to actually have it installed this year for permanent bleachers but there is just not enough time.

Councilmember Peterson said the one thing we need to get ironed out is the 1000 seat bleachers for this year. Deputy City Manager said she knows absolutely the rental can go forward and that Amy Pippenger already said that she got an estimate to go forward when they both discussed it. Councilmember Peterson said but she was expecting the City to pay for it.

There was some further explanation by the Deputy City Manager regarding the procurement of bleachers for either rental or permanent seating. There was consensus of the Council to have Amy Pippenger come to the next Council meeting to give a presentation about the bleachers.

#### ADJOURNMENT

By common consent the meeting adjourned at 4:00 p.m.

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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.

**Exhibit “A”**

**FY 18 Budget Workshop  
May 23, 2017**









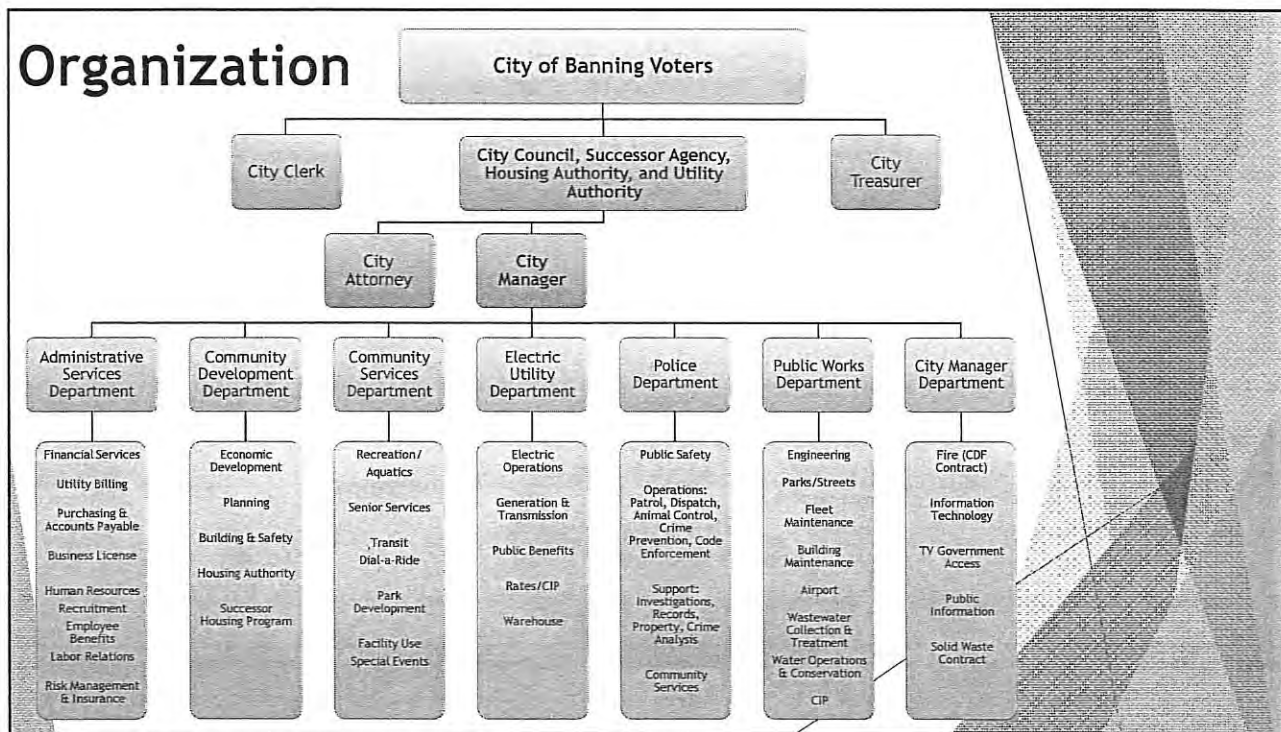
**FY18 BUDGET  
WORKSHOP**  
May 23, 2017

# City of Banning

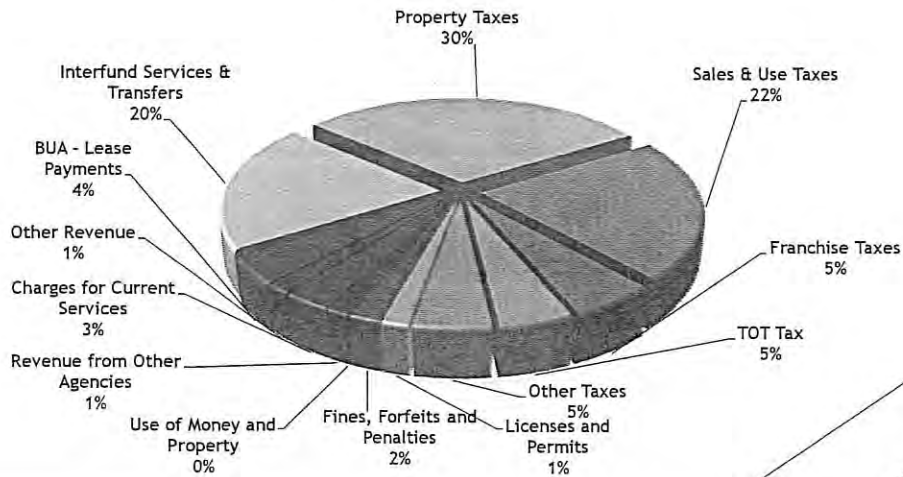
FISCAL YEAR 2016-2017 & 2017-2018

## TWO YEAR BUDGET

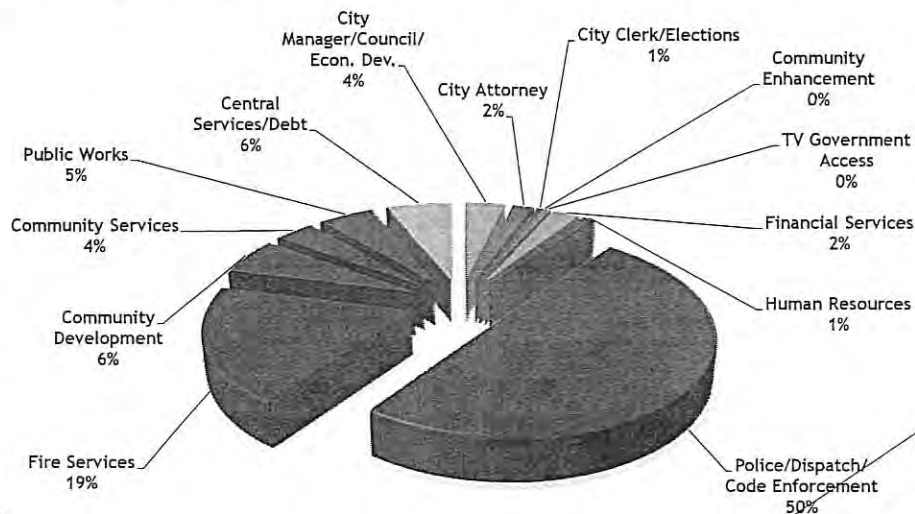



## General Fund Revenues FY 2017-18 Total = \$16,354,002



## General Fund Expenditures FY 2017-18 Total = \$16,385,893



# POSITION REQUESTS

## Management Analyst for Water & Wastewater

**FUNDING:** 50% Water & 50% Wastewater

**Justification:** Mid-management support to complete non-engineering tasks are currently completed by Director, Senior Civil Engineer, Superintendent & Management Analyst funded by Streets, Building Maintenance, Engineering & Refuse

## Management Analyst for Water & Wastewater (cont.)

### TASKS:

- Analyze state and federal legislation
- Review agendas and attend board meetings of other agencies
- Capital Improvement Project schedule tracking
- Track grant programs, complete grant applications and track/ensure compliance
- Support in development of formal asset management program

## Management Analyst for Water & Wastewater (cont.)

### TASKS:

- Monitor annual operating budget
- Contract management
- Collect, compile & analyze operational data to ensure water production amounts are within safe yields
- Responsibility for Sustainable Groundwater Management Act (SGMA) related tasks
- Responsibility for Integrated Regional Water Management (IRWM) Program



Fiscal Year 2017-18 Management Analyst - Water/WW Salary and Benefits Calculation		
Management Analyst		FY18
SALARY RANGE - 68 (S28,2963 - S38,2813)	Hourly	28.30
	Annual	\$ 58,856.30
Uniform Allowance/POST Cert		0.00
Benefit Allowance		15,000.00
Maximum Cash Out:		
Sick Payoff		2,716.44
Personal Payoff		1,697.78
Vacation Payoff		2,263.70
Total Salary Cost		80,534.23
Life Insurance		432.00
PERS Employer Cost		14,714.08
Medicare		1,167.75
Social Security		4,993.12
SUI		659.19
WC		2,644.41
Total Benefit Cost		24,610.55
Total Salary & Benefits		\$ 105,144.78

## Public Safety Dispatcher for Police Department

**FUNDING:** 100% General Fund

**Justification:** Currently this position is filled with the funding designated to a lieutenant position, leaving the only lieutenant position un-funded and vacant



Fiscal Year 2017-18 Public Safety Dispatcher Salary and Benefits Calculation			
Public Safety Dispatcher		<b>FY18</b>	
SALARY RANGE - 52			
(\$19,0613 - \$25,7875)	Hourly	22.17	
	Annual	\$	46,115.26
Uniform Allowance/POST Cert			5,764.41
Benefit Allowance			15,000.00
Maximum Cash Out:			
Sick Payoff			443.42
Comp Payoff			443.42
Vacation Payoff			443.42
Total Salary Cost			68,209.92
Life Insurance			432.00
PERS Employer Cost			11,528.82
Medicare			989.04
Social Security			4,229.02
SUI			516.49
WC			<u>2,051.81</u>
Total Benefit Cost			19,747.17
Total Salary & Benefits		\$	87,957.09

## Purchasing Assistant & Buyer for Purchasing

**FUNDING:** 20% General Fund & 80% to Water, Wastewater, Electric, Transit, Streets, and Refuse Funds

**Justification:** Purchasing is now a centralized function as of 2016; it was decentralized with the economy downturn and prior to that, Purchasing had several positions

## Purchasing Assistant & Buyer for Purchasing (cont.)

### Justification:

- Regulations for procurement are updated on a regular basis
- Decentralized procurement can leave the City vulnerable to being out of compliance
- In 2013 the Department of Industrial Relations implemented a registration requirement for public work contracts
- If departments were not trained, the City could have been out of compliance

## Purchasing Assistant & Buyer for Purchasing (cont.)

### Justification:

- Previously 7 major departments processed procurement which required a minimum of 7 positions to procure goods & services
- Currently 1 Purchasing Manager & 1 P/T Purchasing Assistant are procuring goods & services for all City departments
- A Buyer and F/T Purchasing Assistant will significantly reduce the time to process RFPs, bidding & contract awards

Fiscal Year 2017-18 Buyer Salary and Benefits Calculation			
Buyer		FY18	
SALARY RANGE - 54			
(\$20,0264 - \$27,0932)			
Hourly	20.03		
Annual	\$ 41,654.91		
Uniform Allowance/POST Cert		0.00	
Benefit Allowance		15,000.00	
Maximum Cash Out:			
Sick Payoff		400.53	
Comp Payoff		400.53	
Vacation Payoff		400.53	
Total Salary Cost		57,856.50	
Life Insurance		432.00	
PERS Employer Cost		10,413.73	
Medicare		838.92	
Social Security		3,587.10	
SUI		466.54	
WC		1,853.35	
Total Benefit Cost		17,591.64	
Total Salary & Benefits	\$	75,448.13	

Fiscal Year 2017-18 Purchasing Assistant Salary and Benefits Calculation			
Purchasing Assistant		FY18	
SALARY RANGE - 47			
(\$16,8472 - 22,7921)			
Hourly	16.85		
Annual	\$ 35,042.18		
Uniform Allowance/POST Cert		0.00	
Benefit Allowance		15,000.00	
Maximum Cash Out:			
Sick Payoff		336.94	
Comp Payoff		336.94	
Vacation Payoff		336.94	
Total Salary Cost		51,053.01	
Life Insurance		432.00	
PERS Employer Cost		8,760.54	
Medicare		740.27	
Social Security		3,165.29	
SUI		392.47	
WC		1,559.13	
Total Benefit Cost		15,049.70	
Total Salary & Benefits	\$	66,102.71	

# Field Service Representative-P/T for Utility Billing

**FUNDING:** 100% to Water, Wastewater, Electric and Refuse Funds

**Justification:** Coverage is necessary to ensure timely meter reads for water, wastewater and electric so that billing periods remain within City regulations of 28 to 34 days

## Fiscal Year 2017-18 Field Services Representative Salary and Benefits Calculation

Field Services Representative	FY18
SALARY RANGE - S1	
(\$18,5964 - 25.1586)	
Hourly	18.60
Annual	\$ 18,596.40
Uniform Allowance/POST Cert	0.00
Benefit Allowance	0.00
Maximum Cash Out:	
Sick Payoff	0.00
Comp Payoff	0.00
Vacation Payoff	0.00
Total Salary Cost	18,596.40
Life Insurance	432.00
PERS Employer Cost	0.00
Medicare	269.65
Social Security	1,152.98
SUI	208.28
WC	1,539.73
Total Benefit Cost	3,602.63
Total Salary & Benefits	\$ 22,199.03



## Parks Re-organization to move Park Maintenance to Community Services

**FUNDING:** 2 F/T Maintenance Workers - 100% to Gas Tax and 3 P/T Park Rangers - 100% to General Fund (Parks)

**Justification:** Park maintenance was maintained by Parks until an economic down-turn and was re-assigned to Public Works with budget cuts in the '90s

## Parks Re-organization (cont.)

### **Justification:**

- Public Works is responsible for maintenance of all City facilities, including all parks
- 4.30 FTE positions (4 Maintenance Workers & .30 of the Public Works Superintendent) are responsible for Parks maintenance



## Parks Re-organization (cont.)

### Justification:

- 2 FTE positions (Senior Maintenance Workers) down from 7 FTE positions in 2004 (4 Senior & 3 Maint. Workers) are responsible for Streets maintenance
- The 2 FTEs dedicated to Streets is not a sufficient labor force to safely complete street maintenance projects, so Public Works has relied on utilizing Parks maintenance staff to assist

## Parks Re-organization (cont.)

### Justification:

- The reassignment of park maintenance to Community Services would eliminate the flexibility to borrow workers assigned to Parks and would create a need for 2 additional FTEs
- Funding for the 2 Maintenance Workers is possible through the recent passing of the Road Repair and Accountability Act of 2017 (SB1), which will provide the Streets division \$700k/year for 10 yrs

# Parks Re-organization (cont.)

## Justification:

### Position assignment w/current personnel:

#### Street Division

Public Works Superintendent: 0.30 FTE

Sr. Maintenance Worker: 2.0 FTE

#### Parks Division

Public Works Superintendent: 0.30 FTE

Maintenance Worker: 4.0 FTE

### Position assignment w/proposed personnel:

#### Streets Division

Public Works Superintendent: 0.60 FTE

Sr. Maintenance Worker: 1.0 FTE

Maintenance Worker: 3.0 FTE

#### Parks Division

Sr. Maintenance Worker: 1.0 FTE

Maintenance Worker: 2.0 FTE

Landscape Contractor

- A landscape contractor can maintain all of the mowing and hedging of parks

## Fiscal Year 2017-18 Maintenance Worker Salary and Benefits Calculation

Maintenance Worker		FY18
SALARY RANGE - 45		
(\$16,0356 - \$21,6942)		
Hourly	18.19	
Annual	\$ 37,830.21	
Uniform Allowance/POST Cert	0.00	
Benefit Allowance	15,000.00	
Maximum Cash Out:		
Sick Payoff	363.75	
Comp Payoff	363.75	
Vacation Payoff	363.75	
Total Salary Cost	53,921.46	
Life Insurance	432.00	
PERS Employer Cost	9,457.55	
Medicare	781.86	
Social Security	3,343.13	
SUI	423.70	
WC	1,285.89	
Total Benefit Cost	15,724.13	
Total Salary & Benefits	\$ 69,645.59	
Requesting 2 Positions	TOTAL	139,291.19

## Parks Re-organization (cont.)

### Justification:

- The request for additional positions of **Park Rangers** is to safeguard the park areas, facilities and community members during their visit to the parks
- Critical tasks have not been done as a result of no staffing; such as:
  - locking the restrooms at closing
  - tending to emergency situations
  - performing first-aid

Fiscal Year 2017-18 Park Ranger Salary and Benefits Calculation			
Park Ranger		FY18	
SALARY RANGE - 47		16.85	
(\$16,8472 - \$22,7921)	Hourly		
	Annual	\$ 16,847.20	(1000 hours)
Uniform Allowance/POST Cert		0.00	
Benefit Allowance		0.00	
Maximum Cash Out:			
Sick Payoff		0.00	
Comp Payoff		0.00	
Vacation Payoff		0.00	
Total Salary Cost		16,847.20	
Life Insurance		432.00	
PERS Employer Cost		0.00	
Medicare		244.28	
Social Security		1,044.53	
SUI		188.69	
WC		1,394.90	
Total Benefit Cost		3,304.40	
Total Salary & Benefits		\$ 20,151.60	
Requesting 3 Positions	TOTAL	60,454.79	

## Parks Re-organization (cont.)

### Justification:

- 3 P/T positions is approximately \$60k
- An additional \$10k would be necessary for uniforms, supplies, and use of a vehicle (including gas and maintenance)
- Proposed salary range and job description is based on park ranger positions in other comparable cities
- *See next page for job description:*

### Partial Job Description:

**JOB DEFINITION:** Under supervision of the Community Services Director, performs a variety of duties involved in the daily and usage of city parks. Responsible for safeguarding the park areas, facilities and persons using the parks. Must encourage compliance with all City rules and regulations and City ordinances.

#### **REPRESENTATIVE DUTIES:**

Enforce all park rules and regulations in a tactful manner  
 Provide information such as available facilities and activities, park usage rules, etc.  
 Make scheduled rounds of City parks to provide surveillance and identify individuals trespassing after closing hours.  
 Attend to emergency situations and performs minor first aid.  
 Follow proper emergency procedures in the event of a serious incident.  
 Perform light maintenance duties.  
 Secure bathrooms at the end of the day  
 Clear paved areas of debris, branches and other obstructions.  
 Work with civic organizations and sports leagues to coordinate schedules for fields and courts usage under the direction of the Community Services Director  
 Check facilities to ensure lights have been turned off and buildings secured.  
 Operate vehicles, two-way radios and other equipment.  
 Notify the proper authorities when necessary of violations.  
 Maintain logs and prepares incident reports.  
 Ensure all pavilions have correct and accurate permits.  
 Assist with all special events.  
 Performs other duties as assigned or required

#### **MINIMUM QUALIFICATIONS:**

High School Diploma or G.E.D. from a recognized institution.  
 Associate's Degree or two (2) years college coursework in Recreation or Law Enforcement/Criminal Justice preferred.  
 Certified in CPR and First Aid.



# OTHER DEPARTMENT REQUESTS

## POLICE DEPARTMENT

- ▶ Increase in Repair & Maintenance of Software of \$13,000 for training, eSupoena software, and a Cellebrite Physical Analyzer maintenance plan (to analyze cell phone data)
- ▶ Increase in Advertising/Publishing of \$2,500
- ▶ Increase in Clothing/Accessories of \$3,500 for anticipated new hires
- ▶ \$92,721 for the May 2017 Vehicle Lease Purchase will be funded by the Fleet Replacement Fund



## COMMUNITY DEVELOPMENT & PLANNING

- ▶ An increase in Professional Services for contract assistance, primarily for the processing of Pardee's Butterfield development
- ▶ Pardee has committed to funding of a contracted position
- ▶ Increase in Advertising/Publishing of \$1,500
- ▶ Increase in Training of \$6,375 for Planning Commissioners Academy

## PUBLIC WORKS

- ▶ Increase in Repair/Maint/AC/Heating of \$35,000 for an HVAC annual maintenance contract
- ▶ Increase in Pest Eradication Service of \$5,000 for ongoing gopher/squirrel pest control
- ▶ Increase in Fleet's Repair/Equipment Maintenance of \$40,000 for a CNG annual maintenance contract, software/hardware upgrades, and a new permit allowing CNG sales
  - ▶ Fleet is funded by all funds

## CENTRAL SERVICES

- ▶ Increase in Printing & Mailing of \$40,000 for the City's Quarterly 92220 Newsletter and other community notification and outreach services
- ▶ Increase in Software/Hardware of \$10,000 for an Emergency Notification program with reverse 911 capability, an E-Newsletter program, and a program for electronic resident surveys

## RISK MANAGEMENT

- ▶ Increase in Worker's Compensation Insurance premium of \$13,000
- ▶ Decrease in Airport Liability Premiums of \$11,000

## **FIRE CONTRACT SERVICES**

- ▶ The City has received notification of an increase to the Fire Contract of approximately 6% or **\$194,000** for a total FY18 budget of **\$3,221,598**
- ▶ The FY17 Fire Contract budget is \$2,933,890; this is an increase of \$287,708 or 9.8%

## **OTHER FUNDING CONSIDERATIONS**

## REVENUE FROM ROBERTSON'S READY MIX

### DISCUSS ALLOCATING THE REVENUE AS FOLLOWS:

- 50% to Streets
- 20% to Parks for Capital purchases
- 30% to General Fund

## Federal and State Lobbyists

### ALLOCATE THE EXPENDITURES:

- 100% of Innovative Federal Strategies has been charged to the City Council's department and has been fully funded by the General Fund
- The federal and state lobbyists will be allocated to appropriate funds

## **Senate Bill 1 (SB1) - Road Repair and Accountability Act of 2017**

- SB1 will provide the Streets division with an estimated \$706,000 per year for the next 10 years
- It is estimated to begin receiving SB1 revenue allocations in November 2017

## **GENERAL FUND REVENUE PROJECTIONS**

- There is a projected revenue increase of approximately **\$300,000** from the adopted budget based on increased Sales & Use Tax, Bed-TOT Tax, and both Secured and Unsecured Property Tax revenues





Questions??

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

06/13/17  
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Moyer on June 13, 2017 at 2:30 p.m. at the Banning Civic Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Michael Rock, City Manager  
John C. Cotti, Interim City Attorney  
Alex Diaz, Police Chief  
Fred Mason, Electric Utility Director  
Philip Southard, Public Information Officer  
Patty Nevins, Interim Community Development Director  
Ted Shove, Economic Development Manager  
Sonja De La Fuente, Executive Assistant/Deputy City Clerk  
Marie A. Calderon, City Clerk

PUBLIC COMMENTS – *On Items Not on the Agenda*

There were none.

WORKSHOP

1. Development Process Workshop  
(Staff Report – Ted Shove, Economic Development Manager)

Manager Shove said that they are here to talk about the development process generally. He introduced the Community Development staff: Patty Nevins, Interim Community Development Director; Mark De Manincor, Contract Planner; Adi Soto, Office Specialist; Sandy Medina, Permit Technician; Sandra Calder, Development Project Coordinator and Michelle Devoux, Fire Marshal. Manager Shove said in a general context the basis or the thrust for this presentation today is to talk about Community Development and how it interacts with the role of a commercial or residential project development life cycle. At this time staff started their power-point presentation (attached Exhibit “A”) explaining each of their categories starting with Economic Development, Planning, the purpose of a General Plan, the purpose of a Zoning Ordinance, Planning Entitlements, General Review Process, Coordination with Internal/External Departments and Agencies, Recent Projects

(Small Project - Sun Lakes Village Retail), Small Project Process, Typical Small Project Schedule, Recent Projects (Large Project – Rancho San Geronio); Large Project Process; and Typical Large Project Schedule.

Councilmember Andrade said with the Pardee Project that zone is not part of the Banning School District so she would like to know how we can bring it back to Banning because we need to work together with the school district and the school district belongs to us and those are our citizens and our students and what can we do and what is the process for that.

Director Nevins said the Pardee Project she believes actually encompasses two school districts both slightly but that is a District boundary matter as opposed to a zoning matter and she is not familiar with that.

Councilmember Franklin gave a little history of what has happened in the past in efforts to put that part of the City back into the Banning School District. A presentation was made and the Office of Education determined that they were not going to move the boundary and there was nothing the City could do because we don't govern the school district.

There were some further Council dialogue about the district line being moved and somebody had to do the whole districting and it wasn't just the school district. Councilmember Andrade said she will not have school for the next three to four months so therefore she will be asking for a lot of documentation.

Councilmember Andrade said her other questions are to CEQA and to the Airport Land Use Commission. She asked why we have to go through them if it is our land. Why do we have to go through the County?

Director Nevins said that they have a document that governs areas around airports and it is not just ours; it all airports.

Manager Shove added that they are an extension of the limited police powers passed through FAA (Federal Aviation Administration) that govern and regulate specific things to aeronautical uses in and around the airport itself.

Councilmember Andrade said since the Council voted not that long ago that we will be closing the airport and nothing has ever come back and she knows eventually that there will be some development there and since it will be closed do we still fall under them.

Manager Shove said after the airport is decommissioned basically the Airport Land Use Commission would not then have any authority over that area and it may be 8 to 10 years before the airport is decommissioned but there are too many factors right now that you really don't know.

Councilmember Franklin said when you talked about assistance through the process if an applicant needs to go to planning, building do we send them to the different departments or are we able to handle some of that interaction on our own so that we are not sending them back and forth to different people.

Director Nevins said that they do some of that on their own. Building and Planning are side by side and they frequently work with people at the same time and with other departments. We don't have that consolidated one-stop shop at this point.

Manager Shove added that it is interesting to note that during the whole PAC (Pre Application Process) process when an application comes in all the departments get together and submit all of their comments and sit down, roundtable, with each of the applicants and go through all of their conditions and requirements so they have the entire planning review staff at one table. That is very helpful also and sometimes there are small compromises that are made that saves the applicant quite a bit of time on the back end.

Councilmember Franklin asked if there was some type of documentation, if we have staff changes, that everybody gets so that staff knows what we are telling the applicant is what they have to do. She is asking because was just approached this past week about somebody with a project that every time they came in it was a different person and they had different requirements. Is there a way to document what the agreements are regardless of who is here that those stay the same?

Director Nevins said that PAC comments are given to them in writing. It is possible that somebody could come to the counter, leave with a simple question and leave and come back, leave and come back and they shouldn't be getting a different answer. One thing she tries to do and staff tries to do is that when they give somebody an answer they show where that answer is coming from or pull that section out of the zoning ordinance and hand it to them so if they come back they don't have to wonder where it came from and wonder if they are going to get a different answer and also not all things are handed to people in writing.

Councilmember Franklin said that she is talking about something internally and it is part of our issue with our software being so old but somehow so that if you have made an agreement with an application that may have something to do with another department whether it be building or someplace else, if that person comes back later because they have another question, everybody can see because you have documented this is what that person was told. On the other hand some people fish for answers.

Director Nevins said anytime they have something that would maybe be unusual she will take notes and they also keep a lot of records on their shared system and keep property information by Parcel Number and they can look up things that have been brought up in the past. There really shouldn't be anything different because there answers should all be based out of the zoning code and they should be something that anybody can know for themselves, look up for themselves and validate for themselves. It shouldn't be discretionary.

Manager Shove added that the building and fire codes change annually and sometimes they have seen in the past applicants will come in and go through a PAC and then their project will be dormant for six, eight, nine, twelve months and then they will have some confusion as to why there were things that changed on certain aspects of it. Keep in mind that those are changed by the state annually and updated locally and sometimes they have minimal impact, sometimes they have a substantive and economic impact on a project.

There was some further Council and staff dialogue regarding working with applicants to get tenants and employees for their projects, and having lead persons on projects.



Councilmember Franklin asked if we have any other development coming in soon that you are aware of even if you can't tell us. Do we have some potential development coming?

Manager Shove said that there are a number on the horizon that are sort of in the pre-project phase and probably 4 or 5 that are approaching the project phase but are not quite there. So when they actually make an application it is public so we can talk about it in public but sometimes when they are in the pre-project phase and for competition reasons or what have you they don't want it out there in the public. They will hold off until the very last minutes to move forward with their project and so sometimes it is a calculated guessing game as to who they are because they will have project managers come in and detail out all the information they need for their development or their site.

Mayor Moyer said he knows that their committee with Public Works has gotten together with Art Vela and he will be giving the Council an update on all the City projects that he is working on quarterly just a brief spreadsheet and he would certainly like to see that come out of Economic Development also so that he knows what we are doing there on a quarterly basis. Maybe we can have an update on the projects we are working on.

Manager Shove that they will look at it and will try to get that to the Council as soon as possible. Director Nevins said that they can also do a spreadsheet if the Council is interested in projects that are in cue right now and they are probably working on about a half dozen of them that have actually been submitted and are at different points of processing.

Mayor Moyer said that the Council would be interested in receiving that information.

#### ADJOURNMENT

By common consent the meeting adjourned at 4:00 p.m.

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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.**

## **EXHIBIT “A”**

### **Development Process Workshop**

Development  
Process  
Workshop

Community  
Development  
Department

June 13, 2017

## Community Development's Role in the Project Lifecycle

- Economic Development: often initial contact, liaison
- Planning: project compliance and environmental review

## Economic Development

- Initial contact – outreach, networking, referral
- Opportunity sites
  - Zoning, available land, r/e economics, demographics, community profile
- Project facilitation
- Negotiations

## Planning

- The Planning Division preserves quality of life by guiding the City's physical environment, in a number of ways including:
  - General Plan & Zoning
  - Discretionary Permitting (i.e. CUP)
  - Environmental Review (i.e. CEQA)



## What is the purpose of a General Plan? What is the purpose of a Zoning Ordinance?

- General Plan – Blueprint/long-term plan for the development of the community
- Zoning - Implementation of the General Plan
  - Land use controls - permitted, conditional, and prohibited uses, development regulations (e.g. setbacks and height, parking), landscaping, signage, nonconforming regulations, and more.
- Banning Municipal Code, Title 17
  - GP, Zoning Map and Code, link: <http://www.ci.banning.ca.us/74/Zoning-Code>



## Planning Entitlements

An entitlement is a project request that requires discretionary review and approval and may include:

- General Plan Amendment(s)/Zone Change
- Specific Plan
- Tentative Map
- Conditional Use Permit
- Design Review



## General Review Process

- Outreach and PAC
- Formal project submittal
- CEQA determination
- Application routed to internal/ external agencies, reviewed
- Scheduled and noticed for Public Hearing(s)
- Decision made by hearing body

## Coordination with Internal/External Departments and Agencies

- Riverside County Airport Land Use Commission (ALUC)
- CalTrans
- South Coast Air Quality Management District (SCAQMD)
- Native Tribal Councils
- Regional Conservation Authority (MSHCP)

## Recent Projects

Small Project: SunLakes Village Retail



## Small Project Process

- Review project for completeness (30 days)
- CEQA determination – Exempt, Negative Declaration, or Mitigated Negative Declaration
- Route to internal/external agencies (14-28 days)
- Review comments with applicant, project changes may occur based on comments
- Public hearing: Review by Planning Commission (30 days)



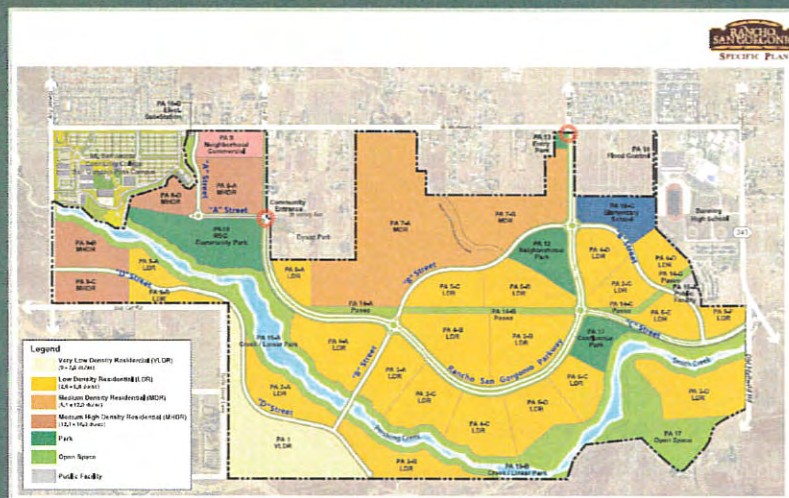
# Typical Small Project Schedule

## Estimated Timing for Development Entitlements & Building Permit Approvals

Project Completeness Review	4 weeks	
Project is exempt from CEQA		
Project Staff Review (Application Complete)	4 weeks	
Public Hearings - Draft Report, Notice and Hold PC Hearing	4 weeks	
Building Plan Review		2-6 weeks
Estimated 14-16 Weeks		
Note #1: Schedule does not include Airport Land Use Commission (ALUC) approval if required		
Note #2: CEQA Exemption Assumed		

## Recent Projects

Large Project: Rancho San Geronio



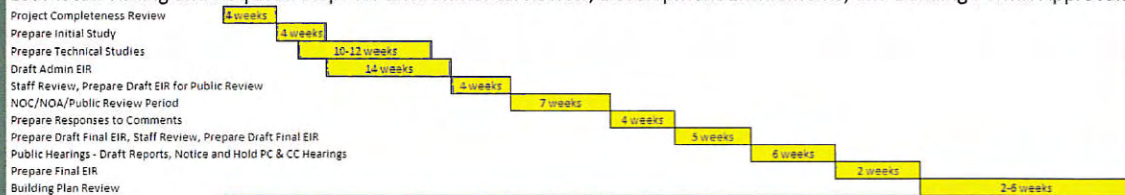


## Large Project Process

- Review project for completeness (30 days)
- CEQA determination – Environmental Impact Report
  - Circulate Notice of Preparation (30 days)
  - Route to internal/external agencies for comment/scoping meetings/complete DEIR (90 days) / Staff Review of DEIR and revisions (30-45 days)
  - Circulate Notice of Completion/Notice of Availability (45 days)
  - Respond to all comments, prepare FEIR (60 days)
- Public hearing: Planning Commission Recommends, City Council decides (45-60 days)

## Typical Large Project Schedule

### Estimated Timing and Required Steps for Environmental Review, Development Entitlements, and Building Permit Approvals



Note #1: Schedule does not include Airport Land Use Commission (ALUC) approval if required

Note #2: CEQA Technical Studies that may be required: Air quality/GHG, Biological, Cultural, Geology, Hazardous Materials, Hydrology/Water Quality, Noise, Traffic





Questions?

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MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

06/13/17  
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Moyer on June 13, 2017 at 3:30 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Michael Rock, City Manager  
John Cotti, Interim City Attorney  
Rochelle Clayton, Deputy City Manager/Admin Service Director  
Ted Shove, Economic Development Manager  
Sonja De La Fuente, Executive Assistant/Deputy City Clerk  
Marie A. Calderon, City Clerk

CLOSED SESSION

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

Interim City Attorney Cotti stated that there are seven items on the closed session agenda: 1) Potential litigation pursuant to Government Code Section 54956.9 (d)(4) regarding the flume; 2) Anticipated litigation Banning Library District challenge to the City's approval of the Rancho San Gorgonio Project; 3) Anticipated litigation regarding the Banning Business Center; 4) Conference with labor negotiators pursuant to Government Code Section 54957.6; 5) Public Employment Matter pursuant to Government Code Section 54957 for the City Manager and the Interim City Manager; 6) Existing litigation pursuant to Government Code Section 54956.9 (d)(1) City of Banning v. Vanir Group of Companies; and 7) Anticipated litigation pursuant to Government Code 54956.9(d)(2) in the claim filed by Don Peterson.

Meeting went into closed session at 3:31 p.m. and reconvened to open session 4:55 p.m.

ADJOURNMENT

By common consent the meeting adjourned at 4:55 p.m.

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Marie A. Calderon, City Clerk

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MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

06/13/17  
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Moyer on June 13, 2017 at 5:02 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Michael Rock, City Manager  
John C. Cotti, Interim City Attorney  
Rochelle Clayton, Deputy City Manager/Administrative Services Dir.  
Alex Diaz, Police Chief  
Fred Mason, Electric Utility Director  
Heidi Meraz, Community Services Director  
Tim Chavez, Battalion Chief  
Philip Southard, Public Information Officer  
Patty Nevins, Interim Community Development Director  
Ted Shove, Economic Development Manager  
Jennifer McCoy, Purchasing Manager  
Sonja De La Fuente, Executive Assistant/Deputy City Clerk  
Marie A. Calderon, City Clerk

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

REPORT ON CLOSED SESSION

Interim City Attorney Cotti stated that there are seven items on the closed session agenda: 1) Conference with legal counsel potential litigation involving the flume; 2) Conference with legal counsel anticipated litigation Banning Library District challenge to the City's approval of the Rancho San Gorgonio Project; 3) Conference with legal counsel anticipated litigation regarding the Banning Business Center; 4) Conference with labor negotiators pursuant to Government Code Section 54957.6; 5) Public Appointment Employee Matter for the positions of Interim City Manager and City Manager; 6) Conference with legal counsel existing litigation in a case entitled City of Banning v. Vanir Group of Companies et.al; and 7) Conference with legal counsel anticipated litigation in a claim filed by Don Peterson. With regard to the potential litigation regarding the flume the Council received an update on the matter. The Council also received an

update on Items 2 and 3. The Council gave direction to their labor negotiators in regards to Item 4. With regard to Item 5 the Council received an update on the City Manager recruitment and as you may or may not know there is a flyer out for the New City Manager position and the Council also appointed Alex Diaz to serve as Acting City Manager and directed that a contract be brought back for his services for Interim City Manager. With regard to Item 6 the Council received an update on the City of Banning v. Vanir case. With regard to Item 7 the Council received a settlement in the amount of \$2,387.36 to resolve the claim by a vote of 4/0.

## PRESENTATIONS

1. Bleachers for Stagecoach Days Rodeo – Presentation by Amy Pippenger

Ms. Pippenger was not available this evening due to a medical emergency.

## PUBLIC COMMENTS/ CORRESPONDENCE/COUNCIL ANNOUNCEMENTS & REPORTS/CITY MANAGER REPORT

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

Pastor Preston Norman Jr. addressed the Council thanking this wonderful City of Banning for their help and support that was given to them at the June 10<sup>th</sup> Health and Job Fair. He thanked God for the wonderful reception they received from our wonderful police department. He thanked Chief Diaz for sending someone to their event and the policeman that came did a wonderful job in showing the children and everyone the police car and or letting them know that anyone can be a policeman. The fire department was there and children were able to learn about the fire truck and how to become a fireman. There were several vendors there teaching good health. It was just a well spent day and he thanked Councilmember Franklin for her support in helping. He said that they do this for the city and he loves this city and he appreciates this city and just wanted to say thank you, thank you.

Ellen Carr, Tender Loving Critters Animal Rescue addressed the Council stating that Animal Action League hopefully will be here June 26<sup>th</sup> and 27<sup>th</sup>. Spay and neuter appointments are all filled but they will be having the shot clinic from 10 a.m. to 2 p.m. You can still get on a waiting list if you call 760-366-1100. She said that we as a city, as a community, do not do enough for our animals. We've given that responsibility to Beaumont Animal Control. They come and take our animals, they leave and that is it. Do any of you know what happens to the animals? They do go to Ramona but what happens when they get there. Last year they had the figures of 800+ animals that were picked up in Banning and less than 10% came home; that is appalling. We need to do something more. She said she doesn't usually get into politics but when we voted on Robertson's Ready Mix the people voted on 80 cents a ton. She voted yes for 80 cents because she had this wild idea that we would possibly get \$400,000 or something and thought wouldn't it be great that this "found money" could be used to start working on the shelter. We could have used that money to fix the shelter up a little bit at a time. Then from 80 cents a ton it went down to 25 cents a ton. There is a big difference when you are expecting 80 cents a ton and then all of sudden you are only expecting 25. That was her idea and of course she is always for the animals. We are just not doing right and she doesn't know how to make people aware of that. The surveys

were sent out and out of 12,000 maybe 150 came back. She said she gets more than 150 phone calls in a month from people and they are yelling at her because we don't anything about the animals. People get mad at her because she will not take their animals and she can only take so many but we need to do something more. We have given that responsibility to Beaumont and Beaumont has given that responsibility to Ramona Animal Shelter. You just can't blame the shelter, you just can blame animal control and you cannot just blame Banning. All of us are to blame and we need to do more. Maybe somebody has some good ideas.

Ed Miller, resident addressed the Council stating that he wished he had the passion that Ellen Carr has for animals and hopes we all pays attention to what she said. He understands that we have recently hired a publicity agent. He has no idea what a publicity agent does for Banning. He has not seen anything in the Record Gazette, has not seen anything in the Enterprise extolling the virtues of Banning encouraging industry to come to Banning. He would like to see some statement to us, the people who are paying everyone's salary, exactly what a publicity agent is doing for our City. Also, we have not been too successful in getting a good City Manager and he was on the Council, as you know, when they selected several City Managers so he is as much as fault at anyone and when he thinks about it he doesn't think anyone is at fault. He thinks the problem in getting a City Manager is the way in which we go about interviewing City Managers. We send out these flyers and several people come with their resumes and we then are constrained by various regulations as to how we interview these people. He has always accepted whatever was told to him about these regulations but the regulations he was told were so ridiculous that it is virtually impossible to get a good City Manager based upon the interviews. He doesn't think anyone in the public recognizes that what they did was to interview all of the candidates with a half-hour each one and the questions that were asked have to be asked in public and the same questions have to be asked of each one of the candidates and we ask very difficult questions like "What is your management style" and the answers are, "I have an excellent management style". Somebody else says, "I have a very good management style". And somebody else says, "I have a management style that listens to other people." Then we ask another question, "What do you do if you disagree with the Council". And the answers are, "Of course, I never disagree with the Council" or "I disagree with the Council but if the Council doesn't want to do it my way, of course I do it the Council's way". The most ridiculous questions you can imagine and then we go back into closed session and he can't discuss what happens in closed session but you can imagine what would happen if that is the type of questions that are asked. The Council probably would say, "I like that guy; he said excellent". I like that guy, he said, "very good" and you pick somebody based upon stuff like that. That is how we have picked our City Manager's in the past. What he is asking that you, the Council Members, look very carefully at how you can increase the evaluation process. When he applied for jobs, as you all did, typically he had a two-hour interview with the person who was actually going to hire him and then he had interviews with each one of the managers of the various types of divisions that he was going to work with and very often he had lunch with each one and had lunch with the manager who was going to hire him and the whole thing took one or two days. He thinks that all of you recognize that when you applied for a job that is exactly what happened. His very first job when he was 21 years old as a starting engineer that interview was five hours so our half-hour interview is utterly ridiculous. So again, he is here to ask the Council to look at the regulations that permit you to have a complete analysis, a complete evaluation, and a complete discussion with each candidate so that we pick a better City Manager.



Dorothy Familetti-McLean addressed the Council stating that Stagecoach Days is September 8-10 and soon it will be time to sign up for the Whiskerino Shave-Off and Hatterino Contest. The official Shave-Off will be held on Friday, June 16<sup>th</sup> at the Station Tap House Bar and Grill located at 41 W. Ramsey with festivities from 4 to 7 p.m. This is the time to sign up for both contests. For the Hatterino Contest hats will not be provided so ladies be as creative as you wish and the theme is "Roping in 60 Years of Tradition". The entrance fee is \$15.00 per contestant and the first 50 contestants will receive BadAss Beard Care products and that is the company sponsoring the event. Bring your entire posse and register as a group. Even if you don't want to be in the contest, just stop by and join in the fun. Judging will take place during our 60<sup>th</sup> Annual Diamond Anniversary kickoff dance and Rodeo Queen Coronation on August 26<sup>th</sup> at Diamond Hills Auto from 7 p.m. to midnight. More information will be forthcoming.

Inge Schuler, resident addressed the Council stating that her topic today is transparency and being open in all information to the public. The Record Gazette regularly runs some missives and articles with Paparian and Sakurai being the authors accusing Councilmember Peterson, in the last issue, of "grandstanding". This is not grandstanding, this is actually saying things at the public meetings so the public can find out what is going on at least part of the time. Some of us really appreciate that and it used to be that when Mr. Miller was on the Council that was also part of his practice to inform the public. Yes, they may have discussed things with staff before so they know the answers but the public doesn't. Some of us really appreciate the so called "grandstanding." Regarding transparency she would like to go back to some issues of the August 23, 2016 Council Meeting and the minutes of that meeting to her knowledge have not shown up on any Consent Calendar; would you please check into that. So she can only go by the actual agenda and then by the items that popped up. The meeting included the Grand Jury Report and part of that report was to admonish the Council to stop the "handshake" deals and that has not happened and part of the folks that are doing these handshake deals are really in cahoots with the City Manager. This is not the first City Manager that has done things on the sly. Takata tried to give away Dysart Park to Rancho San Geronio, it backfired and we still own it, thank goodness. But our current still City Manager who is so admired by the Paparian/Sakurai group has done some things to the City that goes into the category of handshake deals. One of those things was the Diamond Hills agreement where the Dalia Corporation stepped into that sales tax agreement. The Dalia Corporation is not Walmart. Walmart gets all of the sales tax in the communities that they build in for 10 to 15 years. This one was a deal to step in for half the sales tax. Half of it goes back to Diamond Hills because they are so terribly conflicted and poor that they cannot do business and not rely on that little income they receive. It used to be that there was a cap on it for \$2 million total and ten years, well with the memorandum of understanding that was initiated and approved by the City Manager it now goes for perpetuity. The other one is the Chamber of Commerce which involved some handshake deal as well in sort of skirting some of the issues. She said in regards to the mining tax a vote by the citizens was for 80 cents. Robertson's mine pays a lot more than a dollar per ton in other communities. 80 cents was sort of a compromise; now it is 25 cents. Part of that memorandum of agreement, again, was the unlimited, unmetered use of a well where they can get as much water as they want out of the well that belongs to the City. No metering, no fees, no nothing; another handshake deal.

Paul Perkins, resident addressed the Council stating that he attending the electric meeting that we had that discussed how we are using electricity here in Banning and some of the new improvements



and things like that. He has a formal request to understand why we are collecting the electric bill readings along with the water readings. He also understood that we have new meters that will be going in that can remotely broadcast back to the City except that we don't have a broadcast tower that is in place or possibly hasn't been voted on yet or sent out for request for quote. So what we are going to do is to require the meter readers still to go along down the street and will have a hand-held device of some sort hopefully and waive their magic wand and pick up the electric reading and then go and read the water meter. What he would like to see is if they have their magic wand that we put these people into a truck and they go through the city by districts and put these things in and it can be recorded. There was some discussion that we had to have the same reading day for the water and the electric and that is not true. He looked at his bill and his bill happens just to have the same day because they are read on the same day. They do not need to be read on the same day and it can be done differently. With the savings that we have for a person not having to go and read by hand the electric they should be able to reduce our people going around by a third. He knows that we talked about at the same time having people in this truck going around on weekends, at night but these are our employees and that is part of their job that they would have and he would like to see that happen because then it takes away this problem that people are talking about on the electricity being 31 days, 35 days, 40 days or whatever. If this can be done over a period of time as the meters are put in place, he thinks the City would benefit for that. Also, he believes that any new buildings or homes that are being built in the city of Banning need to be outfitted with these meters to include an electric water meter so that the electric water meter can be reported on at the same time. We don't talk about any of the community buildings being LEED efficient. The Rancho San Geronimo is going to have a big community building there and how is it going to be built. Standard construction or is it going to meet all these new standards that everybody seems to want. Can these homes be built to these same standards? Let's look to the future for doing something that can help the City reduce its costs, be viable on the return for the benefits that we have.

CORRESPONDENCE: None

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

Councilmember Franklin –

- They had their Regional Water Alliance Meeting last week. This was their business meeting for the year and there were no changes other than moving forward in trying to do education at either the 5<sup>th</sup> or 6<sup>th</sup> grade level for all of our students throughout the region as possible to help them understand how to save on water and electric usage.
- She attended the Southern California Association of Governments meeting and they talked about the demographics workshop that is coming up. A lot of information was given on new ways for cities to do financing of infrastructure and other projects. It is very complicated but she gave all of that information to City staff and hopefully they can figure out what we can do. One of the tools they suggested was not having a way to tax current residents but using new tax increments for financing future projects so that it would not have an impact on anybody who is a current resident but it would move the new tax dollars for infrastructure financing.
- At the Western Regional Council of Governments they talked about the Transportation Uniform Mitigation Fee. It is up for renewal this year and they are trying to work out some

of the bugs so hopefully you will hear about that for any kind of new development that is coming in and they are planning to vote on it in July.

- For their Healthy Cities Committee they did have a brief meeting and confirmed the date of July 19<sup>th</sup> to have a meeting at the Community Center and will be inviting the entire public to come out and talk about how the residents would like to have us work on being a healthy city. The meeting will be facilitated by the Department of Public Health and will be offering child care assistance, as well as, food for the meeting. A flyer will be coming out soon but it will be on July 19<sup>th</sup> at the Banning Community Center starting at 5:30 p.m. with refreshments and meeting starting at 6 p.m.
- At the League of Cities meeting she attended last week in Sacramento they did have an overall view of the Governor's budget. The committee she sits on is Housing and they talked about how the Governor thinks that we need to do more about housing but it did not include doing anything to reform CEQA or any of the housing requirements that every city has. Actually there were over 130 bills that have been submitted by our legislators in regards to housing. Some of them we have strong opposition to. One of them in fact, requires that cities can act on housing projects if they are in a coastal zone and they have a coastal commission. If the developer does not like the decision made by the city, they have a right to go to the coastal commission. So they strongly urged a no vote on that and that is what they voted on. Another example of what they talked about is another bill that says if a developer comes in with multi-family housing, they would have a 30-day window to get their project approved. If it has not gone through the process within 30-days, the project is automatically approved. Those are some of the examples of some of the bills that are being processed by some of our legislators so they are trying very hard to put in opposition to many of the bills that are being suggested by representatives because we are concerned about local control being taken away and on things that seemed very obvious to us but obviously not to our representatives.

Councilmember Peterson –

- He said the oddest thing occurred last Thursday afternoon when our City Attorney John Cotti placed back on the closed session agenda an anticipated litigation with a claim submitted by Councilman Don Peterson. He called him to ask why this item was back on the closed session when this claim has been settled and the City Attorney said he didn't know it was settled but it would be pulled. He announced it today twice and never once said that the claim was settled or that the claim should have been pulled. So in anticipation of that happening since it has now been on the agenda twice he thinks that the public deserves an explanation as to why this Councilman filed a claim against the City. At this time Councilmember Peterson read his explanation (attached Exhibit "A").

Councilmember Andrade –

- She said that she attended the closing ceremony for Little League and it was very nice after the park was cleaned up. However when it started out it was actually a very horrible situation. When the adults and the volunteers got there in order to prepare everything for the kids they had to start cleaning up the park because it was in such bad shape and there were needles everywhere and if you are going to have a lot of kids coming, you do not want them to start picking up certain things and start playing around with that. That was a safety concern right there and she was not happy to see all of that so we need to start figuring out

what we can do there specifically because that ceremony was already preplanned. Sad to say there were quite a few homeless people sleeping all over the park and especially in that area where the ceremony would be taking place. She wasn't there when they called the police to come and help them out however, when she did arrive a little bit later she was told that when the police did come and they asked for some help to remove the homeless specially from the area where they were going to have the ceremony they were told what do you want us to do about it. That is not an appropriate answer to their request and should have helped. She would like to see something done about that and we definitely need more code enforcement so we need to start looking at different things in order to help out there.

- She participated in a walkthrough of the City of Riverside's Media Center since that is one of her concerns ever since she got here and we constantly talk about being transparent and it starts with our website which she thinks in order to try to find anything is horrific. She would definitely like to see something there and that is how we get transparency and communication out to the community and we need a full time media center.
- She acknowledged Clara Vera from Waste Management who is in the audience and wanted to thank her because she see Clara throughout the community and she constantly provides help and resources to everyone. We appreciate Clara Vera and Waste Management did a great job of appointing her as our representative.

Mayor Moyer –

- He said he was also in Sacramento for several meetings involving environmental quality issues and which also related a lot to what they call "affordable housing" bills. There are a lot of bills that are coming along and many of them address and actually take away local control, if they pass, and they are watching those closely. They are planning on putting a \$3.5 billion dollar bond issue on the next election and that will go to parks, fixing the levy problems at the delta, repairing old and rundown dams such as Orville where they almost had a real disaster last year but he will get the details on that as they go along. One of the proposed things with that bill is that every city would get a minimum of \$125,000 to use in their parks. A bill running parallel to that actually brings that up to \$200,000 but we will see where those develop and will keep everyone apprised.

Report by the City Attorney - None

#### REPORT BY CITY MANAGER

- The City has implemented on its website a scrolling photo gallery on its home page to highlight important news, programs and events. The photos are clickable and will take users to the appropriate links on the website where they can receive additional information. This section will be updated on a regular basis.
- The City through the Community Services Department will be hosting a July 4<sup>th</sup> Celebration. There will be activities starting at Nicolet Middle School stadium at 5 p.m. and the fireworks will start promptly at 9 p.m. at the same location. A flyer is available on the City website and at city hall with more information.
- The Riverside County Flood Control District is continuing to work on installing a new flood control channel on Hargrave Street between Ramsey and Indian School Lane. The current phase of this project is taking place between Ramsey and George Street and is expected to be completed over the next two months. The work will continue north up to

Gilman and Theodore Street through the end of this year. Sections will be closed along Ramsey as needed during the project so they encourage residents to be cautious driving through this area and be mindful of construction signs and notices and part of that section was closed yesterday.

### CONSENT ITEMS

Mayor Moyer said that Consent Item 7 was pulled and will be considered at another date.

1. Approval of Minutes – Special Meeting – 05/09/17(*Workshop*)

Recommendation: That the minutes of the Special Meeting of May 9, 2017 be approved.

2. Approval of Minutes – Regular Meeting – 05/09/17

Recommendation: That the minutes of the Regular Meeting of May 9, 2017 be approved.

3. Approval of Minutes – Special Meeting – 05/23/17(*Closed*)

Recommendation: That the minutes of the Special Meeting of May 23, 2017 be approved.

4. Approval of Minutes – Regular Meeting – 05/23/17

Recommendation: That the minutes of the Regular Meeting of May 23, 2017 be approved.

5. Approval of Minutes – Special Meeting – 05/24/17

Recommendation: That the minutes of the Special Meeting of May 24, 2017 be approved.

6. Receive and File List of Contracts Approved under the City Manager's Signature Authority

Recommendation: Receive and file the list of Contract approved under the City Manager's signature authority of \$25,000 or less.

Mayor Moyer opened the Consent Items for public comments; there were none.

**Motion Andrade/Welch to approve Consent Items 1 through 6. Motion carried, all in favor.**

7. Resolution 2017-56, Approving License Agreement for Long Ear Donkey Rescue.

This item was pulled from the Consent Calendar to be considered at another date.

### PUBLIC HEARINGS



1. Consider Adopting Ordinance 1513 Regarding Recreational Vehicles, Recreational Trailers, and Utility Trailer Parking.  
(Staff Report – Alex Diaz, Chief of Police)

Chief Diaz gave the staff report on this item as contained in the agenda and also gave a slide presentation of various vehicles that are not compliant and they will be going after.

Councilmember Franklin said her concern is more with the people who live here that do have RVs and is there a way how they would be okay in having their RV out or their relatives bringing an RV out for a week's visit.

Chief Diaz said if you recall this was something they discussed during the initial presentation and they have the capability in their system where a person can call and say we are going to have a motorized vehicle parked out here for a couple of days. They can enter that information into an incident and if anyone were to run that plate it would come back saying that they have gone through a process with the City.

Councilmember Franklin said that it is not in the ordinance and that his her only concern is that it is not spelled out. Chief Diaz said that they can add some language that is very specific to vehicles that are not being parked for a long time.

There was some further Council and staff discussion regarding the parking of motorhomes on the public street for three to four days if someone comes to visit, hooking up to electricity, loading and unloading, liability issues, and making this fair and equitable to the motorhome or trailer user or owner as well.

Mayor Moyer opened the public hearing on this item for comments from the public.

Don Smith addressed the Council stating that he doesn't know who brought this up but they deserve a raise because you would have to live next to a place that has one of these things parked there literally for years, occasionally being moved, to understand what it does to your property value and your living style and the impression of the entire neighborhood. He thinks it is unreasonable to assume that you have the right to take something like that and put it on the city street and leave it there as its permanent parking space except for when you actually use it and to get around the 72 hour rule it will be moved in front of your house and the next day move it back. There are facilities that you can pay to park these things and so to assume that you should be able to do it for free because you don't want to pay is unreasonable. There are facilities where you can pay and park your thing when it is not in use and we should make them do that. As far as somebody coming for a couple of days and wants to park there, it is still a nuisance because they are going to hook up their electricity because they have to keep their refrigerator cool because they have food in it. We should be encouraging them to go to commercial places where these things are allowed to be parked.

Paul Perkins asked if that was a fix it ticket of some sort where you have the truck on the blocks, no license, no electrical hook up, needs to be moved or something like that.

Chief Diaz said the vehicle will be posted and the owner of the vehicle will have four hours to remove it.

Mr. Perkins said possibly four hours may not be enough; maybe a day. But a fix it ticket to him is something that would take care of the people that are visiting, allowing them to call in and have their license plates annotated. Even if they are out of state for how long they think they are going to be there so it is on a notification and he believes that the vehicle that they will be using will have a call-up feature that would be able to tell them that somebody has asked to be excluded for a certain period of time and the date would be there. Some very simple things. If you don't have a license plate, you are towed; they are supposed to be registered. If they are abandoned, they are towed.

Ed Miller said when it comes to connecting the motorhome to the house by cable there is absolutely no reason for that unless you are going to live in it because every single refrigerator also runs on propane and he had a motorhome for years before he moved here and again, whenever he was going to load or unload he turned on the propane in order not to connect it to the house and that to him is a bogus argument whatsoever.

Councilmember Peterson said in looking at the photographs the majority of the problems are not motorhomes but limited to trailers. He didn't see anything but how it was worded, "Any unattached trailer left on the street for more than four hours." Chief Diaz said he believes it was covered under the verbiage that they used for utility.

Councilmember Peterson said because if it is attached, then it becomes part of the motor vehicle, and if it unattached, it is there sitting on its own and that is not what we don't want. So if we do unattached trailer on the street more than four hours, it gets a tow or a ticket or both.

Chief Diaz said now you are breaking up the ordinance into different sections. They encompassed everything writing the ordinance the way it is. He said they are not going after the freightliner out there. Councilmember Peterson said but the nuisance is the trailer. Chief Diaz said yes but they do have a decent amount of older model RVs that is obvious that have been parked at a location for a pretty significant amount of time. The reason they came to the Council was to ask for the addition of the four hours because they were not gaining the compliance that they are looking for with the 72 hour notice. That is the only reason they added RVs, recreational trailers and utility trailers.

Councilmember Franklin said for clarification her only concern is not the vehicles and the type that is being talked about. She is only concerned about those people who are maybe loading or unloading their own or may have visitors that may be coming for a day and four hours is less than a day. That is her concern that we are silent on people having their own or relatives and is there some way to just include that.

Chief Diaz said that they are going to try to be as proactive as they can but they have a very small code enforcement team. They are going to be more of a reactive team when it comes to be dealing with the four hours and their officers will be a little bit more reactive when it comes to that. They are going to be dealing with the complaints that they will be getting from the citizens. As you

have seen in those pictures, there were no 2017 models anywhere in those photos. They can tell when it is a newer trailer or RV and can tell when it has been parked for a longer set of time. Once, again they are not targeting people that are visiting. They want voluntary compliance from our citizens that own these vehicles and have them parked on the street for a very long time. We are a city that doesn't have a lot of parking but we are a city where people still have pretty sizable yards where they can put these vehicles in their own yards and for those people that are not from our city and are parking them in our city then we want to make sure they take them where they need to go.

Mayor Moyer reopened the item for public comment.

Ingle Schuler said she noticed the horse trailers. In the RA zone people have horses on their property but park their trailers out front so the feed truck can come in where the trailer would normally be parked so it is easier to load and unload horses when you are out there and have the driveway free for the feed truck and everything else. So the horse trailers would fall under a completely different category she would imagine. She saw Bonnie Calder's trailer on the picture and others in her area that do park in the street in front of their house occasionally sometimes a little bit longer than they do. It does happen that some horse trailers cannot be accommodated on the property continuously so it would have to be somehow addressed.

Mayor Moyer closed public comments.

Councilmember Franklin said she would like to have language added for people who have their own RVs maybe being loaded or unloaded, and visitors and Councilmember Peterson added attached or unattached.

Interim City Attorney said given the amount of changes that are being requested he suggested that this be brought back and reintroduced at the next Council meeting.

**Motion Franklin/Peterson to continue this item to the next City Council meeting. Motion carried, all in favor.**

2. Consider Adopting Ordinance 1508 Regarding Amendments to Banning Municipal Code Chapter 3.24 –Purchasing System.  
(Staff Report – Jennifer McCoy, Purchasing Manager)

Manager McCoy gave the staff report on this item as contained in the agenda packet. She also went over the concerns that were brought to her attention and were addressed.

Mayor Moyer opened the public hearing on this item for comments from the public.

Ed Miller addressed the Council stating that in the first draft of this policy he gave various comments but primarily his main comment was basically if it is not broke, don't fix it. We have had purchasing for years until we had this new purchasing agent and his question is what improvement are we getting from a purchasing agent but he leave that up to the Council but his main concern is this something that is going to slow down and make purchasing more difficult.



If we take a look at this, we have department heads who have been purchasing for years and is adding a purchasing agent who is not familiar with the various requirements of the different departments an improvement or does that slow down the process. In his first letter he asked that the Council privately meet with the various department heads and see what their opinion is to see whether or not they thought that simply having a purchasing agent would make purchasing more difficult or simpler. He doesn't know if the Council has done that but if you have done that and the department heads are all in agreement with this that is fine. If you haven't got the department heads to agree to this, he asks that the Council do that now.

Mayor Moyer closed the public hearing seeing no one else coming forward.

Mayor Moyer asked Jennifer McCoy, Purchasing Manager to respond to Mr. Miller's comments on whether it slows up the process or not.

Manager McCoy said in the beginning when she did arrive which has been about a year now, there has been a slowdown in how the process is done but the reason is there are a lot of requests. She has processed purchase requisitions which this year alone 965 of them from the departments or has received that many and processed 745 which include contracts, bidding, formal and informal. The reason it is important to have a purchasing agent here for the City is to offer compliance and guidance for the purchasing codes. Without sounding negative towards staff that she works with there are some issues with after the facts where services are being done without proper approvals, there are compliance issues with code and bidding procedures, there are no procurement items, there is no compliance with public code, contract code, government code, and our own policies so these are items she sees on a regular basis that they do try to solve in a timely manner that do slow things down a little bit.

Deputy City Manager Clayton said she wanted to make sure that you all understand that the subject matter experts were hired in their field as an engineer, or a management analyst and so forth and they are not trained in purchasing and that is where the falling out of compliance occurs. That is not their job and they were not trained on that. What they are trained on is like she said their subject matter experts in whatever project they are working on to do the procurement and where the purchasing agent comes in he or she is trained on what government code sections govern our procurement requirements and purchasing requirement. So working as a team will keep the City out of trouble and keep us in compliance.

Mayor Moyer asked the City Clerk to read the title of Ordinance 1508. City Clerk read, An Ordinance of the City Council of the City of Banning, California, Amending Chapter 3.24 of the Banning Municipal Code to Revise Definitions, Expand the Purchasing Officer's Duties, Modify Fiscal Parameters, Clarify Procurement Options and add to the Current List of Exceptions.

**Motion Andrade/Peterson to waive further reading of Ordinance 1508. Motion carried, all in favor.**

**Motion Welch/Franklin that Ordinance No. 1508 pass its first reading. Motion carried, all in favor.**



3. Consider Adopting Resolution 2017-57, 1) Determining a Subsequent Environmental Document is Not Required and a Notice of Exemption Will be Filed, and 2) Approving Tentative Tract Map 35966 to Subdivide 616 Acres into 61 Lots for Financing and Conveyance Purposes, and Tentative Tract Map 35967 to Subdivide 907 Acres into 68 Lots for Financing and Conveyance Purposes, Both within the Butterfield Specific Plan Area (Pardee Homes).  
(Staff Report – Patty Nevins, Interim Community Development Dir.)

Interim Director Nevins gave the staff report on this item as contained in the agenda packet. She did mention that two letters were received from two residents who live in this area up on the north east corner and adjacent to the Pardee Project expressing concerns about the future development being perhaps two stories near their homes. She said that future development maps would be coming back to the Council and that may be the appropriate place to tie conditions to something.

Councilmember Franklin said just to make it real easy what you are talking about today is subdividing the lots specifically for financing purposes and nothing else. Interim Director said exactly and they actually have notes on front of the maps that say they are not for development purposes just so there is no confusion in the future for someone looking at the maps.

Mayor Moyer opened the public hearing on this item for comments from the public. Seeing no one coming forward, Mayor Moyer closed the public hearing.

**Motion Franklin/Welch at the City Council consider adopting Resolution 2017-57: 1) Determining that potential environmental issues associated with the proposed tentative tract maps were analyzed in the previously certified Environmental Impact Report for the Butterfield Specific Plan project (SCH No. 2007091149). There have been no substantial changes in the project nor in the circumstances under which the project is undertaken that will require major revisions of the previous environmental documents; nor is there new information that shows the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required and a Notice of Exemption will be filed; and 2) Approving Tentative Tract Map 35966 to create 61 lots for financing and conveyance purposes only, and Tentative Tract Map 35967 to create 68 lots for financing and conveyance purposes only, in accordance with the maps attached as Exhibits “A” and “B” respectively and subject to the conditions of approval depicted in attached Exhibit “C”. Motion carried, all in favor.**

#### REPORTS OF OFFICERS

1. Notification of Rate Increase Based on the 2017/2018 Waste Management Rate Adjustment Request.  
(Staff Report – Philip Southard, Public Information Officer)

PIO Southard gave the staff report on this item as contained in the agenda packet.

Councilmember Franklin said you are talking about a 39 cent increase. He said that was correct. She said but there is a couple of other changes for commercial that you might want to mention.

PIO Southard said in regards to the commercial trash service there is a 40 cent increase for those services so it is going up from \$20.95 to \$21.35.

Mayor Moyer opened the item for public comments.

Ellen Carr said she knows it is only 39 cents but she has to make this known. She is on social security and she also receives a pension from the Arizona State Retirement System. This year she did not get any increase from social security. In regards to her pension she has not had an increase since about 2005 so 39 cents isn't much but she knows that there are a lot of other people out there.

Mayor Moyer closed the public comments.

City Council received the request.

2. Consider Adopting Resolution 2017-55, Approving a Service Agreement with Environmental Klean Up, Inc. for Weed Abatement Services.  
(Staff Report – Alex Diaz, Chief of Police)

Chief Diaz gave the staff report on this item.

Mayor Moyer said he was reviewing the budget today line item by line item and when he saw that we had a line item for weed abatement but nothing year to date has been spent and he knows that this is really good that we are getting this and will they be able to start right away. Chief Diaz said absolutely.

Mayor Moyer opened the item for public comments.

Paul Perkins said he is assuming that the weed abatement is for properties that are not cleaned up. Are these for people on the APNs that have not cleaned up their property and have not been notified? Chief Diaz said that was correct. Mr. Perkins said if that is true, how does the City recoup the cost from these people. It could be done by a mechanics lien on the property. We have a duty to clean the property but we also have a duty to collect.

Chief Diaz said that they do in fact place liens on some of the properties. We do our due diligence and our code enforcement team has done an excellent job in taking over weed abatement. They contact the property owners and try their best to get voluntary compliance from the property owners. When they are not able to obtain that voluntary compliance that is when we use the weed abatement program. Believe or not some property owners say to go ahead and abate it and send them the bill and they will pay it.

Mayor Moyer closed public comments.

**Motion Franklin/Peterson that the City Council adopt: 1) Resolution 2017-55, approving a Service Agreement Contract with Environmental Klean Up, Inc. for Weed Abatement Services in an amount not to exceed \$50,000 for Fiscal Year 2017/2018 with the option to renew for three (3) additional single year Periods; and 2) Authorizing the City Manager to execute the Weed Abatement Services Agreement with Environmental Klean Up, Inc. Motion carried, all in favor.**

3. Consider Adopting Resolution 2017-58, Approving an Access Easement Deed and Agreement with Banning Industrial, LP.  
(Staff Report – Ted Shove, Economic Development Manager)

Manager Shove gave the staff report on this item as contained in the agenda packet and displayed a graphic of the area going over the easements addressing some of the concerns of the Ad Hoc Committee.

Councilmember Peterson said on the blue line for the property water line did they ever talk about that. He thought all utilities would be on the east end and now he is seeing this blue water line.

Manager Shove said they didn't specifically talk about that because that item was not on the diagram and they sort of got hung up on the placement of the secondary fire access and the primary utility easement were.

Councilmember Peterson asked when this proposed water line was inserted.

Councilmember Welch said he agrees that they didn't look at it but the water line he thought had always been proposed right at the west end of the runway and then we moved the other one to the east.

There was some further Council and staff discussion regarding this proposed water line and when it got inserted.

Councilmember Peterson said his whole purpose and when he explained it on May 2<sup>nd</sup> during the committee meeting is to leave the airport in it's entirely unobstructed for whoever may come in at a later date and purchase the property. To go ahead and start putting in easements he doesn't want to do that to a new developer and whoever it is that comes to develop it the less easement that they have to work around the better for them. He said this need to go more west and leave this land more open. There was some further Council and staff discussion regarding placement of this easement.

Director Fred Mason addressed the Council stating that the Electric Utility also has underground lines there right next to the water so those won't be moving either. Councilmember Peterson said an easement already exists so just leave it there.

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

**Motion Welch/Peterson that the City Council consider: 1) Adopting Resolution 2017-58, approving an Access Easement Deed and Agreement with Banning Industrial, LP for primary and secondary access and a utility easement to their property through City-owned property for the proposed development of a 1,000,000 square foot distribution center; 2) Authorizing the Mayor to execute the agreement; and 3) Authorizing the City Attorney to take such additional, related action that may be necessary. Motion carried, all in favor.**

4. Consider Adopting Resolution 2017-59, Approving Agreement for the Reverter of Real Property Pursuant to Purchase and Sale Agreement.  
(Staff Report – Ted Shove, Economic Development Manager)

Councilmember Peterson recused himself from this item because of a conflict of interest.

Manager Shove gave the staff report on this item as contained in the agenda packet.

Councilmember Franklin said she wanted to add a couple of things that they talked about: 1) add monthly updates to the Council on the progress by staff in regards to all the actions that need to be taken by the City; and 2) include the ability of the City to buy the property back at any time after we get an appraisal. It is not predicated on any time frame but once we get an appraised value because it is required that at that point we can buy it back at any time.

City Attorney said that they can include a provision that details the negotiated purchase and sale of the property. Again, that is a negotiated sale so the price wouldn't be restricted by an appraisal. We just have to make sure that we don't gift away the property.

Councilmember Andrade said that they reneged on their contract and she really doesn't like that we still give them so many amendments and if the City wants to buy the property back or we sell it to anybody else it has to be clear that whatever cost that the City has spent and incurred that it comes back to us and will be deducted from the sales price even if we are buying it back.

Manager Shove said he believes that is included in the agreement as drafted.

Mayor Moyer opened the item for public comments.

Ellen Carr said maybe she misunderstood but are we giving them back approximately \$70,000.

Mayor Moyer said no. We are taking the property back. They are going to sign the title over to the City and we will then attempt to sell the property. The City will get a maximum of \$70,000 of our costs right off the top when we sell the property.

Dorothy Familetti-McLean thanked the Council for pursuing this Vanir matter and read from a prepared letter (attached Exhibit "B").

Paul Perkins said that if he heard correctly the developer wants a guaranteed amount of money once you accept a sale. In other words if you get an offer and they don't like it what happens.



Mayor Moyer said as he understands it the only offer they can refuse is if it is lower than the \$1 million we already have.

Mr. Perkins said he can tell you right now it is tuff. They have had the opportunity for how many years. He said he wouldn't agree to that. If you have the opportunity to sell it at a reasonable cost and what if the appraised value comes in below a million that type of thing, you don't have a clue right now what it will be. They are saying that they are going to have control over the sale of it; no.

Mayor Moyer said keep in mind that worst case scenario is that we will buy it back for the million. Is that correct? Manager Shove said that is correct.

Mayor Moyer closed the public comments.

**Motion Franklin/Welch that the City Council consider: 1) Adopting Resolution 2017-59 approving an Agreement for the Reverter of Real Property Pursuant to Purchase and Sale Agreement with Banning Office Venture, LLC. and Vanir Group of Companies, Inc. settling an existing litigation claim by the City; 2) Authorizing the Mayor to execute the agreement; and 3) Authorizing the City Attorney to take such additional, related action that may be necessary; and as amended as requested by the Council directing the Interim City Attorney to made the changes and bring back the monthly report on the status of the sale. Motion carried, all in favor.**

Councilmember Peterson returned to the dais.

5. Consider Approving Amendment #7 to Agreement for Contractual Services between the City of Banning and Romo Planning Group.  
(Staff Report – Patty Nevins, Interim Community Development Dir.)

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

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

**Motion Welch/Peterson that the City Council consider: 1) Adopting Resolution 2017-54, Approving Amendment #7 to Agreement for Contractual Services for Temporary Planning Services through June 30, 2018; 2) Authorize the City Manager to execute the seventh Amendment with Romo Planning Group on the form that is approved by the Interim City Attorney; and 3) Authorize the Administrative Services Director to make the necessary budget adjustments and appropriations for Fiscal year 2018. Motion carried, all in favor.**

6. Consider Adopting Resolution 2017-63, Authorizing a Contract with TMG Consulting in the Amount of \$47,500 for the Feasibility Study for the City's Customer Information System (CIS) and Enterprise Resource Planning (ERP).  
(Staff Report – Rochelle Clayton, Deputy City Manager)

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

Councilmember Peterson said his only thing with this is on the background in the first sentence "...that this customer information system is a vital component to the meter-to-cash value for utilities". He asked if this was part of the smart meter program.

Deputy City Manager said it is not part of the smart meter program but had we had an upgraded system it wouldn't have taken so long to get the smart meter program in place. She said that the City's system is so outdated that they had to get a consultant on board that has worked with them for the past year from Sunguard to upgrade our system to be compatible with the Smart Meter Program.

Councilmember Peterson said so in one way or another this has to link to the Smart Meter System. Deputy City Manager said absolutely it does have to link. That is part of what the City would provide and this consultant would get all of the information that the City currently uses. It will also help when we do go forward with upgrading the water meters to radio read meters. It won't be nearly as long as a grueling process to get it implemented.

Councilmember Peterson asked how much does it cost. Deputy City Manager said in regards to the system they wouldn't know. This is just for the consultant to do all of the leg work. It can range anywhere from one million to six million.

Councilmember Welch said that this whole recommendation is sort like a cafeteria style where you can pick and choose the programs that you need. Deputy City Manager said that was correct and we have to develop the budget and come up with what is affordable for the City which would play into what type of a system we would be able to get.

Councilmember Peterson asked if this would bring the whole IT System, Multi-Media System together and is all that going to work in here. Deputy City Manager said they could expand it to include all of that.

City Manager said the idea behind spending seven plus figures is to integrate the entire operation of the City. So we have a budget module, a financial accounting module, a work order system, a work management system, a utility billing system, asset inventory issues, payroll, IT issues, our home page, documents in PDF on the web page for customers and consumers to use, a recreational type of software sign-up program, agenda builder could be another software program, water meter program eventually, and the electric meter program. If you think about everything we do, all of that could be integrated into this system that would allow for report writing on a weekly or a monthly basis, allow for coherent financial reporting for a budget module which would make presenting the budget to the City Council a much easier task and would put it in terms that we would all understand. It would do PDF, word conversions, excel conversions to other programs in a matter of a few seconds. It is a lot of money but the system we have is 26 years old and doesn't do any of this.

Deputy City Manager said another benefit she has seen is the workflow process. We can, depending on the system we go with, but many systems have document workflow to where you can have a digital documents and go through the approval process online for accounts payable and

so forth. There is so much functionality that could improve our workflow processes and cut down the time it takes staff to do everything now via paper and allow us to do a lot more in our workday.

City Manager said purchasing system, street light inventory, street inventory, water system inventory, sewer system inventory. It is unbelievable the amount of data that we could collect in a GIS mapping system that would be integrated into this kind of a software program.

Councilmember Franklin said as we are able to upgrade the system this gives more opportunity for the public to have access to information also. Deputy City Manager said that is the next piece and this gives so much functionality that we can provide information online to our customers. It would definitely improve our customer service.

Councilmember Franklin said she thinks of this as a computer and as soon as you buy it, it is outdated so how would we be able to make sure that spending this kind of money doesn't mean five years from now we have to look at spending this much money again.

Deputy City Manager said with many systems you can just keep going with regular upgrades that don't cost that much. Another piece that they have with this system, in addition to being so outdated, it is very expensive for our maintenance agreement. Our annual maintenance agreement is over \$60,000 and she paid less than \$20,000 for a maintenance agreement for another system that was much more advanced than this one. But if we keep up with the upgrades offered as they are available, then they won't be as expensive and it wouldn't be a full conversion; just an upgrade.

Councilmember Andrade said her concern is this feasibility study. So we are going to spend \$50,000 on a consultant to tell us what systems we need. We can't just go out and do our own research and see what systems are out there and what other cities are using in order to have all of this.

Deputy City Manager said that this whole process is really labor intensive so we would really have to dedicate one full-time employee to work on this for the same amount of time that we would be having this consultant work on it. Unfortunately we don't have anybody that has that amount of time available in their work schedule so we would really need to hire someone to do the work internally and this is the lower cost to us.

Councilmember Andrade said so if whatever the consultant is recommending does not work together in case we go out and purchase based on his recommendation, is he going to give us some money back and can we ask him to.

Deputy City Manager said that staff will be very involved still with the selection process so we are not fully leaving it on the consultant but they do have the expertise to identify what systems will best fit our needs with the functions that this City offers being a full-service city we do offer a lot more.

Councilmember Andrade said she just wants to make sure that we don't get a consultant in here that recommends something that the system is going to clash with and then we are stuck with that.



She just wants to make sure that the contract is written correctly and he has a liability in that as well.

City Manager said that is a great question and that can be put into the contractual agreement language that would protect the City from a failure. That is a great question because the technology now is obsolete and much quicker than it was 26 years ago so it is a really difficult thing to keep up with.

Councilmember Peterson said regarding the cost of the software since this is for electric, water, and administration will the cost be divided up with the utility versus the General. Who would carry the majority?

City Manager said yes and the Enterprise Funds would carry the vast majority which would be the utility funds, water, wastewater and electric and actually solid waste because we do all the utility billing for them because we do it in-house for Waste Management.

Mayor Moyer opened the item for public comments.

Don Smith said around 26 years ago when this building was new we built this giant room because at the time we thought we were going to have these really big machines as servers and by the time the building actually opened it was not as big as they thought in a big empty room. We had a Finance Department that our reports and our ledgers were being kept with pencils and paper and so they decided we were a little bit behind the times and asked the Finance Director have you heard of a computer. So they went out and got what they were told at the time a state-of-the-art system called Sunguard that was going to solve all of our problems. Apparently it has lasted longer than you thought it was because at the time he had the world's best home computer because it had two gigs on it. So the fact that we are still using it tells you how antiquated it is in computer terms. He is surprised that they have managed to continue doing upgrades this long. He knows that this sounds like a lot of money. We need to no longer be using 1980 technology and spend the money to be competitive with the people we are trying to be compete with like Edison. We will never be competitive with them until we actually provided as good a service for a cheaper price and this will help us get there.

Paul Perkins said he has been though this with commercial companies in the past and there were actually three costs involved. Once you get your feasibility study you are going to go out and choose some vendor and everything else. Most programs don't talk to each other as you have already discussed here with the meters so the current one probably won't be able to talk to the new one so you have to make another program as an interface and that is an additional cost on top of whatever the software is that you are buying. Once you get through those two stages you are going to have to have an annual stage also for upgrades, problems and things like that so you need to your remind yourself that there are three costs involved and you should try to understand that trying to go into these companies. The feasibility study when you pick out a company they need to guarantee the transfer of all the data otherwise our staff will have to put in by hand and he doesn't think you want to do that. You are talking about old records and some records you can't even get to right now so how do you do that.



Fred Mason said when you were talking about how long is this system going to last and how soon we are going to have to replace it most utilities replace their CIS every ten years so the fact that we have kept ours for 26 years is incredible. So we will be in all likelihood going through the same process in about ten years if we want to keep our system current and functional for the public at that point because with the new system they will be able to utilize it and so forth. So it is not something were we are going to spend the \$4 to \$6 million and then we are done for another 20 years; we will probably have to do it again.

Mayor Moyer closed the public comments.

**Motion Welch/Andrade that the City Council consider: 1) Adopting Resolution 2017-63, authorizing the contract with TMG Consulting in the amount of \$47,500 to conduct the Feasibility Study for the City's CIS & ERP system; 2) Authorize the City Manager to execute the Purchase Contract; and 3) Authorize the Administrative Services Director to make necessary budget adjustments, appropriations, and transfers. Motion carried, all in favor.**

#### SCHEDULE MEETINGS

BANNING UTILITY AUTHORITY- no meeting.

BANNING FINANCING AUTHORITY (BFA) - no meeting.

#### ITEMS FOR FUTURE AGENDAS

New items –

Councilmember Peterson said that he had the pleasure to be chauffeured yesterday by Patrick Stephens of IT for a field trip to the City of Riverside's Media Room. He would like to get some type of study for future agendas, some type of report to where we can start doing some upgrade. When you go to the west side of city hall by the City Manager's office and you happen to go by the IT Office you don't even want to walk in there because you are going to get strangled in the cords and he really thinks we need to do something for: 1) IT in either moving or improving their area; and 2) he was so impressed by the media. One thing that he saw at the City of Riverside in their media room was a stage/set where they have a picture of the city in the background and chairs where the City Manager could give a weekly address or the police chief or fire or even the City Council go in there and talk to the public. Here we have a public access channel that our media people are not using and recording a City Manager address and the City Manager should be addressing the people once a week. There should be some type of a public service, 15 minute message of what is happening in the city, what is going on in the City and something like that would be really good. He feels like we are in Banning's Calico Ghost Town and here the City of Riverside has these nice things and it wouldn't even have to be that big for 30,000 people but even if we took one section and built a set and have Patrick or whoever our media guy is recording this stuff and getting it out in the air. One of the things that the City of Banning has that Riverside doesn't have is a drone. So he was very proud that Banning had a drone and Riverside didn't and we have a drone operator which they don't. He would like to see something come back with either

Eric or Patrick or somebody doing something in getting us some type of a studio to where we can put out public service announcements.

Councilmember Peterson said the second thing he would like to have for future agenda is that he is disappointed that the city does not assist Banning Playhouse Bowl. When he made his donation to the Banning Playhouse Bowl to Lynette and they were talking about the different donations and how they get their monies, etc. he was shocked to find out that the City doesn't support it but yet everybody in the whole area turns out there. He would like to have Rochelle or somebody see if the City can't do an annual contribution of about \$10,000, \$15,000 or \$20,000 to Banning Playhouse Bowl and bring in the type of productions that they are doing now. For what they do he thinks the City should help out. There again, that is another City thing that we should be helping them out a bit.

Mayor Moyer said we can be looking at making that a signature event like we did with Stagecoach Days. Councilmember Peterson said absolutely.

Councilmember Franklin said not for an actual future agenda but can the City Manager mention that we are only having one meeting in July and one in August. City Manager said that there will be a Council Meeting on July 11<sup>th</sup> and August 22<sup>nd</sup> is the normal schedule that the Council has had each summer so you would skip the second meeting of July and the first meeting of August if you would want to keep to that schedule.

Councilmember Peterson said the other thing we need to look at also is the League of Cities Annual Meeting September 12<sup>th</sup>. Mayor Moyer said it would be on the next agenda.

Councilmember Welch said on a future agenda he would like to have an update on the Banning Business Center receivership and where we stand with that. City Manager said that they will have more information after July 12<sup>th</sup> and you can do that in a closed session.

City Manager said in regards to Councilmember Peterson's first question about IT there will be an IT presentation that Eric Brown will give at a Council meeting probably June 27<sup>th</sup> and the other thing is the city hall remodel, the draft floor plans are being circulated and there are four different scenarios to digest and once it is narrowed down it will be shared with the City Council because one of the things that he specifically asked for was to completely change the IT work space and to put it all in one place. So Eric will talk to the Council about a whole host of things including media stuff so that is being planned. Also, the budget adjustment will also be requesting an Information Technology Analyst to add one more position.

Councilmember Peterson asked about having a permanent media person. City Manager said that is the other thing that they are working on right now.

Councilmember Andrade said for clarification we do have a media person but it is half time and we would like to see a full-time media person. City Manager said that is what they will be striving for on the 27<sup>th</sup>. Councilmember Andrade said also adding more personnel to IT. City Manager said yes and to make that a full-time position you would need somebody to back that up.

Chief Diaz said unfortunately they had to cancel their Cops v. Clergy Basketball Game because of some scheduling conflicts but it has been rescheduled for Friday, July 21<sup>st</sup> at Banning High School at 6:00 p.m. This is a formal invitation for the public to join us and your money goes to the backpack giveaway that they do every year.

Mayor Moyer wished Michael Rock good luck and hope everything goes well for him in Santa Paula.

Pending Items – City Council

1. Schedule a meeting for the Council to discuss Vision and Mission Statement
2. Clearing of Oleander Bushes from Caltrans Right of Way *(June 27<sup>th</sup>)*
3. Discussion on Cannabis at all levels. *(June 27<sup>th</sup>)*
4. Information Technology Presentation *(June 27<sup>th</sup>)*

ADJOURNMENT

Mayor Moyer adjourned the meeting in memory of Shirley Ellis a long time teacher of 30 years with the Banning Unified School District and asked for a moment of silence.

By common consent the meeting adjourned at 7:39 p.m.

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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.**

The founding principle of our democracy is the concept that all the actions of government be open and available for scrutiny by the public.

That is why Congress passed the Public Information Act, which requires such openness, and requires access by the public to government documents and government actions.

I am sad to report that our City Administration, under City Manager Michael Rock, actively attempted to violate this legal requirement, and illegally withhold information that should have been openly available.

I am also sad to report that, the only way that I, as a resident of Banning, as well as a Council Member, was able to obtain this information was to retain an attorney, and threaten to sue the City to obtain this information.

The claim has been settled, and the inclusion of this claim in today's closed session meeting was an error by the City Attorney.

Although, the City Council has approved reimbursement for my legal expenses of \$2,387, I have not kept the award.

Instead, I have donated \$1,300 to the Banning Playhouse Bowl for Concerts in the Park, and \$1,087 to Stagecoach Days, programs that are excellent sources of community pride and fusion.

Exhibit "A"

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The severity of these actions blocking my access to material which should be easily and openly available to anyone who requests it, requires me to publicly go through the details of my attempts to obtain this information.

During the last election for Banning's City Council, an allegation was made that the City Manager, Michael Rock, attempted to persuade a community member to run as a write-in candidate against me. That political action is in direct violation of the Code of Ethics of City Managers, who are directed to refrain from being involved in local politics. In response, the City initiated an investigation into the validity of that allegation.

Due to severity of that charge, and my involvement as the object of that alleged action, I proceeded to attempt to obtain all related information regarding this alleged violation.

On September 14, I therefore submitted a request under the Public Records Act for all the City Managers emails in the period from December 1, 2015 to September 14, 2016.

Under Government Code 6250, when such a request is made, the public agency receiving such a request has 10 days to determine if the information requested can be legally provided.

If there is some uncertainty in this regard, the agency (our city) must provide written notice that it will take an additional 14 days to determine if the information can be provided.

Such time extension is only permissible when the records are not readily available, require co-operation with another agency, and other restrictions not pertaining to my request.

Most importantly, this time delay period must not be used solely to delay access to the requested information.

On October 3, Nineteen days after my request for this information, I had not received the requested data or any statement about any reason for the delay. I therefore emailed the Assistant City Manager, Rochell Clayton, asking for an explanation. No response was forthcoming.

On October 6, I emailed her again asking for an explanation of the failure to follow the required procedures in responding to a request properly submitted under the Public Information Act.

The Assistant City Manager responded that the City needed an additional 45 days to respond to my request. She stated that the City needed that time to redact and remove restricted information from the requested emails.

More than a month later, on November 14, I again emailed her asking for response to my record request. Two days later Rochelle Clayton answered that, the City Attorney, John Cotti, had the emails and his evaluation should be completed by November 20. Having received no further communication on that date, I contacted my attorney.

On December 12<sup>th</sup>, nearly 90 days after my request for information was initially submitted, my attorney wrote to the city stating, that if the records were not provided in a week, a lawsuit could be filed.

The threat of a lawsuit had its effect. On December 18<sup>th</sup>, the City Clerk telephoned me and stated that the requested data was ready for pick-up.

I have specified all these dates and enumerated all my attempted contact times specifically to emphasize the excessive delay, and multiple failures in proper communication by the City's Administration as required under the Government code.

When I examined the emails, I discovered that NONE and I say again NONE of the email were redacted. Even a cursory examination demonstrated that many should have been flagged and removed as being attorney/client privileged documents. Even more disturbing, there were personal background checks of employees, credit reports, driving records, employee discipline, and employee grievances included which should not be considered available for transmittal under a Public Information Request. All personnel records and documents should have been removed prior to being submitted as a response to my request.

An examination of the documents demonstrated that there was No Review or Redaction of these documents before they were transmitted to me. That in itself demonstrates a serious deficiency in the handling of this data by the City Administration and the City Attorney.

Exhibit "A"

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Secondly, since the documents were not reviewed, Why was the transmittal of these documents delayed for 90 days?

The time extension permitted by law clearly states that a delay **may not** occur for any reason except those specified in the Government code.

The delay by our City's Administrative Staff can only be explained as being an attempt by the Administration to shield the City Manager's actions from scrutiny. That is a clear violation of the State law.

This is not the first time the City has ignored Public Information Requests. In 2014 Robertson's Mine was awarded a \$100,000 judgment against the City for failing to provide all requested documents in a timely manner.

Since these delays were unlawful, on April 14<sup>th</sup>, I filed a claim against the City for reimbursement for my attorney fees of \$2387, and on May 23<sup>rd</sup>, the City Council necessarily authorized our insurance agency PERMA to pay the claim.

I am certainly not interested in having any additional cost be placed on our city. However, I decided on this course of action to provide another precedent to help direct the Administration to follow the correct procedures in releasing information, even if that information may not be beneficial to one of the Administrative Staff.

Exhibit "A"

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I was not surprised to also discover from these emails the close relation of Gail Paparian and our City Manager, Michael Rock. In these emails from Ms. Paparian to Mr. Rock she calls me and my constitutes "Rat's", stating: "I've seen these rats in operation for a long time".

Gail also offers her writing services stating: "I have never been for sale, but I am still available for rent". This clearly suggests all her articles in the Record Gazette have been the result of someone renting her opinion.

And finally, Ms. Paparian felt the need to attack **82-year-old Frank Burgess** in an email to Michael. Having lived in Banning for over 60 years, Burgess is a living **icon** : he served 3 terms on the City council, and also as a Board Member of the San Gorgonio Memorial Hospital. However, Gail writes:

Michael,

It did my heart good to have you and the new City Attorney stand firm and not let Frank Burgess run over anyone at his will. He's gotten away with it for years. Only goes to prove you cannot buy class.

He does the same thing at the library meetings. I dread seeing him there.

However, the question still remains: Why was there such an attempt by the Administration and the City Attorney to prevent the release of the requested documents?

Exhibit "A"

29

reg.mtg.-06/13/17

Their moral and legal requirement is to follow the law and serve the people of Banning, not to try to protect damaging or possibly illegal information about one of their associates.

The fact that I had to utilize a lawyer to finally get the information released indicates the extent to which the Assistant City Manager and the City Attorney were willing to go to ignore the legal requirements of releasing public information which they wanted to keep secret.

Hopefully, my Claim will definitively state to our City's Administration that public documents belong to the public, and cannot be hidden for any personal reason.

Exhibit "A"

30

reg.mtg.-06/13/17

*Received 6/13/17*

To: Banning Council Members

From: Dorothy Familetti-McLean

June 13, 2017

Good Evening Mayor and Council Members:

Thank you for pursuing the Vanir matter, and moving forward on this issue. I am grateful for your efforts.

I hope that once the city gets the property back, they do not adopt the same philosophy that got us into this, "Something is better than nothing." I hope and pray, that when the dust settles, that something will be constructed that will enhance the western theme of our town. In this way the other businesses could upgrade their store fronts possibly at a minimum cost.

If we choose something like what was planned, red tiled roofs and white buildings, that will look like San Diego, or other beach areas, and the rest of the town will not fit in.

Let us pray that some wise developer is taken by the small town charm of Banning and creates something that will enhance the downtown and encourage others to visit our beautiful city.

Thank you.

Exhibit "B"

31

reg.mtg.-06/13/17

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MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

02/07/17  
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Pro Tem Franklin on February 7, 2017 at 9:01 a.m. at the Banning Civic Center Large Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Andrade  
Councilmember Franklin  
Councilmember Peterson  
Councilmember Welch

COUNCIL MEMBERS ABSENT: Mayor Moyer

OTHERS PRESENT: John C. Cotti, Interim City Attorney  
Marie A. Calderon, City Clerk

CLOSED SESSION

Mayor Pro Tem Franklin opened the item for public comments on the closed session items; there were none.

Interim City Attorney Cotti announced the items for closed session as follows: Personnel Matters pursuant to Government Code Section 54957: Continued City Manager – Performance Evaluation; and Personnel Matters pursuant to Government Code Section 54957: Public Employee discipline, dismissal, release.

Meeting went into closed session at 9:02 a.m. and returned to regular session at 10:33 a.m. Interim City Attorney reported that the Council imposed discipline as part of its action including a letter to be read at the February, 14, 2017 City Council Meeting.

ADJOURNMENT

By common consent the meeting adjourned at 10:33 a.m.

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Marie A. Calderon, City Clerk

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## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** John C. Cotti, Interim City Attorney

**PREPARED BY:** Rochelle Clayton, Deputy City Manager/ASD  
Rita Chapparosa, Human Resources/Risk Manager

**MEETING DATE:** June 27, 2017

**SUBJECT:** Employment Agreement between the City of Banning and  
Alejandro Diaz for the position of Interim City Manager

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### **RECOMMENDED ACTION:**

Approve the Employment Agreement between the City and Alejandro Diaz for the position of Interim City Manager with commensurate pay effective on the 15<sup>th</sup> consecutive day of service as Interim City Manager, retroactive to the first day of appointment, with acting pay compensation to be the greater of either a 5% increase to base pay or the lowest step of the City Manager salary range.

### **BACKGROUND:**

In response to the former City Manager's resignation, at its June 13<sup>th</sup> meeting the City Council appointed Police Chief Alejandro Diaz to run the day to day operations of the City until such time as City Council could formally approve the interim appointment at the Council meeting held on June 27, 2017. The appointment was effective as of June 16, 2017.

During its June 13, 2017 meeting, the Council approved the basic deal terms for the appointment and those terms have been accepted by Chief Diaz, subject to the approval of an agreement by the Council. Those terms are incorporated into the Employment Agreement between the City and Chief Diaz for the Interim City Manager position, a copy of which is attached to this report.

**ISSUES/ANALYSIS:**

Pursuant to City policy, the salary for an interim appointment is to be the greater of either a 5% increase to base pay or the lowest step of the City Manager salary range. Applying this formula to the Interim City Manager position, Chief Diaz will receive a salary of \$7,115.38 on a bi-weekly basis. See Section 4.

Additionally, the Agreement provides for termination upon the employment of a City Manager and Chief Diaz will be reinstated to the position of Police Chief.


**FISCAL IMPACT:**

The fiscal impact will be a salary savings during this interim appointment.

**ATTACHMENTS:**

1. Employment Agreement

Approved by:

  
\_\_\_\_\_  
John C. Cotti, Interim City Attorney  
Jenkins & Hogin, LLP



# **ATTACHMENT 1**

**INTERIM CITY MANAGER AGREEMENT  
BETWEEN THE CITY OF BANNING  
AND ALEJANDRO DIAZ**

THIS AGREEMENT is entered into this 27<sup>th</sup> day of June, 2017 by and between the CITY OF BANNING, a general law city and municipal corporation ("CITY") and ALEJANDRO DIAZ, Police Chief ("EMPLOYEE").

1. **APPOINTMENT OF INTERIM CITY MANAGER.** EMPLOYEE is appointed as CITY's Interim City Manager. EMPLOYEE will serve at the pleasure of the City Council and may be replaced at any time, with or without cause, without amending this Agreement.

2. **SCOPE OF SERVICES.** EMPLOYEE will perform the services needed to serve CITY which will include, without limitation, the following:

- A. EMPLOYEE will attend all regular and special meetings of the City Council unless excused by the City Council;
- B. Perform the functions and duties specified by statute and relevant CITY ordinances and resolutions for a City Manager, and to perform such other legally permissible and proper duties and functions as CITY may from time to time assign; and
- C. Additionally, EMPLOYEE will coordinate with the City Council to implement an acceptable transition plan with regard to the anticipated filling of the City Manager position.

3. **RIGHT OF REINSTATEMENT.** The Parties recognize that EMPLOYEE is employed by CITY as its Police Chief. Upon termination of this Agreement, either upon the end of the term or by termination, EMPLOYEE is entitled to immediately resume EMPLOYEE's position as Police Chief and resume the duties assigned to the Police Chief in accordance with applicable law.

4. **COMPENSATION.** Acting pay compensation is to be the greater of either a 5% increase to base pay or the lowest step of the City Manager salary range. CITY agrees to pay EMPLOYEE a biweekly salary of seven thousand, one hundred fifteen dollars and thirty eight cents (\$7,115.38) during the term of EMPLOYEE's service as interim city manager. Such compensation may be increased or decreased by CITY's appropriate action. Upon termination of this Agreement, EMPLOYEE's compensation will revert to the amount EMPLOYEE is entitled to at the time this Agreement became effective.

5. **TERM.** The term of this Agreement will be until such time that a permanent City Manager is appointed, unless otherwise extended by written amendment by the parties, terminated in accordance with this Agreement, and will be automatically terminated upon CITY employing a City Manager.

6. **BENEFITS.** EMPLOYEE will receive all benefits to which EMPLOYEE is currently entitled, including, without limitation, medical, dental, sick leave, or vacation time.

7. **EXPENSE REIMBURSEMENT.** During the term of this Agreement, City will reimburse EMPLOYEE for reasonable business expenses, including travel, parking, business meetings and professional dues associated with maintaining membership in city manager related professional organizations pursuant to the applicable provisions of Banning Municipal Code and City administrative policies.

8. **CONFLICTS OF INTEREST.** EMPLOYEE represents that neither EMPLOYEE nor any of the attorneys or other persons employed by EMPLOYEE have any material financial interest, direct or indirect, in any contract or decision made by or on behalf of CITY that may be affected by the services to be provided to CITY pursuant to this Agreement, other than a financial interest that is similar, in all material respects, to the interests of the general public. EMPLOYEE agrees that he will comply with CITY's conflict of interest code as adopted by City Council resolution.

9. **TERMINATION OF SERVICES.**

- A. CITY may terminate this Agreement with or without cause at any time by serving EMPLOYEE with notification of such termination by mail, by fax, or by CITY's Representative's oral notice of termination followed by written confirmation of same served on EMPLOYEE by mail.
- B. EMPLOYEE may terminate this Agreement with or without cause upon fifteen (15) days written notice to CITY.
- C. CITY will compensate EMPLOYEE for his services and reimburse him for costs rendered through and including the effective date of any termination.

10. **NOTICES.** Notices required under this Agreement must be given by personal service or by first class mail, postage prepaid, and addressed as follows:

To EMPLOYEE:                   Alejandro Diaz  
  128 La Amistad Way  
  Hemet, CA 92545

To CITY:                           City of Banning  
  99 E. Ramsey Street  
  Banning, CA 92220  
  Attn: Mayor

## **11. INDEMNIFICATION:**

- A. CITY will indemnify and defend EMPLOYEE from any and all claims, demands, actions, losses, or charges arising out of, related to, or as a consequence of EMPLOYEE performing his duties as Interim City Manager. Further, CITY will pay all expenses, costs and attorney's fees arising out of or related to the same.
- B. The Parties agree that this Section will survive the termination of this Agreement. CITY's obligations under this Section apply whether EMPLOYEE is or is not retained by the CITY at the time any such claim, demand, action, loss or charge is made or occurs, as the case may be so long as the action giving rise to the claim occurred during the time EMPLOYEE was retained by CITY.

**12. PERMITS AND LICENSES.** EMPLOYEE, at his sole expense, will obtain and maintain during the term of this Agreement, all permits, licenses, and certificates that may be required, as determined by EMPLOYEE, in connection with the performance of services under this Agreement.

**13. ASSIGNABILITY.** This Agreement is for EMPLOYEE's professional services. EMPLOYEE's attempts to assign the benefits or burdens of this Agreement without CITY's written approval are prohibited and will be null and void.

**14. INTERPRETATION.** This Agreement was drafted in, and will be construed in accordance with the laws of the State of California, and exclusive venue for any action involving this agreement will be in Ventura County.

**15. ENTIRE AGREEMENT.** This Agreement sets forth the entire understanding of the parties. There are no other understandings, terms or other agreements expressed or implied, oral or written. This Agreement will bind and inure to the benefit of the parties to this Agreement and any subsequent successors and assigns.

**16. RULES OF CONSTRUCTION.** Each Party had the opportunity to independently review this Agreement with legal counsel. Accordingly, this Agreement will be construed simply, as a whole, and in accordance with its fair meaning; it will not be interpreted strictly for or against either Party.

**17. SEVERABILITY.** If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion will be deemed modified to the extent necessary in the opinion of the court to render such portion enforceable and, as so modified, such portion and the balance of this Agreement will continue in full force and effect.



**18.AUTHORITY/MODIFICATION.** The Parties represent and warrant that all necessary action has been taken by the Parties to authorize the undersigned to execute this Agreement and to engage in the actions described herein. This Agreement may be modified by written amendment. CITY's Mayor, or designee, may execute any such amendment on behalf of CITY.

**19.ACCEPTANCE OF FACSIMILE SIGNATURES.** The Parties agree that this Agreement, agreements ancillary to this Agreement, and related documents to be entered into in connection with this Agreement will be considered signed when the signature of a party is delivered by facsimile transmission. Such facsimile signature will be treated in all respects as having the same effect as an original signature.

**20.EFFECTIVE DATE.** This Agreement is effective on June 27, 2017.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF BANNING,  
a municipal corporation.

Alejandro Diaz,  
an individual.

\_\_\_\_\_  
George Moyer  
Mayor

ATTEST:

\_\_\_\_\_  
Marie A. Calderon  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
John C. Cotti, Interim City Attorney  
Jenkins & Hugin, LLP

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## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Rochelle Clayton, Deputy City Manager/  
Administrative Services Director  
Suzanne Cook, Finance Manager

**MEETING DATE:** June 27, 2017

**SUBJECT:** Accounts Payable and Payroll Warrants Issued in May 2017

### **RECOMMENDATION:**

Consider approving and ratifying the Accounts Payable and Payroll Warrants for the period ending May 31, 2017, per California Government Code Section 37208.

### **WARRANT SUMMARY:**

Description	Payment #	Amount	Total Amount
<b>Checks:</b>			
Checks Issued during Month	159288 - 159748	\$ 2,547,353.22	
	159267 / 159268 / 159282		
Voided / Reissue Check	/ 156524	\$ 5,573.00	
<b>Check Total</b>			<b>\$ 2,541,780.22</b>
<b>Wires Total</b>	940 - 941		<b>\$ 2,505,403.77</b>
<b>ACH payments:</b>			
	9006014 - 9006032		
Payroll Direct Deposit 5/12/2017		\$ 335,350.55	
Payroll Direct Deposit 5/26/2017		\$ 302,304.20	
Other Payments		\$ 814,791.80	
<b>ACH Total</b>			<b>\$ 1,452,446.55</b>
<b>Payroll Checks:</b>			
	10893 - 10933		
Payroll - Regular 5/12/2017		\$ 3,490.66	
Payroll - Regular 5/26/2017		\$ 3,952.63	
<b>Payroll Check Total</b>			<b>\$ 7,443.29</b>
<b>Total Warrants Issued for May 2017</b>			<b>\$ 6,507,073.83</b>

**ATTACHMENTS:**

1. Fund List
2. Warrant List May 2017
3. Warrant List Detail May 2017
4. Voided Check Log
5. Payroll Log
6. Payroll Registers

If you have any questions, please contact the Finance Department so that additional detailed information can be provided to you.

Approved by:

A handwritten signature in blue ink, appearing to read "Alejandro Diaz", is written over a horizontal line.

Alejandro Diaz  
Acting City Manager



# **ATTACHMENT 1**

# CITY of BANNING

## Fund/Department Legend

*Fund/Department Legend*

### **001 General Fund Departments**

0001 – General  
 1000 – City Council  
 1200 – City Manager  
 1300 – Human Resources  
 1400 – City Clerk  
 1500 – Elections  
 1800 – City Attorney  
 1900 – Fiscal Services  
 1910 – Purchasing & A/P  
 2060 – TV Government Access  
 2200 – Police  
 2210 – Dispatch  
 2279 – TASIN – SB621 (Police)  
 2300 – Animal Control  
 2400 – Fire  
 2479 – TASIN – SB621 (Fire)  
 2700 – Building Safety  
 2740 – Code Enforcement  
 2800 – Planning  
 3000 – Engineering  
 3200 – Building Maintenance  
 3600 – Parks  
 4000 – Recreation  
 4010 – Aquatics  
 4020 – Day Care  
 4050 – Senior Center  
 4060 – Sr. Center Advisory Board  
 4500 – Central Services  
 4800 – Debt Service  
 5400 – Community Enhancement

### **All Other Funds**

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

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

# **ATTACHMENT 2**

**City of Banning**  
**Warrant List May 2017**

<b>Warrant Number</b>	<b>Vendor Name</b>	<b>Warrant \$ Amount</b>
940	RIVERSIDE PUBLIC UTILITIES	791,031.89
941	U.S. BANK	1,714,371.88
159288	ACEC CA	437.80
159289	AETNA LIFE INSURANCE	74,219.31
159290	AGBARA, EILEEN	165.53
159291	AGCAOILI &, PAUL C	25.02
159292	AGUIRRE &, DANIEL	40.08
159293	AH ILLUSIONS INC	550.00
159294	AIRWAVE COMMUNICATIONS ENTERPRISES	2,451.56
159295	ALESHIRE & WYNDER, LLP	16,138.85
159296	ALL AMERICAN TOWING	385.00
159297	ALTEC INDUSTRIES, INC.	3,662.14
159298	ARIAS, JOE	32.00
159299	AT&T GLOBAL CUSTOMER CARE CENTER	374.44
159300	AT&T MOBILITY	1,089.21
159301	BABCOCK LABORATORIES, INC	109.00
159302	BANNING BEAUMONT STUDENT OF MONTHC/	20.00
159303	BANNING UNIFIED SCHOOL DIST.	30.00
159304	BARTON, JUDITH MARGARET	70.00
159305	BEAUMONT CHAMBER OF COMMERCE	15.00
159306	BEAUMONT DO IT BEST HOME CENTER	26.59
159307	BENDER, BEVERLY	74.32
159308	BILLHIMER, MARJORIE	134.29
159309	BIO-TOX LABORATORIES	1,726.00
159310	CA DEPT OF VETERAN AFFAIRS	59.82
159311	CA. ST. DEPT OF TRANSPORTATION	1,286.98
159312	CASSADAS, EDWARD & MARGARITA	106.09
159313	CHEVRON AND TEXACO BUSINESS	18.81
159314	CLA-VAL	1,738.38
159315	COE, DAVID P	55.37
159316	COLLINS, ELIZABETH	69.09
159317	COOK, SHARON	162.22
159318	COOLEY, DONNA L	102.76
159319	CORTEZ-JASSO, VICTOR	32.00
159320	CUMMINS CAL PACIFIC LLC	149.47
159321	DAVIS, JOSEPH	132.32
159322	DENG, ZIQI	85.88
159323	DEX MEDIA	40.43
159324	DIAMOND HILLS CHEVROLET BUICK GMC	21.74
159325	DIAZ, ALEJANDRO	98.99
159326	DIRECTV	23.25
159327	ELIZONDO, MARIO	32.00
159328	ESPINOZA, LYNETTE M	154.00
159329	FEDEX	72.71
159330	FELIX, ALBERTO	48.00
159331	FERGUSON, MARLENE	152.62
159332	FLAMINGO'S EVENT PLANNER	487.42
159333	FLEET SERVICES INC	327.96
159334	FLEMING, DIONA	28.36
159335	FRANKLIN, DEBBIE	552.34
159336	FRONTIER COMMUNICATIONS	1,344.23
159337	FULTZ, MARVIN LEIGH	44.12
159338	GAS COMPANY, THE	54.69



**City of Banning**  
**Warrant List May 2017**

<b>Warrant Number</b>	<b>Vendor Name</b>	<b>Warrant \$ Amount</b>
159339	HARPER, KRIS	32.00
159340	HARTNELL, BRYAN C	193.22
159341	HINDERLITER DE LLAMAS & ASSOCIATES	800.00
159342	HOHENSEE &, ANGAELENA	98.99
159343	HOLDER, PHILLIP	26.00
159344	INFOSEND, INC	2,003.48
159345	INNOVATIVE EMERGENCY EQUIPMENT	174.57
159346	INTERNATIONAL ASSOC FOR PROPERTY	50.00
159347	INTERNATIONAL INSTITUTE OF	100.00
159348	JACKSON &, MARKUITA R	38.25
159349	JANUARY, JEREL	42.00
159350	JOHNNY RUSSO'S ITALIAN KITCHEN	1,453.00
159351	KAISER FOUNDATION HEALTH	50,345.32
159352	KESTER, ELIZABETH	20.00
159353	LAM, ANGIE	80.00
159354	LEAF	278.69
159355	LIEBERS, LARRY	98.52
159356	LIEBERT CASSIDY WHITMORE	4,786.00
159357	LYNCH, MIKE	48.00
159358	MACDONALD, DOUGLAS	86.39
159359	MADEWELL &, NICOLE M	77.32
159360	MARINA LANDSCAPE, INC	1,315.00
159361	MARQUEZ, MARIA ARCELIA	79.15
159362	MARTINEZ, MATTHEW	48.00
159363	MASTEN, STAR	84.96
159364	MCCLUNE, DEVIN	32.00
159365	MCLAUGHLIN, CARNELLE	162.22
159366	MILLER, NINA	144.32
159367	MOLEDOR, JEROME	16.00
159368	MORENO, ANGELA	65.34
159369	MOTTE, FRANKLIN & EMMA	73.78
159370	MURPHY, PEGGY ANNE	124.06
159371	NAASZ, CALEB	48.00
159372	NEES, WENDI	36.00
159373	NET TRANSCRIPTS, INC	202.75
159374	NUTEK ENTERPRISES, INC	157.63
159375	O'REILLY AUTO PARTS	669.31
159376	OFFICE DEPOT	307.84
159377	P&P UNIFORMS	818.89
159378	PACIFICORE CONSTRUCTION INC	52.50
159379	PACKHAM & TOOMEY, INC	125.00
159380	PANORAMA US HOUSING 1 L P	165.53
159381	PARRA, ELIZABETH	25.55
159382	PEREZ, MIKE	136.51
159383	PICABEA, JUAN	32.00
159384	PRESS-ENTERPRISE, THE	243.60
159385	PRUDENTIAL OVERALL SUPPLY	131.77
159386	QWIKY TR	520.94
159387	RACEWAY FORD INC	982.91
159388	RAUM, WILLIAM	213.91
159389	RDO EQUIPMENT COMPANY	1,774.90
159390	RECORD GAZETTE, THE	39.95
159391	RIV. CO. COMMUNITY HEALTH AGENCY	1,543.00

**City of Banning**  
**Warrant List May 2017**

Warrant Number	Vendor Name	Warrant \$ Amount
159392	ROCHA, LETICIA	265.06
159393	SAN BERNARDINO CO SHERIFF'S DEPT	2,310.00
159394	SAN BERNARDINO COUNTY SHERIFF'S	100.00
159395	SCUDIERI, LUCIANO	120.00
159396	SERRANO, CINDY	12.00
159397	SHOVE, TED	32.64
159398	SHRED-IT USA, LLC	97.20
159399	SMITH, JASON	48.00
159400	SORIANO, RICHARD	32.00
159401	SOTO, GABINO	186.99
159402	STANTEC CONSULTING SERVICES, INC	44,000.25
159403	STATE WATER RESOURCES CONTROL	31,314.00
159404	STOEL RIVES, LLP	8,399.88
159405	STUART, DAMON	48.00
159406	SUEZ BANNING	55,047.00
159407	SYNAGRO TECHNOLOGIES INC	16,759.10
159408	TIME WARNER CABLE	156.46
159409	TK SERVICES, INC	438.86
159410	TRANSACT TECHNOLOGIES	205.18
159411	TRI COUNTY PUMP COMPANY	13,325.52
159412	UNITED STATES POSTAL SERVICE	5,000.00
159413	VALDEZ, JASON	48.00
159414	VARGAS, MARIA	160.00
159415	VEAS &, NICOLE L	14.74
159416	VEGA, CARLOS A	34.51
159417	VERSATILE INFORMATION PRODUCTS	161.26
159418	WARE, KENNITH	32.00
159419	WASTE MANAGEMENT OF THE	224,631.48
159420	WASTE MANAGEMENT OF THE	272,182.47
159421	WELLS FARGO CARD SERVICES INC	414.55
159422	WELLS FARGO CARD SERVICES INC	292.78
159423	WELLS FARGO CARD SERVICES INC	2,136.48
159424	WELLS FARGO CARD SERVICES INC	3,394.95
159425	WELLS, KAREN	119.11
159426	WESTERN MUNICIPAL WATER DISTRICT	650.00
159427	WOODSTOCK, WARREN	16.00
159428	XENIA PACIFIC, INC	324.00
159429	ZHANG, PENG	99.40
159430	2012-B PROPERTY HOLDINGS LLC	220.56
159431	A-Z BUS SALES, INC. (COLTON)	111.65
159432	ALTEC INDUSTRIES, INC.	5,432.66
159433	ALTURA CREDIT UNION	1,060.00
159434	ANIXTER, INC	282.65
159435	ARB INC	333.23
159436	ARROW STAFFING SERVICE	2,336.24
159437	ARROYO BACKGROUND INVESTIGATIONS	280.00
159438	BABCOCK LABORATORIES, INC	595.00
159439	BABCOCK LABORATORIES, INC	105.00
159440	BEAUMONT DO IT BEST HOME CENTER	520.21
159441	BENHAR, DIANA T	369.60
159442	BREY, GERALD M	130.91
159443	CA. ST. DEPT. OF MOTOR VEHICLES	187.66
159444	CALDERON, SANDRA B	26.70



**City of Banning**  
**Warrant List May 2017**

<b>Warrant Number</b>	<b>Vendor Name</b>	<b>Warrant \$ Amount</b>
159445	CALIFORNIA LAW ENFORCE ASSN	661.50
159446	CALIFORNIA TOOL & WELDING SUPPLY	5,467.35
159447	CALIFORNIA, STATE OF	1,597.00
159448	CALOLYMPIC GLOVE & SAFETY CO, INC	424.75
159449	CAROLLO ENGINEERS	76,183.88
159450	CHRIS TAYLOR'S PLUMBING	440.98
159451	CORBS	35.00
159452	CORBS	35.00
159453	CORELOGIC INFORMATION SOLUTIONS INC	66.68
159454	COUNSELING TEAM INTERNATIONAL, THE	700.00
159455	COUTS HEATING & COOLING, INC	166.40
159456	CREATIVE BUS SALES INC	422.25
159457	CUSTOM TROPHIES & U-NEEK AWARDS	484.87
159458	CYBERTEK	734.00
159459	DE LA FUENTE, SONJA	16.00
159460	DESMANN PROMOTIONAL PRODUCTS	212.83
159461	FLAMINGO'S EVENT PLANNER	417.77
159462	FLETCHER, TERRI	161.67
159463	FRANKLIN, DEBBIE	202.06
159464	FRED PRYOR SEMINARS	99.00
159465	FRED PRYOR SEMINARS	99.00
159466	FRONTIER COMMUNICATIONS	1,161.07
159467	GAMETIME	65.84
159468	GARDA CL WEST INC	568.77
159469	GAS COMPANY, THE	14.30
159470	GOVERNMENT STAFFING SERVICES, INC	30,897.50
159471	GRAINGER	267.17
159472	GREEN, NATASHA	39.29
159473	HARDER, TERRY	90.47
159474	I.B.E.W. LOCAL 47 (PAC)	64.00
159475	IBEW LOCAL 47 RETIREE MEDICAL TRUST	2,103.70
159476	ICMA RETIREMENT TRUST 457	1,752.41
159477	INFOSEND, INC	7,194.01
159478	INLAND WATER WORKS SUPPLY CO.	298.03
159479	LEIDOS ENGINEERING, LLC	44,118.99
159480	LEXISNEXIS RISK SOLUTIONS	191.34
159481	M BREY ELECTRIC, INC	224.20
159482	MAGNUM ENTERPRISES, INC	15.36
159483	MITSUBISHI ELECTRIC & ELECTRONICS	292.00
159484	MST BACKFLOW	630.00
159485	MULLER, FRANCES ANN & ROBERT	106.82
159486	NATIONWIDE RETIREMENT SOLUTIONS	2,523.45
159487	O'CONNOR, CAREN J	54.25
159488	O'REILLY AUTO PARTS	448.92
159489	OFFICE DEPOT	907.09
159490	ONE SOURCE DISTRIBUTORS	2,155.21
159491	PARS	341.33
159492	PAYPRO ADMINISTRATORS	154.00
159493	PIPE AND PLANT SOLUTIONS, INC	67,749.25
159494	PRE-PAID LEGAL SERVICES, INC	311.90
159495	PRESS-ENTERPRISE, THE	840.00
159496	PRUDENTIAL OVERALL SUPPLY	648.74
159497	RACEWAY FORD INC	24.58

**City of Banning**  
**Warrant List May 2017**

<b>Warrant Number</b>	<b>Vendor Name</b>	<b>Warrant \$ Amount</b>
159498	RDO EQUIPMENT COMPANY	252.06
159499	RIV. CO. CLERK RECORDER	207.00
159500	RIV. CO. CLERK RECORDER	23.00
159501	RIV. CO. CLERK RECORDER	161.00
159502	RIV. CO. CLERK RECORDER	46.00
159503	RIV. CO. CLERK RECORDER	69.00
159504	RIV. CO. CLERK RECORDER	23.00
159505	RIV. CO. DEPT OF ENVIRONMENTAL	90.00
159506	RIV. CO. SHERIFF'S DEPT.	117.00
159507	RIV. CO. SHERIFF'S DEPT.	117.00
159508	RIVERSIDE CONSTRUCTION COMPANY	303.87
159509	ROBERTSON'S	408.22
159510	ROCKWELL, AMBER	4,000.00
159511	ROJAS, MINERVA	168.18
159512	SAN BERNARDINO PUBLIC EMPLOYEES	787.22
159513	SAN GORGONIO PASS DESIGN AND PRINT	25.92
159514	SCCI, INC DBA	250.00
159515	SIEMENS INDUSTRY, INC	1,130.86
159516	SITEONE LANDSCAPE SUPPLY	578.23
159517	SMITH, LOIS E	7.00
159518	SOUTH COAST AIR QUALITY	501.88
159519	SOUTH COAST AIR QUALITY	354.86
159520	SOUTH COAST AIR QUALITY	130.57
159521	SOUTHERN CALIFORNIA GAS CO	5,661.82
159522	SPOK, INC	41.09
159523	STACY BAVOL - NOTARY	480.00
159524	STATE WATER RESOURCES CONTROL	60.00
159525	STEPHENS, MANDEEP	466.00
159526	STEPHENS, PATRICK	520.00
159527	STONE, JEFF A	87.48
159528	SUPER SUBS +	207.35
159529	TAYLOR, BERNARD	72.64
159530	TKE ENGINEERING, INC	1,730.00
159531	UNDERGROUND SERVICE ALERT	63.00
159532	UNITED WAY OF THE INLAND VALLEY	107.00
159533	UTILITY TREE SERVICE	8,800.00
159534	VERIZON WIRELESS	395.65
159535	VMI, INC.	4,560.00
159536	VULCAN MATERIALS	1,511.61
159537	V2C GROUP, INC	4,196.00
159538	WESCO DISTRIBUTION, INC	6,907.68
159539	YOUNGBLOOD & ASSOCIATES	200.00
159540	AIRGAS WEST	1,468.90
159541	ALLIANT INSURANCE SERVICES, INC	74,202.34
159542	AMERICAN FORENSIC NURSES	1,200.00
159543	ARROW STAFFING SERVICE	4,622.41
159544	ARROYO BACKGROUND INVESTIGATIONS	420.00
159545	AT&T CALNET 2	392.36
159546	AUTOMATED GATE SERVICES, INC.	385.00
159547	BABCOCK LABORATORIES, INC	125.00
159548	BANNING POLICE OFFICERS ASSOC	2,500.00
159549	BATTERY SYSTEMS, INC	426.54
159550	BEAUMONT CHAMBER OF COMMERCE	20.00



**City of Banning**  
**Warrant List May 2017**

<b>Warrant Number</b>	<b>Vendor Name</b>	<b>Warrant \$ Amount</b>
159551	BEAUMONT DO IT BEST HOME CENTER	566.12
159552	BEAUMONT SAFE & LOCK	120.66
159553	BEAUMONT, CITY OF	197.65
159554	BLAKELEY, CATHERINE	128.03
159555	BRANDON MYERS HUNTER SERVICE	412.90
159556	BREY, GERALD M	135.27
159557	CALIFORNIA ASSOCIATION OF CODE	85.00
159558	CALIFORNIA ASSOCIATION OF CODE	85.00
159559	CALIFORNIA, STATE OF	128.00
159560	CASTILLO, GUILLERMO	78.92
159561	COGBILL, IRENE JANE	336.00
159562	CORELOGIC INFORMATION SOLUTIONS INC	400.02
159563	COUTS HEATING & COOLING, INC	1,086.63
159564	CV STRATEGIES	3,956.75
159565	DEPOTO, ANGELA M	80.33
159566	DIAMOND ENVIRONMENTAL SERVICES	201.99
159567	DOLLAR TREE STORES	180.00
159568	DOUBLETREE DEL MAR	704.35
159569	FALCON, ESTHER	132.57
159570	FEDEX	13.92
159571	FERRELLGAS	634.45
159572	FLEET SERVICES INC	99.15
159573	FOX OCCUPATIONAL MEDICAL CENTER	188.00
159574	FRONTIER COMMUNICATIONS	2,822.48
159575	GAS COMPANY, THE	59.38
159576	GEORGE, MECHELLE R	75.19
159577	GOVERNMENTJOBS.COM, INC	1,250.00
159578	GREEN, NATASHA	16.00
159579	HD SUPPLY WATERWORKS, LTD	5,311.35
159580	HERNANDEZ, VICKIE MARIE	35.41
159581	HILTON DEL MAR	779.35
159582	HOLDER, PHILLIP	396.20
159583	HOME DEPOT #8987	329.70
159584	I.B.E.W. LOCAL 47	7,651.72
159585	INFOSEND, INC	2,373.92
159586	IRON MOUNTAIN INFORMATION MGMT, LLC	295.00
159587	JENKINS & HOGIN, LLP	18,196.96
159588	KELLY, PATRICK	36.00
159589	KRAWCZYK, CAROL	121.65
159590	KUSTOM SIGNALS, INC	939.16
159591	LANCE, SOLL & LUNGHARD, LLP	285.00
159592	LIEBERS, LARRY	25.27
159593	MCLAUGHLIN, CARNELLE	84.32
159594	MEDINA, MOSES	16.00
159595	MILLER, JONI	124.56
159596	NAASZ, CALEB	16.00
159597	NAPA AUTO PARTS	4.39
159598	NEOPOST USA INC.	314.93
159599	NOLAN, MIKE	36.00
159600	NORMAN A TRAUB ASSOCIATES, INC	4,448.50
159601	O'REILLY AUTO PARTS	221.66
159602	OFFICE DEPOT	1,012.18
159603	ON TRAC	14.36

**City of Banning**  
**Warrant List May 2017**

Warrant Number	Vendor Name	Warrant \$ Amount
159604	P&P UNIFORMS	126.95
159605	PACIFIC ALARM SERVICE	264.32
159606	PARDUS, CATHY	162.22
159607	PARTS AUTHORITY METRO, LLC	912.33
159608	PRATT, EDWARD	162.22
159609	PRESS-ENTERPRISE, THE	761.92
159610	RDO EQUIPMENT COMPANY	497.26
159611	RECORD GAZETTE, THE	155.69
159612	REDLANDS FORD	23.32
159613	RESOURCE BUILDING MATERIALS	289.75
159614	RIV. CO. CLERK RECORDER	69.00
159615	RIVERSIDE, COUNTY OF	347.50
159616	RUBIO, RAMON	178.71
159617	RUELAS, ELIAS	130.17
159618	SAN BERNARDINO COUNTY SUN	569.00
159619	SCCI, INC DBA	500.00
159620	SHOVE, TED	573.45
159621	SILVER & WRIGHT, LLP	6,403.27
159622	SMART & FINAL	336.13
159623	SODHI, RISHI KUMAR	34.23
159624	SOUTH COAST AIR QUALITY	125.47
159625	SOUTH COAST AIR QUALITY	125.47
159626	SOUTH COAST AIR QUALITY	125.47
159627	TIME WARNER CABLE	37.45
159628	TORRES, IVANO	32.10
159629	TURBO DATA SYSTEMS INC	342.98
159630	UNITED ROTARY BRUSH CORPORATION	193.33
159631	VERIZON SELECT SERVICES INC	2.11
159632	VERIZON WIRELESS	152.04
159633	VERIZON WIRELESS	3,166.24
159634	WARE, KENNITH	48.00
159635	WHENEVER COMMUNICATIONS, LLC	278.82
159636	YODER, CYNTHIA	31.63
159637	YOUNG, CARLA	85.00
159638	YOUNGBLOOD & ASSOCIATES	200.00
159639	ZENNER PERFORMANCE METERS, INC	7,660.29
159640	ZOELLER, SUSAN	80.09
159641	4IMPRINT	804.00
159642	ADVANCE WORKPLACE STRATEGIES INC	57.00
159643	AIRWAVE COMMUNICATIONS ENTERPRISES	1,225.78
159644	ALBERT A. WEBB ASSOCIATES	12,458.09
159645	ALL AMERICAN ASPHALT	525,377.70
159646	ALL STAR GLASS, INC.	250.62
159647	ALTURA CREDIT UNION	1,060.00
159648	AMERICAN AIR SERVICE	299.34
159649	AMERICAN FORENSIC NURSES	100.00
159650	APPLIED EARTHWORKS, INC	2,870.53
159651	ARROW STAFFING SERVICE	2,294.52
159652	ARROYO BACKGROUND INVESTIGATIONS	800.00
159653	ARTISTIC MAINTENANCE, INC.	8,760.00
159654	BANNING CHAMBER OF COMMERCE	30.00
159655	BEAUMONT DO IT BEST HOME CENTER	35.69
159656	BEAUMONT GLASS AND DOOR	880.57



**City of Banning**  
**Warrant List May 2017**

Warrant Number	Vendor Name	Warrant \$ Amount
159657	BEAUMONT SAFE & LOCK	128.87
159658	BIEREND, PATRICIA & BOB	65.03
159659	BOEHM, REGINA	72.00
159660	BOYDD PRODUCTS INC	10,344.00
159661	CA DEPT OF VETERAN AFFAIRS	77.17
159662	CALIFORNIA LAW ENFORCEMENT ASSOC	20.00
159663	CALIFORNIA, STATE OF	175.00
159664	CALIFORNIA, STATE OF	32.00
159665	CANON FINANCIAL SERVICES, INC	1,184.35
159666	CAROLLO ENGINEERS	26,248.13
159667	CDW GOVERNMENT, INC	155.96
159668	CHAPAROSA, LAURA	5.00
159669	CHRIS TAYLOR'S PLUMBING	4,050.00
159670	COUNSELING TEAM INTERNATIONAL, THE	275.00
159671	CREASON & AARVIG, LLP	3,097.00
159672	CUMMINS CAL PACIFIC LLC	453.00
159673	DIAMOND HILLS CHEVROLET BUICK GMC	67.92
159674	DICKINSON &, JOHN	5.85
159675	DIRECTV	23.25
159676	DREAMGIG PRINTING INNOVATIONS, LLC	283.54
159677	EARTHLY, PATRICK	112.60
159678	FEDEX	48.81
159679	FERGUSON, PRAET & SHERMAN	1,406.00
159680	FRONTIER COMMUNICATIONS	383.13
159681	FUN EXPRESS	551.78
159682	GARDA CL WEST INC	31.85
159683	GAS COMPANY, THE	71.30
159684	GLEBA, WILLIAM A & DOMINGO, DOROTHY	8.51
159685	H & L CHARTER CO, INC	1,400.00
159686	HEMET OIL COMPANY	20,712.69
159687	HOLT ARCHITECTS INC	19,215.50
159688	IBEW LOCAL 47 RETIREE MEDICAL TRUST	2,095.41
159689	ICMA RETIREMENT TRUST 457	1,752.41
159690	INNOVATIVE EMERGENCY EQUIPMENT	4,261.25
159691	IRON MOUNTAIN INFORMATION MGMT, LLC	367.90
159692	KAISER FOUNDATION HEALTH	49,141.72
159693	KRONICK MOSKOVITZ TIEDEMANN &	18,312.01
159694	LAM, ANGIE	379.30
159695	LEAF	333.69
159696	LEIDOS ENGINEERING, LLC	8,705.90
159697	LITHOPASS PRINTING, FORMS,	335.41
159698	LOS ANGELES COUNTY AUDITOR CONTRLR	583.00
159699	MC AVOY & MARKHAM	86,153.46
159700	MILLER, EDWARD	225.00
159701	NATIONWIDE RETIREMENT SOLUTIONS	2,648.45
159702	O'REILLY AUTO PARTS	1,153.72
159703	OFFICE DEPOT	1,081.22
159704	ORION SAFETY PRODUCTS	1,524.73
159705	PACKHAM & TOOMEY, INC	125.00
159706	PAPE MATERIAL HANDLING, INC	112.06
159707	PARKHOUSE TIRE, INC.	782.32
159708	PARKING & PROPERTY ID	659.45
159709	PARS	508.44

**City of Banning**  
**Warrant List May 2017**

<b>Warrant Number</b>	<b>Vendor Name</b>	<b>Warrant \$ Amount</b>
159710	PARTS AUTHORITY METRO, LLC	566.16
159711	PETERSON, DON	238.11
159712	PRESS-ENTERPRISE, THE	210.00
159713	PRUDENTIAL OVERALL SUPPLY	325.66
159714	PUBLIC AGENCY RETIREMENT SERVICES	300.00
159715	RACEWAY FORD INC	206.16
159716	RAMNANI, REENA & RAMESH	85.19
159717	RECORD GAZETTE, THE	205.38
159718	RIV. CO. CLERK RECORDER	69.00
159719	RIV. CO. COMMUNITY HEALTH AGENCY	3,192.00
159720	RIV. CO. REGISTRAR OF VOTER	32,097.89
159721	ROMO PLANNING GROUP, INC.	9,000.00
159722	SAN GORGONIO PASS DESIGN AND PRINT	131.46
159723	SEALS, VERNELL	98.24
159724	SHRED-IT USA, LLC	108.00
159725	SIG SAUER, INC	415.00
159726	SMART & FINAL	755.35
159727	SONOQUI, ROSE & PHILLIP	220.86
159728	SOUTH COAST AIR QUALITY	125.47
159729	SOUTHERN CALIFORNIA EDISON	58.41
159730	SOUTHERN CALIFORNIA JOINT POLE	610.28
159731	STACY BAVOL - NOTARY	60.00
159732	STERLING TALENT SOLUTIONS	889.11
159733	STOEL RIVES, LLP	1,116.00
159734	STYLE ELECTRIC	61,652.25
159735	SUN LIFE FINANCIAL	18,602.54
159736	TATSUI, JOHN A	129.61
159737	TELEPACIFIC COMMUNICATIONS	2,716.86
159738	ULINE	635.42
159739	UNITED WAY OF THE INLAND VALLEY	107.00
159740	WALKER, BRIAN	3,108.59
159741	WARE, KENNITH	32.00
159742	WASTE MANAGEMENT OF THE	230,931.83
159743	WELCH, ART	223.00
159744	WELLS FARGO CARD SERVICES INC	2,538.59
159745	WESCO DISTRIBUTION, INC	948.20
159746	WHENEVER COMMUNICATIONS, LLC	278.82
159747	2012-B PROPERTY HOLDINGS LLC	338.77
159748	4IMPRINT	817.88
9006014	INTERNAL REVENUE SERVICE	136,747.19
9006015	CA. ST. EMPLOYMENT DEV. DEPT.	17,169.69
9006016	TASC	5,055.88
9006017	CA. ST. PUBLIC EMPLOYEES	30.15
9006018	CALPERS 457 PLAN - 450260	51,603.36
9006019	CA. ST. PUBLIC EMPLOYEES	133,491.44
9006020	WELLS FARGO BANK	625.00
9006021	WELLS FARGO BANK	335,350.55
9006022	INTERNAL REVENUE SERVICE	133,986.89
9006023	CA. ST. EMPLOYMENT DEV. DEPT.	17,035.28
9006024	TASC	4,949.63
9006025	CALIFORNIA, STATE OF	2,526.00
9006026	WELLS FARGO BANK	625.00
9006027	CALPERS 457 PLAN - 450260	30,650.83



**City of Banning**  
**Warrant List May 2017**

Warrant Number	Vendor Name	Warrant \$ Amount
9006028	CA. ST. PUBLIC EMPLOYEES	133,616.40
9006029	WELLS FARGO BANK	302,304.20
9006030	TASC	4,949.63
9006031	INTERNAL REVENUE SERVICE	126,098.75
9006032	CA. ST. EMPLOYMENT DEV. DEPT.	15,630.68
<b>Grand Total</b>		<b>6,505,203.54</b>
	Less Voided / Reissued Checks from Prior Period	-
	Less Voided Checks Prior Period	(5,573.00)
	Add Payroll Checks	7,443.29
	Total Remittance for Month	<u>6,507,073.83</u>

# **ATTACHMENT 3**

**City of Banning**  
**Warrant List Detail May 2017**

Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Payment Amount
940	5/10/2017	RIVERSIDE PUBLIC UTILITIES	151		670-7000-331.20-01	ELECTRIC REVENUE EXPENSE	(237.10)
					670-7000-356.38-10	ELECTRIC REVENUE EXPENSE	(150,885.35)
					670-7000-356.38-17	ELECTRIC REVENUE EXPENSE	(10,809.63)
					670-7000-356.38-20	ELECTRIC REVENUE EXPENSE	(114,546.93)
					670-7010-473.27-09	ELECTRIC REVENUE EXPENSE	49,774.00
					670-7010-473.27-50	ELECTRIC REVENUE EXPENSE	803,732.96
					670-7010-473.27-60	ELECTRIC REVENUE EXPENSE	19,807.79
					670-7010-473.27-70	ELECTRIC REVENUE EXPENSE	190,885.38
					670-7010-473.33-02	ELECTRIC REVENUE EXPENSE	3,310.77
					678-7000-473.61-18	1/2 PRINCIPAL DUE (\$170,000.00)	1,005,000.00
941	5/10/2017	U.S. BANK	MAY 2017		678-7000-473.62-18	INTEREST DUE	709,371.88
159288	5/4/2017	ACEC CA	14849		001-2800-441.23-03	2017 SUBDIVISION MAP ACT LAND USE LAWS, PLANNING	437.80
159289	5/4/2017	AETNA LIFE INSURANCE	MAY 2017		001-0000-204.31-00	AETNA HEALTH INS PREMIUMS MAY 2017	74,219.31
159290	5/4/2017	AGBARA, EILEEN	000085121		001-0000-218.22-22	UB CR REFUND-FINALS 000006044	165.53
159291	5/4/2017	AGCAOILI & PAUL C	000089253		001-0000-218.22-22	UB CR REFUND-FINALS 000010616	25.02
159292	5/4/2017	AGUIRRE & DANIEL	000093217	028427	001-0000-218.22-22	UB CR REFUND-FINALS 000003350	40.08
159293	5/4/2017	AH ILLUSIONS INC	050617-500	028397	001-5400-446.41-86	MAGIC SHOW FOR VOLUNTEER	550.00
159294	5/4/2017	AIRWAVE COMMUNICATIONS ENTERPRISES	4275	028397	001-2200-421.30-08	PD MOBILE SVC CONTRACT APRIL 2017	1,225.78
			4280	028397	001-2200-421.30-08	PD MOBILE EQUIP SVC CONTR MAY 2017	1,225.78
159295	5/4/2017	ALESHIRE & WYNDER, LLP	39833		700-5300-480.33-04	LEGAL SERVICES NOV 2016 SERVICES THROUGH 10/31/16	153.73
			39834		700-5300-480.33-04	LEGAL SERVICES NOV 2016 SERVICES THROUGH 10/31/16	5,482.36
			39835		700-5300-480.33-04	LEGAL SERVICES NOV 2016 SERVICES THROUGH 10/31/16	6,291.70
			39837		700-5300-480.33-04	LEGAL SERVICES NOV 2016 SERVICES THROUGH 10/31/16	39.00
			39838		700-5300-480.33-04	LEGAL SERVICES NOV 2016 SERVICES THROUGH 10/31/16	470.74
			41613		700-5300-480.33-04	LEGAL SERVICES APRIL 2017 SERVICES THROUGH 03/31/17	546.00
			41614		700-5300-480.33-04	LEGAL SERVICES APRIL 2017 SERVICES THROUGH 03/31/17	1,380.82
			41615		700-5300-480.33-04	LEGAL SERVICES APRIL 2017 SERVICES THROUGH 03/31/17	1,774.50
159296	5/4/2017	ALL AMERICAN TOWING	04122017		001-2200-421.33-11	INV # 38377 MOVING EVIDNC TO NEW HANGAR @ AIRPORT	55.00
						INV # 38378 MOVING EVIDNC TO NEW HANGAR @ AIRPORT	55.00
						INV # 38450 MOVING EVIDNC TO NEW HANGAR @ AIRPORT	55.00
						INV # 38451 MOVING EVIDNC TO NEW HANGAR @ AIRPORT	55.00
						INV # 38490 MOVING EVIDNC TO NEW HANGAR @ AIRPORT	55.00
						INV # 38491 MOVING EVIDNC TO NEW HANGAR @ AIRPORT	55.00
						INV # 38492 MOVING EVIDNC TO NEW HANGAR @ AIRPORT	55.00
159297	5/4/2017	ALTEC INDUSTRIES, INC.	50098305	027911	702-3800-480.30-05	#340 O-RING HYDRAULIC PUM	2,518.65
			50099748	027911	702-3800-480.30-05	#623 PM INSPECTION 1 YR	1,143.49
159298	5/4/2017	ARIAS, JOE	MEAL 04/13/17		670-7000-473.25-06	PULL IN NEW CABLE @ 200 BLOCK W LINCOLN ST	32.00
159299	5/4/2017	AT&T GLOBAL CUSTOMER CARE CENTER	0602157223		370-2200-421.26-05	SRVC DTS: 04/19 - 05/18	374.44
159300	5/4/2017	AT&T MOBILITY	992351038XAPR17		001-2200-421.26-05	MAR 12, 2017 - APR 11, 2017	1,089.21
159301	5/4/2017	BABCOCK LABORATORIES, INC	BD70682-0030	028135	660-6300-471.23-32	GEN PHYSICAL ANALYSIS	54.00
			BD70801-0030	028135	660-6300-471.23-32	COLIFORMS, HEX CHROMIUM	55.00
159302	5/4/2017	BANNING BEAUMONT STUDENT OF MONTHC/	DINNER 5/03/17		001-1000-411.23-05	1ST ANNUAL SCHOLARSHIP DINNER-BANNING/BEAUMONT	20.00
159303	5/4/2017	BANNING UNIFIED SCHOOL DIST.	WELCH 5/16/17		001-1000-411.23-05	STAFF RECOGNITION DINNER MAY 16, 2017	30.00
159304	5/4/2017	BARTON, JUDITH MARGARET	APRIL 2017		001-4000-461.23-15	YOGA CLASS INSTRUCTOR APRIL 2017	70.00
159305	5/4/2017	BEAUMONT CHAMBER OF COMMERCE	GMBB04212017		001-1000-411.23-05	WELCH - BREAKFAST MTG 04/21/2017	15.00
159306	5/4/2017	BEAUMONT DO IT BEST HOME CENTER	438962	027915	702-3800-480.38-52	ROLL PIN/DUAL PLUG	26.59
159307	5/4/2017	BENDER, BEVERLY	OCT 16 - MAR 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE OCT 2016- MAR 2017	74.32
159308	5/4/2017	BILLHIMER, MARJORIE	OCT 16 - MAR 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE OCT 2016- MAR 2017	134.29
159309	5/4/2017	BIO-TOX LABORATORIES	33850	028084	001-2200-421.33-31	BLOOD ANALYSIS 11550	1,093.00
			33851	028084	001-2200-421.33-31	BLOOD ANALYSIS 23152	590.50
			33963	028084	001-2200-421.33-31	BLOOD ANALYSIS 23152	42.50
159310	5/4/2017	CA DEPT OF VETERAN AFFAIRS	000093721		001-0000-218.22-22	UB CR REFUND-FINALS 000011418	59.82
159311	5/4/2017	CA. ST. DEPT OF TRANSPORTATION	SL170732		100-4900-431.26-02	JANUARY 2017 - MARCH 2017 SIGNALS & UIGHTS	1,286.98
159312	5/4/2017	CASSADAS, EDWARD & MARGARITA	000072085		001-0000-218.22-22	UB CR REFUND-FINALS 000002148	106.09



**City of Banning**  
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Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Payment Amount
159313	5/4/2017	CHEVRON AND TEXACO BUSINESS	50176490		702-3800-480.36-11	04/22 REF# 653168 FLEET # 873992	18.81
159314	5/4/2017	CLA-VAL	717013	028303	660-6300-471.45-08	SUN LAKES FILL VALVE	1,738.38
159315	5/4/2017	COE, DAVID P	000082681		001-00000-218.22-22	UB CR REFUND-FINALS 000013308	55.37
159316	5/4/2017	COLLINS, ELIZABETH	SEP 16 - FEB 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE SEP 2016- FEB 2017	69.09
159317	5/4/2017	COOK, SHARON	SEP 16 - FEB 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE SEP 2016- FEB 2017	162.22
159318	5/4/2017	COOLEY, DONNA L	000074751		001-00000-218.22-22	UB CR REFUND-FINALS 000003410	102.76
159319	5/4/2017	CORTEZ-JASSO, VICTOR	MEAL 04/17/17		670-7000-473.25-06	PULL IN NEW CABLE @ 200 W LINCOLN ST	32.00
159320	5/4/2017	CUMMINS CAL PACIFIC LLC	005-63544	027922	702-3800-480.38-52	#223 WATER PUMP	149.47
159321	5/4/2017	DAVIS, JOSEPH	OCT 16 - MAR 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE OCT 2016- MAR 17	132.32
159322	5/4/2017	DENG, ZIQI	000094053	027999	001-00000-218.22-22	UB CR REFUND-FINALS 000002948	85.88
159323	5/4/2017	DEX MEDIA	610032303148	028027	001-2200-421.23-01	PD WEB ADVERTISING	40.43
159324	5/4/2017	DIAMOND HILLS CHEVROLET BUICK GMC	620545		702-3800-480.38-52	#47 SWITCH	21.74
159325	5/4/2017	DIAZ, ALEJANDRO	REINIB-072		001-2200-421.36-00	PANERA BREAD- MNGMNT RETREAT MEETING	13.99
						STARBUCKS - MNGMNT RETRT MEETING	15.95
						WINCO - ARRCOPS MTNG 3/22	39.90
159326	5/4/2017	DIRECTV	31126187333	028000	001-2300-424.36-00	ANIMAL ACTON LEAGUE LUNCH MEETING 04/03/2017	29.15
159327	5/4/2017	ELIZONDO, MARIO	MEAL 04/13/17		001-2200-421.26-09	PD DIRECT TV	23.25
159328	5/4/2017	ESPINOZA, LYNETTE M	APRIL 2017		670-7000-473.25-06	PULL IN NEW CABLE @ 200 BLOCK W LINCOLN ST	32.00
159329	5/4/2017	FEDEX	5-770-13150	027926	001-4000-461.23-15	BALLET CLASS INSTRUCTOR APRIL 2017	154.00
159330	5/4/2017	FELIX, ALBERTO	MEALS 5/08-11		001-3000-442.23-04	SHIPPING & HANDLING	28.72
159331	5/4/2017	FERGUSON, MARLENE	JUN 16 - NOV 16		001-2200-421.23-06	MOTOR VEHICLE INSPECTION MAY 8-11 @ FRANK BLAND TC	43.99
159332	5/4/2017	FLAMINGO'S EVENT PLANNER	FLAMINGOS # 2	028424	675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE JUN 2016- NOV 16	152.62
			FLAMINGOS #1	028401	001-5400-446.41-86	HELIUM FILLED BALLONS	75.42
159333	5/4/2017	FLEET SERVICES INC	5271150022	028036	001-5400-446.41-86	WHITE FOLDING CHAIRS & TA	412.00
159334	5/4/2017	FLEMING, DIONA	MILEAGE 04/21		702-3800-480.38-52	#221 ABA KIT	327.96
159335	5/4/2017	FRANKLIN, DEBBIE	737785		610-5800-434.25-05	DOT PHYSICAL - FOX OCCUPT	28.36
					001-0000-201.10-00	SALES TAX	(2.58)
159336	5/4/2017	FRONTIER COMMUNICATIONS	2131817186APR17		001-5400-446.41-60	RAFFLE PRIZES - 2017 EXPO	554.92
159337	5/4/2017	FULTZ, MARVIN LEIGH	9518491575MAR17		703-3700-480.30-17	SRVC: 04/19/17-05/18/17	301.22
159338	5/4/2017	GAS COMPANY, THE	9518498256APR17		001-2200-421.26-05	SRVC: 03/13/17 - 04/12/17	115.05
159339	5/4/2017	HARPER, KRIS	000069133		001-2200-421.26-05	SRVC: 04/16/17-05/15/17	927.96
159340	5/4/2017	HARTNELL, BRYAN C	07702683751AP17		001-0000-218.22-22	UB CR REFUND-FINALS 000002292	44.12
159341	5/4/2017	HINDERLITER DE LLAMAS & ASSOCIATES	MEAL 04/13/17	027530	001-2200-421.26-06	125 E RAMSEY ST - PD MAR 16,2017 - APR 14,2017	54.69
159342	5/4/2017	HOHENSEE &, ANGAELEENA	000091491		670-7000-473.25-06	PULL IN NEW CABLE @ 200 BLOCK W LINCOLN ST	32.00
159343	5/4/2017	HOLDER, PHILLIP	0026956-IN		001-0000-218.22-22	UB CR REFUND-FINALS 000009462	193.22
			83143		001-1210-412.33-11	ED SERVICES	800.00
159344	5/4/2017	INFOSEND, INC	83157		001-0000-218.22-22	UB CR REFUND-FINALS 000053170	98.99
			119611		001-0000-218.22-22	FUEL REIMB FOR UNIT #32 BRINING BACK FROM SHOP	13.00
					001-2200-421.36-00	FUEL REIMB FOR UNIT #04 BRINING BACK FROM SHOP	13.00
					001-2200-421.36-00	BILLING SRVCS 4/10-14	66.12
					761-3100-480.23-04	BILLING SRVCS 4/10-14	624.61
					761-3100-480.23-04	BILLING SRVCS 4/10-14	122.47
					761-3100-480.23-02	BILLING SRVCS 4/17-4/21	106.25
					761-3100-480.23-04	BILLING SRVCS 4/17-4/21	900.86
					761-3100-480.23-11	BILLING SRVCS 4/17-4/21	183.17
					761-3100-480.33-11	BILLING SRVCS 4/17-4/21	174.57
					148-2216-421.90-52	SALES TAX ON INV 1821	50.00
159345	5/4/2017	INNOVATIVE EMERGENCY EQUIPMENT	1821TAX		001-2200-421.23-03	2017 IAPE MEMBERSHIP ALISON CUNNING 2017 MBS	100.00
159346	5/4/2017	INTERNATIONAL ASSOC FOR PROPERTY	M17-36465		001-1400-412.23-03	SONJA DE LA FUENTE RENEWAL	38.25
159347	5/4/2017	INTERNATIONAL INSTITUTE OF	30789		001-0000-218.22-22	UB CR REFUND-FINALS 000019346	42.00
159348	5/4/2017	JACKSON, MARKUITA R	000091329		001-4000-461.23-15	REFEREE OF 4 GAMES APRIL 2017	1,453.00
159349	5/4/2017	JANUARY, JEREL	APRIL 2017		001-5400-446.41-86	DINNER FOR VOLUNTEER RECOGNITION	39,899.70
159350	5/4/2017	JOHNNY RUSSO'S ITALIAN KITCHEN	RUSSO-001		001-0000-204.31-00	KAISER PREMIUMS MAY 2017 GROUP 101565-0002	10,445.62
159351	5/4/2017	KAISER FOUNDATION HEALTH	MAY 2017			KAISER PREMIUMS MAY 2017 GROUP 101565-0006	



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Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Payment Amount
159352	5/4/2017	KESTER, ELIZABETH	6818085		001-2200-421.36-00	FUEL REIMBURSEMENT UNIT39	20.00
159353	5/4/2017	LAM, ANGIE	MEALS 5/16-17		001-2200-421.23-06	CLEAR NIBBS TRAINING MAY 16-17, 2017 CARLSBAD	80.00
159354	5/4/2017	LEAF	7317775	028044	001-2200-421.32-06	PD COPIER LEASE	278.69
159355	5/4/2017	LIEBERS, LARRY	000018177		001-0000-218.22-22	UB CR REFUND-FINALS 000013268	98.52
159356	5/4/2017	LIEBERT CASSIDY WHITMORE	1437541		700-5040-480.33-11	LEGAL SERVICES - GENERAL RENDERED THROUGH 03/31/17	252.00
			1437543		700-5040-480.33-11	LEGAL SERVICES RENDERED THROUGH 03/31/17	4,534.00
159357	5/4/2017	LYNCH, MIKE	MEAL 04/20/17		660-6300-471.25-06	REPLACE SERVICE LINE 5057 RIVIERA	48.00
159358	5/4/2017	MACDONALD, DOUGLAS	SEP 16 - FEB 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE SEP 2016- FEB 17	86.39
159359	5/4/2017	MADEWELL &, NICOLE M	000090869		001-0000-218.22-22	UB CR REFUND-FINALS 000014140	77.32
159360	5/4/2017	MARINA LANDSCAPE, INC	5288044		660-6300-471.45-07	LANDSCAPE MAINTENANCE	1,315.00
159361	5/4/2017	MARQUEZ, MARIA ARCELIA	000091941	028137	001-0000-218.22-22	UB CR REFUND-FINALS 000009506	79.15
159362	5/4/2017	MARTINEZ, MATTHEW	MEAL 04/13/17		670-7000-473.25-06	PULL IN NEW CABLE @ 300 BLOCK W LINCOLN ST	32.00
			MEAL 04/14/17		670-7000-473.25-06	OUTAGE -SERRANO DEL VISTA	16.00
159363	5/4/2017	MASTEN, STAR	OCT 16 - MAR 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE OCT 2016- MAR 2017	84.96
159364	5/4/2017	MCCLUNE, DEVIN	MEAL 04/13/17		670-7000-473.25-06	PULL IN NEW CABLE @ 320 W LINCOLN	32.00
159365	5/4/2017	MCLAUGHLIN, CARNELLE	SEP 16 - FEB 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE SEP 2016- FEB 17	162.22
159366	5/4/2017	MILLER, NINA	OCT 16 - MAR 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE OCT 2016- MAR 17	144.32
159367	5/4/2017	MOLEDOR, JEROME	MEAL 04/17/17		680-8000-454.25-06	SEWER OVERFLOW 3800 W WILSON ST	16.00
159368	5/4/2017	MORENO, ANGELA	MAY 16 - OCT 16		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE MAY 2016- OCT 2016	65.34
159369	5/4/2017	MOTTE, FRANKLIN & EMIMA	000064987		001-0000-218.22-22	UB CR REFUND-FINALS 000006912	73.78
159370	5/4/2017	MURPHY, PEGGY ANNE	000071585		001-0000-218.22-22	UB CR REFUND-FINALS 000007756	124.06
159371	5/4/2017	NAASZ, CALEB	MEAL 04/20/17		660-6300-471.25-06	SERVICE LEAK @ 5057 RIVIERA	48.00
159372	5/4/2017	NEES, WENDI	MEALS 5/16-18		001-2210-421.23-06	PUBLIC SAFETY DISPATCH TRAINING MEALS	36.00
159373	5/4/2017	NET TRANSCRIPTS, INC	0012364-IN		001-2200-421.33-11	CASES 17-01 & 16-04	202.75
159374	5/4/2017	NUTEK ENTERPRISES, INC	000092309		001-0000-218.22-22	UB CR REFUND-FINALS 000008204	89.61
						UB CR REFUND-FINALS 000008226	68.02
159375	5/4/2017	O'REILLY AUTO PARTS	2678-453234	028031	702-3800-480.38-52	PINION SEAL & WHL SEAL CR ORGNL INV 453076	(23.37)
			2678-453941	028031	702-3800-480.38-52	#316 OIL FILTER	2.92
			2678-454259	028031	702-3800-480.38-52	#828 POWER STEERING PUMP	131.50
			2678-454260	028031	702-3800-480.38-52	#605 FUEL PUMP/FILTER	120.39
			2678-454476	028031	702-3800-480.38-52	#47 AIR/OIL FILTER	15.20
			2678-454527	028031	702-3800-480.38-52	#608 STARTER	49.25
			2678-454611	028031	702-3800-480.38-52	#17 WINDOW REGULATOR	97.30
			2678-454612	028031	702-3800-480.38-52	#14 OIL/AIR FILTER	16.90
			2678-454715	028031	702-3800-480.38-52	#765 QUILL COMBO	14.15
			2678-454942	028031	702-3800-480.38-52	#828 PRESSURE LINE ASSEMB	31.18
			2678-454990	028031	702-3800-480.38-52	BRAKE CLEANER	25.73
			2678-454993	028031	702-3800-480.38-52	OIL/AIR FILTER	23.82
			2678-455030	028031	702-3800-480.38-52	MPP 731-2162 ORGNL INV # 454259	(43.10)
			2678-455037	028031	702-3800-480.38-52	#828 PWR STG HOSE	13.30
			2678-455119	028031	702-3800-480.38-52	#240 WIPER BLADES	58.42
			2678-455161	028031	702-3800-480.38-52	#47 BP CAPSULE	30.70
			2678-455201	028031	702-3800-480.38-52	MOTOR TREATMENT	69.76
			2678-455215	028031	702-3800-480.38-52	MINI BULB	5.36
			2678-455234	028031	702-3800-480.38-52	MINI BULB / FUEL FILTER CREDIT ORG INV # 454260	(11.82)
			2678-455475	028031	702-3800-480.38-52	#19 O-RINGS	16.51
			2678-456156	028031	702-3800-480.38-52	OIL FILTERS	25.21
159376	5/4/2017	OFFICE DEPOT	916716036001	027936	001-1200-412.36-00	TONER, DUSTER,TAPE,BINDER	24.08
					703-3700-480.36-00	TONER, DUSTER,TAPE,BINDER	94.81
			917258973001	027936	001-4500-412.36-00	CITY HALL MICROWAVE	161.61
			917258984001	027936	001-4500-412.36-00	CUPS/NAPKIN/PLATE/WATER	27.34
			409094 /4	027987	001-2200-421.36-04	E.CAMPA SAFETY VEST	818.89
159377	5/4/2017	P&P UNIFORMS	000091539		001-0000-218.22-22	UB CR REFUND-FINALS 000055484	52.50
159378	5/4/2017	PACIFICORE CONSTRUCTION INC	042517	028102	702-3800-480.30-06	CITY YARD UST INPSECTION	125.00
159379	5/4/2017	PACKHAM & TOOMEY, INC					



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Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Payment Amount
159380	5/4/2017	PANORAMA US HOUSING 1 L P	000032143		001-0000-218.22-22	UB CR REFUND-FINALS 000053684	165.53
159381	5/4/2017	PARRA, ELIZABETH	000093433		001-0000-218.22-22	UB CR REFUND-FINALS 000002920	25.55
159382	5/4/2017	PEREZ, MIKE	OCT 16 - MAR 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE OCT 2016- MAR 17	136.51
159383	5/4/2017	PICABEA, JUAN	MEAL 04/13/17		670-7000-473.25-06	PULL IN NEW CABLE @ 200 BLOCK W LINCOLN ST	32.00
159384	5/4/2017	PRESS-ENTERPRISE, THE	0010920673		001-2740-442.23-01	IFB #17-012 WEED ABATEMENT	243.60
159385	5/4/2017	PRUDENTIAL OVERALL SUPPLY	22408362	027959	702-3800-480.23-16	FLEET UNIFORMS/TOWELS	11.68
			22411691	027959	702-3800-480.23-16	FLEET UNIFORMS/TOWELS	23.50
			22414996	027959	702-3800-480.23-16	FLEET UNIFORMS/TOWELS	11.68
				027959	702-3800-480.25-02	FLEET UNIFORMS/TOWELS	23.50
				027959	702-3800-480.25-02	FLEET UNIFORMS/TOWELS	11.68
159386	5/4/2017	QWIKY TR	22415000	027959	761-3110-480.25-02	FSR UNIFORMS	26.23
159387	5/4/2017	RACEWAY FORD INC	000094107		001-0000-218.22-22	UB CR REFUND-FINALS 000018572	520.94
			3667253	027942	702-3800-480.38-52	#839 TUBE ASSEMBLY	433.80
			3667275	027942	702-3800-480.38-52	#605 HOSE CONN/VENT	168.98
			3667276	027942	702-3800-480.38-52	#201 MANIFOLD/VALVE	241.19
			3667307	027942	702-3800-480.38-52	#231 HEATER KNOB	11.81
159388	5/4/2017	RAUM, WILLIAM	3667482-01	027942	702-3800-480.38-52	BUCKLE ASSEMBLY	127.13
159389	5/4/2017	RDO EQUIPMENT COMPANY	MAY 16 - OCT 16		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE MAY 2016- OCT 2016	213.91
			P07968	027944	702-3800-480.38-52	CUTTER TOOTH	624.95
			P42490	027944	702-3800-480.38-52	#766 SEAT	1,240.58
			P42491	027944	702-3800-480.38-52	#766 MOWER BLADE	24.37
159390	5/4/2017	RECORD GAZETTE, THE	W3710A		702-3800-480.30-05	VACTOR SWEEPER DIAG CREDIT ORG INV W37108	(115.00)
159391	5/4/2017	RIV. CO. COMMUNITY HEALTH AGENCY	401059-2017		001-1200-412.23-03	CITY MANAGER SUBSCRIPTION RENEWAL	39.95
159392	5/4/2017	ROCHA, LETICIA	IN0285314		680-8000-454.41-04	2242 E CHARLES ST WASTEWATER TREATMENT FAC	1,543.00
			MAR 16 - AUG 16		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE MAR 2016- AUG 2016	126.59
			SEP 16 - FEB 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE SEP 2016- FEB 17	138.47
159393	5/4/2017	SAN BERNARDINO CO SHERIFF'S DEPT	RVG-16-030		001-2200-421.23-06	2ND TRIMESTR USE OF FORCE	2,310.00
159394	5/4/2017	SAN BERNARDINO COUNTY SHERIFF'S	TUITION 5/8-11		001-2200-421.23-06	A. FELIX TUITION MOTOR VEHICLE INSPECTION	100.00
159395	5/4/2017	SCUDIERI, LUCIANO	EYEWEAR REIMB		660-6300-471.25-10	EYEWEAR REIMBURSEMENT 17	120.00
159396	5/4/2017	SERRANO, CINDY	MEAL 05/08/2017		001-2210-421.23-06	CRITICAL INCIDENTS ADVANC TRAINING MEALS MAY 8,2017	12.00
159397	5/4/2017	SHOVE, TED	MILEAGE 4/25		001-1210-412.23-05	CORONA - EDUCATIONAL NETWORKING	32.64
159398	5/4/2017	SHRED-IT USA, LLC	8122151213	028162	001-2200-421.23-07	PD SHRED SVC- 4/5/17	97.20
159399	5/4/2017	SMITH, JASON	MEAL 04/13/17		670-7000-473.25-06	PULL IN NEW CABLE @ 300 BLOCK W LINCOLN ST	32.00
			MEAL 04/14/17		670-7000-473.25-06	OUTAGE -SERRANO DEL VISTA	16.00
159400	5/4/2017	SORIANO, RICHARD	MEAL 04/13/17		670-7000-473.25-06	PULL IN NEW CABLE @ 200 BLOCK W LINCOLN ST	32.00
159401	5/4/2017	SOTO, GABINO	APR 16 - SEP 16		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE APR 2016- SEP 2016	186.99
159402	5/4/2017	STANTEC CONSULTING SERVICES, INC	1179603	028270	856-9500-490.93-15	RAMSEY AND HATHAWAY IMP.	44,000.25
159403	5/4/2017	STATE WATER RESOURCES CONTROL	LW-1010290		680-8000-454.41-04	WATER SYSTEM FEES 07/01/2016 - 06/30/2017	31,314.00
159404	5/4/2017	STOEL RIVES, LLP	3962569	027990	663-6300-471.96-35	FLUME RESTORATION	6,851.88
			3962570	027990	663-6300-471.96-35	SGMA	1,548.00
159405	5/4/2017	STUART, DAMON	MEAL 04/13/17		670-7000-473.25-06	PULL IN NEW CABLE @ 300 BLOCK W LINCOLN ST	32.00
			MEAL 04/14/17		670-7000-473.25-06	OUTAGE -SERRANO DEL VISTA	16.00
159406	5/4/2017	SUEZ BANNING	MEAL 04/13/17		680-8000-454.23-38	MONTHLY O & M	55,047.00
159407	5/4/2017	SYNAGRO TECHNOLOGIES INC	201730491	028037	680-8000-454.23-38	SOIL REMOVAL	16,759.10
159408	5/4/2017	TIME WARNER CABLE	30-104409	028307	680-8000-454.23-36	APR 25,2017 - MAY 24,2017 ACCT #8448410810051007	69.33
			CITYHALL05/2017		001-2060-446.26-09	125 E RAMSEY ST- MAY 2017 ACCT # 8448410810014567	87.13
			PD 05/2017	028082	001-2200-421.26-09	APR 25,2017 - MAY 2017 ACCT # 8448410810014567	87.13
159409	5/4/2017	TK SERVICES, INC	W03716-20		702-3800-480.30-05	CASE THERMAL PAPER & 1PLY UB RECEIPT PAPER	438.86
159410	5/4/2017	TRANSACT TECHNOLOGIES	1279037		761-3100-480.36-00	PUMP EFFICIENCY TESTING	205.18
159411	5/4/2017	TRI COUNTY PUMP COMPANY	15771	027858	661-6300-471.95-08	PUMP EFFICIENCY TESTING - RETAINAGE	1,200.00
			15788	027858	661-6300-471.95-08	WELL M11 MOTOR REPAIRS	(60.00)
			15789	027858	661-6300-471.95-08	WELL M11 MOTOR REPAIRS -RETAINAGE	4,800.00
					661-6300-471.95-08	WELL M11 MOTOR REPAIRS	(240.00)
							8,026.86

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159411	4/28/17	TRI COUNTY PUMP COMPANY	15789	027858	661-0000-232.00-00	WELL M11 MOTOR REPAIRS - RETAINAGE	(401.34)
159412	5/4/2017	UNITED STATES POSTAL SERVICE	POSTAGE APR 17		001-4500-412.23-04	POSTAGE FOR METER	5,000.00
159413	5/4/2017	VALDEZ, JASON	MEAL 04/20/17		660-6300-471.25-06	EMERGENCY SERVICE LEAK @ 5057 RIVIERA	48.00
159414	5/4/2017	VARGAS, MARIA	MEAL 5/7-12		001-2200-421.23-06	POST RECORDS CLERK SAN DIEGO MAY 7-12	160.00
159415	5/4/2017	VEAS &, NICOLE L	000088681		001-0000-218.22-22	UB CR REFUND-FINALS 000018580	14.74
159416	5/4/2017	VEGA, CARLOS A	000092491		001-0000-218.22-22	UB CR REFUND-FINALS 000008050	34.51
159417	5/4/2017	VERSATILE INFORMATION PRODUCTS	4480		001-2200-421.30-06	SERVICE ON 2 PUUMA-4 S/N 100102389 & 100102445	161.26
159418	5/4/2017	WARE, KENNETH	MEAL 04/13/17		610-5800-434.25-06	EXPO CABAZON	16.00
159419	5/4/2017	WASTE MANAGEMENT OF THE	MEAL 04/17/17		610-5800-434.25-06	PART FOR MECHANIC IN FONTANA	16.00
159420	5/4/2017	WASTE MANAGEMENT OF THE	FEBRUARY 2017		690-9600-453.23-10	REFUSE FOR FEBRUARY 2017	224,631.48
159421	5/4/2017	WELLS FARGO CARD SERVICES INC	MARCH 2017		690-9600-453.23-10	REFUSE FOR MARCH 2017	272,182.47
159422	5/4/2017	WELLS FARGO CARD SERVICES INC	MC 1930 APR17		001-1000-411.36-07	HOBBY LOBBY - FRAME BILL DICKSON	8.61
159423	5/4/2017	WELLS FARGO CARD SERVICES INC	MR 3266 APR17		001-1000-411.36-07	FISHERMANS EXPRESS 4/11 CITY COUNCIL MEETING	54.44
159424	5/4/2017	WELLS FARGO CARD SERVICES INC	JM 6093 APR17		001-1300-412.23-01	RECORD GAZETTE HELP WANTED AD-REC LEADER	131.50
159425	5/4/2017	WELLS FARGO CARD SERVICES INC	FM 8976 APR17		001-3000-442.23-06	2017 GREENBOOK SEMINAR KEVIN SIN & LUIS CARDENAS	220.00
159426	5/4/2017	WELLS FARGO CARD SERVICES INC			001-0000-201.10-00	SALES TAX	(3.09)
159427	5/4/2017	WELLS FARGO CARD SERVICES INC			001-1200-412.23-05	BOYS & GIRLS CLUB HORSES & HATTITUDES	25.00
159428	5/4/2017	WELLS FARGO CARD SERVICES INC			001-2060-446.36-00	PONDS TRANS # 2721027 MUSIC - MEDIA TECH VIDEO	24.95
159429	5/4/2017	WELLS FARGO CARD SERVICES INC			703-3700-480.23-05	WESTGATE - P. STEPHENS NAB SHOW 4/23-26 DEPOSIT	202.95
159430	5/4/2017	WELLS FARGO CARD SERVICES INC			703-3700-480.89-48	AMAZON ORD # 4293837 WIRELESS KEYBOARD & MOUSE	42.97
159431	5/4/2017	WELLS FARGO CARD SERVICES INC			670-7000-473.23-05	HOTELS.COM - SANTA MONICA F MASON- 5TH CA ENERGY SM	530.22
159432	5/4/2017	WELLS FARGO CARD SERVICES INC				HOTELS.COM - SANTA MONICA F MASON- OVERCHARGE	(156.04)
159433	5/4/2017	WELLS FARGO CARD SERVICES INC				INFORMATION FORECAST F MASON- 5TH CA ENERGY SM	1,290.00
159434	5/4/2017	WELLS FARGO CARD SERVICES INC				SHERATON - CARLSBAD A ROCKWELL - AUDIT TRNING	423.30
159435	5/4/2017	WELLS FARGO CARD SERVICES INC				MIKE HOLT ENTERPRISES 2017 NEC REQUIREMENTS	49.00
159436	5/4/2017	WELLS FARGO CARD SERVICES INC				SALES TAX CERTIF-A-GIFT	(104.63)
159437	5/4/2017	WELLS FARGO CARD SERVICES INC				SALES TAX CONTRACTORS-TOOLS	(71.58)
159438	5/4/2017	WELLS FARGO CARD SERVICES INC				SALES TAX CERTIF-A-GIFT	(34.88)
159439	5/4/2017	WELLS FARGO CARD SERVICES INC				03/31/15 CERTIF-A-GIFT SILVER EMPLOYEE BOOK	496.80
159440	5/4/2017	WELLS FARGO CARD SERVICES INC				3/15/17 CERTIF-A-GIFT SILVER & GOLD EMPLOYEE GFT	1,467.83
159441	5/4/2017	WELLS FARGO CARD SERVICES INC				3/15/17 CAPPO - J MC COY CAPPO MEMBERSHIP	130.00
159442	5/4/2017	WELLS FARGO CARD SERVICES INC				CAPPO ETHICS & COMPLIANCE	39.00
159443	5/4/2017	WELLS FARGO CARD SERVICES INC				3/28/15 VIRGINIAMERICA PHIL HOLDER-FBI NAA CONF	416.38
159444	5/4/2017	WELLS FARGO CARD SERVICES INC				CONTRACTORS-TOOLS SPECTRA LASER & TRIPOD	269.38
159445	5/4/2017	WELLS FARGO CARD SERVICES INC				BONAIRE DURANGO CONTROL KNOB	60.95
159446	5/4/2017	WELLS FARGO CARD SERVICES INC				CONTRACTORS-TOOLS SPECTRA LASER & TRIPOD	107.75
159447	5/4/2017	WELLS FARGO CARD SERVICES INC				CONTRACTORS-TOOLS SPECTRA LASER & TRIPOD	323.25
159448	5/4/2017	WELLS FARGO CARD SERVICES INC				CONTRACTORS-TOOLS SPECTRA LASER & TRIPOD	294.70
159449	5/4/2017	WELLS FARGO CARD SERVICES INC				ENERGY ASSISTANCE PROGRAM REBATE OCT 2016- MAR 17	119.11
159450	5/4/2017	WELLS FARGO CARD SERVICES INC				ANNUAL NOTICE OF GROUNDWA	650.00
159451	5/4/2017	WELLS FARGO CARD SERVICES INC				SEWER OVERFLOW 3800 W WILSON ST	16.00
159452	5/4/2017	WELLS FARGO CARD SERVICES INC				DISASTER EXPO BANNER TO BE USED APRIL 29,2017	324.00
159453	5/4/2017	WELLS FARGO CARD SERVICES INC				UB CR REFUND-FINALS 000004454	99.40
159454	5/4/2017	WELLS FARGO CARD SERVICES INC				UB CR REFUND-FINALS 0000018184	220.56
159455	5/4/2017	WELLS FARGO CARD SERVICES INC				VENT TUBE ASSEMBLY	60.25
159456	5/4/2017	WELLS FARGO CARD SERVICES INC				DRIER 1/2 MIO W/SIGHT	51.40
159457	5/4/2017	WELLS FARGO CARD SERVICES INC				#623 PLATFORM LINER	5,432.66
159458	5/4/2017	WELLS FARGO CARD SERVICES INC				PAYROLL SUMMARY	1,060.00
159459	5/4/2017	WELLS FARGO CARD SERVICES INC				CLEANER, LUBE	282.65
159460	5/4/2017	WELLS FARGO CARD SERVICES INC				UB CR REFUND-FINALS 000055552	333.23
159461	5/4/2017	WELLS FARGO CARD SERVICES INC				A JETTON & S ROCK W/E 04/22/2017	2,336.24
159462	5/4/2017	WELLS FARGO CARD SERVICES INC				SEGOWIA BG	280.00
159463	5/4/2017	WELLS FARGO CARD SERVICES INC				PHYSICAL ANALYSIS	54.00
159464	5/4/2017	WELLS FARGO CARD SERVICES INC				COLIFORMS	165.00



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159438	4/28/16	BABCOCK LABORATORIES, INC	BD71978-0030	028135	660-6300-471.23-32	PHYSICAL ANALYSIS	36.00
			BD72109-0030	028135	660-6300-471.23-32	COLIFORMS	165.00
			BD72111-0030	028135	660-6300-471.23-32	COLIFORM,NITRITE,NITRATE	175.00
159439	5/11/2017	BABCOCK LABORATORIES, INC	MAY18-VALDEZ	027915	660-6300-471.23-06	J. VALDEZ - TUITION DRINKING WATER WORKSHOP	105.00
159440	5/11/2017	BEAUMONT DO IT BEST HOME CENTER	433807	027915	100-4900-431.36-00	TYVEK COVERALLS	9.69
			439207	027915	001-3600-461.30-01	2" BRADD PADLOCK	17.77
			439227	027915	100-4900-431.38-54	ROLLER/COVER	4.83
			439235	027915	660-6300-471.45-16	GALV STRAP	2.68
			439354	027915	001-4010-461.36-08	JANITORIAL SUPPLIES	115.14
			439369	027915	201-4060-461.36-00	JANITORIAL SUPPLIES	19.66
			439370	027915	001-3200-412.30-02	7" RIM BLADE	23.16
			439516	027915	001-3200-412.30-02	CARPET ADHESIVE	7.85
159441	5/11/2017	BENHAR, DIANA T	APRIL 2017	027915	001-3600-461.30-02	DYSART ANNOUNCERS BOOTH	319.43
					001-4000-461.23-15	HIP HOP CLASS INSTRUCTOR APRIL 2017	66.50
159442	5/11/2017	BREY, GERALD M	000051111		001-0000-218.22-22	ZUMBA CLASS INSTRUCTOR APRIL 2017	303.10
159443	5/11/2017	CA. ST. DEPT. OF MOTOR VEHICLES	3306893	028338	001-2200-421.36-00	UB CR REFUND-FINALS 000022624	130.91
159444	5/11/2017	CALDERON, SANDRA B	MEAL 05/03/17		001-2800-441.25-06	'17-VEHICLE CODE BKS(11)	187.66
			MILEAGE 5/03/17		001-2800-441.25-05	REGULAR PC MEETING	16.00
			MAY 2017		001-0000-204.80-13	DELIVERED PC AGENDA PACKS	10.70
159445	5/11/2017	CALIFORNIA LAW ENFORCE ASSN	216703	028403	702-3800-480.89-56	POLICE LTD PREMIUMS MAY 2017	661.50
159446	5/11/2017	CALIFORNIA TOOL & WELDING SUPPLY	231471	028046	001-0000-454.90-78	WELDER/FLEET	5,467.35
159447	5/11/2017	CALIFORNIA, STATE OF	360123		661-6300-471.90-78	APR'17-DOJ LIVE SCAN	1,597.00
159448	5/11/2017	CALOLYMPIC GLOVE & SAFETY CO, INC	0157116	028259	660-6300-471.90-10	UNIVERSAL HAZMAT GLOVES PO NUM 028383	424.75
159449	5/11/2017	CAROLLO ENGINEERS	8602		681-8000-454.90-78	INTEGRATED MASTER PLAN	28,317.55
			8603		001-3200-412.30-02	INTEGRATED MASTER PLAN	25,140.68
159450	5/11/2017	CHRIS TAYLOR'S PLUMBING	MAY172017	028199	001-3200-412.30-02	PD DISPATCH RESTROOM	22,725.65
			MAY172017		001-3200-412.30-02	REPLIER SEWER BLOCKAGE	218.48
159451	5/11/2017	CORBS	81799987	028286	680-8000-454.23-06	J MOLEDROR - TCP TRAINING COLLECTIONS 05/17/2017	222.50
159452	5/11/2017	CORBS			680-8000-454.23-06	C THORNTON - TCP TRAINING COLLECTIONS 05/17/2017	35.00
159453	5/11/2017	CORELOGIC INFORMATION SOLUTIONS INC			001-3000-442.30-17	ENG. METROSCAN	33.34
					660-6300-471.30-17	ENG. METROSCAN	16.67
					680-8000-454.30-17	ENG. METROSCAN	16.67
159454	5/11/2017	COUNSELING TEAM INTERNATIONAL, THE	33858	028077	700-5040-480.23-07	APRIL EE SUPP SVCS	700.00
159455	5/11/2017	COUTS HEATING & COOLING, INC	SRVCE05972	028225	001-3200-412.30-21	PD/BELT REPLACEMENT	166.40
159456	5/11/2017	CREATIVE BUS SALES INC	5105925		702-3800-480.38-52	RUBBER ENGINE MOUNT REAR CREDIT	(238.04)
			5107953	027921	702-3800-480.38-52	TK DRIER	149.56
			5111000	027921	702-3800-480.38-52	SENSOR ABS REAR	269.27
159457	5/11/2017	CUSTOM TROPHIES & U-NEEK AWARDS	5111328	027921	702-3800-480.38-52	CIRCUIT BOARD/CONNECTOR	241.46
			017008	028421	001-4000-461.36-09	SOCCER MEDALS	339.41
			017083		001-5400-446.41-60	S ROSEWOOD/MAPLE BOXED PEN SETS	145.46
159458	5/11/2017	CYBERTEK	4928	028432	703-3700-480.30-17	SSL CERTIFICATE	734.00
159459	5/11/2017	DE LA FUENTE, SONJA	MEAL 04/25/17		001-1200-412.25-06	DISASTER SURVIVAL EXPO	16.00
159460	5/11/2017	DESMANN PROMOTIONAL PRODUCTS	12349		001-5400-446.41-60	EXPO COMMITTEE SHIRTS	212.83
159461	5/11/2017	FLAMINGO'S EVENT PLANNER	EHC100-797403	028433	001-5400-446.41-60	15 FOLDING TABLES	282.00
						HELIUM BALLOONS	135.77
159462	5/11/2017	FLETCHER, TERRI	APR 16 - SEP 16		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE APR 2016 -SEP 2016	161.67
159463	5/11/2017	FRANKLIN, DEBBIE	COSTCO		001-5400-446.41-60	SNACKS FOR EXPO SPEAKERS	15.99
			DOLLAR TREE		001-5400-446.41-60	SUPPLIES & SNACKS - EXPO VOLUNTEERS & SPEAKERS	23.47
			SMART&FINAL		001-5400-446.41-60	DRINKS FOR EXPO VOLUNTEER & SPEAKERS	36.72
						SNACKS FOR EXPO VOLUNTEER & SPEAKERS	25.88
						GIFT CARDS FOR EXPO SPEAKERS	100.00
159464	5/11/2017	FRED PRYOR SEMINARS	STARBUCKS	028332	001-5400-446.41-60	C YODER 04/03/17 DEALING WITH DIFF PEOPLE	99.00
159465	5/11/2017	FRED PRYOR SEMINARS	21822865	028332	610-5800-434.23-06	B GRIGGS 04/03/2017 DEALING W/DIFFCLT PEOPLE	99.00
			21822866		610-5800-434.23-06		



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159466	5/11/2017	FRONTIER COMMUNICATIONS	2090560495MAY17		001-4500-412.26-05	APR 28, 2017 - MAY 27, 2017	918.20
			9518493260MAY17		001-4500-412.26-05	APR 28, 2017 - MAY 27, 2017	242.87
159467	5/11/2017	GAMETIME	PJI-0058931	028402	001-3600-461.30-01	PLAYGROUND REPAIR PARTS	65.84
159468	5/11/2017	GARDA CL WEST INC	10298574	028310	761-3100-480.23-43	ARMORED SERVICE MAY 2017	568.77
159469	5/11/2017	GAS COMPANY, THE	13392459007AP17		600-5100-435.26-06	408 S HATHAWAY ST GAS BILL	14.30
159470	5/11/2017	GOVERNMENT STAFFING SERVICES, INC	127064		001-1900-412.23-27	BRIONES, R W/E 2/19/17 CUST # 344	6,226.25
			127091		001-1900-412.23-27	BRIONES, R W/E 3/5/17 CUST # 344	5,652.50
			127121		001-1900-412.23-27	BRIONES, R W/E 3/19/17 CUST # 344	5,206.25
			127154		001-1900-412.23-27	BRIONES, R W/E 4/02/17 CUST # 344	4,887.50
			127188		001-1900-412.23-27	BRIONES, R W/E 4/21/17 CUST # 344	3,761.25
			127220		001-1900-412.23-27	BRIONES, R W/E 4/30/17 CUST # 344	5,163.75
159471	5/11/2017	GRAINGER	9399283010	027928	670-7000-473.45-16	TEST LEAD KIT	170.67
			9415089268	027928	670-7000-473.45-16	NYLON FISH LINE	96.50
159472	5/11/2017	GREEN, NATASHA	005407407		001-0000-204.16-00	RETURN REFUND PERS 457	39.29
159473	5/11/2017	HARDER, TERRY	AUG 16 - JAN 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE AUG 2016 - JAN 2017	90.47
159474	5/11/2017	I.B.E.W. LOCAL 47 (PAC)	APRIL 2017		001-0000-204.80-01	PAC DUES FOR APRIL 2017	64.00
159475	5/11/2017	IBEW LOCAL 47 RETIREE MEDICAL TRUST	20170512		001-0000-204.80-10	PAYROLL SUMMARY	2,103.70
159476	5/11/2017	ICMA RETIREMENT TRUST 457	20170512		001-0000-204.16-00	PAYROLL SUMMARY	1,752.41
159477	5/11/2017	INFOSEND, INC	118601		001-1200-412.23-02	WINTER NEWSLETTER	3,084.00
			292680		001-1200-412.23-04	WINTER NEWSLETTER	4,110.01
159478	5/11/2017	INLAND WATER WORKS SUPPLY CO.	292680		660-0000-131.00-00	REDUCER PO NUM 028414	238.77
159479	5/11/2017	LEIDOS ENGINEERING, LLC	292681	027350	660-0000-131.00-00	METER GASKET PO NUM 028408	59.26
			INV-0004186473		674-7000-473.96-32	ENG SERVICES	32,798.63
159480	5/11/2017	LEXISNEXIS RISK SOLUTIONS	160860120170430	028074	674-7000-473.96-33	ENG SERVICES	11,320.36
159481	5/11/2017	M BRYE ELECTRIC, INC	2617	027969	001-2200-421.41-20	APR'17 LEXIS NEXIS 2 USER	191.34
			2824	027969	001-3200-412.30-02	PD EXTERIOR PHOTO CELL	109.00
			000080825		001-3200-412.30-02	CH REPLACE OUTLET	115.20
159482	5/11/2017	MAGNUM ENTERPRISES, INC	305798	028200	001-0000-218.22-22	UB CR REFUND-FINALS 000055538	15.36
159483	5/11/2017	MITSUBISHI ELECTRIC & ELECTRONICS	MAY2017	028066	001-3200-412.30-02	PD ELEVATOR MAINT	292.00
159484	5/11/2017	MST BACKFLOW	000043115		660-6300-471.45-08	TEST & CERTIFY BACKFLOWS	630.00
159485	5/11/2017	MULLER, FRANCES ANN & ROBERT	20170512		001-0000-218.22-22	UB CR REFUND-FINALS 000023930	106.82
159486	5/11/2017	NATIONWIDE RETIREMENT SOLUTIONS	000089433		001-0000-204.16-00	PAYROLL SUMMARY	2,523.45
159487	5/11/2017	O'CONNOR, CAREN J	2678-456366	028031	001-0000-218.22-22	UB CR REFUND-FINALS 000021692	54.25
159488	5/11/2017	O'REILLY AUTO PARTS	2678-456366	028031	702-3800-480.38-52	OILFILTER	2.92
			2678-456421	028031	702-3800-480.38-52	OIL/FUEL FILTER	9.64
			2678-456527	028031	702-3800-480.38-52	OIL FILTER	2.36
			2678-456604	028031	702-3800-480.38-52	U1L BATTERY	40.27
			2678-456613	028031	702-3800-480.38-52	A/C DYE OIL	29.08
			2678-456626	028031	702-3800-480.38-52	A/C VALVE CORE	85.23
			2678-456640	028031	702-3800-480.38-52	CASE FUSE	10.11
			2678-456683	028031	702-3800-480.38-52	BATTERY CREDIT ORNGL INV 456527	(10.00)
			2678-456719	028031	702-3800-480.38-52	OIL FILTER	2.36
			2678-457338	028031	702-3800-480.38-52	#830 WHEEL SEAL/BRAKES	96.24
			2678-457375	028031	702-3800-480.38-52	#17 AT FILTER KIT	13.02
			2678-457412	028031	702-3800-480.38-52	#19 WHEEL BEARINGS	115.27
			918578812001	027936	702-3800-480.38-52	#341 WIX 58180	47.65
159489	5/11/2017	OFFICE DEPOT	918578812002		660-6300-471.36-00	FUEL FILTER/HOSE	4.77
			918863209001	027936	670-7000-473.36-00	CLEAR TABS, SUGAR, COFF F	94.11
			920001825001	027936	670-7000-473.36-00	CLEAR TABS, SUGAR, COFF F	188.22
					001-3000-442.36-00	WHITE BOARD	53.86
					001-3200-412.36-00	TRAYS/MARKER/STAPLER	39.87
					001-1200-412.36-00	TRAYS/MARKER/STAPLER	41.68
					001-4500-412.36-00	LEGAL PAD	6.25
						COFFEE CREAMER WATER LIDS	180.92

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159489	4/28/66	OFFICE DEPOT	921513443001	027936	001-1000-411.36-00	EASEL MARKERS/WATER	53.86
			921739865001	027936	001-3000-442.36-00	PRINTER INK CARTRIDGES	49.66
					001-3200-412.36-00	PRINTER INK CARTRIDGES	49.66
					001-3600-461.36-00	PRINTER INK CARTRIDGES	49.66
159490	5/11/2017	ONE SOURCE DISTRIBUTORS			100-4900-431.36-00	PRINTER INK CARTRIDGES	49.66
					702-3800-480.36-00	PRINTER INK CARTRIDGES	49.68
			S5485044.001		670-0000-131.00-00	LOAD BREAK ELBOW PO NUM 028411	1,761.71
			S5485044.002		670-0000-131.00-00	WIRE PO NUM 028411	393.50
159491	5/11/2017	PARS	20170512		001-0000-204.25-00	PAYROLL SUMMARY	341.33
159492	5/11/2017	PAYPRO ADMINISTRATORS	42116	028177	001-1300-412.33-11	APRIL COBRA ADMIN	154.00
159493	5/11/2017	PIPE AND PLANT SOLUTIONS, INC	16464-2	028281	680-8000-454.95-12	2016-03WW DIGESTER CLEAN	71,315.00
159494	5/11/2017	PRE-PAID LEGAL SERVICES, INC			680-0000-232.00-00	2016-03WW DIGESTER CLEAN - RETAINAGE	(3,565.75)
159495	5/11/2017	PRESS-ENTERPRISE, THE	APRIL 2017		001-0000-204.80-07	PREPAID LEGAL PREMIUMS APRIL 2017	311.90
159496	5/11/2017	PRUDENTIAL OVERALL SUPPLY	0010932062	027940	660-6300-471.23-01	AD - SAFETY MEETING BID	218.40
			0010932072	027940	001-2200-471.23-01	RFP 17-017	231.00
			21025207		355-9500-490.90-30	PROJECT 2016-04	390.60
			22398322	027959	001-3200-412.25-02	CREDIT BUILDING DEPT PETROL BLUE WORK SHIRT	(9.68)
159497	5/11/2017		22408365	027959	001-3200-412.25-02	BLDG. UNIFORMS	11.54
			22414982	027959	001-3200-412.25-02	BLDG. UNIFORMS	11.10
			22414983	027959	660-6300-471.25-02	UNIFORMS-WATER	50.00
			22414997	027959	680-8000-454.25-02	UNIFORMS - WASTEWATER	50.00
			22414998	027959	100-4900-431.25-02	STREET UNIFORMS	15.20
			22414999	027959	001-3600-461.25-02	PARKS UNIFORMS	6.65
			22415001	027959	001-3200-412.25-02	BLDG. MNT UNIFORMS	1.86
			22418267	027959	670-7000-473.25-02	EL UNIFORMS	157.19
			22418268	027959	660-6300-471.25-02	UNIFORMS-WATER	50.00
			22418269	027959	680-8000-454.25-02	UNIFORMS - WASTEWATER	15.00
					001-4000-461.23-16	UNIFORM SERVICE	6.50
					610-5800-434.23-16	UNIFORM SERVICE	16.75
					610-5800-434.25-02	UNIFORM SERVICE	49.68
					610-5850-434.25-02	UNIFORM SERVICE	6.64
					702-3800-480.23-16	FLEET UNIFORMS/TOWELS	11.68
					702-3800-480.25-02	FLEET UNIFORMS/TOWELS	23.50
159498	5/11/2017	RACEWAY FORD INC	22418281	027959	100-4900-431.25-02	STREET UNIFORMS	15.20
			22418282	027959	001-3200-412.25-02	PARK/BLDG UNIFORMS	3.00
			22418283	027959	001-3600-461.25-02	PARK/BLDG UNIFORMS	6.65
					001-3200-412.25-02	BLDG. UNIFORMS	1.86
159499	5/11/2017	RDO EQUIPMENT COMPANY	22418284	027959	761-3110-480.25-02	FSR UNIFORMS	26.23
			22418285	027959	670-7000-473.25-02	EL UNIFORMS	157.19
			22418286	027959	702-3800-480.38-52	CONNECTOR	24.58
			3668029	027942	702-3800-480.38-52	#609 ORING/KNOB/PIN	137.06
159500	5/11/2017	RIV. CO. CLERK RECORDER	P43404	027944	702-3800-480.30-05	VACTOR SWEEPER DIAG	115.00
			W37108	027944	001-2740-442.23-07	REAL ESTATE FRAUD TRUST 116 E BARBOUR ST	90.00
			APN 541-300-009			RELEASE PEND/LIEN BY GOV 116 E BARBOUR ST	117.00
			APN 541-2711-023			REAL ESTATE FRAUD TRUST 523 S FLORIDA ST	10.00
159501	5/11/2017	RIV. CO. CLERK RECORDER	APN 540-270-037		001-2740-442.23-07	RELEASE PEND/LIEN BY GOV 523 S FLORIDA ST	13.00
159502	5/11/2017	RIV. CO. CLERK RECORDER	APN 541-210-003		001-2740-442.23-07	RELEASE PEND/LIEN BY GOV 1596 W BARBOUR ST	70.00
159503	5/11/2017	RIV. CO. CLERK RECORDER	APN 535-291-003		001-2740-442.23-07	RELEASE PEND/LIEN BY GOV 1596 W BARBOUR ST	91.00
159504	5/11/2017	RIV. CO. CLERK RECORDER	APN 540-033-022		001-2740-442.23-07	RELEASE PEND/LIEN BY GOV 1300 E RAMSEY ST	20.00
						RELEASE PEND/LIEN BY GOV 871 PASEO DEL SOL	39.00
150						RELEASE PEND/LIEN BY GOV 741 BENNETT PL	10.00
						RELEASE PEND/LIEN BY GOV 741 BENNETT PL	13.00



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159505	5/11/2017	RIV. CO. DEPT OF ENVIRONMENTAL	2017 QTR 1		100-4900-431.23-24	VECTOR CONTROL 02/22/17 FAIR OAKS & HATHAWAY MOSQ	90.00
159506	5/11/2017	RIV. CO. SHERIFF'S DEPT.	BCTC0004206		001-2200-421.23-06	P KELLY TUITION FIELD TRAINING OFFC UPDAT	117.00
159507	5/11/2017	RIV. CO. SHERIFF'S DEPT.	BCTC0004205		001-2200-421.23-06	M NOLAN - TUITION FIELD TRAINING OFFC UPDAT	117.00
159508	5/11/2017	RIVERSIDE CONSTRUCTION COMPANY	000086151		001-0000-218.22-22	UB CR REFUND-FINALS 000054586	303.87
159509	5/11/2017	ROBERTSON'S	972706	027948	660-6300-471.45-17	RCB-RCY CON BASE	408.22
159510	5/11/2017	ROCKWELL, AMBER	TUITION REIMB		001-1300-412.25-09	2017 TUITION REIMBURSEMENT	4,000.00
159511	5/11/2017	ROJAS, MINERVA	000094449		001-0000-218.22-22	UB CR REFUND-FINALS 000043988	168.18
159512	5/11/2017	SAN BERNARDINO PUBLIC EMPLOYEES	APRIL 2017	027951	001-0000-204.51-00	SBPEA DUES FOR APRIL 2017	787.22
159513	5/11/2017	SAN GORGONIO PASS DESIGN AND PRINT	9594	027648	001-2200-421.23-02	CORP KELLY BUS CARDS	25.92
159514	5/11/2017	SCCI, INC DBA	142363	028207	660-6300-471.33-11	SAFETY MEETING 4/13	250.00
159515	5/11/2017	SIEMENS INDUSTRY, INC	5610063880	028207	100-4900-431.30-09	TRAFFIC SIGNAL MAINT	630.00
			5620016715	028207	100-4900-431.30-09	TRAFFIC SIGNAL REPAIRS	500.86
159516	5/11/2017	SITEONE LANDSCAPE SUPPLY	80306130	028147	001-3600-461.30-16	12 RAINBIRD/LEVEL	578.23
159517	5/11/2017	SMITH, LOIS E	APRIL 2017		001-4000-461.23-15	GUITAR CLASS INSTRUCTOR APRIL 2017	7.00
159518	5/11/2017	SOUTH COAST AIR QUALITY	3098158		680-8000-454.41-04	AQMD FEE JUL '16- JUN '17 2242 E CHARLES ST AB2588	125.47
			3098304		702-3800-480.41-04	AQMD FEE JUL '16- JUN '17 176 E LINCOLN ST AB2588	125.47
			3098841		660-6300-471.41-04	AQMD FEE JUL '16- JUN '17 4781 W RAMSEY ST AB2588	125.47
159519	5/11/2017	SOUTH COAST AIR QUALITY	3100897		660-6300-471.41-04	AQMD FEE JUL '16- JUN '17 3750 W WESTWARD AVE	125.47
159520	5/11/2017	SOUTH COAST AIR QUALITY	3062353		001-2200-421.41-04	I C E EM ELEC GEN DIESEL 125 E RAMSEY ST (>500 HP)	354.86
159521	5/11/2017	SOUTHERN CALIFORNIA GAS CO	3064936		001-2200-421.41-04	AQMD JULY 2016-JUNE 2017 125 E RAMSEY ST	130.57
159522	5/11/2017	SPOK, INC	09242310481AP17		702-3800-480.36-61	FLEET NATURAL GAS FUEL 04/01/2017 - 05/01/2017	5,661.82
			A0185223Q		100-4900-431.23-22	SVC : 05/01/17 - 05/31/17 CITY PAGERS	12.59
					660-6300-471.23-22	SVC : 05/01/17 - 05/31/17 CITY PAGERS	15.10
					670-7000-473.23-22	SVC : 05/01/17 - 05/31/17 CITY PAGERS	0.81
159523	5/11/2017	STACY BAVOL - NOTARY	300A	027952	702-3800-480.23-22	SVC : 05/01/17 - 05/31/17 CITY PAGERS	12.59
			301A	027952	001-2740-442.33-11	NOTARY-NUISANCE ABATEMENT	120.00
			302A	027952	001-2740-442.33-11	NOTARY-NUISANCE ABATEMENT	150.00
			303A	027952	001-2740-442.33-11	NOTARY-NUISANCE ABATEMENT	30.00
			304A	027952	001-2740-442.33-11	NOTARY-PENDENCY RELEASE	75.00
			14912LYNCH		660-6300-471.41-04	NOTARY-PENDENCY RELEASE	105.00
159524	5/11/2017	STATE WATER RESOURCES CONTROL	TUITION BAL		001-1300-412.25-09	M LYNCH WATER TREATMNT CERT RENEWAL GRADE T2	60.00
159525	5/11/2017	STEPHENS, MANDEEP	TUITION BAL		001-1300-412.25-09	REMAINING BAL OF TUITION REIMBURSEMENT 2017	466.00
159526	5/11/2017	STEPHENS, PATRICK	TUITION BAL		001-0000-218.22-22	2017 TUITION BALANCE	520.00
159527	5/11/2017	STONE, JEFF A	000082581		001-5400-446.41-60	UB CR REFUND-FINALS 000003552	87.48
159528	5/11/2017	SUPER SUBS +	05012017		001-0000-204.16-00	EXPO VOLUNTEERS FOOD	207.35
159529	5/11/2017	TAYLOR, BERNARD	005407041	028186	001-0000-442.33-53	RETURN REFUND PERS 457 LOAN PAYMENT	72.64
159530	5/11/2017	TKE ENGINEERING, INC	2017-214		100-4900-431.30-13	ALTA SURVEY	1,730.00
159531	5/11/2017	UNDERGROUND SERVICE ALERT	420170038		660-6300-471.45-08	DIG ALERTS MAY 2017	21.00
					670-7000-473.45-02	DIG ALERTS MAY 2017	21.00
					001-0000-204.60-00	PAYROLL SUMMARY	107.00
159532	5/11/2017	UNITED WAY OF THE INLAND VALLEY	20170512		670-7000-473.23-17	TREE TRIM SVCS WE 4/22/17	4,400.00
159533	5/11/2017	UTILITY TREE SERVICE	6309017	028387	670-7000-473.23-17	TREE TRIM SVCS WE 4/29/17	4,400.00
			63059917	028387	670-7000-473.23-17	ACCT # 972157141-00001 MAR 24, 2017- APR 23, 2017	14.04
159534	5/11/2017	VERIZON WIRELESS	9784582721		670-7000-473.26-05	ACCT # 271004536-00001 MAR 27, 2017- APR 26, 2017	13.23
			9784675969		670-7000-473.26-05	ACCT # 371004536-00001 MAR 27, 2017- APR 26, 2017	12.70
			9784683704		001-2740-442.26-05	ACCT # 571004536-00002 MAR 27, 2017- APR 26, 2017	76.02
			9784698905		670-7000-473.26-05	ACCT # 771004535-00001 MAR 27, 2017- APR 26, 2017	265.92
			9784714835		670-7000-473.26-05	ACCT # 871004535-00001 MAR 27, 2017- APR 26, 2017	13.74
			9784722551		001-2060-446.30-06	MICA EXTENDED WARRANTY	4,560.00
159535	5/11/2017	VMI, INC.	238934	028419	660-6300-471.45-17	COLD MIX	1,511.61
159536	5/11/2017	VULCAN MATERIALS	71424307	027960	855-9500-490.90-30	RW PARK DESIGN	4,196.00
159537	5/11/2017	V2C GROUP, INC	15009-15	027433	670-0000-131.00-00	HPS C710112PB 100A CUTOUT PO NUM 028218	4,670.18
159538	5/11/2017	WESCO DISTRIBUTION, INC	049381		670-0000-131.00-00	INSULATOR PINS PO NUM 028253	2,518.74
			119126				



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159538	4/28/17	WESCO DISTRIBUTION, INC	159437		670-0000-131.00-00	FREIGHT CHARGED IN ERROR	(165.48)
			162044		670-0000-131.00-00	PWERSOLV PO NUM 028372	188.52
			167742		670-0000-131.00-00	FREIGHT CHARGED IN ERROR	(304.28)
159539	5/11/2017	YOUNGBLOOD & ASSOCIATES	2583A	028178	001-1300-412.33-11	SAYESKI POLYGRAPH	200.00
159540	5/18/2017	AIRGAS WEST	9942605894	027907	660-6300-471.36-08	ACETYLENE,OXY,ARGON,NITRO	488.47
			9943332144	027907	660-6300-471.36-08	ACETYLENE,OXY,ARGON,NITRO	465.96
			9944059513	027907	660-6300-471.36-08	ACETYLENE,OXY,ARGON,NITRO	514.47
159541	5/18/2017	ALLIANT INSURANCE SERVICES, INC	618080		700-5040-480.29-06	EARTHQUAKE INSURANCE PREM EFF FY 2017-2018	74,202.34
159542	5/18/2017	AMERICAN FORENSIC NURSES	69273	027996	001-2200-421.33-31	JUN'17 NURSE STANDBY FEE	800.00
			69275	027996	001-2200-421.33-31	BLOOD DRAWS	250.00
			69325	027996	001-2200-421.33-31	23152 BLOOD DRAWS (2)	150.00
159543	5/18/2017	ARROW STAFFING SERVICE	00089605		001-1900-412.23-27	A JETTON & S ROCK W/E 04/29/2017	2,227.78
			100005		001-1900-412.23-27	A JETTON & S ROCK W/E 05/06/2017	2,394.63
159544	5/18/2017	ARROYO BACKGROUND INVESTIGATIONS	1254	028176	001-1300-412.33-11	MORENO BACKGROUND	420.00
159545	5/18/2017	AT&T CALNET 2	000009625137		001-2200-421.26-05	CALNET3 - AT&T LONG DISTC SERVICE : 04/01 - 04/30	392.36
159546	5/18/2017	AUTOMATED GATE SERVICES, INC.	116799	028249	001-3200-412.30-01	LINCOLN MAIN GATE	385.00
159547	5/18/2017	BABCOCK LABORATORIES, INC	BD70329-0030	028135	680-8000-454.23-32	DISSOLVED SOLIDS	20.00
			BD70330-0030	028135	680-8000-454.23-32	TOTAL COLIFORM	45.00
			BD70608-0030	028135	680-8000-454.23-32	DISSOLVED SOLIDS	20.00
			BD71309-0030	028135	680-8000-454.23-32	DISSOLVED SOLIDS	20.00
			BD71789-0030	028135	680-8000-454.23-32	DISSOLVED SOLIDS	20.00
159548	5/18/2017	BANNING POLICE OFFICERS ASSOC	APRIL 2017		001-0000-204.50-00	POLICE OFF ASSOC DUES APRIL 2017	2,500.00
159549	5/18/2017	BATTERY SYSTEMS, INC	3928339	027914	001-3600-461.36-00	BLACK NITRILE GLOVES	53.88
					100-4900-431.36-00	BLACK NITRILE GLOVES	53.87
					702-3800-480.36-00	BLACK NITRILE GLOVES	107.75
					702-3800-480.38-52	58-85 BATTERIES	211.04
159550	5/18/2017	BEAUMONT CHAMBER OF COMMERCE	3965817	027914	001-1000-411.23-05	WELCH - BREAKFAST MTG 05/12/2017	20.00
159551	5/18/2017	BEAUMONT DO IT BEST HOME CENTER	GMB805122017		001-2400-422.36-00	HOSE, NOZZLE, SCRUBBER	24.09
			437703	027915	001-2200-421.36-62	EVID/KEY-FLASHLIGHT-TIE	30.09
			439314	027915	600-5100-435.30-01	PADLOCK/KEY	20.56
			439409	027915	001-3600-461.30-02	LIONS PARK DOOR	258.60
			439560	027915	100-4900-431.30-15	CEMET/BONDING GLUE	13.98
			439604	027915	001-3600-461.36-00	WORK GLOVES	43.09
			439634	027915	100-4900-431.36-00	WORK GLOVES	43.09
159552	5/18/2017	BEAUMONT SAFE & LOCK	439722	027915	001-4000-461.36-03	JANITORIAL SUPPLIES	132.62
			67431	027917	001-4000-461.36-00	KEYS CCTR/TRANSIT	5.83
					610-5800-434.36-00	KEYS CCTR/TRANSIT	5.83
			67646	027917	001-4010-461.30-02	LOCKSMIT SVCS	64.00
					201-4060-446.36-65	LOCKSMIT SVCS	45.00
159553	5/18/2017	BEAUMONT, CITY OF	2017-26		610-5800-351.35-80	BUS TICKET RECONCILIATION APRIL 2017	197.65
159554	5/18/2017	BLAKELEY, CATHERINE	000078827		001-0000-218.22-22	UB CR REFUND-FINALS 000015086	128.03
159555	5/18/2017	BRANDON MYERS HUNTER SERVICE	1282099	028438	702-3800-480.30-06	TIRE BALANCER REPAIR	412.90
159556	5/18/2017	BREY, GERALD M	000051111		001-0000-218.22-22	UB CR REFUND-FINALS 000023138	135.27
159557	5/18/2017	CALIFORNIA ASSOCIATION OF CODE	300004482		001-2740-442.23-03	D SHUBIN - ANNUAL DUE 1 YEAR	85.00
159558	5/18/2017	CALIFORNIA ASSOCIATION OF CODE	300003791		001-2740-442.23-03	A CHACON - ANNUAL DUES	85.00
159559	5/18/2017	CALIFORNIA, STATE OF	232796	028047	001-1300-412.33-11	APRIL LIVE SCAN CHRGS	128.00
159560	5/18/2017	CASTILLO, GUILLERMO	000083427		001-0000-218.22-22	UB CR REFUND-FINALS 000008694	78.92
159561	5/18/2017	COGBILL, IRENE JANE	APRIL 2017		001-4000-461.23-15	TOT-TIME CLASS INSTRUCTOR APRIL 2017	336.00
159562	5/18/2017	CORELOGIC INFORMATION SOLUTIONS INC	81751401	028081	001-2700-442.23-33	NOV. 2017 METROSCAN SRVCS	100.00
					001-2740-442.23-33	NOV. 2017 METROSCAN SRVCS	50.00
					001-2400-422.30-17	METROSCAN-DEC	33.34
			81758310	028080	001-2400-422.30-17	METROSCAN-MARCH	33.34
			81785835	028080	001-2700-442.23-33	APR. 2017 METROSCAN SRVCS	100.00
			81800030	028081	001-2740-442.23-33	APR. 2017 METROSCAN SRVCS	50.00



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159562	5/18/2017	CORELOGIC INFORMATION SOLUTIONS INC	81901667	028080	001-2400-422.30-17	METROSCAN-APRIL	33.34
159563	5/18/2017	COUTS HEATING & COOLING, INC	SRVCE06001	028225	001-3200-412.30-21	PD HVAC	786.63
			SRVCE06007	028225	001-3200-412.30-21	PD BOILER	300.00
159564	5/18/2017	CV STRATEGIES	3918	028330	001-1200-412.33-11	COMMUNICATIONS SERVICES	3,432.50
			4037	028330	001-1200-412.33-11	COMMUNICATIONS SERVICES	524.25
159565	5/18/2017	DEPOTO, ANGELA M	000094435	028418	001-0000-218.22-22	UB CR REFUND-FINALS 000015026	80.33
159566	5/18/2017	DIAMOND ENVIRONMENTAL SERVICES	0001039707		001-3600-461.32-05	RWP ADA RESTROOM	201.99
159567	5/18/2017	DOLLAR TREE STORES	BINGO 05/11/17		201-4060-446.36-65	SENIOR CENTER - BINGO SUP	180.00
159568	5/18/2017	DOUBLE TREE DEL MAR	82010649		001-2200-421.23-06	B SMITH, 06/25-30 POST ICI CORE COURSE	704.35
159569	5/18/2017	FALCON, ESTHER	SEP 16 - FEB 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE SEP 2016- FEB 2017	132.57
159570	5/18/2017	FEDEX	5-792-28976	027926	001-2200-421.23-04	POST-AUER/DUESENBERY	13.92
159571	5/18/2017	FERRELLGAS	1096298264	027925	660-6300-471.36-08	PROPANE	634.45
159572	5/18/2017	FLEET SERVICES INC	5271070053	028036	702-3800-480.38-52	GASKETS	61.56
			5271070059	028036	702-3800-480.38-52	IMP SOCKET	26.46
			5271080004	028036	702-3800-480.38-52	ARMOUR GUARD	11.13
159573	5/18/2017	FOX OCCUPATIONAL MEDICAL CENTER	22683-81707	027927	001-1300-412.33-32	APRIL EXAMS	188.00
159574	5/18/2017	FRONTIER COMMUNICATIONS	2091885918APR17		001-2200-421.26-05	SRVCE 04/28/17-05/27/17 INV DATE 04/28/2017	45.70
					001-4500-412.26-05	SRVCE 04/28/17-05/27/17 INV DATE 04/28/2017	1,023.51
					660-6300-471.26-05	SRVCE 04/28/17-05/27/17 INV DATE 04/28/2017	480.99
					670-7000-473.26-05	SRVCE 04/28/17-05/27/17 INV DATE 04/28/2017	216.51
					702-3800-480.26-05	SRVCE 04/28/17-05/27/17 INV DATE 04/28/2017	54.12
					001-2200-421.26-05	SRVCE 05/07/17-06/06/17	312.89
					001-4500-412.26-05	SRVCE 05/04/17-06/03/17	60.57
					001-2200-421.26-05	SRVCE 05/01/17-05/31/17 PD ELEVATOR LINE	101.66
					001-4500-412.26-05	SRVCE 05/10/17-06/09/17	110.21
					001-4500-412.26-05	SRVCE 05/04/17-06/03/17	110.21
					001-4500-412.26-05	SRVCE 05/01/17-05/31/17	306.11
159575	5/18/2017	GAS COMPANY, THE	05602632006AP17		001-2400-422.26-06	173 N MURRAY ST MAR 16,2017 - APR 14,2017	59.38
159576	5/18/2017	GEORGE, MECHELLE R	000092041	028439	001-0000-218.22-22	UB CR REFUND-FINALS 000015906	75.19
159577	5/18/2017	GOVERNMENTJOBS.COM, INC	INV20629		001-1300-412.23-01	JOB POSTING SUBSCRIPTION	1,250.00
159578	5/18/2017	GREEN, NATASHA	MEAL 04/29/17		610-5800-434.25-06	SHIFT COVERAGE	16.00
159579	5/18/2017	HD SUPPLY WATERWORKS, LTD	H026616		660-0000-131.00-00	POLY COAT COPPER TUBING PO NUM 028396	5,311.35
159580	5/18/2017	HERNANDEZ, VICKIE MARIE	9104162		001-2200-421.36-00	FUEL TO BRING UNIT BACK TRAINING IN BAKERSFIELD	35.41
159581	5/18/2017	HILTON DEL MAR	3337524088		001-2200-421.23-06	BRANDON SMITH, 06/18-23 POST ICI CORE COURSE	779.35
159582	5/18/2017	HOLDER, PHILLIP	TRAVEL 4/2017		001-2200-421.23-06	BODY CAMERA & OTHER RECD SCOTTSDALE, AZ/MEALS & HT	396.20
159583	5/18/2017	HOME DEPOT #8987	1022130		660-6300-471.45-16	STAKES	15.04
					670-7000-473.45-16	BOX 2-GANG 3 HOLE GANG 3 & 4 HOLE BOX	66.99
					660-6300-471.45-08	60LB QUIKRETE CONCRETE MX	130.94
					660-6300-471.45-16	26PC SAE & METRIC HEX SET	16.13
					670-7000-473.45-16	STEP-ON METAL ACCENT	21.52
					680-8000-454.45-16	PRO FLO ZINC FMLE HOSE	16.09
						TOMCAT MOUSE KLR REFILL	19.33
						WEDGE ANCHOR	43.66
159584	5/18/2017	I.B.E.W. LOCAL 47	6015077		670-7000-473.45-16	GEN/UTILITY UNION DUES APRIL 2017	7,651.72
159585	5/18/2017	INFOSEND, INC	APRIL 2017	028072	001-0000-204.53-00	BILLING SRVCS 4/24-4/28	216.39
			119984		761-3100-480.23-02	BILLING SRVCS 4/24-4/28	1,782.56
					761-3100-480.23-04	BILLING SRVCS 4/24-4/28	374.97
159586	5/18/2017	IRON MOUNTAIN INFORMATION MGMT, LLC	NUC0790	028160	761-3100-480.33-11	REGULAR STORAGE MAY 17	295.00
159587	5/18/2017	JENKINS & HOGIN, LLP	24527		001-4500-412.33-11	APRIL 2017 LEGAL SERVICES	2,740.00
					002-0000-222.30-33	APRIL 2017 LEGAL SERVICES	(2,740.00)
					002-2800-361.41-02	APRIL 2017 LEGAL SERVICES	2,740.00
					002-2800-441.33-04	APRIL 2017 LEGAL SERVICES	15,456.96
					700-5300-480.33-04	APRIL 2017 LEGAL SERVICES	
159588	5/18/2017	KELLY, PATRICK	MEALS 6/06-08		001-2200-421.23-06	FIELD TRAINING OFFICER UP JUNE 6,2017 - JUNE 8,2017	36.00
159589	5/18/2017	KRAWCZYK, CAROL	NOV 16 -APR 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE NOV 2016- APR 2017	121.65



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Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Payment Amount
159590	5/18/2017	KUSTOM SIGNALS, INC	539916	028441	001-2200-421.30-06	CAMERA REPAIR -PD VEHICLE	939.16
159591	5/18/2017	LANCE, SOIL & LUNGARD, LLP	06272017		001-1900-412.23-06	ACCTING & AUDITING UPDATE COOK / DATUIN / STAFFORD	285.00
159592	5/18/2017	LIEBERS, LARRY	FINAL BILL		001-0000-218.22-22	OVERPAYMENT ON FINALLED BILL ACCT 18177-13268	25.27
159593	5/18/2017	MCLAUGHLIN, CARNELLE	OCT 16 - MAR 17		670-7000-356.38-01	MEDICAL LIFELINE REBATE OCT 2016 - MAR 2017	81.49
					675-7020-356.38-15	PUBLIC BENEFIT CHARGE RBT OCT 2016 - MAR 2017	2.83
159594	5/18/2017	MEDINA, MOSES	MEAL 05/02/17		702-3800-480.25-06	REPLACE WHEEL CHAIR PIN	16.00
159595	5/18/2017	MILLER, JONI	REIMB		001-1300-412.41-15	BENEFITS FAIR REIMBURSEMENT REFRESHMENTS	24.56
						BENEFITS GIFT CARD FOR BENEFITS FAIR & WELLNESS	100.00
159596	5/18/2017	NAASZ, CALEB	MEAL 04/25/17		660-6300-471.25-06	LEAK INVESTIGATION @ 1214 N HARGRAVE	16.00
159597	5/18/2017	NAPA AUTO PARTS	005251		702-3800-480.38-52	ACCUMULATOR RETURN CR ORGNL INV # 3308	(53.34)
			005269		702-3800-480.38-52	ACCUMULATOR RETURN CR ORGNL INV # 5228	(83.16)
			007659		702-3800-480.38-52	RETURN ITEM CREDIT	(46.44)
			008963	028032	702-3800-480.38-52	SWITCH	16.15
			009417	028032	702-3800-480.38-52	OIL/AIR/FUEL FILTERS	171.18
159598	5/18/2017	NEOPOST USA INC.	SWINVA77074	028425	001-4500-412.36-00	MAILING SYSTEM SPLYS	314.93
159599	5/18/2017	NOLAN, MIKE	MEALS 6/06-08		001-2200-421.23-06	FIELD TRAINING OFFICER JUNE 6, 2017 - JUNE 8, 2017	36.00
159600	5/18/2017	NORMAN A TRAUB ASSOCIATES, INC	16161		001-1000-411.33-11	PROFESSIONAL SERVICES INV DATE 2/14/2017	4,448.50
159601	5/18/2017	O'REILLY AUTO PARTS	2678-457761	028031	702-3800-480.38-52	#828 HYDRO BOOST	221.66
159602	5/18/2017	OFFICE DEPOT	918577797001	027936	001-1900-412.36-00	COMPUTER MONITORS	376.81
			924547157001	027936	001-2200-421.36-00	PD-BATTERIES/PENS/MEMO BK	240.47
			926991654-001	027936	610-5800-434.36-00	TRANSIT SUPPLIES	394.90
			8615710		001-3000-442.23-04	ENGINEERING DEPT S&H	10.77
159603	5/18/2017	ON TRAC			660-6300-471.23-04	WATER DEPT S & H	3.59
159604	5/18/2017	P&P UNIFORMS	409104/4	027987	001-2210-421.36-04	RIGSBY-DISPATCH POLO NVY	126.95
159605	5/18/2017	PACIFIC ALARM SERVICE	P99522	028205	001-2200-421.23-19	SVC CALL-4/14 SMOKE DETEC	128.26
			P99531	028205	001-2200-421.23-19	SVC CALL3/27-BELL CIRCUIT	136.06
159606	5/18/2017	PARDUS, CATHY	SEP 16 - FEB 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE SEP 2016 -FEB 2017	162.22
159607	5/18/2017	PARTS AUTHORITY METRO, LLC	62-246103	028033	702-3800-480.38-52	#221 HI PWR V BELT	64.03
			62-281706	028033	702-3800-480.38-52	#19 RADIATOR	199.78
			62-736586		702-3800-480.38-52	EARNBACK CREDIT	(24.30)
			62-740763		702-3800-480.38-52	EARNBACK CREDIT APRIL '17	(24.74)
			91-008002		702-3800-480.38-52	CALIPER W/BRCKT CREDIT ORGNL INV 91-043495	(143.85)
			91-008798		702-3800-480.38-52	REMAN STARTER/FUEL O RING ORGNL INV 91-050062	(209.40)
			91-046698		702-3800-480.38-52	PWR STRNG/STOP LEAK	31.34
			91-046976		702-3800-480.38-52	COOL BOTTLE CAP	4.33
			91-047132		702-3800-480.38-52	CARB CLEANER	32.20
			91-047289		702-3800-480.38-52	BRAKE CLEANER	25.73
			91-047334		702-3800-480.38-52	#240 BRAKE PADS	67.48
			91-047362		702-3800-480.38-52	#222 HALOGEN BEAM	7.59
			91-048085		702-3800-480.38-52	MOTOR RESISTOR	16.42
			91-048179		702-3800-480.38-52	BRAKE PADS	46.47
			91-048180		702-3800-480.38-52	OIL FILTER	4.49
			91-048925		702-3800-480.38-52	PACK-FUSES	6.10
			91-049145		702-3800-480.38-52	#828 POWER STEERING	19.40
			91-049222		702-3800-480.38-52	TRANS/FUEL FLT BRK PADS	107.05
			91-049228		702-3800-480.38-52	OIL FILTER	3.25
			91-049674		702-3800-480.38-52	LED LIGHTS	6.47
			91-049740		702-3800-480.38-52	#828 POWER STEER HOSE	12.47
			91-049753		702-3800-480.38-52	#828 PWR STEERING HOSE	12.47
			91-049927		702-3800-480.38-52	LED LIGHT	1.73
			91-050062		702-3800-480.38-52	REMAN STARTER	203.48
			91-050118		702-3800-480.38-52	#19 INTAKE MANIFOLD	195.24
			91-050248		702-3800-480.38-52	#19 FUEL INJ. O-RING	8.89
			91-050666		702-3800-480.38-52	#241 BRAKE PADS	67.48



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159607	4/28/17	PARTS AUTHORITY METRO, LLC	91-051123	028033	702-3800-480.38-52	HI PWR V BELT	31.20
			91-051257	028033	702-3800-480.38-52	PLUG BUTTON ASSEMBLY	4.56
			91-051822	028033	702-3800-480.38-52	1 GAL GREEN CONC.	67.49
			94-049146	028033	702-3800-480.38-52	#241 BRAKE PADS	67.48
159608	5/18/2017	PRATT, EDWARD	SEP 16 - FEB 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE SEP 2016- FEB 2017	162.22
159609	5/18/2017	PRESS-ENTERPRISE, THE	0010931293	027940	001-1300-412.23-01	APRIL JOB ADS	375.92
			0010940880	027940	001-1300-412.23-01	APRIL JOB ADS	386.00
159610	5/18/2017	RDO EQUIPMENT COMPANY	P44094	027944	702-3800-480.38-52	CYLINDER	497.26
159611	5/18/2017	RECORD GAZETTE, THE	00141965	027945	001-1210-412.23-01	PHN SCIP RESO 2017-33	155.69
159612	5/18/2017	REDLANDS FORD	5128131	027946	702-3800-480.38-52	HEADLIGHT ADJ. SCREW	23.32
159613	5/18/2017	RESOURCE BUILDING MATERIALS	2155226	028423	100-4900-431.30-15	STACKED STONE	289.75
159614	5/18/2017	RIV. CO. CLERK RECORDER	APN 534-093-009		001-2740-442.23-07	REAL ESTATE FRAUD TRUST-1648 N FLORIDA ST RELEASE PEND/LIEN BY GOV 1648 N FLORIDA ST	30.00
159615	5/18/2017	RIVERSIDE, COUNTY OF	APRIL 2017		001-2200-321.18-06	PARKING CITATION ASSESSMN APRIL 2017	347.50
159616	5/18/2017	RUBIO, RAMON	NOV 16 - APR 17		670-7000-356.38-01	MEDICAL LIFE LINE REBATE NOV 2016 - APR 2017	35.70
					675-7020-356.38-15	PUBLIC BENEFIT CHARGE RBT NOV 2016 - APR 2017	1.34
159617	5/18/2017	RUELAS, ELIAS	OCT 16 - MAR 17		675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE OCT 2016- MAR 2017	141.67
159618	5/18/2017	SAN BERNARDINO COUNTY SUN	0010940371	027950	675-7020-473.42-36	ENERGY ASSISTANCE PROGRAM REBATE NOV 2016- APR 2017	130.17
159619	5/18/2017	SCI, INC DBA	142831	027648	001-1300-412.23-01	APRIL JOB ADS	569.00
			142832	027648	700-5020-480.41-14	SAFETY TRAINING	250.00
159620	5/18/2017	SHOVE, TED	TRAVEL 5/2017		700-5020-480.41-14	APRIL SAFETY MEETING	277.88
					001-1210-412.23-05	AIRFARE REIMBURSEMENT ECO DEVEPMNT COUNCL 5/4-5	27.00
						AIRPORT PARKING REIMB ECO DEVEPMNT COUNCL 5/4-5	146.42
						HOTEL REIMBURSEMENT ECO DEVEPMNT COUNCL 5/4-5	22.37
						MILEAGE REIMBURSEMENT	10.37
						RENTAL CAR FUEL REIMB	89.41
159621	5/18/2017	SILVER & WRIGHT, LLP	21732		700-5300-480.33-04	RENTAL CAR REIMBURSEMENT	6,403.27
159622	5/18/2017	SMART & FINAL	024370	027953	001-1000-411.36-07	MARCH 2017 LEGAL SERVICES	33.56
					001-4500-412.36-00	CITY COUNCIL SNACKS MEETING 05/09/2017	59.26
						BREAKROOM COFFEE & SUPP	243.31
159623	5/18/2017	SODHI, RISHI KUMAR	024622	027953	200-9100-446.42-71	FILL THE CUPBOARD SR CTR	34.23
159624	5/18/2017	SOUTH COAST AIR QUALITY	000076779		001-0000-218.22-22	UB CR REFUND-FINALS 000051178	125.47
159625	5/18/2017	SOUTH COAST AIR QUALITY	3104647		001-3200-412.41-04	FAC ID 167602-99 E RAMSEY AQMD FEE JULY 16 - JUN 17	125.47
159626	5/18/2017	SOUTH COAST AIR QUALITY	3104648		001-3200-412.41-04	FACID 167603-789 N SAN G AQMD FEE JULY 16 - JUN 17	125.47
159627	5/18/2017	TIME WARNER CABLE	3104649		001-3200-412.41-04	FACID 167606-5261 WILSON AQMD FEE JULY 16 - JUN 17	37.45
159628	5/18/2017	TORRES, IVANO	FS 89 MAY CABLE		001-2400-422.26-09	172 N MURRAY ST ACCT # 8448410810015614	32.30
159629	5/18/2017	TURBO DATA SYSTEMS INC	25997	028210	610-5800-434.25-05	DOT EXAM MILEAGE	342.98
159630	5/18/2017	UNITED ROTARY BRUSH CORPORATION	298519	028193	001-2200-421.23-45	APR17-CITE PROCESSING SVC	193.33
159631	5/18/2017	VERIZON SELECT SERVICES INC	31444APR17		100-4900-431.38-57	STREET SWEEPER BRUSHES	2.11
159632	5/18/2017	VERIZON WIRELESS	9784698904		001-4500-412.26-05	APR 1, 2017 - APR 30, 2017	152.04
159633	5/18/2017	VERIZON WIRELESS	9784955214		001-2200-421.26-05	ACCT # 570653806-00001 MAR 27, 2017 - APR 26, 2017	38.01
					001-1000-411.26-05	ACCT # 972006139-00001 APR 2, 2017 - MAY 1, 2017	38.01
					001-1200-412.26-05	ACCT # 972006139-00001 APR 2, 2017 - MAY 1, 2017	66.22
					001-1300-412.26-05	ACCT # 972006139-00001 APR 2, 2017 - MAY 1, 2017	1,472.38
					001-2200-421.26-05	ACCT # 972006139-00001 APR 2, 2017 - MAY 1, 2017	11.19
					001-2400-422.26-05	ACCT # 972006139-00001 APR 2, 2017 - MAY 1, 2017	38.01
					001-2740-442.26-05	ACCT # 972006139-00001 APR 2, 2017 - MAY 1, 2017	39.49
					001-3000-442.26-05	ACCT # 972006139-00001 APR 2, 2017 - MAY 1, 2017	136.46
					001-3200-412.26-05	ACCT # 972006139-00001 APR 2, 2017 - MAY 1, 2017	12.59
					001-4000-461.26-05	ACCT # 972006139-00001 APR 2, 2017 - MAY 1, 2017	49.53
					100-4900-431.26-05	ACCT # 972006139-00001 APR 2, 2017 - MAY 1, 2017	122.98
					203-2200-446.36-00	ACCT # 972006139-00001 APR 2, 2017 - MAY 1, 2017	11.19
					610-5800-434.26-05	ACCT # 972006139-00001 APR 2, 2017 - MAY 1, 2017	138.94



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Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Payment Amount
159663	4/28/17	CALIFORNIA, STATE OF	234882	027978	001-2200-421.33-31	MAR17-BLOOD ALCH ANALYSIS	70.00
159664	5/25/2017	CALIFORNIA, STATE OF	142832		001-2200-421.33-94	FINGERPRINT LEVEL II ACCESS TO CLETS SYSTEM	32.00
159665	5/25/2017	CANON FINANCIAL SERVICES, INC	17317064	028060	001-4000-461.32-06	COPIER LEASE MAY 2017	83.60
					001-4500-412.32-06	COPIER LEASE MAY 2017	478.96
					148-2215-421.32-06	COPIER LEASE MAY 2017	102.75
					610-5800-434.32-06	COPIER LEASE MAY 2017	83.61
					660-6300-471.32-06	COPIER LEASE MAY 2017	150.95
					670-7000-473.32-06	COPIER LEASE MAY 2017	179.98
					761-3100-480.32-06	COPIER LEASE MAY 2017	104.50
159666	5/25/2017	CAROLLO ENGINEERS	0157902	028259	661-6300-471.90-78	INTEGRATED MASTER PLAN	9,756.43
					662-6300-471.90-10	INTEGRATED MASTER PLAN	8,661.88
					681-8000-454.90-78	INTEGRATED MASTER PLAN	7,829.82
159667	5/25/2017	CDW GOVERNMENT, INC	HSC4661	027918	001-1000-411.36-00	KEYBOARD/FOLIO IPAD PRO	155.96
159668	5/25/2017	CHAPAROSA, LAURA	256534		001-4000-351.35-71	PARTIAL REFUND - BALLET CLASS NO LONGER OFFERED	5.00
159669	5/25/2017	CHRIS TAYLOR'S PLUMBING	8412	028199	001-3200-412.30-02	33 S SAN GORGONIO	4,050.00
159670	5/25/2017	COUNSELING TEAM INTERNATIONAL, THE	33978	028077	001-1300-412.33-32	SILVA PSYCH EXAM	275.00
159671	5/25/2017	CREASON & AARVIG, LLP	31784		700-5040-480.33-01	DEFENSE COSTS	3,097.00
159672	5/25/2017	CUMMINS CAL PACIFIC LLC	027-26755	027922	702-3800-480.30-17	INSITE LITE SOFTWARE	453.00
159673	5/25/2017	DIAMOND HILLS CHEVROLET BUICK GMC	621517	028027	702-3800-480.38-52	#48 SEAL	12.95
			621607	028027	702-3800-480.38-52	#305 RACK KIT	54.97
159674	5/25/2017	DICKINSON &, JOHN	000092539		001-0000-218.22-22	UB CR REFUND-FINALS 000052686	5.85
159675	5/25/2017	DIRECTV	31368375373	028000	001-2200-421.26-09	PD SATELLITE-CMD CENTER	23.25
159676	5/25/2017	DREAMGIG PRINTING INNOVATIONS, LLC	2326	028398	001-1000-411.36-00	SHIRTS FOR COUNCIL	200.72
					001-1200-412.36-00	SHIRTS FOR COUNCIL	82.82
159677	5/25/2017	EARTHLY, PATRICK	000075571	027926	001-0000-218.22-22	UB CR REFUND-FINALS 000021264	112.60
159678	5/25/2017	FEDEX	5-793-48602		670-7000-473.23-04	SHIPPING	33.26
159679	5/25/2017	FERGUSON, PRAET & SHERMAN	5-799-96417	027926	001-2200-421.23-04	23152 REIMB PACKET TO DA	15.55
159680	5/25/2017	FRONTIER COMMUNICATIONS	20999	028083	001-2200-421.33-11	PEOPLE V. ROWELL-SVCS	1,406.00
			9518491575MAY17		001-2200-421.26-05	SRVCE: 5/13/17 - 6/12/17	51.61
			9518494533MAY17		001-2200-421.26-05	SRVCE: 5/04/17 - 6/03/17	107.53
			9518497296MAY17		001-4500-412.26-05	PHNE SVC 05/16/17-6/15/17	107.53
			9518499205MAY17		001-4500-412.26-05	SRVCE: 5/13/17 - 6/12/17	(42.77)
159681	5/25/2017	FUN EXPRESS	683516991-01		001-0000-201.10-00	SALES TAX	594.55
159682	5/25/2017	GARDA CL WEST INC	20229784	028144	001-4020-461.36-09	DAY CAMP	31.85
159683	5/25/2017	GAS COMPANY, THE	1266249300IMV17	028310	761-3100-480.23-43	EXCESS ITEMS	44.84
			15684815176IMV17		001-2400-422.26-06	3900 W WILSON ST FD APR 7, 2017 - MAY 8, 2017	26.46
159684	5/25/2017	GLEBA, WILLIAM A & DOMINGO, DOROTHY	OVERPYMINT		001-0000-218.22-22	99 E RAMSEY ST APR 14, 2017 - MAY 15, 2017	8.51
159685	5/25/2017	H & L CHARTER CO, INC	14911	028399	201-4060-446.42-06	OVERPAYMENT ON FINAL ACCT MADE ON 05/15/2017	1,400.00
159686	5/25/2017	HEMET OIL COMPANY	200672		702-3800-480.36-11	CHARTER BUS SR CTR	18,260.85
			200673		702-3800-480.36-11	FLEET UNLEADED FUEL DELIVERED 04/18/2017	2,451.84
159687	5/25/2017	HOLT ARCHITECTS INC	H/A 17-04-015	028292	430-2900-441.33-11	FLEET DIESEL FUEL	3,843.10
					660-6300-471.90-78	FACILITIES ASSESSMENT	5,124.77
					673-7000-473.33-11	FACILITIES ASSESSMENT	7,686.20
					680-8000-454.90-78	FACILITIES ASSESSMENT	2,561.43
					001-0000-204.80-10	PAYROLL SUMMARY	2,095.41
					001-0000-204.16-00	PAYROLL SUMMARY	1,752.41
159688	5/25/2017	IBEW LOCAL 47 RETIREE MEDICAL TRUST	20170526	028430	148-2216-421.90-52	DRAWER BOX-UNIT # 30	608.75
159689	5/25/2017	ICMA RETIREMENT TRUST 457	20170526	028430	148-2216-421.90-52	DRAWER BOX-UNIT# 27	608.75
159690	5/25/2017	INNOVATIVE EMERGENCY EQUIPMENT	1927	028430	148-2216-421.90-52	DRAWER BOX-UNIT# 4	608.75
			1928	028430	148-2216-421.90-52	DRAWER BOX-UNIT # 03	608.75
			1929	028430	148-2216-421.90-52	DRAWER BOX-UNIT# 05	608.75
			1930	028430	148-2216-421.90-52	DRAWER BOX-UNIT# 50	608.75
			1931	028430	148-2216-421.90-52	DRAWER BOX-UNIT# 32	608.75
			1932	028430	148-2216-421.90-52		
			1933	028430	148-2216-421.90-52		

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159691	5/25/2017	IRON MOUNTAIN INFORMATION MGMT, LLC	201287162	028164	703-3700-480.33-11	MEDIA STORAGE	367.90
159692	5/25/2017	KAISER FOUNDATION HEALTH	JUNE 2017		001-0000-204.31-00	KAISER PREMIUMS GROUP 101565-0002 KAISER PREMIUMS GROUP 101565-0006	38,696.10 10,445.62
159693	5/25/2017	KRONICK MOSKOVITZ TIEDEMANN &	283725ADJ		002-0000-222.30-28 002-0000-222.30-33 002-2800-361.41-02 002-2800-441.33-04 002-2800-441.33-04 002-0000-222.30-33 002-0000-222.30-28 002-0000-222.30-33 002-2800-361.41-02 002-2800-441.33-04 002-2800-441.33-04 002-0000-222.30-33 001-2200-421.23-06 001-4000-461.32-06 001-4050-461.32-06 674-7000-473.33-11 674-7000-473.96-32 674-7000-473.96-33 001-5400-446.41-86 001-4000-461.23-02 610-5800-434.23-02 001-4000-461.23-02 610-5800-434.23-02 610-5800-434.23-02 001-2200-421.41-20 670-0000-131.00-00 15359-1 2229 20170526 2678-457427 2678-457521 2678-457763 2678-457898 2678-457904 2678-457906 2678-457907 2678-457908 2678-458017 2678-458514 2678-458563 2678-458565 2678-458576 2678-458629 2678-458647 2678-458713 2678-458715 2678-458716 2678-458877 2678-458933 916995811001 918580814001 923917716001 926450854001	ADJ INV 283725 ADJ INV 283725 ADJ INV 283725 ADJ INV 283725 SERVICES THROUGH 08/31/16 RANCHO SAN GORGONIO PLAN ADJ INV 284133 ADJ INV 284133 ADJ INV 284133 ADJ INV 284133 SERVICES THROUGH 09/30/16 RANCHO SAN GORGONIO PLAN NIBRS TRAINING 5/16-17 SHERATON HOTEL CARLSBAD MAY 2017 COPIER LEASE MAY 2017 COPIER LEASE ENG SERVICES ENG SERVICES ENG SERVICES VOLUNTEER DINNER 250 9X12 ENVELOPES 250 9X12 ENVELOPES 500 LETTERHEAD 500 LETTERHEAD GSR KITS ANALYZED CASE # 17-171 METERS PO NUM 028229 METERS PO NUM 028325 REIMBURSEMENT 2016 ELECTN CANDIDATE STATEMENT PAYROLL SUMMARY CREDIT MANIFOLD SET ORGNL INV 454047 #19 DRAIN PLUG #828 PWR STNG PUMP AMORAL PROTECT WIX FILTER 49088 CREDIT D WIX 49088 ORGNL INV 457904 #903 WIX FILTER 49088 ARMORAL PROTECT #337 BATTERIES HEAT SHRINKING TUBE HEAT SHRINKING TUBE CREDIT BWD HST26L ORGNL INV 458514 BATTERY CABLES #828 BRAKE ROTORS #828 WHEEL SEAL DRAG LINK/TIE ROD/SLEEVE CREDIT TIE ROD END/ADJ SL ORGNL INV 458713 DRAG LINK/TIE ROD/SLEEVE CREDIT HYDRO-BOOST ORGNL INV 454259 8812 WIPER SWITCH SHREDDER DUAL STAND FOR COMPUTER LAM, TRIMMER, PLANNER TONER/BLACK PENS TONER/BLACK PENS	9,817.50 9,817.50 9,817.50 9,817.50 4,708.75 4,682.50 4,682.50 4,682.50 4,682.50 13,603.26 379.30 166.84 166.85 2,656.76 3,024.57 3,024.57 174.02 37.60 37.59 43.10 43.10 583.00 85,034.58 1,118.88 225.00 2,648.45 (127.67) 5.38 176.55 19.38 60.20 (60.20) 53.88 10.76 550.71 51.72 88.41 (51.72) 13.99 255.52 20.47 196.37 (196.37) 179.23 (133.15) 40.26 175.08 166.87 596.19 22.69 102.64
159694	5/25/2017	LAM, ANGIE	284438		002-0000-222.30-33	SERVICES THROUGH 09/30/16 RANCHO SAN GORGONIO PLAN	
159695	5/25/2017	LEAF	194101 7369319	028103	001-2200-421.23-06 001-4000-461.32-06		
159696	5/25/2017	LEIDOS ENGINEERING, LLC	INV-0004196649	027350	001-4050-461.32-06 674-7000-473.33-11 674-7000-473.96-32 674-7000-473.96-33 001-5400-446.41-86 001-4000-461.23-02 610-5800-434.23-02 001-4000-461.23-02 610-5800-434.23-02 610-5800-434.23-02 001-2200-421.41-20 670-0000-131.00-00 15359-1 2229 20170526 2678-457427 2678-457521 2678-457763 2678-457898 2678-457904 2678-457906 2678-457907 2678-457908 2678-458017 2678-458514 2678-458563 2678-458565 2678-458576 2678-458629 2678-458647 2678-458713 2678-458715 2678-458716 2678-458877 2678-458933 916995811001 918580814001 923917716001 926450854001		
159697	5/25/2017	LITHOPASS PRINTING, FORMS,	43441 43779	027933 027933	001-4000-461.23-02 610-5800-434.23-02 001-4000-461.23-02 610-5800-434.23-02 001-4000-461.23-02 610-5800-434.23-02 610-5800-434.23-02 001-2200-421.41-20 670-0000-131.00-00 15359-1 2229 20170526 2678-457427 2678-457521 2678-457763 2678-457898 2678-457904 2678-457906 2678-457907 2678-457908 2678-458017 2678-458514 2678-458563 2678-458565 2678-458576 2678-458629 2678-458647 2678-458713 2678-458715 2678-458716 2678-458877 2678-458933 916995811001 918580814001 923917716001 926450854001		
159698	5/25/2017	LOS ANGELES COUNTY AUDITOR CONTRLR	17ME0309		001-2200-421.41-20		
159699	5/25/2017	MC AVOY & MARKHAM	15293 15359-1 2229 20170526 2678-457427 2678-457521 2678-457763 2678-457898 2678-457904 2678-457906 2678-457907 2678-457908 2678-458017 2678-458514 2678-458563 2678-458565 2678-458576 2678-458629 2678-458647 2678-458713 2678-458715 2678-458716 2678-458877 2678-458933 916995811001 918580814001 923917716001 926450854001				
159700	5/25/2017	MILLER, EDWARD			001-1500-412.33-71		
159701	5/25/2017	NATIONWIDE RETIREMENT SOLUTIONS			001-0000-204.16-00		
159702	5/25/2017	O'REILLY AUTO PARTS			702-3800-480.38-52 702-3800-		



City of Banning  
Warrant List Detail May 2017

Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Payment Amount
159703	4/28/17	OFFICE DEPOT	926450854002	027936	001-2200-421.36-00	REPORTER'S NOTEBOOKS	17.75
159704	5/25/2017	ORION SAFETY PRODUCTS	00266728	028007	001-2200-421.36-62	30 MIN SPIKELESS FLARES	1,524.73
159705	5/25/2017	PACKHAM & TOOMEY, INC	051517	028102	702-3800-480.30-06	CITY YARD UST INSPECTION	125.00
159706	5/25/2017	PAPE MATERIAL HANDLING, INC	7816586	028462	702-3800-480.38-52	CYLINDER	112.06
159707	5/25/2017	PARKHOUSE TIRE, INC.	2030155393	028028	702-3800-480.23-49	#903 TIRES	3.50
159708	5/25/2017	PARKING & PROPERTY ID	42944	028016	702-3800-480.38-52	#903 TIRES	778.82
159709	5/25/2017	PARS	20170526	028033	001-2200-421.36-00	ZIPBAG-VIOLATION NOTICE	659.45
159710	5/25/2017	PARTS AUTHORITY METRO, LLC	62-300941	028033	001-0000-204.25-00	PAYROLL SUMMARY	508.44
			62-301255	028033	702-3800-480.38-52	HEAT SHRINK TUBE	75.32
			62-304096	028033	702-3800-480.38-52	SHOCKS	171.06
			91-052256	028033	702-3800-480.38-52	#240 STEER STABILIZER	89.09
			91-052650	028033	702-3800-480.38-52	PLUG BUTTONS	23.39
			91-052699	028033	702-3800-480.38-52	OIL FILTER	3.08
			91-052825	028033	702-3800-480.38-52	CONDENSER	109.71
			91-052898	028033	702-3800-480.38-52	#828 BRAKE PADS	41.17
			91-052939	028033	702-3800-480.38-52	#230 LIFT SUPPORT	33.49
			91-053160	028033	702-3800-480.38-52	SHOP SUPPLIES	1.21
159711	5/25/2017	PETERSON, DON	2229	028033	702-3800-480.38-52	#226 OIL/TRANS FILTER	18.64
159712	5/25/2017	PRESS-ENTERPRISE, THE	0010939428	027940	001-1500-412.33-71	REIMBURSEMENT 2016 ELECTN CANDIDATE STATEMENT	238.11
			00142893	027940	670-7000-473.23-01	ADVERTSUB EQUIP	210.00
				027940	855-9500-490.90-30	IFB 17-013 PARK IMPRVMT	(337.88)
159713	5/25/2017	PRUDENTIAL OVERALL SUPPLY	22421561	027959	001-4000-461.23-16	UNIFORM SERVICE	6.50
				027959	610-5800-434.23-16	UNIFORM SERVICE	16.75
				027959	610-5800-434.25-02	UNIFORM SERVICE	49.68
				027959	610-5850-434.25-02	UNIFORM SERVICE	6.64
			22421573	027959	702-3800-480.23-16	FLEET UNIFORMS/TOWELS	11.68
				027959	702-3800-480.25-02	FLEET UNIFORMS/TOWELS	23.50
			22421574	027959	100-4900-431.25-02	STREET UNIFORMS	15.20
			22421575	027959	001-3600-461.25-02	PARKS UNIFORMS	6.65
			22421577	027959	761-3110-480.25-02	FSR UNIFORMS	26.23
			22424802	027959	001-4000-461.23-16	UNIFORM SERVICE	6.50
				027959	610-5800-434.23-16	UNIFORM SERVICE	16.75
				027959	610-5800-434.25-02	UNIFORM SERVICE	49.68
			22424814	027959	610-5850-434.25-02	UNIFORM SERVICE	6.64
				027959	702-3800-480.23-16	FLEET UNIFORMS/TOWELS	11.68
				027959	702-3800-480.25-02	FLEET UNIFORMS/TOWELS	23.50
			22424815	027959	100-4900-431.25-02	STREET UNIFORMS	15.20
			22424816	027959	001-3600-461.25-02	PARKS UNIFORMS	6.65
			22424818	027959	761-3110-480.25-02	FSR UNIFORMS	26.23
			37277	027959	001-4000-461.23-16	UNIFORM SERVICE	6.50
159714	5/25/2017	PUBLIC AGENCY RETIREMENT SERVICES	3668606	027942	001-1900-412.33-11	PARS PLN ID # PH - ARS05A SVC PERIOD 20170331	300.00
159715	5/25/2017	RACEWAY FORD INC	3668706	027942	702-3800-480.38-52	#231 SWITCH/WIRE ASSY	49.76
			3668707	027942	702-3800-480.38-52	#240 JOINT ASSY/BUSHING	87.37
			000092271	027942	702-3800-480.38-52	#240 END SPINDLE	69.03
159716	5/25/2017	RAMINANI, REENA & RAMESH	00142881	027945	001-0000-218.22-22	UB CR REFUND-FINALS 000017850	85.19
159717	5/25/2017	RECORD GAZETTE, THE	00142888	027945	001-1900-412.23-01	ORDINANCE 1508	112.63
159718	5/25/2017	RIV. CO. CLERK RECORDER	APN 534-162-015	027945	001-2200-421.23-01	RFP 17-017 INTERNAL AFFRS	92.75
				027945	001-2740-442.23-07	REAL ESTATE FRAUD TRUST 1249 N HARGRAVE ST	30.00
159719	5/25/2017	RIV. CO. COMMUNITY HEALTH AGENCY	IN0289279		001-3200-412.41-04	RELEASE PEND/LIEN BY GOV 1249 N HARGRAVE ST	39.00
			IN0288280		001-3200-412.41-04	99 E RAMSEY ST CITY HALL	798.00
			IN0288281		001-3200-412.41-04	789 N SAN GORGONIO AVE COMMUNITY CENTER	798.00
			IN0288282		001-3200-412.41-04	5261 W WILSON ST F S WEST	798.00
159720	5/25/2017	RIV. CO. REGISTRAR OF VOTER	2229		001-1500-412.33-71	3900 W WILSON AVE FIRE ADMIN ELECTION SRVC RENDERED NOV 8, 2016 ELECTION	798.00 32,097.89



## City of Banning

## Warrant List Detail May 2017

Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Payment Amount
159721	5/25/2017	ROMO PLANNING GROUP, INC.	2017-02	028041	001-2800-441.33-11	4/2/17 THRU 4/29/17	9,000.00
159722	5/25/2017	SAN GORGONIO PASS DESIGN AND PRINT	9612	027951	001-2200-421.23-02	CODE ENF ENVELOPES/B CRD	25.86
					001-2740-442.23-02	CODE ENF ENVELOPES/B CRD	105.60
159723	5/25/2017	SEALS, VERNELL	000024679	028162	001-0000-218.22-22	UB CR REFUND-FINALS 000018420	98.24
159724	5/25/2017	SHRED-IT USA, LLC	8122344354		001-4500-412.33-11	SHREDDING SRV 4/27, 5/11	108.00
159725	5/25/2017	SIG SAUER, INC	7039190		001-2200-421.23-06	B CALLAHAN - TUITION CLASSIC LINE PISTOLS 9/26	415.00
159726	5/25/2017	SMART & FINAL	012736	027953	001-4050-461.36-00	VOLUNTEER RECOGNITION DIN	103.89
					001-5400-446.41-86	VOLUNTEER RECOGNITION DIN	567.49
					001-4050-461.36-65	SR CTR SUPPLIES	83.97
159727	5/25/2017	SONOQUI, ROSE & PHILLIP	000092173	027953	001-0000-218.22-22	UB CR REFUND-FINALS 000019764	220.86
159728	5/25/2017	SOUTH COAST AIR QUALITY	3104011		001-2200-421.41-04	125 E RAMSEY FACID 157320 AQMD FEE JUL 16-JUN 17	125.47
159729	5/25/2017	SOUTHERN CALIFORNIA EDISON	2011958816MAY17		670-7000-473.26-04	HIGHLAND HOME RD / S / O APR 1, 2017 - MAY 1, 2017	58.41
159730	5/25/2017	SOUTHERN CALIFORNIA JOINT POLE	19428	028063	670-7000-473.27-11	MONTHLY DUES	610.28
159731	5/25/2017	STACY BAVOL - NOTARY	305	027952	001-2740-442.33-11	NOTARY-LIEN RELEASES	572.96
159732	5/25/2017	STERLING TALENT SOLUTIONS	7149502	028209	001-1300-412.33-11	MARCH 2017 BCKGRND SCRNG	316.15
					001-4000-461.33-11	MARCH 2017 BCKGRND SCRNG	1,116.00
159733	5/25/2017	STOEL RIVES, LLP	3966898	027990	663-6300-471.96-35	WAREHOUSE SECURITY	64,897.11
159734	5/25/2017	STYLE ELECTRIC	14202	028436	673-7000-473.90-15	WAREHOUSE SECURITY	(3,244.86)
159735	5/25/2017	SUN LIFE FINANCIAL	MAY 2017		673-0000-232.00-00	LTD-ST INSURANCE PREMIUM MAY 2017	5,822.56
					001-0000-204.14-00	LIFE INSURANCE PREMIUMS MAY 2017	4,576.79
159736	5/25/2017	TATSUI, JOHN A	000093847		001-0000-204.30-00	DENTAL INSURANCE PREMIUMS MAY 2017	8,203.19
159737	5/25/2017	TELEPACIFIC COMMUNICATIONS	90762044-0		001-0000-204.32-00	UB CR REFUND-FINALS 000019594	129.61
					001-0000-218.22-22	PHNE SVC 05/16/17-6/15/17	638.63
159738	5/25/2017	ULINE	86952182	028008	001-2200-421.36-62	TUBING/LABELS/GLOVES/SEAL	2,078.23
159739	5/25/2017	UNITED WAY OF THE INLAND VALLEY	20170526		001-0000-204.60-00	PAYROLL SUMMARY	107.00
159740	5/25/2017	WALKER, BRIAN	COMP LOAN '17		001-0000-116.21-03	COMPUTER LOAN	3,108.59
159741	5/25/2017	WARE, KENNITH	MEAL 05/11/17		610-5800-434.25-06	HELPING NATASHA W/PASSNGR	16.00
			MEAL 05/17/17		610-5800-434.25-06	COVER ROUTE # 5 EVENING	
			APRIL 2017		690-9600-453.23-10	REFUSE FOR APRIL 2017	230,931.83
159742	5/25/2017	WASTE MANAGEMENT OF THE	2229		001-1500-412.33-71	REIMBURSEMENT 2016 ELECTN CANDIDATE STATEMENT	223.00
159743	5/25/2017	WELCH, ART	1443338		001-3600-461.23-06	UNIVERSITY OF CALIFORNIA ANR QAC STUDY MATERIALS	229.22
159744	5/25/2017	WELLS FARGO CARD SERVICES INC			100-4900-431.23-06	UNIVERSITY OF CALIFORNIA ANR QAC STUDY MATERIALS	76.40
			1679		702-3800-480.23-06	GFX GOVERNMENT FLEET XPO A VELA - JUNE 12-15, 2017	495.00
			21		001-1000-411.36-07	RUSO'S ITALIAN KITCHEN CITY COUNCIL MEETING 5/09	63.50
			JSOFTW		702-3800-480.23-06	AMERICAN AIRLINES-WACO TX M MEDINA TYMCO TRAINING	612.60
			KQHDU2		001-1000-411.23-05	SOUTHWEST - G MOYER LEAGUE OF CA CITIES POLCY	283.96
			KXJYM3		001-1000-411.23-05	SOUTHWEST - D FRANKLIN LEAGUE OF CA CITIES POLCY	215.95
			WBWKKP		702-3800-480.23-06	SOUTHWEST - A VELA 6/12- 6/14 GFX EXPO & CONF	561.96
159745	5/25/2017	WESCO DISTRIBUTION, INC	181765		670-0000-131.00-00	HOT LINE CLAMP PO NUM 028410	948.20
159746	5/25/2017	WHENEVER COMMUNICATIONS, LLC	9408-76070	028289	703-3700-480.30-19	EMERGENCY PLAN	278.82
159747	5/25/2017	2012-B PROPERTY HOLDINGS LLC	OVERPYMINT		001-0000-218.22-22	OVERPAYMENT ON FINAL ACCT	338.77
159748	5/25/2017	4IMPRINT	5329655	028379	610-5850-434.36-00	PR MATERIALS TRANSIT	817.88
9006014	5/1/2017	INTERNAL REVENUE SERVICE	PPE 04/23/17		001-0000-204.11-00	PAYROLL TAX DEPOSIT FOR PPE 04/23/2017	52,559.29
			PPE 04/23/17		001-0000-204.13-00	PAYROLL TAX DEPOSIT FOR PPE 04/23/2017	84,187.90
			PPE 04/23/17		001-0000-204.12-00	PAYROLL TAX DEPOSIT FOR PPE 04/23/2017	17,169.69
			PPE 04/23/17		001-0000-204.80-04	MEDICAL CONTRIBUTIONS PPE 04/23/2017	4,458.36
			PPE 04/23/17		001-0000-204.80-05	DEP CARE CONTRIBUTIONS PPE 04/23/2017	597.52
9006015	5/1/2017	CA. ST. EMPLOYMENT DEV. DEPT.			001-1300-412.15-15	RBF INVOICE - PAXTON	30.15
9006016	5/1/2017	TASC			001-0000-204.16-00	CAL PERS 457 CONTRIBUTION PPE 04/23/2017	51,603.36
9006017	5/3/2017	CA. ST. PUBLIC EMPLOYEES	100000014946745		001-0000-204.20-00	RETIREMENT BENEFITS PPE 04/23/2017	133,491.44
9006018	5/9/2017	CALPERS 457 PLAN - 450260	PPE 04/23/17		001-0000-204.80-14	VEBA CONTRIBUTION FOR PPE 04/23/2017	625.00
9006019	5/9/2017	CA. ST. PUBLIC EMPLOYEES	PPE 04/23/17		001-0000-204.10-00	PAYROLL PPE 05/07/2017	335,350.55
9006020	5/10/2017	WELLS FARGO BANK					
9006021	5/12/2017	WELLS FARGO BANK					



City of Banning  
Warrant List Detail May 2017

Warrant Number	Warrant Date	Vendor Name	Invoice Number	P.O. Number	Account Number	Payment Description	Payment Amount
9006022	5/15/2017	INTERNAL REVENUE SERVICE	PPE 05/07/17		001-0000-204.11-00	PAYROLL TAX DEPOSIT PPE 05/07/2017	53,145.49
9006023	5/15/2017	CA. ST. EMPLOYMENT DEV. DEPT.	PPE 05/07/17		001-0000-204.13-00	PAYROLL TAX DEPOSIT PPE 05/07/2017	80,841.40
9006024	5/15/2017	TASC	PPE 05/07/17		001-0000-204.12-00	PAYROLL TAX DEPOSIT PPE 05/07/2017	17,035.28
9006025	5/19/2017	CALIFORNIA, STATE OF	QTR END 3/2017		001-0000-204.80-04	MEDICAL CONTRIBUTIONS PPE 05/07/2017	4,352.11
9006026	5/19/2017	WELLS FARGO BANK	PPE 05/07/17		001-0000-204.80-05	DEP CARE CONTRIBUTIONS PPE 05/07/2017	597.52
9006027	5/23/2017	CALPERS 457 PLAN - 450260	PPE 05/07/17		700-5030-480.40-03	ST. UNEMPLOYMENT INS QUARTER END 03/31/2017	2,526.00
9006028	5/23/2017	CA. ST. PUBLIC EMPLOYEES	PPE 05/07/17		001-0000-204.16-00	VEBA CONTRIBUTION PPE 5/07/2017	625.00
9006029	5/26/2017	WELLS FARGO BANK	PPE 05/21/17		001-0000-204.20-00	CAL PERS 457 CONTRIBUTION PPE 5/07/2017	30,650.83
9006030	5/26/2017	TASC	PPE 05/21/17		001-0000-204.10-00	RETIREMENT BENEFITS FOR PPE 5/07/2017	133,616.40
9006031	5/26/2017	INTERNAL REVENUE SERVICE	PPE 05/21/17		001-0000-204.80-04	PAYROLL PPE 05/21/2017	302,304.20
9006032	5/30/2017	CA. ST. EMPLOYMENT DEV. DEPT.	PPE 05/21/17		001-0000-204.80-05	MEDICAL CONTRIBUTIONS PPE 05/21/2017	4,352.11
Grand Total					001-0000-204.11-00	DEP CARE CONTRIBUTIONS PPE 05/21/2017	597.52
					001-0000-204.11-00	PAYROLL TAX DEPOSIT PPE 05/21/2017	49,670.87
					001-0000-204.13-00	PAYROLL TAX DEPOSIT PPE 05/21/2017	76,427.88
					001-0000-204.12-00	PAYROLL TAX DEPOSIT PPE 05/21/2017	15,630.68
							6,505,203.54
						Less Voided / Reissued Checks from Prior Period	-
						Less Voided Checks Prior Period	(5,573.00)
						Add Payroll Checks	7,443.29
						Total Remittance for Month	6,507,073.83

# ATTACHMENT 4

## Voided Checks

May 2017

Date	Check	Vendor #	Reason	Amount	Check	Vendor #	Amount
5/4/2017	159267	2478	Attendee will not be going to training	\$ 36.00			
5/4/2017	159268	2478	Attendee will not be going to training	\$ 65.00			
5/4/2017	159282	6808	Amount paid is incorrect	\$ 5,400.00	159411	6808	\$ 5,700.00
5/25/2017	156524	7116	Employee lost check - reissued	\$ 72.00	159659	7116	\$ 72.00
<b>TOTALS</b>				<b>\$ 5,573.00</b>			<b>\$ 5,772.00</b>

# **ATTACHMENT 5**



# Payroll

## May 2017

Start	End	Date	Description	Check Total	
10893	10910	5/12/2017	WARRANT REGISTER	\$	3,490.66
10911	10933	5/26/2017	WARRANT REGISTER	\$	3,952.63
TOTALS				\$	7,443.29

# **ATTACHMENT 6**

Prepared 5/11/17, 15:07:51  
 Program PR655L  
 CITY OF BANNING

Check Register  
 BIWEEKLY  
 Pay Date 5/12/17

Page 1  
 Pay Period 10  
 4/24/17 To 05/07/17

Dept/Div Activity	Check Payee	Social Security	Check Number	Amount
	FRANCHISE TAX BOARD		10893	50.00
	OFFICE OF THE ATTORNEY GENERAL		10894	241.38
	FRANCHISE TAX BOARD		10895	150.00
	UNITED STATES TREASURY		10896	125.50
	CALIF. STATE DISBURSEMENT UNIT		10897	322.61
	CALIF. STATE DISBURSEMENT UNIT		10898	180.46
	CALIF. STATE DISBURSEMENT UNIT		10899	300.00
	TRACY YOUNGLOOD		10900	223.39
	FRANCHISE TAX BOARD		10901	100.00
	LAPHAM, SIERRA G	4397	10902	282.03
4000-461	GARCIA, JUAN C	2545	10903	72.47
4010-461	QUINN, MELISSA S	6748	10904	79.38
4010-461	FRANCHISE TAX BOARD		10905	273.92
	UNITED STATES TREASURY		10906	260.00
	MARY NELL WARE		10907	300.00
	FRANCHISE TAX BOARD		10908	75.00
	CALIF. STATE DISBURSEMENT UNIT		10909	193.84
	FRANCHISE TAX BOARD		10910	260.68
	Total Checks -		18	3,490.66

Dept/Div Activity	Check Payee	Social Security	Check Number	Amount
4000-461	FRANCHISE TAX BOARD		10911	50.00
4010-461	OFFICE OF THE ATTORNEY GENERAL		10912	241.38
4010-461	FRANCHISE TAX BOARD		10913	150.00
4010-461	UNITED STATES TREASURY		10914	125.50
4010-461	CALIF. STATE DISBURSEMENT UNIT		10915	322.61
4010-461	CALIF. STATE DISBURSEMENT UNIT		10916	180.46
4010-461	CALIF. STATE DISBURSEMENT UNIT		10917	300.00
4010-461	TRACY YOUNGBLOOD		10918	223.39
4010-461	FRANCHISE TAX BOARD		10919	100.00
4010-461	LAPHAM, SIERRA G	4397	10920	284.45
4010-461	ALDERMAN, LUKE D	220	10921	57.05
4010-461	GARCIA, JUAN C	2545	10922	71.87
4010-461	GARCIA, SAMUEL I	2551	10923	24.19
4010-461	GILCHRIST JR, SEAN E	2699	10924	52.09
4010-461	QUINN, MELISSA S	6748	10925	19.84
4010-461	TORRES, JOANNA M	8439	10926	57.05
4010-461	TRYON, MYKAELA C	8441	10927	29.77
4010-461	FRANCHISE TAX BOARD		10928	561.81
4010-461	UNITED STATES TREASURY		10929	260.00
4010-461	MARY NELL WARE		10930	300.00
4010-461	FRANCHISE TAX BOARD		10931	75.00
4010-461	CALIF. STATE DISBURSEMENT UNIT		10932	193.84
4010-461	FRANCHISE TAX BOARD		10933	272.33
Total Checks -				3,952.63



## ORDINANCE NO. 1508

**AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA,  
AMENDING CHAPTER 3.24 OF THE BANNING MUNICIPAL CODE  
TO REVISE DEFINITIONS, EXPAND THE PURCHASING OFFICER'S  
DUTIES, MODIFY FISCAL PARAMETERS, CLARIFY  
PROCUREMENT OPTIONS AND ADD TO THE CURRENT LIST OF  
EXCEPTIONS.**

The City Council of the City of Banning does hereby ordain as follows:

SECTION 1: Section 3.24.020 of Chapter 3.24, entitled "Definitions" is amended to read as follows:

"3.24.020 – Definitions.

Unless otherwise indicated, the following definitions shall apply to all provisions of this chapter:

"City manager" means the city manager or person designated by the city manager to perform all or some of the duties prescribed in this chapter.

"Contract" means a written agreement between two or more competent individuals and/or corporate entities to perform or not perform a specific act(s) for compensation. Contract includes all types of government agreements, regardless of what they may be titled for the procurement of supplies, services, or construction.

"Cooperative purchase agreement" means the purchase of goods or services utilizing a form of intergovernmental cooperative purchasing in which one government agency or jurisdiction performs the solicitation and award process for several agencies or jurisdictions, but separate contracts or purchase orders are executed between each participating agency and the vendor.

"Emergency" for purposes of public projects shall have that meaning provided in Section 1102 of the Public Contract Code, which reads: "Emergency," as used in this Code, means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. "Emergency," for all other purposes, means a public calamity or disaster; or, an immediate procurement is essential to protect the public health or safety, or to avoid interruption of essential city operations.

"Local business" means a business firm with fixed offices or distribution points located within the boundaries of the city, with a City of Banning street address. Post office box numbers or residential addresses may not be used solely to establish status as a local business. The business must have a valid City of Banning business license prior to the commencement of the contract.

"Piggy-Back Agreement" means the form of intergovernmental cooperative purchasing in which a public agency requests competitive bids, enters into a contract and arranges, as part of the contract for other public agencies to purchase from the selected vendor under the same terms and conditions as itself. This process eliminates

the need to competitively bid the particular item again. May only be used if the public agency received the competitive bids within two years prior to the award of contract under piggy-back.

"Professional services" mean all services performed by persons in a professional occupation, including but not limited to, consulting and performance services for accounting, auditing, computer hardware and software support, engineering, architectural, planning, environmental, redevelopment, financial, economic, personnel, social services, legal, management, communication and other similar professional functions which may be necessary for the operation of the city.

"Public facility" means any city-owned or operated property, infrastructure or facility.

"Public project," as defined in Section 20161 of the Public Contract Code, means: (1) a project for the erection, improvement, painting, or repair of public buildings and works; (2) work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow; (3) street or sewer work except maintenance or repair; (4) furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers.

"Purchase" means buy, lease or rent supplies, equipment or services.

"Purchase order" means a formal document authorizing the purchase of supplies, equipment, or services from a vendor, and executed by the purchasing officer as a stand-alone agreement or pursuant to the authority granted in a contract. It is the vendor's authorization to deliver and invoice goods as specified. It is used to communicate to the vendor the city's terms and conditions and authorizes an encumbrance of city funds.

"Purchasing Officer" means the city manager or his or her designee(s). Initially, the city manager designates the Purchasing Manager to act as the purchasing officer. Pursuant to this section, the city manager may change his or her designation at any time.

"Requisition" means an internal document used to communicate to the purchasing officer and coordinate requests for supplies, equipment and services.

"Sole source" means the goods, supplies or services are available from only one vendor and there is no permissible substitute."

SECTION 2: Section 3.24.030 of Chapter 3.24, entitled "Purchasing Officer" is amended to read as follows:

"3.24.030 - Purchasing officer.

There is created the position of purchasing officer, who shall be appointed by the city manager. The purchasing officer shall have the general supervision of all purchasing functions of the city. The duties of the purchasing officer may be combined with those of any other office or position. Subject to the supervision of the city manager, the purchasing officer shall have the authority to:

- A. Negotiate contracts on behalf of the city for the purchase of supplies, equipment and services in accordance with this chapter, which contracts will be subject to

- award by the city council or city manager and execution by the mayor or city manager;
- B. Negotiate and execute purchase orders on behalf of the city, for the purchase of supplies, equipment and services required by the city in accordance with this chapter;
  - C. Prepare, and implement city council approved policies and procedures governing the purchase, bidding, contracting, storing, distribution and disposal of supplies, services and equipment for the city;
  - D. Prescribe and maintain such forms as may be reasonably necessary to the implementation of this chapter and any other policies and procedures approved by the city manager consistent with this chapter;
  - E. Review the working details, drawings, plans and specifications pertaining to procurement compliance and bidding processes for any projects or purchases requiring such review in this chapter;
  - F. Inspect or supervise the inspection of purchased supplies, services and equipment to ensure conformity with any specifications established or required by the city;
  - G. Transfer among departments any supplies, services and equipment not needed by one such department, but which are necessary for the operations of one or more other departments;
  - H. Sell any supplies and equipment not needed for public use or that may become unsuitable for their intended use;
  - I. Develop and maintain any bidder's list, contractor's list or vendor's catalog file necessary to the operation of this chapter and any other policies and procedures approved by the city manager consistent with this chapter;
  - J. Approve and confirm emergency purchases;
  - K. Identify and pursue cooperative agreements with the State of California, Counties, other Cities and other governmental agencies and organizations in order to obtain cost savings for the City;
  - L. Be authorized in the absence of the Administrative Services Director to allow a budget over-ride for purposes of timely completion of a purchase transaction as long as such action would not put the fund over-budget when reasonably projected to the end of the fiscal year, and when the requesting department has submitted a Budget Transfer Form."

SECTION 3: Section 3.24.040 of Chapter 3.24, entitled "Types of Contracts" is amended to read as follows:

"3.24.040 - Types of contracts.

- A. Formal contracts shall be used for the purchase of goods, equipment, or services whenever those goods, equipment, or services are sought by way of a request for proposal or when the purchasing officer determines that, due to the complexity, risk,



or monetary value of the goods, equipment, or services sought, a formal agreement with detailed procedural and substantive protections of the city's interests is necessary.

- B. Informal letter contracts shall be used when the purchasing officer determines that due to a lack of complexity, risk, or monetary value, a purchase of services need not include the detailed procedural and substantive protections of the city's interests.
- C. Purchase orders are formal, contractual documents requesting the delivery of specific goods, equipment, or services and promising payment therefor. They are issued by the purchasing officer and must be used in conjunction with formal contracts or else as provided in this chapter as stand-alone documents for all city purchases with the exception of purchases made pursuant to short form purchase orders or other methods consistent with this chapter and the policies and procedures implementing this chapter.
- D. Open purchase orders are formal agreements whereby the city contracts with a vendor to provide services, tools and equipment or supplies on a just-in-time basis. They are encumbered purchase orders with a maximum dollar amount that may be purchased per transaction and a maximum dollar amount that can be spent through the term of the contract. They must be used in conjunction with a formal contract.
- E. Blanket Purchase Orders (BPO) are contractual documents and should be issued for recurring purchases, such as office supplies, not valid for longer than one year, and shall always expire at the end of the fiscal year in which they were initiated.
- F. Short form purchase orders are formal documents that provide a method whereby department directors, or designee may purchase non repetitive, low volume, low-cost goods or services valued at less than five thousand dollars."

SECTION 4: Section 3.24.070 of Chapter 3.24, entitled "Formal bid procedures" is amended to read as follows:

"3.24.070 - Formal bid procedures.

B. Request for Proposal/Qualifications.

1. Notice Inviting Request for Proposals/Qualifications. A notice inviting request for proposals/qualifications shall: (a) describe the supplies, services or equipment to be purchased; (b) state where the complete request for proposal may be obtained; (c) state the date, time and place for receipt of the proposals; and (d) include any other information required by state or local law, as determined by the city attorney. Notice inviting proposals shall be published at least ten days prior to the date set for receipt of the proposals. Notice shall be published at least once in a newspaper of general circulation printed and published in the city, or, if there is no such newspaper, in a newspaper of general circulation which is circulated in the city, and shall be posted at City Hall.
2. Proprietary Products or Services. Upon approval of the purchasing officer, if the director of the using department certifies that, to the best of his or her knowledge, the product or service is proprietary in nature and can be



obtained only from a limited number of vendors or contractors, and that no equivalent products or services are available, the notice inviting proposals may be sent exclusively to such vendor(s) or contractor(s).

3. Opening of Request for Proposals/Qualifications. The purchasing officer shall open the proposals after the date and time as set forth in the notice inviting proposals/qualifications. The purchasing officer and the using department director or his or her designee will evaluate the proposals based on the vendor's understanding of the work required by the city, demonstrated competence and professional qualifications necessary for performance of the work and other factors that result in the best interest of the city. The proposal evaluation scores shall be a part of the final record.
  4. Acceptance of Proposals/Qualifications. Contracts in the amount of twenty-five thousand dollars or less will be awarded by the city manager. Contracts for more than twenty-five thousand dollars will be awarded by the city council. The city manager or the city council may reject any or all proposals received, and may waive any minor irregularities in each proposal received.
  5. Failure to Enter Into Contract. A notice of award letter shall be sent to any successful proposer required to execute a contract with the city. Failure to enter into a contract or refusal to accept a purchase order within ten calendar days after the notice of award shall result in the forfeiture of the awardee's bid bond if any. Award shall thereafter be made to the next lowest responsible, responsive proposer.
- C. All purchases for services to any public facility must have a duly executed contract, in addition to a purchase order."

**SECTION 5:** Section 3.24.080 of Chapter 3.24, entitled "Open Market or Informal Bid Procedures" is amended to read as follows:

"3.24.080 - Open market or informal bid procedures.

Purchases of supplies, equipment and services (other than public projects) with a value in the amount of twenty-five thousand dollars or less may be made in the open market to the bidder offering the most advantageous quote, using an informal procedure pursuant to the requirements prescribed in subsections A through E of this section, provided, however, all bidding may be dispensed with for purchases of supplies, equipment and services having a total estimated value of five thousand dollars or less:

- A. Open market purchases shall, wherever possible, be based on at least three quotes, and shall be awarded to the vendor offering the most advantageous quote to the city after consideration of price, quality, durability, servicing, delivery time, standardization, and other factors.
- B. The purchasing officer shall solicit quotes by written and/or electronic request to prospective vendors, or by telephone, or by public notice posted on a public bulletin board at the city offices.
- C. All purchases for services to any public facility for five thousand dollars or less may be made by purchase order.

- D. All purchases for services to any public facility for more than five thousand dollars, must have a duly executed contract, in addition to a purchase order.
- E. Purchase of goods, supplies and equipment with a value of five thousand dollars or less may be made by department personnel with the approval of the department director as provided in this chapter and in administrative policies and procedures implementing this chapter."

SECTION 6: Section 3.24.090 of Chapter 3.24, entitled "Professional Services Purchasing Procedures" is amended to read as follows:

"3.24.090 - Professional services purchasing procedures.

Contracts for professional services shall be awarded to the contractor who will best serve the interests of the city, taking into account demonstrated competence, professional qualifications and suitability for the project in general. The city may consider cost of professional services, if the purchasing officer determines it to be a relevant factor under the circumstances. Procurement of professional services will be made pursuant to the requirements prescribed in subsections A through D of this section:

- A. Professional services contracts of twenty-five thousand dollars or less shall be awarded by the city manager, upon recommendation of the director of the department responsible for the project. Wherever possible, procurement of professional services shall be pursuant to the open market or informal bidding procedure as prescribed in Section 3.24.080 of this chapter.
- B. Professional services contracts of more than twenty-five thousand dollars shall, except as otherwise provided in this chapter, be awarded by the city council pursuant to the formal bidding procedure as prescribed in Section 3.24.070(B) of this chapter.
- C. In the event that it is determined by the city manager, that it would be in the best interest of the city for services to be provided by a specific consultant, a contract may be awarded based on negotiations with the specific consultant. Contracts in the amount of twenty-five thousand dollars or less will be awarded by the city manager and contracts for more than twenty-five thousand dollars will awarded by the city council.
- D. All procurement of professional services will be made by a duly executed professional services agreement, in addition to a purchase order.
- E. Five-Year Term Limitation. No professional service contracts, general maintenance contracts, or other contract work contracts shall extend for a period of more than five years, including any authorized extensions."

SECTION 7: Section 3.24.100 of Chapter 3.24, entitled "Public Project Bid Procedure" is amended to read as follows:

"3.24.100 - Public project bid procedure.

Notwithstanding any provision of this chapter to the contrary, all public project contracts for more than five thousand dollars must be contracted for and let by the

procedures as set forth in Division 2, Part 3, Chapter 1, Article 4 of the Public Contract Code (commencing at Section 20160). This includes the purchase of supplies or materials for any such project, including maintenance or repair of streets or sewers. As permissible by the Public Contract Code, the City will consider Design-Build as an alternate method of procurement for public projects. Award of all public projects over twenty-five thousand dollars pursuant to this section will be made by the City Council."

SECTION 8: Section 3.24.130 of Chapter 3.24, entitled "Exceptions to the Bidding Requirements," is amended to read as follows:

"3.24.130 - Exceptions to bidding requirements.

Notwithstanding any provision of this chapter to the contrary, the competitive bidding procedures and requirements may be dispensed within any of the following instances:

- A. When an "Emergency" has been determined to exist pursuant to the official policies and procedures implementing this chapter;
- B. When the commodity is a sole source;
- C. When the price is less than five thousand dollars;
- D. When the purchasing officer determines the commodity can be procured using a cooperative purchase agreement (e.g., through NJPA, NIPA or GSA) and, the price to the city is equal to or better than the price to that public agency;
- E. When the purchasing officer identifies a Piggyback Agreement being prepared by and processed through another local, state, or federal governmental agency. Under such circumstances, the Purchasing Officer may join into an existing written purchase contract obtained within the last 24 months through a competitive bidding process prepared by and awarded by another local, state or federal governmental agency. City Council consent is required for such arrangements where the estimated value of the supplies is \$25,000 or more.
- F. When the commodity being purchased is gasoline, diesel or aviation fuel, to include gasoline credit card purchases;
- G. When the city council determines, in accordance with applicable law, that a competitive market does not exist, and no competitive advantage will be gained by the bidding process;
- H. When no bids are received on formal or informal bidding procedures;
- I. Advertisement and Notices when meeting the criteria of Public Contracts Code § 20169;
- J. When purchasing City Debt Services;
- K. When the service or commodity being purchased is conference registrations, educational seminars and training, subscriptions and membership dues;
- L. For insurance premiums (worker's compensation, general liability, etc.);
- M. When issuing payments to Department of Water Resources and related expenses (State Water Contractors, Inc., etc.), and other governmental units;

- N. For payroll disbursements, payroll checks, deductions, deposits and tax payments that are supported by a payroll report; medical payments and loans;
- O. When paying for permitting and other regulatory fees (construction permits, LAFCO payment, etc.);
- P. For Petty Cash Replenishment, refunds and travel expenses/advances;
- Q. When purchasing Postage/Delivery/Messenger Services;
- R. For Professional Legal and Human Resources Confidential Consultant Services;
- S. For real property, easement acquisition and rental property;
- T. When purchasing/renewing software license maintenance;
- U. When purchasing Trade Circulars, Books or CD's;
- V. When paying Utility Bills (phone, gas, electric, etc.)."

**SECTION 9. Severability.** If any sections, subsections, sentences, phrases, or portions of this Ordinance are for any reason, held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Banning hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**SECTION 10.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Banning's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**SECTION 11.** This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

**PASSED, APPROVED, AND ADOPTED** this 27<sup>th</sup> day of June, 2017.

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George Moyer, Mayor  
City of Banning

**ATTEST:**

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Marie A. Calderon, City Clerk  
City of Banning



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

\_\_\_\_\_  
John C. Cotti, Interim City Attorney  
Jenkins & Hugin, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1508 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 13<sup>th</sup> day of June, 2017, and was duly adopted at a regular meeting of said City Council on the 27th day of June, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Art Vela, Director of Public Works

**MEETING DATE:** June 27, 2017

**SUBJECT:** Public Works Capital Improvement Project Status List

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### **RECOMMENDED ACTION:**

This is informational only; receive and file report.

### **GOAL STATEMENT:**

The purpose of presenting the attached Public Works Capital Improvement Project (CIP) Status List is to keep City Council and the public informed of the status of the various capital improvement projects that are currently managed by the Public Works Department.

### **BACKGROUND:**

There are several planning, environmental, design and construction contracts that have been approved by City Council and/or the City Manager's office that are being managed by the Public Works Department. In an effort to keep the City Council and the public informed of the progress made and current status of each project, staff has prepared and will continue to update the attached Public Works CIP Status List. The list will be presented to City Council on the second regularly scheduled council meeting per month.

### **FISCAL IMPACT:**

None

**ATTACHMENTS:**

1. CIP Status List

Approved by:



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Alejandro Diaz  
Acting City Manager



# ***ATTACHMENT 1***

(Public Works CIP List)

PUBLIC WORKS CAPITAL IMPROVEMENT PROJECTS STATUS TABLE

Category	Project #	Project	Phase	Council Award Date	Project Kickoff	% Completed	Tasks Completed	Current Tasks	1 Month Look Ahead Tasks	Future Tasks	Tentative Completion Date	Project Budget
Streets	2014-03	Hargrave/Ramsey Street Intersection	Design	5/26/2015	8/10/2015	95%	PS&E are 100% complete. Staff has met with most owners to discuss right-of-way acquisition. Preliminary design for relocation of power poles.	Waiting for SCT to complete their design. Construction phase cannot commence until County Planning Commission reviewed. Acquire needed right-of-way.	Waiting on SCT.	Finalize PS&E once SCT completes their design. Construction phase cannot commence until County Planning Commission reviewed. Acquire needed right-of-way.	6/1/17	\$ 79,000
Streets	2016-11	Halfway/Ramsey Street Intersection	Design	12/12/2016	1/18/2017	50%	Met with affected property owners regarding R.O.W. acquisition/dedication.	Reviewing 1st submittal of plans, specs and hydrology report.	Continuing utility coordination. Prepare preliminary purchase list items to be corrected by contractor.	Prepare final right-of-way dedications/acquisitions, monuments sign review and section and PS&E.	10/1/17	\$ 254,512
Streets	2016-03	Street Improvements at Various Locations	Construction	12/27/2016	2/13/2017	90%	Completed all striping.	Construct sidewalk on San Geronimo Ave and install new concrete on Sunset Avenue.	Preliminary purchase list items to be corrected by contractor.	Final purchase list and project completion.	6/15/17	\$ 1,033,390
Streets	ATPL 521-40(12)	ATP Bicycle/Pedestrian Safe Routes to School	Environmental, Design, Construction	-	-	3%	Environmental completed and approved. Design Funding Allocation approved by CTC in March 2017 and approved by Caltrans in April 2017.	Developing RFP for Design Services	Send out RFP for Design Services and Reviewing Proposals (use short list of qualified firms if allowed by Caltrans).	Select consultant for design; recommend award to City Council.	-	\$ 1,081,000
Streets	HSP-5214 (010)	Traffic Signal System Improvements on Halfway Street	Construction	-	-	-	Construction bids opened on 6/21/17	Evaluating proposals.	Recommend City Council Award (tentative 6/27/17)	Award contract and execute construction agreement	2/1/18	\$ 384,000
Streets	STPL 5214 (013)	Ramsey Street Intersection, Hargrave St. to west of Halfway St.	Environmental, Construction	-	-	-	PS&E are 25% complete. Cultural resources study approved by Caltrans.	Development of PS&E	Advertise bid for project and consider combining this project with Hargrave St. and Halfway St. improvements for better bid costs and results	Open bid and award to City Council	-	\$ 295,000
Parks	2017-03	Liont Park CEQA	Environmental	11/7/2016	-	85%	AQ/GHG sections of the initial study are complete. Final determination from ALUC received.	CEQA report; Receive FAA and ALUC approval for project	AB22 Consultation	Finalize/Approve CEQA report	8/1/17	\$ 66,300
Parks	2016-04	Rosewell Williams Park Improvements	Construction	-	-	-	Construction bid opened on 5-31-17	Evaluating proposals.	Recommend City Council Award (tentative 6/27/17)	Award contract and execute construction agreement	3/1/18	\$ 2,450,000
Parks	2017-10	Reppel Park parking lot landscaping	Design	-	4/7/2017	90%	Development of PS&E	Finalizing PS&E	Finalize PS&E and advertise NIB	Award contract and execute construction agreement	7/1/17	\$ 10,900
Building Maint	-	City Wide Facility Assessment	Planning	1/10/2017	1/18/2017	75%	Department head interviews. Spacing programming.	Working on office layouts	Meet with department heads to discuss office layouts.	Finalize office layouts	7/1/17	\$ 75,000
Building Maint	2017-01	Community Center Improvements	Design	1/24/2017	2/28/2017	40%	Preliminary design submittal for staff review	Reviewing 1st submittal of plans	Present findings to City Council	Finalize PS&E	10/2/17	\$ 29,400
Fleet	2017-06	CRG Assessment	Planning	11/7/2016	1/18/2017	100%	CRG Assessment Completed	-	Present findings to City Council	Specifications, bidding	3/1/17	\$ 46,480
Water	2016-024	Water Canyon Pipeline Replacement	Environmental, Design	5/10/2016	5/25/2016	83%	60% Design, Draft EIS/NND	50% Design, AB 53 Consultation	100% Design, Public Review of EIS/NND	-	12/31/17	\$ 220,500
Water	2017-08W	Chromium-6 Compliance Project	Pilot Study, Design	-	-	0%	Submitted SRF Loan Application; selected construction contractor for this state must withdrawal MCL	Tracking state reaction to court ruling	-	-	12/20/19	-
Water	2015-01W	Water Line Replacement (11 Locations)	Design	1/24/2015	4/15/2016	80%	Final Design of Location 1: 60% Design of Locations 2 & 3	90% Design for Location 3, Potentially for Location 2 & 3	100% Design for locations 2 & 3	Bidding	10/30/17	\$ 107,980
Water	2016-01W	Well Repair to Various Wells	Construction	3/27/2016	5/11/2016	100%	Repairs made to Well 11, Well 12, C3 Booster Pump 2, Well No.11	-	File NOC	Project Closeout	6/27/17	\$ 201,250
Water	2017-11W	Integrated Regional Water Management Plan	Planning, Technical Studies	3/1/2017	4/11/2017	12%	Developed outline for plan sections, schedule for plan development; mapping data collection; hold stakeholder meeting for SAC and management group website development	SAC outreach; data collection and review, coordination with USGS, with 7 meetings	Begin drafting governance structure and regional decisions; groundwater modeling; develop cost estimates for SAC and management group website development	Continued development of plans and supporting technical studies; meetings.	4/1/18	\$ 1,079,904
Water/Wastewater/Recycled	2017-07W	Integrated Water, Wastewater, and Recycled Water Master Plan	Planning	12/12/2016	12/19/2016	55%	Data Gathering, Pressures and Flow Monitoring, Review of Preliminary Calibration Results, Review of Evaluation Criteria	Model Updates Based on City Feedback; Revisions to Demand Projections Based on City Feedback	Identify Deficiencies and Create CIP List; Develop Cost Estimates; Inspection of Critical Facilities	Create CIP Tracking Tool; Draft Master Plan Reports	6/30/17	\$ 431,344
Wastewater LMD	2016-03WW 2017-12	Domestic Repair/Digester Cleaning Landscape Maintenance District No.1 Redesign	Construction & Maintenance Design	12/12/2016	2/9/2017	100%	Cleaning of Digesters 1 & 2, Dome Seal Repair RFP advertised, evaluated proposals, selected consultant	NOC Processing agreement/purchase order	Release Retention Kickoff meeting	Project Closeout	5/9/17	\$ 206,536 \$ 24,560



## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Suzanne Cook, Finance Manager  
Rochelle Clayton, Deputy City Manager

**MEETING DATE:** June 27, 2017

**SUBJECT:** Resolution 2017-66, Approving the Appropriations Limit for Fiscal Year 2017-18 for the City of Banning.

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### **RECOMMENDATION:**

Consider adopting Resolution 2017-66, approving the Appropriations Limit (also known as the Gann Limit) for Fiscal Year 2017-18 for the City of Banning.

### **JUSTIFICATION:**

Voters Passed Gann Limit in 1979 to constrain government spending. After Proposition 13 passed (1978) – the landmark initiative that limited local property taxes, voters passed another measure that limited the spending side of government operations. Proposition 4 (1979) amended the State Constitution to impose spending limits, or appropriations limits on the state and most local governments. Only revenues which are considered proceeds of taxes are subject to the limit. The limits are sometimes referred to as “Gann limits” in reference to one of the measure’s coauthors, Paul Gann.

### **BACKGROUND:**

At the City Council Meeting on June 28, 2016, Council approved and adopted the two-year budget for Fiscal Years 2016-17 and 2017-18 for the City of Banning. At that time, the Price Factor and Population Information Letter (Price and Population) had only been released for the Fiscal Year 2016-17 from the Department of Finance. In May 2017, the Department of Finance released the Price and Population for Fiscal Year 2017-18. Staff calculated the Appropriations Limit for the Council to review and adopt.

Staff will present proposed budget adjustments for Fiscal Year 2017-18 to Council at the regular meeting on July 11, 2017.



**FISCAL IMPACT:**

None

**ATTACHMENTS:**

- A. Appropriations Limit Calculation for the City of Banning
- B. Price Factor and Population Information Letter from the Department of Finance, including Attachments A and B
- C. Resolution 2017-66

Approved by:

A handwritten signature in blue ink, appearing to read 'Alejandro Díaz', is written over a horizontal line.

Alejandro Díaz  
Acting City Manager



# ATTACHMENT A

## City of Banning FY 2017-18 Budget Document

### APPROPRIATIONS LIMIT CALCULATION

Article XIII(B) of the California State Constitution was adopted by California voters in November 1979, and is more commonly referred to as the Gann Limit. The Article places limits on the amount of revenue which can be appropriated (spent) each fiscal year. Only revenues which are considered proceeds of taxes are subject to the limit. The limit is different for each agency and changes each year, modified for changes in inflation and population.

Fiscal Year	(1) Prior Year Gann Limit	(2) Previous Year's Population	(3) Current Year's Population	(4) * City Population Change %	(5) * County Population Change %	(6) % Change In Per Capita Income	(7) Current Year Gann Limit
07-08	26,231,507	28,128	28,272	-0.17%	3.31%	4.42%	28,297,580
08-09	28,297,580	28,272	28,348	0.19%	2.71%	4.29%	30,311,309
09-10	30,311,309	28,348	28,457	1.10%	1.44%	0.62%	30,938,428
10-11	30,938,428	28,457	28,751	0.70%	1.40%	-2.54%	30,574,728
11-12	30,574,728	28,751	29,844	1.14%	1.81%	2.51%	31,909,447
12-13	31,909,447	29,844	29,965	0.81%	0.99%	3.77%	33,440,246
13-14	33,440,246	29,965	30,170	0.40%	1.01%	5.12%	35,507,426
14-15	35,507,426	30,170	30,325	0.49%	1.12%	-0.23%	35,822,527
15-16	35,822,527	30,325	30,491	0.61%	1.29%	3.82%	37,670,711
16-17	37,670,711	30,491	30,834	0.57%	1.26%	5.37%	40,193,768
17-18	40,193,768	30,834	31,068	0.75%	1.56%	3.69%	42,327,078

The Gann Limit is adjusted annually by multiplying the "Prior Year Gann Limit" (column 1) by the greater of the "City or County % Change in Population" (column 4 or 5) and then by the "% Change in Per Capita Income" (column 6). This annual Gann adjustment figure is then added to the Prior Year's limit amount to obtain the Current Year Gann Limit amount in column 7. The shaded boxes indicate the calculation factors that were used in determining the adjustment to the Gann Limit.

\*City and County population change % figures are provided by the Department of Finance Demographic Research Unit.

# ATTACHMENT B



May 2017

Dear Fiscal Officer:

**Subject: Price Factor and Population Information**

**Appropriations Limit**

The California Revenue and Taxation Code, section 2227, requires the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2017, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2017-18. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2017-18 appropriations limit. Attachment B provides the city and unincorporated county population percentage change. Attachment C provides the population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

**Population Percent Change for Special Districts**

Some special districts must establish an annual appropriations limit. The Revenue and Taxation Code, section 2228 provides additional information regarding the appropriations limit. Article XIII B, section 9(C) of the California Constitution exempts certain special districts from the appropriations limit calculation mandate. The Code and the California Constitution can be accessed at the following website: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this requirement should be directed to their county, district legal counsel, or the law itself. No state agency reviews the local appropriations limits.

**Population Certification**

The population certification program applies only to cities and counties. Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2017.**

**Please Note:** Prior year's city population estimates may be revised.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

MICHAEL COHEN  
Director  
By:

AMY M. COSTA  
Chief Deputy Director

Attachment



- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2017-18 appropriation limit is:

Per Capita Personal Income	
Fiscal Year (FY)	Percentage change over prior year
2017-18	3.69

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2017-18 appropriation limit.

**2017-18:**

Per Capita Cost of Living Change = 3.69 percent  
Population Change = 0.85 percent

Per Capita Cost of Living converted to a ratio:  $\frac{3.69 + 100}{100} = 1.0369$

Population converted to a ratio:  $\frac{0.85 + 100}{100} = 1.0085$

Calculation of factor for FY 2017-18:  $1.0369 \times 1.0085 = 1.0457$

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

<b>County City</b>	<b><u>Percent Change</u></b>	<b><u>--- Population Minus Exclusions ---</u></b>		<b><u>Total Population</u></b>
	<b>2016-2017</b>	<b>1-1-16</b>	<b>1-1-17</b>	<b>1-1-2017</b>
Alameda				
Alameda	0.76	77,936	78,526	79,928
Albany	0.44	18,905	18,988	18,988
Berkeley	1.03	119,997	121,238	121,238
Dublin	4.12	55,684	57,976	59,686
Emeryville	1.06	11,730	11,854	11,854
Fremont	0.94	229,504	231,664	231,664
Hayward	1.22	159,104	161,040	161,040
Livermore	1.63	88,207	89,648	89,648
Newark	1.46	44,767	45,422	45,422
Oakland	0.68	423,191	426,074	426,074
Piedmont	0.50	11,227	11,283	11,283
Pleasanton	1.17	75,040	75,916	75,916
San Leandro	0.45	87,882	88,274	88,274
Union City	0.61	73,010	73,452	73,452
Unincorporated	0.64	149,863	150,818	150,892
County Total	0.99	1,626,047	1,642,173	1,645,359

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

<b>County City</b>	<b><u>Percent Change</u></b>	<b><u>--- Population Minus Exclusions ---</u></b>		<b><u>Total Population</u></b>
	<b>2016-2017</b>	<b>1-1-16</b>	<b>1-1-17</b>	<b>1-1-2017</b>
Alpine				
Unincorporated	-0.78	1,160	1,151	1,151
County Total	-0.78	1,160	1,151	1,151

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Amador				
Amador	0.00	193	193	193
lone	21.43	3,481	4,227	7,772
Jackson	-0.23	4,849	4,838	4,838
Plymouth	-0.10	1,010	1,009	1,009
Sutter Creek	0.19	2,577	2,582	2,582
Unincorporated	-0.11	21,946	21,922	21,988
County Total	2.10	34,056	34,771	38,382

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

<b>County City</b>	<b><u>Percent Change</u></b>	<b><u>--- Population Minus Exclusions ---</u></b>		<b><u>Total Population</u></b>
	<b>2016-2017</b>	<b>1-1-16</b>	<b>1-1-17</b>	<b>1-1-2017</b>
Butte				
Biggs	0.32	1,899	1,905	1,905
Chico	1.37	92,117	93,383	93,383
Gridley	0.62	6,663	6,704	6,704
Oroville	0.21	17,999	18,037	18,037
Paradise	0.33	25,755	25,841	25,841
Unincorporated	0.33	80,270	80,534	80,534
County Total	0.76	224,703	226,404	226,404

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Calaveras				
Angels City	-0.72	4,049	4,020	4,020
Unincorporated	-0.12	41,111	41,062	41,148
County Total	-0.17	45,160	45,082	45,168

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

<b>County City</b>	<b><u>Percent Change</u></b>	<b><u>--- Population Minus Exclusions ---</u></b>		<b><u>Total Population</u></b>
	<b>2016-2017</b>	<b>1-1-16</b>	<b>1-1-17</b>	<b>1-1-2017</b>
Colusa				
Colusa	0.35	6,318	6,340	6,340
Williams	0.26	5,417	5,431	5,431
Unincorporated	0.41	10,230	10,272	10,272
County Total	0.36	21,965	22,043	22,043

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

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**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Contra Costa				
Antioch	0.66	113,495	114,241	114,241
Brentwood	3.38	59,058	61,055	61,055
Clayton	0.20	11,262	11,284	11,284
Concord	0.07	128,280	128,370	128,370
Danville	0.16	43,287	43,355	43,355
El Cerrito	0.45	24,490	24,600	24,600
Hercules	3.08	24,909	25,675	25,675
Lafayette	0.63	25,041	25,199	25,199
Martinez	1.17	37,224	37,658	37,658
Moraga	0.57	16,581	16,676	16,676
Oakley	2.16	40,327	41,199	41,199
Orinda	0.51	18,838	18,935	18,935
Pinole	0.79	18,827	18,975	18,975
Pittsburg	2.47	68,133	69,818	69,818
Pleasant Hill	1.24	34,232	34,657	34,657
Richmond	0.81	110,886	111,785	111,785
San Pablo	0.26	30,972	31,053	31,053
San Ramon	2.31	78,729	80,550	80,550
Walnut Creek	0.90	70,340	70,974	70,974
Unincorporated	0.90	171,829	173,370	173,454
County Total	1.13	1,126,740	1,139,429	1,139,513

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Del Norte				
Crescent City	-5.27	4,480	4,244	6,389
Unincorporated	1.74	20,303	20,657	20,735
County Total	0.48	24,783	24,901	27,124

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

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**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

<b>County City</b>	<b><u>Percent Change</u></b>	<b><u>--- Population Minus Exclusions ---</u></b>		<b><u>Total Population</u></b>
	<b>2016-2017</b>	<b>1-1-16</b>	<b>1-1-17</b>	<b>1-1-2017</b>
El Dorado				
Placerville	0.60	10,679	10,743	10,743
South Lake Tahoe	-0.26	21,078	21,024	21,024
Unincorporated	0.45	152,517	153,198	153,295
County Total	0.37	184,274	184,965	185,062

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Fresno				
Clovis	2.45	108,109	110,762	110,762
Coalinga	2.52	12,206	12,513	16,982
Firebaugh	0.53	8,159	8,202	8,202
Fowler	2.39	5,949	6,091	6,091
Fresno	0.97	520,441	525,495	525,832
Huron	3.90	6,916	7,186	7,186
Kerman	1.66	14,376	14,614	14,614
Kingsburg	1.87	12,111	12,338	12,338
Mendota	1.74	11,626	11,828	11,828
Orange Cove	0.84	9,291	9,369	9,369
Parlier	0.62	15,404	15,500	15,500
Reedley	0.52	26,016	26,152	26,152
Sanger	1.44	26,038	26,412	26,412
San Joaquin	0.49	4,050	4,070	4,070
Selma	1.19	24,860	25,156	25,156
Unincorporated	0.44	173,795	174,555	175,481
County Total	1.11	979,347	990,243	995,975

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

<b>County City</b>	<b><u>Percent Change</u></b>	<b><u>--- Population Minus Exclusions ---</u></b>		<b><u>Total Population</u></b>
	<b>2016-2017</b>	<b>1-1-16</b>	<b>1-1-17</b>	<b>1-1-2017</b>
Glenn				
Orland	1.39	7,705	7,812	7,812
Willows	-0.18	6,198	6,187	6,187
Unincorporated	-0.03	14,640	14,636	14,732
County Total	0.32	28,543	28,635	28,731

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Humboldt				
Arcata	1.31	18,137	18,374	18,374
Blue Lake	0.86	1,284	1,295	1,295
Eureka	0.89	26,881	27,120	27,120
Ferndale	0.84	1,433	1,445	1,445
Fortuna	0.29	11,954	11,989	11,989
Rio Dell	1.06	3,411	3,447	3,447
Trinidad	1.10	365	369	369
Unincorporated	1.14	71,910	72,732	72,914
County Total	1.03	135,375	136,771	136,953

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Imperial				
Brawley	1.12	26,629	26,928	26,928
Calexico	0.64	40,660	40,921	40,921
Calipatria	1.29	3,649	3,696	7,555
El Centro	0.71	45,305	45,628	45,628
Holtville	1.31	6,174	6,255	6,255
Imperial	2.57	18,190	18,658	18,658
Westmorland	0.61	2,288	2,302	2,302
Unincorporated	2.15	35,314	36,075	40,087
County Total	1.26	178,209	180,463	188,334

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Inyo				
Bishop	-0.35	3,968	3,954	3,954
Unincorporated	0.01	14,564	14,565	14,665
County Total	-0.07	18,532	18,519	18,619

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Kern				
Arvin	0.82	20,985	21,157	21,157
Bakersfield	1.13	379,210	383,512	383,512
California City	2.13	11,839	12,091	14,248
Delano	0.58	44,151	44,408	53,152
Maricopa	0.18	1,138	1,140	1,140
McFarland	1.97	13,066	13,323	14,919
Ridgecrest	0.31	27,524	27,610	28,349
Shafter	4.68	17,471	18,289	18,868
Taft	1.29	6,666	6,752	9,492
Tehachapi	0.72	8,521	8,582	12,280
Wasco	2.33	21,597	22,101	26,980
Unincorporated	0.49	307,001	308,513	311,015
County Total	0.97	859,169	867,478	895,112

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Kings				
Avenal	1.74	8,979	9,135	12,491
Corcoran	-6.15	13,832	12,982	21,786
Hanford	0.05	55,617	55,645	55,645
Lemoore	1.06	26,093	26,369	26,369
Unincorporated	0.39	26,597	26,702	33,246
County Total	-0.22	131,118	130,833	149,537

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

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**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Lake				
Clearlake	-0.35	15,585	15,531	15,531
Lakeport	-0.29	4,800	4,786	4,786
Unincorporated	0.50	44,317	44,540	44,628
County Total	0.24	64,702	64,857	64,945

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

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**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Lassen				
Susanville	5.00	8,201	8,611	15,046
Unincorporated	-2.22	14,995	14,662	15,872
County Total	0.33	23,196	23,273	30,918

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	Percent Change	--- Population Minus Exclusions ---		Total Population
	2016-2017	1-1-16	1-1-17	1-1-2017
Los Angeles				
Agoura Hills	0.01	21,015	21,018	21,018
Alhambra	0.79	86,237	86,922	86,922
Arcadia	0.31	57,194	57,374	57,374
Artesia	-0.02	16,734	16,730	16,816
Avalon	0.03	3,717	3,718	3,718
Azusa	0.68	49,424	49,762	49,762
Baldwin Park	0.41	75,227	75,537	75,537
Bell	0.00	36,409	36,408	36,408
Bellflower	0.00	76,657	76,657	76,657
Bell Gardens	0.07	42,796	42,824	42,824
Beverly Hills	-0.10	34,679	34,646	34,646
Bradbury	-0.27	1,110	1,107	1,107
Burbank	-0.01	105,046	105,033	105,033
Calabasas	0.14	24,168	24,202	24,202
Carson	0.23	93,455	93,674	93,674
Cerritos	1.21	49,439	50,039	50,039
Claremont	0.17	36,165	36,225	36,225
Commerce	-0.02	13,067	13,064	13,064
Compton	0.00	100,046	100,050	100,050
Covina	0.02	49,000	49,011	49,011
Cudahy	-0.02	24,417	24,411	24,411
Culver City	-0.04	40,120	40,103	40,103
Diamond Bar	0.26	56,919	57,066	57,066
Downey	0.09	113,729	113,832	113,832
Duarte	-0.02	22,038	22,033	22,033
El Monte	-0.02	114,295	114,268	114,268
El Segundo	0.08	16,703	16,717	16,717
Gardena	0.31	60,534	60,721	60,721
Glendale	0.57	200,600	201,748	201,748
Glendora	1.31	51,928	52,608	52,608
Hawaiian Gardens	-0.05	14,761	14,753	14,753
Hawthorne	0.01	87,649	87,662	87,662
Hermosa Beach	-0.48	19,711	19,616	19,616
Hidden Hills	0.48	1,876	1,885	1,885
Huntington Park	0.00	59,385	59,383	59,383
Industry	0.00	440	440	440
Inglewood	-0.02	114,921	114,900	114,900
Irwindale	0.28	1,419	1,423	1,423

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
La Canada Flintridge	-0.04	20,505	20,497	20,497
La Habra Heights	0.46	5,438	5,463	5,463
Lakewood	0.04	79,239	79,272	79,272
La Mirada	-0.03	49,448	49,434	49,434
Lancaster	-0.03	153,328	153,289	157,820
La Puente	0.04	40,440	40,455	40,455
La Verne	0.35	33,058	33,174	33,174
Lawndale	0.02	33,357	33,365	33,365
Lomita	0.20	20,363	20,403	20,403
Long Beach	0.09	479,679	480,096	480,173
Los Angeles	1.06	3,996,347	4,038,817	4,041,707
Lynwood	0.19	71,863	71,997	71,997
Malibu	-0.04	12,747	12,742	12,742
Manhattan Beach	0.45	35,329	35,488	35,488
Maywood	-0.02	28,023	28,016	28,016
Monrovia	2.95	37,411	38,514	38,514
Montebello	0.20	63,792	63,917	63,917
Monterey Park	0.38	61,372	61,606	61,606
Norwalk	0.00	104,764	104,760	105,526
Palmdale	-0.02	158,643	158,605	158,605
Palos Verdes Estates	-0.08	13,674	13,663	13,663
Paramount	0.10	55,868	55,923	55,923
Pasadena	1.68	140,960	143,333	143,333
Pico Rivera	0.02	64,031	64,046	64,046
Pomona	0.75	154,151	155,306	155,306
Rancho Palos Verdes	0.31	42,736	42,867	42,884
Redondo Beach	0.09	68,844	68,907	68,907
Rolling Hills	0.00	1,922	1,922	1,922
Rolling Hills Estates	-0.02	8,061	8,059	8,059
Rosemead	-0.01	54,990	54,984	54,984
San Dimas	0.05	34,215	34,231	34,231
San Fernando	0.05	24,473	24,486	24,486
San Gabriel	1.69	40,339	41,020	41,020
San Marino	0.00	13,467	13,467	13,467
Santa Clarita	2.97	210,101	216,350	216,350
Santa Fe Springs	-0.02	18,250	18,246	18,291
Santa Monica	0.59	93,282	93,834	93,834
Sierra Madre	-0.03	11,013	11,010	11,010
Signal Hill	0.02	11,607	11,609	11,609
South El Monte	0.31	20,798	20,862	20,862

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

<b>County City</b>	<b><u>Percent Change</u></b>	<b><u>--- Population Minus Exclusions ---</u></b>		<b><u>Total Population</u></b>
	<b>2016-2017</b>	<b>1-1-16</b>	<b>1-1-17</b>	<b>1-1-2017</b>
South Gate	0.05	98,581	98,633	98,633
South Pasadena	0.00	25,993	25,992	25,992
Temple City	0.00	36,389	36,389	36,389
Torrance	-0.01	147,116	147,101	147,101
Vernon	0.00	209	209	209
Walnut	0.11	30,101	30,134	30,134
West Covina	-0.01	107,819	107,813	107,813
West Hollywood	0.31	35,770	35,882	35,882
Westlake Village	0.00	8,370	8,370	8,370
Whittier	0.10	87,622	87,708	87,708
Unincorporated	-0.25	1,054,688	1,052,097	1,053,030
County Total	0.57	10,173,616	10,231,933	10,241,278

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Madera				
Chowchilla	2.70	12,085	12,411	18,840
Madera	1.21	65,292	66,082	66,082
Unincorporated	0.62	71,127	71,570	71,570
County Total	1.05	148,504	150,063	156,492

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**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

<b>County City</b>	<b><u>Percent Change</u></b>	<b><u>--- Population Minus Exclusions ---</u></b>		<b><u>Total Population</u></b>
	<b>2016-2017</b>	<b>1-1-16</b>	<b>1-1-17</b>	<b>1-1-2017</b>
Marin				
Belvedere	-0.05	2,173	2,172	2,172
Corte Madera	0.06	9,480	9,486	9,486
Fairfax	0.15	7,560	7,571	7,571
Larkspur	0.17	12,551	12,572	12,572
Mill Valley	0.15	14,887	14,910	14,910
Novato	0.10	54,205	54,261	54,522
Ross	0.08	2,541	2,543	2,543
San Anselmo	0.06	12,929	12,937	12,937
San Rafael	0.25	60,692	60,842	60,842
Sausalito	0.18	7,314	7,327	7,327
Tiburon	0.12	9,497	9,508	9,508
Unincorporated	0.24	65,258	65,412	69,214
County Total	0.18	259,087	259,541	263,604

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

<b>County City</b>	<b><u>Percent Change</u> 2016-2017</b>	<b><u>--- Population Minus Exclusions ---</u></b>		<b><u>Total Population</u></b>
		<b>1-1-16</b>	<b>1-1-17</b>	<b>1-1-2017</b>
Mariposa				
Unincorporated	-0.11	18,085	18,066	18,148
County Total	-0.11	18,085	18,066	18,148

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Mendocino				
Fort Bragg	0.84	7,707	7,772	7,772
Point Arena	0.22	451	452	452
Ukiah	0.37	16,254	16,314	16,314
Willits	0.55	4,901	4,928	4,928
Unincorporated	0.35	59,297	59,507	59,668
County Total	0.41	88,610	88,973	89,134

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Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Merced				
Atwater	1.15	30,059	30,406	30,406
Dos Palos	0.30	5,375	5,391	5,391
Gustine	0.79	5,840	5,886	5,886
Livingston	0.71	13,848	13,947	13,947
Los Banos	1.62	39,354	39,993	39,993
Merced	0.61	83,955	84,464	84,464
Unincorporated	1.59	91,963	93,425	94,578
County Total	1.15	270,394	273,512	274,665

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

<b>County City</b>	<b><u>Percent Change</u></b>	<b><u>--- Population Minus Exclusions ---</u></b>		<b><u>Total Population</u></b>
	<b>2016-2017</b>	<b>1-1-16</b>	<b>1-1-17</b>	<b>1-1-2017</b>
Modoc				
Alturas	-0.71	2,679	2,660	2,660
Unincorporated	-0.31	6,863	6,842	6,920
County Total	-0.42	9,542	9,502	9,580

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Mono				
Mammoth Lakes	0.23	7,984	8,002	8,002
Unincorporated	0.74	5,538	5,579	5,711
County Total	0.44	13,522	13,581	13,713

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Monterey				
Carmel-By-The-Sea	-0.03	3,843	3,842	3,842
Del Rey Oaks	0.66	1,670	1,681	1,681
Gonzales	0.67	8,492	8,549	8,549
Greenfield	2.18	17,484	17,866	17,866
King City	1.58	14,255	14,480	14,480
Marina	2.38	21,027	21,528	21,528
Monterey	0.63	24,846	25,002	28,828
Pacific Grove	0.71	15,388	15,498	15,498
Salinas	0.65	161,426	162,470	162,470
Sand City	0.52	382	384	384
Seaside	0.05	30,138	30,153	34,165
Soledad	2.86	16,455	16,925	26,065
Unincorporated	1.16	105,350	106,572	107,009
County Total	1.00	420,756	424,950	442,365

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Napa				
American Canyon	1.14	20,338	20,570	20,570
Calistoga	0.23	5,226	5,238	5,238
Napa	0.23	80,442	80,628	80,628
St Helena	0.25	6,018	6,033	6,033
Yountville	-2.93	2,080	2,019	2,935
Unincorporated	0.53	25,596	25,732	27,004
County Total	0.37	139,700	140,220	142,408

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Nevada				
Grass Valley	-0.06	12,867	12,859	12,859
Nevada City	-0.99	3,240	3,208	3,208
Truckee	0.79	15,779	15,904	15,904
Unincorporated	0.20	66,649	66,783	66,857
County Total	0.22	98,535	98,754	98,828

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	Percent Change 2016-2017	--- Population Minus Exclusions ---		Total Population
		1-1-16	1-1-17	1-1-2017
Orange				
Aliso Viejo	-0.06	50,341	50,312	50,312
Anaheim	0.80	355,675	358,529	358,546
Brea	1.39	43,606	44,214	44,214
Buena Park	1.01	83,042	83,884	83,884
Costa Mesa	-0.05	113,906	113,848	114,044
Cypress	0.24	49,535	49,655	49,655
Dana Point	0.17	33,643	33,699	33,699
Fountain Valley	-0.04	56,730	56,709	56,709
Fullerton	0.22	141,918	142,234	142,234
Garden Grove	0.00	176,285	176,277	176,277
Huntington Beach	0.51	196,564	197,574	197,574
Irvine	3.85	257,181	267,086	267,086
Laguna Beach	-0.02	23,509	23,505	23,505
Laguna Hills	2.63	30,736	31,544	31,544
Laguna Niguel	1.60	65,637	66,689	66,689
Laguna Woods	-0.06	16,329	16,319	16,319
La Habra	0.13	62,003	62,084	62,084
Lake Forest	1.87	83,376	84,931	84,931
La Palma	-0.14	16,006	15,984	15,984
Los Alamitos	-0.02	11,741	11,739	11,739
Mission Viejo	-0.05	96,763	96,718	96,718
Newport Beach	-0.15	85,045	84,915	84,915
Orange	0.09	140,761	140,882	140,882
Placentia	-0.05	52,292	52,268	52,268
Rancho Santa Margarita	-0.07	48,636	48,602	48,602
San Clemente	0.11	65,904	65,975	65,975
San Juan Capistrano	0.40	36,118	36,262	36,262
Santa Ana	0.40	339,997	341,341	341,341
Seal Beach	-0.14	24,393	24,359	24,890
Stanton	0.13	39,560	39,611	39,611
Tustin	0.44	82,015	82,372	82,372
Villa Park	-0.02	5,945	5,944	5,944
Westminster	0.17	93,375	93,533	93,533
Yorba Linda	0.38	67,632	67,890	67,890
Unincorporated	0.47	125,209	125,792	125,792
County Total	0.69	3,171,408	3,193,280	3,194,024

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Placer				
Auburn	0.21	14,066	14,096	14,096
Colfax	0.78	2,054	2,070	2,070
Lincoln	1.90	47,268	48,165	48,165
Loomis	0.89	6,715	6,775	6,775
Rocklin	4.45	61,672	64,417	64,417
Roseville	1.68	133,618	135,868	135,868
Unincorporated	0.57	110,810	111,446	111,446
County Total	1.76	376,203	382,837	382,837

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Plumas				
Portola	-0.28	2,133	2,127	2,127
Unincorporated	-0.07	17,704	17,692	17,692
County Total	-0.09	19,837	19,819	19,819

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**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County	Percent Change	--- Population Minus Exclusions ---		<u>Total</u> <u>Population</u>
City	2016-2017	1-1-16	1-1-17	1-1-2017
Riverside				
Banning	0.75	30,836	31,068	31,068
Beaumont	3.03	44,821	46,179	46,179
Blythe	-0.46	14,114	14,049	19,660
Calimesa	3.09	8,378	8,637	8,637
Canyon Lake	0.85	10,799	10,891	10,891
Cathedral City	0.96	53,994	54,511	54,557
Coachella	0.92	45,135	45,551	45,551
Corona	2.34	163,931	167,759	167,759
Desert Hot Springs	0.78	28,885	29,111	29,111
Eastvale	2.21	63,214	64,613	64,613
Hemet	0.94	81,109	81,868	81,868
Indian Wells	1.40	5,375	5,450	5,450
Indio	1.53	87,382	88,718	88,718
Jurupa Valley	2.42	98,920	101,315	101,315
Lake Elsinore	2.00	60,731	61,947	62,092
La Quinta	1.25	40,176	40,677	40,677
Menifee	2.41	88,524	90,660	90,660
Moreno Valley	1.00	204,712	206,750	206,750
Murrieta	2.39	112,232	114,914	114,914
Norco	0.44	24,063	24,169	26,882
Palm Desert	1.17	50,154	50,740	50,740
Palm Springs	1.09	46,866	47,379	47,379
Perris	2.34	74,005	75,739	75,739
Rancho Mirage	1.12	18,093	18,295	18,295
Riverside	0.97	323,607	326,733	326,792
San Jacinto	1.22	47,348	47,925	47,925
Temecula	1.27	109,635	111,024	111,024
Wildomar	2.14	35,034	35,782	35,782
Unincorporated	1.69	367,208	373,397	373,755
County Total	1.56	2,339,281	2,375,851	2,384,783

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

<b>County City</b>	<b><u>Percent Change</u></b>	<b><u>--- Population Minus Exclusions ---</u></b>		<b><u>Total Population</u></b>
	<b>2016-2017</b>	<b>1-1-16</b>	<b>1-1-17</b>	<b>1-1-2017</b>
Sacramento				
Citrus Heights	0.74	86,372	87,013	87,013
Elk Grove	1.75	168,118	171,059	171,059
Folsom	1.68	72,174	73,389	78,525
Galt	0.87	25,471	25,693	25,693
Isleton	1.18	844	854	854
Rancho Cordova	2.22	72,267	73,872	73,872
Sacramento	1.42	485,813	492,727	493,025
Unincorporated	0.79	580,126	584,729	584,729
County Total	1.22	1,491,185	1,509,336	1,514,770

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

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**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
San Benito				
Hollister	0.56	36,473	36,677	36,677
San Juan Bautista	0.81	1,841	1,856	1,856
Unincorporated	0.08	18,307	18,321	18,321
County Total	0.41	56,621	56,854	56,854

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
San Bernardino				
Adelanto	2.32	32,820	33,581	34,273
Apple Valley	1.05	73,925	74,701	74,701
Barstow	0.52	23,703	23,826	24,248
Big Bear Lake	0.86	5,004	5,047	5,047
Chino	2.89	80,399	82,720	88,026
Chino Hills	2.38	78,798	80,676	80,676
Colton	0.65	53,530	53,879	53,879
Fontana	1.72	209,179	212,786	212,786
Grand Terrace	0.56	12,366	12,435	12,435
Hesperia	0.96	93,241	94,133	94,133
Highland	0.65	54,024	54,377	54,377
Loma Linda	0.39	24,368	24,463	24,528
Montclair	0.92	38,766	39,122	39,122
Needles	0.52	5,018	5,044	5,044
Ontario	2.39	170,214	174,283	174,283
Rancho Cucamonga	0.94	175,681	177,324	177,324
Redlands	0.92	69,211	69,851	69,851
Rialto	0.50	105,996	106,528	106,528
San Bernardino	0.60	214,116	215,410	216,972
Twentynine Palms	5.01	17,243	18,107	26,919
Upland	1.02	76,016	76,790	76,790
Victorville	0.43	119,067	119,579	123,565
Yucaipa	1.02	53,773	54,324	54,324
Yucca Valley	0.69	21,371	21,519	21,519
Unincorporated	0.62	298,825	300,681	308,906
County Total	1.16	2,106,654	2,131,186	2,160,256

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
San Diego				
Carlsbad	0.76	112,866	113,725	113,725
Chula Vista	1.14	264,607	267,613	267,917
Coronado	-3.78	17,790	17,118	24,543
Del Mar	0.56	4,273	4,297	4,297
El Cajon	0.51	102,277	102,803	102,803
Encinitas	0.64	61,893	62,288	62,288
Escondido	0.55	150,669	151,492	151,492
Imperial Beach	0.34	27,417	27,510	27,510
La Mesa	0.56	59,949	60,286	60,286
Lemon Grove	0.76	26,594	26,795	26,795
National City	0.85	55,788	56,264	61,210
Oceanside	0.35	175,842	176,461	176,461
Poway	0.36	50,074	50,253	50,253
San Diego	1.12	1,373,156	1,388,596	1,406,318
San Marcos	0.86	93,242	94,042	94,042
Santee	0.66	56,725	57,100	57,100
Solana Beach	0.30	13,487	13,527	13,527
Vista	2.99	98,838	101,797	101,797
Unincorporated	0.64	468,416	471,411	513,828
County Total	0.92	3,213,903	3,243,378	3,316,192

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
San Francisco				
San Francisco	1.08	864,637	873,976	874,228
County Total	1.08	864,637	873,976	874,228

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
San Joaquin				
Escalon	0.52	7,168	7,205	7,205
Lathrop	4.22	22,174	23,110	23,110
Lodi	1.04	63,396	64,058	64,058
Manteca	2.73	74,222	76,247	76,247
Ripon	2.47	14,767	15,132	15,132
Stockton	1.30	313,989	318,079	320,554
Tracy	1.60	89,461	90,890	90,890
Unincorporated	1.13	145,362	147,009	149,672
County Total	1.53	730,539	741,730	746,868

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
San Luis Obispo				
Arroyo Grande	0.09	17,720	17,736	17,736
Atascadero	0.91	29,447	29,714	30,900
El Paso De Robles	1.17	31,378	31,745	31,745
Grover Beach	0.35	13,391	13,438	13,438
Morro Bay	0.45	10,714	10,762	10,762
Pismo Beach	0.86	8,177	8,247	8,247
San Luis Obispo	0.92	46,298	46,724	46,724
Unincorporated	0.33	116,125	116,505	120,549
County Total	0.59	273,250	274,871	280,101

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
San Mateo				
Atherton	0.58	7,107	7,148	7,148
Belmont	-0.05	27,608	27,594	27,594
Brisbane	0.68	4,690	4,722	4,722
Burlingame	0.78	29,916	30,148	30,148
Colma	0.07	1,505	1,506	1,506
Daly City	0.69	108,538	109,287	109,287
East Palo Alto	0.38	30,225	30,340	30,340
Foster City	0.47	33,068	33,225	33,225
Half Moon Bay	0.49	12,530	12,591	12,591
Hillsborough	0.77	11,663	11,753	11,753
Menlo Park	5.53	33,667	35,530	35,670
Millbrae	0.09	23,148	23,168	23,168
Pacifica	-0.18	38,192	38,124	38,124
Portola Valley	0.09	4,703	4,707	4,707
Redwood City	0.23	85,402	85,601	85,601
San Bruno	0.14	45,230	45,295	45,295
San Carlos	0.17	29,262	29,311	29,311
San Mateo	0.44	102,977	103,426	103,426
South San Francisco	0.11	65,378	65,451	65,451
Woodside	0.25	5,652	5,666	5,666
Unincorporated	0.27	65,294	65,470	65,470
County Total	0.56	765,755	770,063	770,203

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Santa Barbara				
Buellton	3.30	4,965	5,129	5,129
Carpinteria	-0.05	13,950	13,943	13,943
Goleta	1.05	31,431	31,760	31,760
Guadalupe	0.76	7,358	7,414	7,414
Lompoc	-0.33	41,405	41,267	44,042
Santa Barbara	-0.03	93,072	93,043	93,063
Santa Maria	1.64	104,567	106,280	106,280
Solvang	2.49	5,457	5,593	5,593
Unincorporated	0.82	139,109	140,253	143,439
County Total	0.76	441,314	444,682	450,663

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Santa Clara				
Campbell	0.34	42,583	42,726	42,726
Cupertino	0.17	58,815	58,917	58,917
Gilroy	2.12	54,777	55,936	55,936
Los Altos	0.58	31,221	31,402	31,402
Los Altos Hills	0.59	8,583	8,634	8,634
Los Gatos	0.40	31,189	31,314	31,314
Milpitas	0.45	75,069	75,410	75,410
Monte Sereno	0.57	3,481	3,501	3,501
Morgan Hill	1.52	43,484	44,145	44,145
Mountain View	1.13	78,396	79,278	79,278
Palo Alto	0.82	68,112	68,669	68,691
San Jose	0.94	1,036,325	1,046,079	1,046,079
Santa Clara	0.28	123,640	123,983	123,983
Saratoga	0.23	30,498	30,569	30,569
Sunnyvale	0.59	148,948	149,831	149,831
Unincorporated	0.33	86,278	86,566	87,764
County Total	0.81	1,921,399	1,936,960	1,938,180

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Santa Cruz				
Capitola	0.26	10,136	10,162	10,162
Santa Cruz	0.79	64,562	65,070	65,070
Scotts Valley	0.28	12,129	12,163	12,163
Watsonville	0.37	52,820	53,015	53,015
Unincorporated	0.21	135,825	136,108	136,193
County Total	0.38	275,472	276,518	276,603

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Shasta				
Anderson	0.26	10,423	10,450	10,450
Redding	0.35	90,202	90,514	90,653
Shasta Lake	0.29	10,356	10,386	10,386
Unincorporated	0.01	67,007	67,011	67,116
County Total	0.21	177,988	178,361	178,605

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



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**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Sierra				
Loyalton	0.26	764	766	766
Unincorporated	0.45	2,430	2,441	2,441
County Total	0.41	3,194	3,207	3,207

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Siskiyou				
Dorris	-0.10	967	966	966
Dunsmuir	-0.56	1,621	1,612	1,612
Etna	-0.27	735	733	733
Fort Jones	0.00	710	710	710
Montague	-0.35	1,446	1,441	1,441
Mount Shasta	-0.21	3,362	3,355	3,355
Tulelake	-0.50	1,007	1,002	1,002
Weed	1.67	2,759	2,805	2,805
Yreka	-0.44	7,811	7,777	7,777
Unincorporated	-0.07	24,240	24,223	24,287
County Total	-0.08	44,658	44,624	44,688

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

<b>County City</b>	<b><u>Percent Change</u></b>	<b><u>--- Population Minus Exclusions ---</u></b>		<b><u>Total Population</u></b>
	<b>2016-2017</b>	<b>1-1-16</b>	<b>1-1-17</b>	<b>1-1-2017</b>
<b>Solano</b>				
Benicia	0.44	27,574	27,695	27,695
Dixon	1.22	19,065	19,298	19,298
Fairfield	1.76	108,163	110,065	114,157
Rio Vista	4.59	8,623	9,019	9,019
Suisun City	0.44	29,168	29,295	29,295
Vacaville	1.67	90,234	91,744	98,456
Vallejo	0.55	117,629	118,280	118,280
Unincorporated	0.59	18,933	19,044	19,823
<b>County Total</b>	<b>1.20</b>	<b>419,389</b>	<b>424,440</b>	<b>436,023</b>

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Sonoma				
Cloverdale	1.11	8,833	8,931	8,931
Cotati	0.30	7,250	7,272	7,272
Healdsburg	0.37	11,757	11,800	11,800
Petaluma	0.76	60,479	60,941	60,941
Rohnert Park	0.31	41,936	42,067	42,067
Santa Rosa	0.60	175,738	176,799	176,799
Sebastopol	0.26	7,559	7,579	7,579
Sonoma	0.41	10,944	10,989	10,989
Windsor	0.37	27,269	27,371	27,371
Unincorporated	0.36	149,825	150,357	151,371
County Total	0.50	501,590	504,106	505,120

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Stanislaus				
Ceres	0.59	47,475	47,754	47,754
Hughson	1.30	7,237	7,331	7,331
Modesto	1.32	212,287	215,080	215,080
Newman	2.24	10,920	11,165	11,165
Oakdale	1.38	22,402	22,711	22,711
Patterson	1.80	22,329	22,730	22,730
Riverbank	2.58	23,992	24,610	24,610
Turlock	0.86	72,261	72,879	72,879
Waterford	0.98	8,820	8,906	8,906
Unincorporated	1.01	113,743	114,891	114,891
County Total	1.22	541,466	548,057	548,057

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

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**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Sutter				
Live Oak	3.23	8,366	8,636	8,636
Yuba City	0.09	67,386	67,445	67,445
Unincorporated	0.06	20,862	20,875	20,875
County Total	0.35	96,614	96,956	96,956

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Tehama				
Corning	-0.16	7,534	7,522	7,522
Red Bluff	-0.18	14,095	14,070	14,070
Tehama	-0.23	428	427	427
Unincorporated	0.22	41,708	41,799	41,976
County Total	0.08	63,765	63,818	63,995

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Trinity				
Unincorporated	-0.14	13,548	13,529	13,628
County Total	-0.14	13,548	13,529	13,628

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



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**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Tulare				
Dinuba	1.20	24,567	24,861	24,861
Exeter	0.53	10,927	10,985	10,985
Farmersville	1.22	11,112	11,248	11,248
Lindsay	0.41	12,931	12,984	12,984
Porterville	0.37	59,353	59,575	59,908
Tulare	1.96	63,421	64,661	64,661
Visalia	1.66	130,977	133,151	133,151
Woodlake	1.01	7,690	7,768	7,768
Unincorporated	0.71	145,171	146,195	146,276
County Total	1.13	466,149	471,428	471,842

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

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**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Tuolumne				
Sonora	-0.55	4,898	4,871	4,871
Unincorporated	-0.45	47,388	47,173	49,836
County Total	-0.46	52,286	52,044	54,707

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

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**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Ventura				
Camarillo	0.58	69,224	69,623	69,623
Fillmore	1.12	15,510	15,683	15,683
Moorpark	0.82	36,529	36,828	36,828
Ojai	0.49	7,516	7,553	7,553
Oxnard	0.49	206,754	207,772	207,772
Port Hueneme	0.32	20,662	20,728	22,808
San Buenaventura	0.44	108,736	109,216	109,275
Santa Paula	0.02	30,649	30,654	30,654
Simi Valley	0.39	126,814	127,309	127,309
Thousand Oaks	0.13	131,292	131,457	131,457
Unincorporated	0.37	95,964	96,320	98,424
County Total	0.41	849,650	853,143	857,386

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

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**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Yolo				
Davis	1.49	67,731	68,740	68,740
West Sacramento	0.69	52,797	53,163	53,163
Winters	1.68	7,135	7,255	7,255
Woodland	1.71	58,615	59,616	59,616
Unincorporated	3.00	29,244	30,122	30,122
County Total	1.57	215,522	218,896	218,896

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017 and Total Population, January 1, 2017**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2016-2017	1-1-16	1-1-17	1-1-2017
Yuba				
Marysville	-0.73	12,061	11,973	11,973
Wheatland	-0.48	3,526	3,509	3,509
Unincorporated	0.63	56,516	56,870	59,095
County Total	0.35	72,103	72,352	74,577

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



**Attachment C**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017**

County	Percent Change	--- Population Minus Exclusions ---	
	2016-17	1-1-16	1-1-17
Alameda			
Incorporated	1.03	1,476,184	1,491,355
County Total	0.99	1,626,047	1,642,173
Alpine			
Incorporated	0.00	0	0
County Total	-0.78	1,160	1,151
Amador			
Incorporated	6.10	12,110	12,849
County Total	2.10	34,056	34,771
Butte			
Incorporated	0.99	144,433	145,870
County Total	0.76	224,703	226,404
Calaveras			
Incorporated	-0.72	4,049	4,020
County Total	-0.17	45,160	45,082
Colusa			
Incorporated	0.31	11,735	11,771
County Total	0.36	21,965	22,043
Contra Costa			
Incorporated	1.17	954,911	966,059
County Total	1.13	1,126,740	1,139,429
Del Norte			
Incorporated	-5.27	4,480	4,244
County Total	0.48	24,783	24,901
El Dorado			
Incorporated	0.03	31,757	31,767
County Total	0.37	184,274	184,965

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

**Attachment C**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017**

County	Percent Change	--- Population Minus Exclusions ---	
	2016-17	1-1-16	1-1-17
Fresno			
Incorporated	1.26	805,552	815,688
County Total	1.11	979,347	990,243
Glenn			
Incorporated	0.69	13,903	13,999
County Total	0.32	28,543	28,635
Humboldt			
Incorporated	0.90	63,465	64,039
County Total	1.03	135,375	136,771
Imperial			
Incorporated	1.04	142,895	144,388
County Total	1.26	178,209	180,463
Inyo			
Incorporated	-0.35	3,968	3,954
County Total	-0.07	18,532	18,519
Kern			
Incorporated	1.23	552,168	558,965
County Total	0.97	859,169	867,478
Kings			
Incorporated	-0.37	104,521	104,131
County Total	-0.22	131,118	130,833
Lake			
Incorporated	-0.33	20,385	20,317
County Total	0.24	64,702	64,857
Lassen			
Incorporated	5.00	8,201	8,611
County Total	0.33	23,196	23,273

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

**Attachment C**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017**

County	Percent Change	--- Population Minus Exclusions ---	
	2016-17	1-1-16	1-1-17
Los Angeles			
Incorporated	0.67	9,118,928	9,179,836
County Total	0.57	10,173,616	10,231,933
Madera			
Incorporated	1.44	77,377	78,493
County Total	1.05	148,504	150,063
Marin			
Incorporated	0.15	193,829	194,129
County Total	0.18	259,087	259,541
Mariposa			
Incorporated	0.00	0	0
County Total	-0.11	18,085	18,066
Mendocino			
Incorporated	0.52	29,313	29,466
County Total	0.41	88,610	88,973
Merced			
Incorporated	0.93	178,431	180,087
County Total	1.15	270,394	273,512
Modoc			
Incorporated	-0.71	2,679	2,660
County Total	-0.42	9,542	9,502
Mono			
Incorporated	0.23	7,984	8,002
County Total	0.44	13,522	13,581
Monterey			
Incorporated	0.94	315,406	318,378
County Total	1.00	420,756	424,950

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

**Attachment C**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017**

County	Percent Change	--- Population Minus Exclusions ---	
	2016-17	1-1-16	1-1-17
Napa			
Incorporated	0.34	114,104	114,488
County Total	0.37	139,700	140,220
Nevada			
Incorporated	0.27	31,886	31,971
County Total	0.22	98,535	98,754
Orange			
Incorporated	0.70	3,046,199	3,067,488
County Total	0.69	3,171,408	3,193,280
Placer			
Incorporated	2.26	265,393	271,391
County Total	1.76	376,203	382,837
Plumas			
Incorporated	-0.28	2,133	2,127
County Total	-0.09	19,837	19,819
Riverside			
Incorporated	1.54	1,972,073	2,002,454
County Total	1.56	2,339,281	2,375,851
Sacramento			
Incorporated	1.49	911,059	924,607
County Total	1.22	1,491,185	1,509,336
San Benito			
Incorporated	0.57	38,314	38,533
County Total	0.41	56,621	56,854
San Bernardino			
Incorporated	1.25	1,807,829	1,830,505
County Total	1.16	2,106,654	2,131,186

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment C**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017**

County	Percent Change	--- Population Minus Exclusions ---	
	2016-17	1-1-16	1-1-17
San Diego			
Incorporated	0.96	2,745,487	2,771,967
County Total	0.92	3,213,903	3,243,378
San Francisco			
Incorporated	1.08	864,637	873,976
County Total	1.08	864,637	873,976
San Joaquin			
Incorporated	1.63	585,177	594,721
County Total	1.53	730,539	741,730
San Luis Obispo			
Incorporated	0.79	157,125	158,366
County Total	0.59	273,250	274,871
San Mateo			
Incorporated	0.59	700,461	704,593
County Total	0.56	765,755	770,063
Santa Barbara			
Incorporated	0.74	302,205	304,429
County Total	0.76	441,314	444,682
Santa Clara			
Incorporated	0.83	1,835,121	1,850,394
County Total	0.81	1,921,399	1,936,960
Santa Cruz			
Incorporated	0.55	139,647	140,410
County Total	0.38	275,472	276,518
Shasta			
Incorporated	0.33	110,981	111,350
County Total	0.21	177,988	178,361

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



Fiscal Year 2017-18

**Attachment C**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017**

County	Percent Change	--- Population Minus Exclusions ---	
	2016-17	1-1-16	1-1-17
Sierra			
Incorporated	0.26	764	766
County Total	0.41	3,194	3,207
Siskiyou			
Incorporated	-0.08	20,418	20,401
County Total	-0.08	44,658	44,624
Solano			
Incorporated	1.23	400,456	405,396
County Total	1.20	419,389	424,440
Sonoma			
Incorporated	0.56	351,765	353,749
County Total	0.50	501,590	504,106
Stanislaus			
Incorporated	1.27	427,723	433,166
County Total	1.22	541,466	548,057
Sutter			
Incorporated	0.43	75,752	76,081
County Total	0.35	96,614	96,956
Tehama			
Incorporated	-0.17	22,057	22,019
County Total	0.08	63,765	63,818
Trinity			
Incorporated	0.00	0	0
County Total	-0.14	13,548	13,529
Tulare			
Incorporated	1.33	320,978	325,233
County Total	1.13	466,149	471,428

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

Fiscal Year 2017-18

**Attachment C**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2016 to January 1, 2017**

County	Percent Change	--- Population Minus Exclusions ---	
	2016-17	1-1-16	1-1-17
Tuolumne			
Incorporated	-0.55	4,898	4,871
County Total	-0.46	52,286	52,044
Ventura			
Incorporated	0.42	753,686	756,823
County Total	0.41	849,650	853,143
Yolo			
Incorporated	1.34	186,278	188,774
County Total	1.57	215,522	218,896
Yuba			
Incorporated	-0.67	15,587	15,482
County Total	0.35	72,103	72,352

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

# ATTACHMENT C

**RESOLUTION NO. 2017-66**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA  
ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2017-18,  
PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION**

**WHEREAS**, Article XIII B of the California Constitution provides that the total annual appropriations subject to limitation of each governmental entity, including this City, shall not exceed the appropriation limit of such entity of government for the prior year adjusted for changes in the cost of living or personal income and population, except as otherwise provided for in said Article XIII B and implementing State statutes; and

**WHEREAS**, pursuant to said Article XIII B of said California Constitution, and Section 7900 et seq. of the California Government Code, the City is required to set its appropriation limit for each fiscal year; and

**WHEREAS**, the Finance Department of the City of Banning has interpreted the technical provisions of said Article XIII B and Section 7900 et seq., performed computations and a technical review of the documentation for the City's said appropriation limitation, and has caused the numbers upon which the City's appropriation limit was and is based; and

**WHEREAS**, based on such calculations the Finance Department has determined the said appropriation limit and, pursuant to Section 7910 of said California Government Code, has made available to the public the documentation used in the determination of said appropriation limit;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Banning that said appropriation limit for Fiscal Year 2017-18 is set in the amount of \$42,327,078 for said fiscal year as incorporated in the budget document.

**PASSED, APPROVED AND ADOPTED** this 27<sup>th</sup> day of June, 2017.

\_\_\_\_\_  
George Moyer, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, City Clerk  
City of Banning

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

---

John C. Cotti, Interim City Attorney  
Jenkins & Hugin, LLP

**CERTIFICATION**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-66, was duly adopted by the City of Council of the City of Banning, California, at a regular meeting thereof held on the 27<sup>th</sup> day of June 2017, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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



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## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Eric Brown, Information Technology Manager

**MEETING DATE:** June 27, 2017

**SUBJECT:** Information Technology Division

---

### **RECOMMENDED ACTION:**

**It is recommended that City Council consider:**

1. Approving additional staff to support expanding division workload and City Technological initiatives.
2. Creating an Information Technology (IT) Steering Committee composed of staff and City Council members.
3. Through the Committee, developing a Citywide Business Continuity and Disaster recovery plan.
4. Approving funding for a new network backup solution for the City's computer data.

### **BACKGROUND:**

Per direction of City Council at its May 23, 2017 menu, staff was instructed to analyze the current staffing levels and technological needs of the IT Division and report to Council a recommendation for staff increases and other division needs.

### **ISSUES/ANALYSIS:**

Information Technologies current staffing levels are not adequate to support the growing technological support needs of the City.

**FISCAL IMPACT:**

To be determined

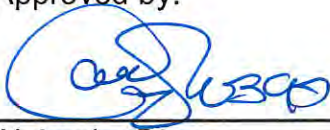
**ALTERNATIVES:**

1. Reject recommendation and stay act current staff levels.
2. Implement recommendations over a period of time.

**ATTACHMENTS:**

1. Presentation

Approved by:



---

Alejandro Díaz  
Acting City Manager

# ATTACHMENT 1

# City of Banning IT Division

## Current Division Structure





# Position Request & Title Changes

## Information Technology Analyst

### FUNDING:

**Justification:** Additional staff required to support current and future technological initiatives. Improve ratio of support staff to technology users.

## **Partial Job Description:**

**JOB DEFINITION:** Under general direction, performs Help desk functions, systems programming, database administration, systems administration, storage administration, and manages data center environments for the operation and maintenance of systems software supported by the Information Technology Division. Performs related duties as required.

### **EXAMPLE OF DUTIES:**

Duties may include, but are not limited to, the following:

Analyzes hardware and software for performance and makes recommendations for systems and upgrades.

Identifies and corrects errors which have caused abnormal termination of systems software.

Tests, evaluates, recommends, installs, maintains, customizes, regression tests, and provides technical support and maintenance for various systems and software products.

Configures and implements system software and definitions.

Performs system performance management and assists in capacity planning and system upgrades.

Assists with training, system and network problems, and automating operational

Reviews vendor proposals, contracts system hardware and software configurations, and maintenance support agreements for technical accuracy; provides recommendations.

Performs Local Area Network, Wide Area Network, and data center environment design

and support functions including reviewing configurations, performance tuning, and capacity management.

Monitors and controls the enterprise storage to ensure efficient performance and space utilization.

Analyzes and resolves complex systems problems including isolation and resolution of hardware and system software problems.

Performs data base design functions; monitors database performance; ensures the maintenance of the data bases including data base recovery.

Provides technical assistance for specially assigned projects and other work as required.

### **MINIMUM QUALIFICATIONS:**

Thirty (30) semester (45 quarter) units of completed, post high-school coursework from an accredited university or technical school in Computer Information Systems.

## **Cable TV Specialist**

### **FUNDING:**

**Justification:** Additional staff required to support increasing responsibilities and requirements of the City's Government Access Channel.



## Proposed Changes

- Change the current Information Technology/Media Technician position title to Communication Specialist.
- Change the job description to match new requirements of the position requirements
- Hire a full-time cable TV specialist
- Change Name of Police Information Systems Technician to Information Technology Analyst
- Add two additional Full time Information Technology Analyst Positions
- Make IT Analyst positions confidential unrepresented employees

## Proposed New IT Division Structure



# OTHER REQUESTS

## Information Technology Steering Committee

### Creation of an IT Steering Committee

An IT Steering Committee is an administrative body that reviews, monitors and prioritizes major IT projects from a cross-functional perspective.



## Business Continuity & Disaster Recovery Plan

- Administrative Policy that governs how the organization functions in the event of disasters.
- Policy specifies data recovery objectives and gives direction on how systems should be built to meet objectives

## Purchase of a New Network Backup Solution

- Needed to replace antiquated technology
- Improves backup times and recovery objectives
- Builds foundation for secure offsite operation in the event of disaster



Questions??



## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Alejandro Diaz, Interim City Manager

**PREPARED BY:** Rochelle Clayton, Deputy City Manager  
Jennifer McCoy, Purchasing Manager

**MEETING DATE:** June 27, 2017

**SUBJECT:** Policy B-30 Administrative Procedures – Procurement Policies and Procedures

---

### **COMMITTEE RECOMMENDATION:**

The City of Banning Budget & Finance Committee reviewed the recommended Policy B-30: Administrative Procedures – Procurement Policies and Procedures on September 6, 2016, December 6, 2016 and May 2, 2017 resulting in the revisions amending Chapter 3.24 of the Banning Municipal Code through Ordinance No. 1508.

### **RECOMMENDATION:**

Consider adopting Administrative Procedures – Finance Policies – Policy B-30 titled Procurement Policies & Procedures.

### **JUSTIFICATION:**

As policies need to be updated from time to time, staff is requesting that the City Council adopt Policy B-30, which revises the City's purchasing policy for consistency with the newly amended Purchasing Ordinance, which the Council introduced on June 13, 2017.

Implementation of the amended Purchasing Ordinance along with the recommended Procurement Policy will restructure the Purchasing System creating a more streamlined approach while minimizing compliance issues and project deadline delays for our community.

Listed below are the policies to be removed and replaced by Policy B-30.

**Administrative Policy Cross-Reference – Removing listed Policies and Replacing with Policy No. B-30 - Finance Policy - Procurement Policies & Procedures:**

<b>Policy Number</b>	<b>Title</b>	<b>Effective Date</b>
B-4	Formal Bid Procedures	03/03/78
B-15	Lease-Purchase of Equipment	01/20/80
B-18	Public Project Change Order	10/14/87
B-23	Purchasing Practices and Approval Requirements Policy	08/14/01
B-24	Disposal of Surplus Property	08/14/01
E-1 & E-2	Travel and Meeting Policy / Mileage Reimbursement Policy	09/01/01
B-23(a)	Purchasing Policy Addendum	11/12/14

**BACKGROUND:**

During 2014, it was noted that Purchasing Policy B-23 adopted in August 2001 and the Purchasing Ordinance updated in 2005 and 2007 included contradictory procedures. Both Administrative Policy B-23 and the former purchasing ordinance in the Banning Municipal Code needed to be updated to resolve any contradictory procedures. Now that these items were analyzed, updated, and evaluated in relationship to State (i.e. State Public Contract Code) or Federal codes, and any other best practices in the industry, staff recommends that Purchasing Policy Addendum (Policy B-23(a)) be implemented.

The City has operated in a decentralized purchasing environment wherein each department was responsible for doing the majority of its own purchasing. In June of 2016, one full time Purchasing Manager in the Administrative Department was hired and immediately tasked with the analysis of all Purchasing Policy and Procedures. The procurement responsibilities have progressively returned to the Purchasing Division to allow for a streamlined process in accordance with best practices and compliance of the State and City Codes.

The recommended policy provides up to date information, combining the policies listed above, while also including the amended Chapter 3.24 – Purchasing Systems Municipal Code.

### **OPTIONS:**

1. Approve Policy B-30 – Procurement Policies & Procedures by Council Action which will provide the City of Banning with the following benefits:
  - a. Promote standardization efforts throughout the organization, which increases efficiency.
  - b. Promote uniformity in compliance and implementing State, Local and Federal purchasing laws and requirement.
  - c. Present clear procurement instructions to staff, offering a more streamlined and comprehensible process.
2. Reject Policy B-30, which will decrease the system efficiency across the organization and limit the adherence to recently adopted Ordinance 1508.

### **FISCAL IMPACT:**

Based on an annual projection of department purchasing requests the immediate fiscal impact proposed through the enhancement of the procurement policy and minor monetary authority adjustments allows for an overall estimated annual savings of \$65,000.

### **ATTACHMENTS:**

1. Policy B-30 – Procurement Policies & Procedures (New)
2. Policy B-4 - Formal Bid Procedures
3. Policy B-15 - Lease-Purchase of Equipment
4. Policy B-18 - Public Project Change Order
5. Policy B-23 - Purchasing Practices and Approval Requirements Policy
6. Policy B-23(a) - Purchasing Policy Addendum
7. Policy B-24 - Disposal of Surplus Property
8. Policy E-1 & E-2 - Travel and Meeting Policy / Mileage Reimbursement Policy



---

Alejandro Diaz  
Acting City Manager

# ATTACHMENT 1





# ADMINISTRATIVE PROCEDURES

## City of Banning

APPROVAL DATE 06/27/17	FINANCE POLICIES	POLICY NO. B-30
APPROVED BY City Council	POLICY TITLE PROCUREMENT POLICIES & PROCEDURES	EFFECTIVE DATE 06/27/17

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## ADMINISTRATIVE PROCEDURES

### City of Banning

APPROVAL DATE 06/27/17	FINANCE POLICIES	POLICY NO. B-30
APPROVED BY City Council	POLICY TITLE PROCUREMENT POLICIES & PROCEDURES	EFFECTIVE DATE 06/27/17

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## ADMINISTRATIVE PROCEDURES

### City of Banning

APPROVAL DATE 06/27/17	FINANCE POLICIES	POLICY NO. B-30
APPROVED BY City Council	POLICY TITLE PROCUREMENT POLICIES & PROCEDURES	EFFECTIVE DATE 06/27/17

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## ARTICLE 1 – PURCHASING POLICY INTRODUCTION

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### SECTION 1 – PROCUREMENT SUMMATION

#### 1-100 Preface

##### (1) Open and Transparent

- a. The City of Banning is committed to transparency and accountability to strive to make businesses aware of all procurement opportunities available to them.

##### (2) Core Philosophy and Values:

- a. Conduct our business to the highest standards of ethics, integrity and compliance.
- b. Provide outstanding customer service through proactive listening, planning and communication pertaining to the needs of our customers and vendors.
- c. Provide expert knowledge and advice of procurement policies, and processes.

#### 1-101 Purpose

- (1) The purpose of this policy is to provide the City of Banning a means of assuring continuity and uniformity in its purchasing operation, and to define the responsibilities for purchasing supplies, services, tools, equipment and installation for the City of Banning. These guidelines are not intended to address every issue, exception, or contingency that may arise in the course of purchasing activities. The basic standard that should always prevail is to exercise good judgement in the use and stewardship of City resources, including keeping within the budget authorized by the City Council, and to be certain of quantity, quality, cost, delivery date, warranty and applicable insurance coverage before accepting the purchase.
- (2) Support management in cooperatively developing and executing sourcing strategies with the City's departments for products and services that meet or exceed the City's requirements and to perform these services to the highest ethical and professional standards.
- (3) Provide leadership through contract negotiation, and vendor management.
- (4) Promote the use of small, disadvantaged and minority-owned businesses when possible.
- (5) Support the City's commitment to environmental responsibility.
- (6) Support the City's commitment to the local business community by supporting use of local businesses when possible.
- (7) Assist departments involved in Federal and State grant agreements in maintaining compliance to applicable regulations.



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- (8) Assist departments in maintaining compliance to all City policies regarding contracting and purchasing.
- (9) Provide a proactive purchasing environment by studying the market trends, examining procurement laws and educating the City end users of such information through purchasing policy and procedure revisions and training every five (5) years.





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## ARTICLE 2 – PURCHASING POLICY

### SECTION 2 – OBJECTIVE OF THE PURCHASING POLICY

#### 2-100 Procurement Policy

- (1) In accordance with the policies adopted by the City Council of the City of Banning ("City"), all purchases, regardless of sources of funds will be governed by the California Government Code Section 54202 as referenced below:

*"Every local agency shall adopt policies and procedures, including bidding regulations, governing purchases of supplies and equipment by the local agency. Purchases of supplies and equipment by the local agency shall be in accordance with said duly adopted policies and in accordance with all provisions of law governing same. No policy, procedure, or regulation shall be adopted which is inconsistent or in conflict with statute."*

- (2) It shall be the procurement policy of the City to obtain all supplies, equipment and services at the lowest cost to the City that meet or exceed the City's specifications for performance, quality and availability at the time of purchase. In conforming to this policy, the capability, capacity and historical performance of the supplier will be considered and weighed in the decision process. Sourcing decisions will also be tempered by supplier diversity and the environmental impact considerations. Competitive bids or pricing will be solicited, unless a sole source provider is specified, in compliance with all applicable Federal and State regulations, California Government Code and City policies.
- (3) In accordance with Chapter 3.24 of the Banning Code, City purchases and contracts will be made pursuant to these guidelines. Applicable competitive bidding categories, authorization limits, or contract award procedures will be based on unit cost, total purchase cost for consolidated bid items, or fiscal year aggregates in the case of blanket purchase orders or similar ongoing purchasing arrangements. Staging of purchases in order to avoid these competitive bidding procedures or authorization limits are prohibited.

### SECTION 3 – ROLES, RESPONSIBILITIES AND SCOPES OF AUTHORITY

#### 3-100 Responsibilities

- (1) The responsibility for the purchase of all products, materials, supplies, furniture, equipment, vehicles and services is divided between the Purchasing Officer and each department. Although assigned different responsibilities, all core systems, methods, policies and procedures remain common. Shared responsibilities include overseeing the professional relationships between City of Banning and its vendors and contractors and insuring the highest ethical and professional standards.





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(2) It is the obligation and the responsibility of every procurement decision-maker to represent the City in a professional and ethical manner. As a procurement decision maker, you must:

- a. Follow the lawful instructions, policies and procedures of the City, City Council, City Manager, director, manager, supervisor or any person in a higher-level position of authority within your organization.
- b. Obtain the maximum benefit for funds spent as an agent for the City.
- c. Refrain from engaging in any procurement activity in which you have a personal or indirect financial interest.
- d. Avoid engaging in personal business with any company that is a supplier to the City.
- e. Avoid lending money to or borrowing money from any supplier.

#### 3-101 Delegation of Authority

- (1) The City Manager has been granted the authority and the responsibility of procurement of all materials, equipment, supplies, and services necessary for operations of the City. The City Manager has delegated specific authority and further delegate's authority to others prior to the execution of all contracts and agreements for procurement of all materials, equipment, supplies and services necessary for the day-to-day operations of the City. Therefore, a centralized purchasing system is adopted and the Purchasing Officer is vested with the authority for the purchase of all city supplies, services and equipment, (Banning Municipal Code 3.24.010).

#### 3-102 Purchasing Officer

- (1) The Purchasing Officer reports directly to the Administrative Services Director of the City.
- (2) Except where statutes or ordinances dictate otherwise, the City Purchasing Officer is to carry out the specific duties listed in this Policy, plus any additional duties as provided by resolution of the City Council, Codified Municipal Ordinances of the City of Banning, or the laws of the State of California and the United States of America. Subject to the supervision of the city manager, the purchasing officer shall have the authority to:
  - a. Negotiate contracts on behalf of the city for the purchase of supplies, equipment and services in accordance with this chapter, which contracts will be subject to award by the city council or city manager and execution by the mayor or city manager;
  - b. Negotiate and execute purchase orders on behalf of the city, for the purchase of supplies, equipment and services required by the city in accordance with this chapter;
  - c. Prepare, and implement city council approved policies and procedures governing the purchase, bidding, contracting, storing, distribution and disposal of supplies, services and equipment for the city;



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- d. Prescribe and maintain such forms as may be reasonably necessary to the implementation of this chapter and any other policies and procedures approved by the city manager consistent with this chapter;
- e. Review the working details, drawings, plans and specifications pertaining to procurement compliance and bidding processes for any projects or purchases requiring such review in this chapter;
- f. Inspect or supervise the inspection of purchased supplies, services and equipment to ensure conformity with any specifications established or required by the city;
- g. Transfer among departments any supplies, services and equipment not needed by one such department, but which are necessary for the operations of one or more other departments;
- h. Sell any supplies and equipment not needed for public use or that may become unsuitable for their intended use;
- i. Develop and maintain any bidder's list, contractor's list or vendor's catalog file necessary to the operation of this chapter and any other policies and procedures approved by the city manager consistent with this chapter;
- j. Approve and confirm emergency purchases;
- k. Identify and pursue cooperative agreement with the State of California, Counties, other Cities and other governmental agencies and organizations in order to obtain cost savings for the City;
- l. Be authorized in the absence of the Administrative Services Director to allow a budget over-ride for purposes of timely completion of a purchase transaction as long as such action would not put the fund over-budget when reasonably projected to the end of the fiscal year, and when the requesting department has submitted a Budget Transfer Form.
- m. Ensure full and open competition on all purchases as required by this policy;
- n. Review and process Purchase Requisitions;
- o. Prepare and issue informal and formal bid documents for all departments, (i.e., Requests for Quotations, Invitation for Bids, Requests for Proposals and Statements of Qualifications);
- p. Make purchase award recommendations to the appropriate authority;
- q. Notify vendors of purchase award;
- r. Assist in audits and reviews;



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- s. Encourage City involvement in public procurement organizations in an effort to promote the public procurement profession through education and peer networking.

#### 3-103 Departments

- (1) Departments are charged with the following responsibilities in the purchasing process:
  - a. To provide the Administrative Services Director, at the beginning of each fiscal year, an updated authorized signature list designating those individuals who are delegated the authority to make purchases per the policies and procedures as described herein;
  - b. To anticipate requirements sufficiently in advance to allow adequate time to obtain goods in accordance with the best purchasing practices;
  - c. To prepare purchase requisitions in accordance with instructions so as to minimize the processing effort;
  - d. To provide detailed accurate specifications to ensure goods obtained are consistent with requirements and expectations;
  - e. To inform Purchasing of any vendor relations' problems, shipping problems, (i.e., damaged goods, delivery issues and/or order discrepancies, etc.) and any situations that could affect the purchasing function;
  - f. To assist Purchasing with the review of all bids received for compliance with specifications, and provide Purchasing with written documentation regarding their findings;
  - g. To not "split" orders for the purpose of avoiding procurement requirements;
  - h. To provide on all new vendors a completed vendor packet;
  - i. Purchasing Liaisons shall follow the Purchasing Policy set forth herein, as well as, those procedures established by the City Purchasing Officer to ensure a procurement system that is fair, transparent, effective, efficient, and compliant with legal requirements and City Policy.

#### 3-104 Authority and Thresholds

- (1) All purchasing requests, regardless of dollar amount, must first be reviewed and approved by the respective Department Head.
- (2) All items, regardless of amount - quantity or dollar - shall be provided to the City Purchasing Officer to review, provide guidance, and for processing.



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- (3) The Authorization Table outlines who may approve contracts and legally binding agreements with external parties that obligate the City and shall apply to all purchases, including Capital Projects and Professional Services Contracts.

CITY OF BANNING PURCHASING AUTHORIZATION TABLE				
Purchase Type	Purchase Amount	Procurement	Contract Type	Approval Level
Goods, Equipment and Services	\$0 - \$5,000	1 Written/Printed Quote	Purchase Requisition & Short Form Purchase Order	Department Head/Manager or Above
	\$5,001 - \$10,000	Open market Informal Bid Process To Obtain 3 Printed Quotes (RFQ)	Purchase Requisition, Purchase Order & (Contract Applicable for Services)	
	\$10,001 - \$25,000	Open market Informal Bid Process To Obtain 3 Printed Quotes (RFQ)	Purchase Requisition, Purchase Order & (Contract Applicable for Services)	Department Head & City Manager
	Over \$25,000	Formal Bid Process (IFB, RFP)		City Council
Public Works Projects	\$0 - \$5,000	1 Written/Printed Quote	Purchase Requisition & Short Form Purchase Order	Department Head/Manager or Above
		Open market Informal Bid Process To Obtain 3 Printed Quotes (RFQ)		
	\$5,001 - \$10,000	Formal Bid Process (IFB, RFP)	Purchase Requisition, Purchase Order & (Contract Applicable for Services) and 10% Security Bond	Department Head/Manager or Above
	\$10,001 - \$25,000			Department Head & City Manager
	Over \$25,000			City Council

#### 3-105 Notes and Exceptions

- (1) In the absence of the approver for a given request, authorization will be obtained by his/her appointee or the next highest authority in accordance with the Authorization Table.
- (2) At no time can purchases be "split" or otherwise billed separately to circumvent the spending authority.
- (3) Purchase orders shall be issued prior to ordering supplies, tools and equipment, services and installations, and not "after the fact" for work already done or materials already ordered.



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- (4) With the exception of City Council authorized procurements, increases to previously authorized procurements are permitted if the increased procurements remain within the approver's limit. Freight and sales tax are a cost of doing business and shall be included in the total cost of the procurement.
- (5) Written notification by the Purchasing Officer of all City Manager approved contracts will be provided quarterly to the City Council for review by the Purchasing Officer.
- (6) Exceptions to standard purchasing methods and spending authorities are specifically limited to the following:

Advertisement and Notices (Per CA PCC 20169)	City Debt Service and Loans
Conference Registration	Educational seminars and training
Emergencies endangering the health and safety of City staff, customers and residents.	Gasoline credit card purchases (should be issued a blanket Purchase Order)
Insurance premiums (worker's compensation, general liability, etc.)	Payments to Department of Water Resources and related expenses (State Water Contractors, Inc., etc.)
Payments to Other Governmental Units	Payroll disbursements, payroll checks, deductions, deposits and tax payments that are supported by a payroll report
Permitting and other regulatory fees (construction permits, LAFCO payment, etc.)	Petty Cash Replenishment, refunds and travel expenses/advances
Postage/Delivery/Messenger Services	Professional Legal and Human Resources Confidential Consultant Services
Real Property/Easement Acquisition and Rental Property	Purchases that meet sole source procurement requirements.
Requisitions for products or services less than \$5,000.	Software license maintenance





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Subscriptions/Membership Dues	Trade Circulars, Books or CD's
Gasoline, diesel or aviation fuel.	Utility Bills (phone, gas, electric, etc.)
When no bids are received on formal or informal solicitations.	When the Purchasing Officer determines the commodity can be procured using a cooperative purchasing agreement.
When the purchasing officer identifies a Piggyback Agreement being prepared by and processed through another local, state, or federal governmental agency. Under such circumstances, the Purchasing Officer may join into an existing written purchase contract obtained within the last 24 months through a competitive bidding process prepared by and awarded by another local, state or federal governmental agency. City Council consent is required for such arrangements where the estimated value of the supplies is \$25,000 or more.	When the City Council determines, in accordance with applicable law that a competitive market does not exist, and no competitive advantage will be gained by the bidding process.

#### 3-106 Violations of Purchasing Policy and Municipal Codes

- (1) Employees with purchasing authority will be held accountable for the actions they take while operating in their granted fiduciary purchasing authority, in accordance with, Government Code §36900, *et seq.*.
- (2) Any individual committing City funds without proper authorization does so at his or her own financial risk and consequence. City may consider the purchase void and decline to pay the invoice. In such a case, the individual has acted at his or her personal financial risk and the supplier may look for payment from the individual who placed the order. The individual may risk being suspended or immediately terminated.
- (3) Employees shall avoid the intent and appearance of unethical or compromising practice in purchasing relationships, actions, and communications; employees shall do what is in the best interest of the City.



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- (4) If a purchasing violation has occurred, employee will receive Notice of Investigation and will be required to cooperate.
- (5) Risk/Legal or independent consultant will conduct an investigation to determine cause(s), effect(s), act(s), occurrence(s), and to provide recommendations on remedies. Dependent upon the discovered violation(s), event(s) and occurrence(s), Risk/Legal will forward the report to the City Manager, City Purchasing Officer, City Attorney and the City Council with the investigation findings, suggestions, and recommendation pertaining to future prevention.
- (6) Dependent upon the investigative findings:
  - a. Employee's purchasing authority may be suspended or revoked;
  - b. Employee may be fined for violations and infractions;
  - c. Employee's employment with the City may be suspended and/or terminated; and
  - d. Employee may be fined, prosecuted, and found guilty before a criminal court.



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## ARTICLE 3 – ETHICS AND PURCHASING

### SECTION 4 – PURCHASING CODE OF ETHICS

#### 4-100 Ethical Requirements of Department Heads and Purchasing Liaisons

- (1) Any person employed by the City of Banning who purchases goods and services, or is involved in the purchasing process for the City, shall be bound by this Purchasing Code of Ethics and shall:
  - a. Work closely with the Purchasing Officer on all purchases, regardless of amount – quantity or dollars;
  - b. Avoid the intent and appearance of unethical or compromising practice in relationships, actions, and communications;
  - c. Demonstrate loyalty to the City by diligently following all lawful instructions while using professional judgment, reasonable care, and exercising only the authority granted;
  - d. Conduct all purchasing activities in accordance with federal and state laws and the City's Purchasing Policy;
  - e. Refrain from any private or professional activity that would create a conflict between personal interests and the interests of the City;
  - f. Identify and strive to eliminate participation of any individual in operational situations where a conflict of interest may be involved;
  - g. Never solicit or accept money, loans, credits, or prejudicial discounts, and avoid the acceptance of gifts (of any amount), entertainment, favors, gratuities or services from present or potential suppliers which might influence or appear to influence purchasing decisions;
  - h. Promote positive supplier relationships through impartiality in all phases of the purchasing process;
  - i. Display the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the public being served;
  - j. Strive to obtain the maximum value and of best quality for each dollar of expenditure;
  - k. Provide an environment where all business concerns, large or small, disabled, majority- or minority-owned, are afforded an equal opportunity to compete for City business;
  - l. Enhance the proficiency and stature of the purchasing profession by adhering to the highest standards of ethical behavior; and
  - m. Consistently stay updated on the City's Purchasing Policy.



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#### 4-101 Policy

- (1) Public employment is a public trust. Public employees must discharge their duties impartially to assume fair, competitive access to government procurement by responsible contractors. Moreover, they shall conduct themselves in such a manner as to foster public confidence in the integrity of the City procurement process.
- (2) The Purchasing Code of Ethics is maintained and enforced by the City Purchasing Officer.

#### 4-102 "Arm's Length" Principle

- (1) All procurements must be "Arm's Length" transactions; meaning that the City and vendor to the transaction have no conflict of interest in the transaction. Arm's length transactions are made by two parties freely and independently of each other, and without some special relationship, such as being a relative, having another deal on the side or one party having complete control of the other. An "Arm's Length" can create an equitable agreement that will stand up to legal and public scrutiny.

#### 4-103 General Standards of Ethical Conduct

- (1) Any attempt at personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of public trust.
- (2) Violation of the City's receipt of donation and gifts policy may constitute a misdemeanor, and any employee found in violation shall be subject to discipline, including, in appropriate cases, termination of employment and criminal prosecution.
- (3) To the extent that violations of the ethical standards of conduct constitute violations of the State of California Government Code, employees shall be punishable as provided therein and to the fullest extent by law. Such sanctions shall be in addition to any other remedies, which the City may pursue in its interest.

#### 4-104 Conflicts of Interest

- (1) To avoid any real or perceived conflict of interest, all proposals or contracts for professional services should, to the extent possible, identify any relative of the contractor of his/her employees who are presently employed by the City.
  - a. In an effort to avoid any real or perceived conflict of interest, all proposal and contractual language for professional services shall include a clause requiring prospective and/or current vendors to notify the City of any such relationship between the vendor and the City.
  - b. Upon notification, the manager or responsible party of Purchasing shall notify the Administrative Services Director, Deputy City Manager, or City Manager of the City for further review and action, as deemed appropriate.





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- c. Notification of the relationship between the vendor and any City employee shall be placed in the Purchasing contract file for future reference, as deemed necessary.
- (2) The Political Reform Act, Government Code Section §87100-87105; addresses conflicts of interest as follows:
- a. "No public official at any level of state or local government shall make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he has a financial interest."
  - b. Upon discovery of an actual or potential conflict of interest, a City employee shall promptly file a Written Statement of Disqualification with the City Purchasing Officer and shall withdraw from further participation in the transaction involved. The City employee may, at the same time, request through his or her Department Head an advisory opinion from the City Attorney and/or the delegated legal affairs officer, if applicable, as to what further participation, if any, the City employee may have in the transaction.
  - c. No agent or representative, serving as a purchasing evaluator or otherwise, shall make, participate in making, or in any way attempt to use his or her delegated volunteer position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest and/or will have a material financial effect on the delegated volunteer or a member of his or her immediate family, or on:
    - i. Any business entity in which the volunteer agent or representative has a direct or indirect investment worth two thousand dollars (\$2,000.00 USD) or greater.
    - ii. Any real property in which the volunteer agent or representative has a direct or indirect interest worth two thousand dollars (\$2,000.00 USD) or greater.
    - iii. Any source of income, gifts, gratuities, and loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500.00 USD) or more in the value provided to, received by or promised to the volunteer agent or representative within twelve months prior to or after the time when the decision is made.
    - iv. Any business entity in which the volunteer agent or representative is a director, officer, partner, trustee, employee, or holds any position in management.
    - v. Any donor of, or any intermediary or agent for a donor of, gift(s) or gratuities aggregating two hundred fifty dollars (\$250.00 USD) or greater in value provided





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to, received by, or promised to the volunteer agent or representative within twelve months prior to or after the time when the decision is made.

- vi. For the purposes of this sub-section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a ten percent interest or greater."

- d. Agents, representatives, and/or volunteers of the City of Banning shall not be financially interested in, and be purchasers at any sale of, any City of Banning contractual relationship.

#### 4-105 Contracts with City Employees or Family of City Employees

- (1) No contracts shall be entered into between the City, including all departments thereof, and any employee or officer of the City who is paid for working for the City. No employee or officer shall directly or indirectly solicit any contract between him or herself and the City.
- (2) In the event that a City employee enters into a contractual agreement, in violation of this policy, the person or persons having obtained knowledge that a contractual relationship exists between the City and a City employee shall make immediate notification to the manager or responsible party of Purchasing.
- (3) The manager or responsible party of Purchasing shall make immediate notification to the Administrative Services Director, Deputy City Manager, or City Manager as well as the Director of Human Resources for action as deemed appropriate.
- (4) No contracts shall be entered into between the City, including all departments thereof, and any family member of an employee or officer of the City without disclosure of the relationship to the City Manager, Deputy City Manager, and Administrative Services Director AND written approval by the City Manager.

#### 4-106 Professional Service Contracts with Former City Employees

- (1) To avoid the potential for conflict of interest, or any appearance thereof, the City requires that all requests for entering into professional service contracts with former employees separated for less than one year be approved by the City Council.
- (2) Under emergency circumstances, the Budget and Finance Committee is authorized to give preliminary approval to such contractual arrangements and report such preliminary approval to the City Council for final approval or denial at their next scheduled meeting.
- (3) All Purchasing Division policies and procedures, or portions thereof, related to the administration of professional services contracts, and not conflicting with this resolution, shall remain in effect.



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- (4) All contracts shall contain language that states that the contract is contingent upon final approval by the City Council.

#### 4-107 Use of Confidential Information

- (1) Confidential Information is information which concerns or relates to the trade secrets, processes, operations, style of works, or apparatus, or to the production, sales, shipments, purchases, transfers, identification of patrons and residents, inventories, or amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or other organization, or other information of commercial value, the disclosure of which is likely to have the effect of either impairing the City's ability to obtain such information as is necessary to perform its functions, or causing substantial harm to a person, firm, partnership, corporation, or other organization from which the information was obtained, unless the City is required by law to disclose such information. Employees are prohibited from disclosing any confidential information.
- (2) Any and all information that is deemed "confidential" shall be provided to the City Purchasing Officer who shall then review, seek Legal guidance, and possibly disclose the information that may or may not be confidential.

#### 4-108 Equal Opportunity

- (1) City employees shall ensure that all vendors receive an equal opportunity to do business with the City. This opportunity is to be provided without regard to race, religion, sex, age, national origin, or physical disability.
- (2) The City of Banning is committed to the principle of diversity and equal opportunity in all of its endeavors and applies this principle in its procurement activity with the objective of encouraging participation by qualified vendors categorized as small, disadvantaged, veteran, minority or women-owned enterprises. The City believes that strengthening and expanding its supplier base in these business classifications not only contributes to lowering our operational costs, but also improves the overall health of the business community within which we exist. It is a practice of the City to actively identify and solicit qualified small, disadvantaged, veteran, minority or women-owned businesses and to provide and promote equal opportunities for such vendors within the City in order to promote vendor diversity.

#### 4-109 Conflicts of Interest – Contractors/Vendors

- (1) Purchasing liaisons shall complete the Conflicts Check of potential vendors.
  - a. May be detrimental to the City's interest and, therefore, would cause the City not to enter into a contract; or



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- b. May arise during the performance of the required services and, therefore, would provide reason for termination with cause.
- (2) The City Purchasing Officer, and any legal guidance sought by the City Purchasing Officer, will be the decision maker in determining if such a conflict would preclude the City from entering into a contract or possibly be reason for termination with cause. Disputed Purchasing Officer decisions will be re-evaluated and resolved by the City Manager.



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## ARTICLE 4 – PURCHASING METHODS AND PROCEDURES

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### SECTION 5 – COMPETITIVE BID PROCESS

#### 5-100 Competitive Sourcing

- (1) It is the policy of City of Banning to obtain competitive pricing, proposals or quotations on all products and services over \$5,000 used by the City. All proposals and quotations received will be evaluated based on quality, service, compliance to specifications and price. All awards will be made in the best interest of the City. Any or all proposals may be rejected at the discretion of City of Banning's City Council.
- (2) The competitive sourcing process is required where the product or service can be obtained from more than one source. Unless approved for sole source procurement or otherwise covered under existing contracts, all requisitioned products or services totaling \$5,000 or more individually, or as a system including multiple components, will be competitively sourced.
- (3) While participation in the competitive sourcing process by as many qualified vendors as possible, at least three proposals are required for purchases over \$5,000.

#### 5-101 Types of Solicitations

- (1) When seeking information from vendors, it is important for Purchasing to realize the specific type of goods and/or services required and to use the appropriate type of solicitation document. There are important differences among various documents used to solicit responses from vendors:
  - a. Request for Information (RFI) – An RFI is used when you're not certain what you want or you don't know what is available in the marketplace. The information received as a result of the RFI may assist in determining whether a formal request for bid or proposal is necessary.
  - b. Invitation for Bid (IFB) - An IFB is used when you know precisely what you need and have precise requirements and specifications, (see 5-102 below). Formal bid process over \$25,000.
  - c. Request for Proposal (RFP) - An RFP is a hybrid of these documents. An RFP is used when you have a general idea with some specifications and/or it's a large, complex project with potential for multiple solutions, (see 5-102 below). Formal bid process over \$25,000.
  - d. Request for Quotation (RFQ) – An RFQ is a standard business process used to invite suppliers into a bidding process to bid on specific products or services. Informal bid process, \$5,001 - \$25,000.





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- e. *Request for Statement of Qualifications (SOQ)* – An SOQ is often distributed before initiation of the RFP process. It is used to gather vendor information from multiple companies to generate a pool of prospects. This eases the RFP review process by preemptively short-listing candidates, which meet the desired qualifications.

#### 5-102 Differences Between an IFB and an RFP

Invitation for Bid (IFB)	Request for Proposal (RFP)
Used to acquire goods or services that can be touched, counted or measured	Used to acquire services or goods where the expertise and knowledge from the vendor are more critical and not as simple to measure or quantify
Strong emphasis on specifications and requirements	Strong emphasis on qualifications, skills, expertise and experience
Very little subjectivity in evaluation	Greater subjectivity in evaluation
Designed to select the lowest priced bid that meets the minimum requirements and is both responsive and responsible	Designed to select the best value or approach for the agency as evaluated by the review committee
No negotiations are allowed	Negotiations are allowed
Evaluate against written specifications	Evaluated against criteria in the RFP and against other proposals

#### 5-103 Overview of the Bid Process

- (1) A “kick-off meeting” should be held with the Purchasing Officer to establish a time line and approval process. It will be determined at that time what the process shall be, who will approve, and if Risk will need to determine if insurance requirements are applicable.
- (2) The purchasing process begins with the submission of the “Purchase Requisition,” and “Scope of Work,” (SOW), which is a description of services, specifications, description of goods, proposal evaluation criteria, and a recommended sources list.
- (3) The SOW is submitted to the Purchasing Officer, which is used in the development of a complete IFB or RFP including contract clauses, special clauses, instructions to prospective vendors, and any requisite technical exhibits or attachments.





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- (4) The bid document states a specific date and time deadline for proposal receipt and often has mandatory pre-proposal meetings for vendors to attend. This meeting offers the opportunity to ask questions and gives the City a chance to determine whether any changes need to be issued (addenda) to the request. This is also an excellent time to conduct any requisite site visits to familiarize vendors with the project site(s), if applicable.
- (5) Informal bids may be posted at City Hall, posted on the City's Web site, E-mailed, mailed or solicited over the phone to prospective bidders. Formal bids shall be posted at City Hall and shall be published at least once in a newspaper of general circulation as required by State law, and, if applicable, in appropriate trade publications and on the City's Web site. The date of publication shall be at least 10 days before the due date. All formal bids shall be sealed and shall be publicly opened and read at the date, time, and place indicated in the published notice. Alternatively, electronic transmissions including, but not limited to, the issuance of solicitation documents and the receipt of responses thereto are permitted as specified, PCC [1600 – 1601].
- (6) Prior to proposal deadlines, an evaluation team will be chosen.
- (7) After proposals are received, the committee will be provided the evaluation criteria, conflict of interest documents and tentative interview schedule. The proposals are then evaluated against evaluation criteria, which were stipulated in the bid documents.
- (8) Purchasing and the requesting Department then agree on the awarded vendor.
- (9) Once approved, a purchase order and/or contract are processed.
- (10) After award, the Department monitors the contractor's performance, approves invoices, and notifies Purchasing if any problems are encountered with vendor's performance.

#### 5-104 Developing a Scope of Work

- (1) The SOW is the core of any request. A well-written SOW can do more for the success of a contract than any other part of the contracting process. A good SOW is clear, complete, and logical enough to be understood by the vendor and Department. Because it describes the details of performance, it is the yardstick against which the vendor's performance is measured. Enhancing a vendor's ability to read and understand the needs articulated in the IFB/RFP is critical to success. The request must be concise and clear. The structure of the document is used to keep your thoughts on track and to organize a vendor's response. Emphasize points that you feel are especially important. Organize the bid document in numbered sections, and require the vendors to use this same numbering/sectioning format in their responses. This ensures clarity and consistency in the request and in the vendors' responses, and will make the evaluation and selection process easier.
  - a. Suggested Content – Introduction, general information, length contractor is needed, task description, constraints on the contractor, contractor personnel requirements and



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responsibilities (performance), City responsibilities (payment(s)), special conditions, evaluation criteria, and material specifications.

#### 5-105 Evaluation of Proposals

- (1) A prerequisite for award is that the vendor must be responsible and must submit a responsive offer.
- (2) To be "responsible" means the vendor has the requisite business integrity, as well as financial and organizational capacities, to ensure a good faith performance.
- (3) To be "responsive" is to make an offer must conform in all material respects to the RFP. Beyond these two basic criteria, the only method we have of selecting the offer most advantageous to the City is through the proposal evaluation criteria, which is published in the RFP.
- (4) Because of the nature of most goods and/or services purchased and the sealed competitive bid procedure, the City must make objective comparative analyses of different vendor's proposals in justifying our recommendation for award. The recommendation for award must be defensible. This makes the drafting of reasonable and definitive evaluation criteria very important to the IFB/RFP and source selection process.
- (5) Some evaluation criteria to consider for inclusion in the RFP are as follows:
  - a. Performance record of the contractor;
  - b. Safety record;
  - c. Relevant experience in providing comparable services on projects of similar size and scope;
  - d. Overall quality of proposal; and
  - e. Pricing.
- (6) The IFB/RFP must contain a cost proposal format that allows the vendors to explicitly identify their charges for the deliverables identified in the project. Deliverables must be well defined so that all vendors can respond to the same deliverables thus allowing the City to make comparative analyses of the vendors' costs.

#### 5-106 Pre-Proposal Conference

- (1) While a pre-proposal conference is not always required, it is highly recommended. If one is conducted, vendors are required to attend, or attendance may be by "invitation and urge to attend", so that the City can be sure that all vendors receive the same information and we receive constructive feedback about the RFP.



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- a. Although a representative from the Purchasing Office leads the conference and answers any contractual questions, the department must be represented to answer any questions about the technical aspects and performance anticipated in the scope of work detailed in the RFP.
- b. During the conference, City employees must not discuss the merits of a vendor's question, and it must be clear that nothing discussed that materially affects the RFP can be relied upon unless it is documented in a written addendum to the RFP. The City will not be bound by oral discussion surrounding a bid document.
- c. If a site visit is needed to familiarize vendors with the project, it is typically conducted following the pre-proposal conference job walk.

#### 5-107 Proposal Opening

- (1) Proposal openings are open to the public and are scheduled two to four weeks after the pre-proposal conference. This may vary depending on the complexity of project that is being bid.
- (2) Late proposals are marked with the time and date received; however, they are not opened or read and will not be considered.

#### 5-108 Proposal Evaluations

- (1) After the Purchasing Officer has reviewed each vendor's proposal to determine that they are complete, the proposals are then forwarded to the Department and/or committee members for evaluation.
- (2) During the period of evaluation and prior to Award, possession of proposals and accompanying information is limited to personnel responsible for participating in the evaluation.
- (3) Any communications with vendors must be approved in advance through the Purchasing Officer handling the bid process.
- (4) Recommendation for Award must be in written form and must address how each vendor has met or failed to meet the evaluation criteria stated in the RFP. All areas of non-conformity with any terms, conditions, or listed specifications must be clearly stated in the evaluation.
- (5) The proposal evaluation scores shall be a part of the final record.

#### 5-109 Negotiation

- (1) When all proposals are determined to be non-responsive, all must be rejected and a new RFP shall be issued.
- (2) Negotiation is permitted during an informal quote process and when only one bid resulting from an IFB is received during the competitive bid process. The negotiation process is also permitted during the RFP process. When written evaluations support it, the Purchasing Officer may





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authorize negotiation with each vendor whose proposal can reasonably be expected to be amended to meet the needs of the City.

#### 5-110 Contract Coordination

- (1) Contracts will be received or created, reviewed, redlined and placed into a final draft for execution to ensure that the terms and conditions between the City and awarded vendor are accurately and lawfully set forth.

#### 5-111 Monitoring Performance

- (1) After award, the project coordinator, who is usually named in the contract document, monitors the vendor's performance, approves invoices, and notifies the Purchasing Office if any problems are encountered.
- (2) Depending on the type of service, the manner in which performance is monitored may involve any number of procedures including regular and unscheduled inspections, complaints brought to management's attention, and reports or surveys of consumers of the services.

#### 5-112 Dealing with Poor Performance of Vendor/Contractor

- (1) The key to rectifying poor performance is keeping good documentation. Each contract contains provisions for dealing with poor performance. While the project coordinator may initially deal with minor issues verbally, a written record is required when the contractor's performance deteriorates to the point where it becomes necessary to cancel the entire contract or parts of it.
- (2) Contact the Purchasing Office for guidance and solutions when you have repeated and uncured issues with the contractor, for whatever reasons.

#### 5-113 Terminating Without Penalty

- (1) Under a standard termination clause in most contracts, the City has the option of terminating the contract without penalty for any reason with an advance written notice to the contractor.
- (2) Contact the Purchasing Office for guidance and solutions when you have repeated and uncured issues with the contractor, for whatever reasons.

### SECTION 6 – PROTESTS AND APPEALS PROCESS

#### 6-100 Policy

- (1) Any actual or prospective bidder, proposer or contractor who alleges an error or impropriety in the solicitation or award or a contract may submit a grievance to the appropriate departmental designee and the assigned Purchasing Officer.



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#### 6-101 Procedures

- (1) All grievances shall be typed under the complainant's letterhead and submitted in accordance with the provisions stated herein. All grievances shall include at a minimum the following information:
  - a. The name, address and telephone number of the complainant;
  - b. The signature of the complainant or the complainant's representative;
  - c. The solicitation or contract number;
  - d. A detailed statement of the legal and/or factual grounds for the grievance;
  - e. The form of relief requested.

#### 6-102 Protest of Bid/Proposal Specifications

- (1) All protests related to bid or proposal specifications must be submitted to the Purchasing Officer no later than five (5) business days prior to the close of the bid or proposal. Grievances received after five (5) business day deadline will not be considered by the City.
- (2) In the event the grievance of specifications is denied and the complainant wishes to continue in the solicitation process, the complainant must submit a bid prior to the close of the solicitation in accordance with the bid/proposal submittal procedures in the bid/proposal.

#### 6-103 Protest and Appeal of Award of Contract – Invitation for Bid (IFB)

- (1) Protests related to the award of a contract based on the Invitation for Bid (IFB) or Statement of Qualification (SOQ) process must be submitted no later than five (5) business days after the notice of the proposed contract award is provided by the Purchasing Officer or the departmental Designee.
- (2) Protests relating to a proposed contract award which are received after five (5) business day deadline will not be considered by the City.

#### 6-104 Protest and Appeal of Award of Contract – Request for Proposals (RFP)

- (1) Immediately upon completion of negotiations with the top-ranked vendor(s), but prior to the filing of a City Council Agenda Report for award of contract, the Purchasing Officer shall send a Notice of Intent to Award of Contract to all participating vendors.
- (2) Vendors will have five (5) business days from the date of the notice in which to file a protest or grievance concerning the award of the Contract.
- (3) Protests relating to a proposed contract award which are received after the five (5) business day deadline will not be considered by the City.
- (4) During the five (5) business day period or proper resolution of a protest or appeal, the department may move forward with the contract award or if necessary, filing the item for approval by the City Council.





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- (5) Upon expiration of the five (5) business day period or proper resolution of a protest and appeal, the department may move forward with the contract award or if necessary, filing the item for approval by the City Council.

#### 6-105 Protest Process

- (1) In the event of a timely protest, the City shall not proceed with the solicitation of award of the contract until the assigned City Purchasing Officer, and in some instances, the City Manager renders a decision on the protest and appeal.
- (2) Upon receipt of a timely protest, the Purchasing Officer will within ten (10) business days of the receipt of the protest and appeal, issue a decision in writing which shall state the reasons for the actions taken.
- (3) The City may, after providing written justification to be included in the procurement file, make the determination that an immediate award of the contract is necessary to protect the substantial interests of the City. The award of a contract shall in no way compromise the complainant's right to the protest and appeals procedures outlined herein.
- (4) If the complainant disagrees with the decision of the City Purchasing Officer, the complainant may submit a written notice to Administrative Services Director requesting an appeal to the City Manager and City Council.

#### 6-106 Appeal Process

- (1) If the complainant wishes to appeal the decision of the Purchasing Officer, the complainant must submit, within three (3) business days from receipt of the decision, a written appeal to the Finance Department, Office of the Deputy City Manager.
- (2) Within fifteen (15) business days, the Deputy City Manager will review all materials in connection with the grievance, assess the merits of the protest and provide a written determination that shall contain his or her decision on whether the protest shall be forwarded to the City Manager.
- (3) The decision of the Deputy City Manager on whether to allow the appeal to go forward will be final and there shall be no right to any administrative appeals of this decision.

### SECTION 7 – HOW TO PURCHASE

#### 7-100 Policy

- (1) In compliance with City of Banning Municipal Code and Administrative Regulations, each of the following provisions shall apply:
  - a. All purchases, rentals, and contracts shall be made only upon receipt of proper written/authorized requisitions, the required forms of which shall be supplied Citywide by the Purchasing Officer and placed on the Purchasing Portal on the City's Intranet.



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- b. No purchase order shall be issued unless approved budget appropriation is shown according to the budget procedure established by the Administrative Services Director/Purchasing Officer, City Manager, and City Council.
- c. All purchases must be accomplished through the Purchasing Department, regardless of amount – quantity or dollars.

#### 7-101 Procedure

- (1) Purchase Requisitions - An approved and signed purchase requisition shall be forwarded to the Purchasing Officer for processing in accordance with this Purchasing Policy and its procedures.
  - a. Purchase Requisitions are required for all purchases and used by the departments to request services, order supplies and/or equipment. Vendor information, budget general ledger account number and approval are required to create and issue Purchase Requisitions to vendors/contractors.
  - b. Upon receipt of a properly prepared requisition by Purchasing Officer, a requisition will normally be processed and completed within 10 business days for routine and 15 business days for complex acquisitions, (excluding purchases requiring formal bid procedures). It is the responsibility of the requisitioning department to adequately plan in advance for their procurement needs and/or requirements.
- (2) The cancellation of a departmental requisition shall require department's notification to Purchasing Officer.
  - a. Cancellation by the Department: Cancellation of a requisition by the department should be based on a written cancellation notice. Verbal cancellation may be accepted by Purchasing in order to suspend the purchasing process but should be followed up by written cancellation notice from the department.
  - b. Cancellation by Purchasing: Cancellation of a requisition initiated by Purchasing requires the written notification and concurrence of the department.
  - c. Cancellation by Purchasing as a "last resort": A last resort example would be the failure of department to respond to an inquiry for additional information in a timely manner (failure to obtain a response after multiple attempts). Last resort cancellations do not require the department's concurrence.

#### 7-102 Process

- (1) Purchasing Officer/Project Manager are to discuss proposed purchase with Department Head.
- (2) Purchasing must receive requisitions that have sufficient funding in a referenced account.





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- (3) Finance will confirm funding and/or will work with the Department on budgetary transfers, if necessary.
- (4) Any delays in processing submitted purchase requisitions due to lack of funding are the Department's responsibility.

#### SECTION 8 - SOLICITATION PROCESS

##### 8-100 Definitions

- (1) Invitations for Bids (IFB) are competitive bidding documents used for acquiring supplies, services, or equipment for which clear specifications can be written and contract award is made generally to the lowest responsive, responsible bidder.

##### 8-101 Prequalification of Bidders

- (1) The City reserves the right to prequalify bidders when deemed to be in its best interest. Prequalification may be done as the first step in a two-step bidding process. Bidders will be prequalified by responding to a Request for Qualification (RFQ), which will include a request for information related to the bidder's ability to fulfill the contract conditions. Qualification criteria may include financial capacity and stability, company history, capacity to perform, relevant experience, and other criteria relevant to the acquisition being bid.
- (2) Prequalification requirements will be reasonable and will be the minimum requirements necessary to carry out the contract.

##### 8-102 Requests for Information

- (1) When required by the City and determined to be in its best interest, a general request for information sent to vendors may precede the IFB process. The request for information will be a way of determining appropriate bidders.

##### 8-103 Invitation for Bid (IFB) Document

- (1) The IFB shall include a purchase description and all contractual terms and conditions applicable to the procurement. All invitations for bid will include the following:
  - a. Adequate Public Notice – Adequate public notice will be given to provide potential bidders sufficient time to prepare and submit bids by the due date specified in the invitation for bid.
  - i. General Specifications – Clear, concise specifications must be included in all bid documents. The specification is a description of the physical or functional characteristics of the commodity, equipment, or services desired. Specifications shall be written to encourage maximum and fair competition. A Statement of Desired Purpose will be included in all specifications and only those



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characteristics essential to the final performance of the product or service will be included. Unless only one brand of commodity or equipment is acceptable due to compatibility or other restrictive requirements, any brand name used in the specifications will be used only for the purpose of establishing descriptive information and will not be used to restrict competitive bidding.

- ii. Proprietary Specification (no substitute) – Proprietary specifications shall be used only when the end user has presented justification that only the named product will function in the end use required. Proprietary items will be competitively bid whenever there is more than one supplier from whom the product is available.
- b. Terms and Conditions – All IFB's will include terms and conditions, which will become part of the contract. The City Purchasing Officer shall maintain, by type of contract, applicable and appropriate terms and conditions to be included in contracts and shall make these departments for inclusion in the contracts they request.
- c. Bid and Performance Surety – When determined to be in the best interest of the City, the City Purchasing Officer may include in the terms and conditions a requirement for a bid and/or payment and performance surety. A bid surety of ten percent (10%) of the total bid will guarantee that a bidder enters into the contract per its bid. A payment and performance surety of a sum being not less than one-hundred percent (100%) of the total contracted amount will guarantee that the bidder will carry out the contract per the specifications and terms and conditions set out by the City. Bidders shall be permitted to provide such surety in the form of a bond, certified or cashier's check, letter of credit, or certificate of deposit redeemable by the City. Upon award to the successful bidder, all such sureties will be returned to unsuccessful bidders.
- d. Indemnification – Where the City may experience financial or physical risk in the performance of a contract by a vendor, the contract terms and conditions will require that the vendor hold the City harmless from such risk.
- e. Insurance – The City may also require that the successful bidder submit an insurance certificate prior to contract award. Such certificate will be in an amount adequate to protect the City and will name the City as an additional insured.
- f. Criteria for Award – The IFB will include criteria for award. Award will be based on the lowest responsive and responsible bidder.
- g. Responsiveness – A bidder's responsiveness will be judged according to requirement set forth in the invitation to bid. No criteria may be used in the determination of a bidder's responsiveness that is not set forth in the IFB. In order to determine the lowest responsive bidder, criteria, which affect bid price and may be objectively measured,



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such as discounts, transportation costs, and life cycle cost, may be considered. Award may not be made to a bidder submitting a higher quality item than the minimum required unless the bidder's price is also determined to be the lowest in accordance with the criteria established in the Invitation for Bid (IFB).

- h. Responsibility – A bidder's responsibility will be judged according to the bidder's ability to successfully carry out the proposed contract. Criteria to be used may include financial capacity, experience, facilities, equipment, and integrity. The City may also consider any of its own past dealings with bidder. The unreasonable failure of a bidder to promptly supply information or documents required for bid review may be grounds for "determination of non-responsibility" made by the City Purchasing Officer.

#### 8-104 Vendor Advisory

- (1) All Invitations for Bid (IFB) will include as part of their language the following vendor advisory, "The City of Banning does not require and neither encourages nor discourages the use of lobbyists or other consultants for the purpose of securing business."

#### 8-105 Pre-Bid Conference

- (1) When it is in the City's best interest, a pre-bid conference may be held. The purpose of the conference will be to further discuss or illustrate the City's needs and/or to answer any questions which may exist on the part of the bidders. The conference shall be hosted by the City Purchasing Officer. Any changes, deletions, additions or clarification to the bid solicitation shall be issued as an addendum and sent to all prospective proposers. Pre-bid conferences shall not be mandatory for potential bidders unless it is clearly in the City's best interest.

#### 8-106 Acceptance of Bids

- (1) Except as noted below, bids must be received no later than the time specified in the IFB. Bids shall be unconditionally accepted without alteration or correction. Late bids shall not be considered and shall be returned to the bidder unopened unless authorized for acceptance and approval by the City Purchasing Officer with written justification. All bids must be received by someone other than the person who conducted the bid solicitation and must be time and date stamped upon receipt. All bids must be kept in a secure, locked location for access by personnel so authorized by the Department Head. Bids become public information immediately after the closing date and time.

#### 8-107 Waivable Informalities

- (1) When considered in the best interest of the City, and when bidder is deemed responsible as defined in the Public Contract Code §1103, certain proposal requirements may be waived by the City Purchasing Officer. Such waivers will be only for minor requirements, which will not provide a material advance for one proposer over another. Examples of waivable informalities are:





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- a. Failure of a proposer to submit information due to oversight;
  - b. Failure of a proposer to sign or date a bid document; and
  - c. Failure of a proposer to submit the requested number of proposal copies; and
- (2) Waivable informalities will be considered on a case-by-case basis and will occur only when in the City's best interest.
- (3) [A] bid which substantially conforms to a call for bids may, though it is not strictly responsive, be accepted if the variance cannot have affected the amount of the bid or given a bidder an advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential.<sup>1</sup>
- (4) The rule of strict compliance with bidding requirements does not preclude the contracting entity from waiving inconsequential deviations.<sup>2</sup> These kinds of errors can be ignored by a public agency, provided they give the bidder no advantage in price or otherwise over other bidders.

#### 8-108 Correction, Clarification, or Withdrawal of Bids

- (1) Correction, clarification, or withdrawal of erroneous bids before or after awards shall be permitted by the City Purchasing Officer under the following circumstances:
  - a. Where there is a mistake evident from examining the bid document, such as an extension of unit pricing or error in addition, the bidder should be permitted to correct the error and the bid remain valid.
  - b. Where a bidder alleges a material mistake of fact and there is reasonable proof a mistake was made and the intended bid cannot be ascertained with reasonable certainty, the bidder shall be permitted to withdraw the submitted bid without penalty.
  - c. Where a bidder fails to supply information requested in the IFB due to oversight, the bidder should be permitted the opportunity to furnish the information. This shall be permitted so long as the information does not affect the bidders' submitted price, specifications or substantive obligations and does not affect the position of his bid relative to other properly submitted.
- (2) Where a bidder committed errors in judgment, the City will not permit withdrawal of the submitted bid without penalty, unless it is determined to be in the best interest of the City.
- (3) Nothing in this section is intended to prohibit the City from accepting a voluntary reduction in price or more favorable terms from a successful bidder after award, provided that such is not

<sup>1</sup> [Citations.] (47 Ops.Cal.Atty.Gen. 129, 130 (1966), italics added, quoted with approval in Ghilotti, supra, 45 Cal. App.4th at pp. 904-905, Valley Crest, supra, at pp.1440-144, Konica, supra, 206 Cal.App.3d 449, 454, and National Identification Systems, Inc. V. State Bd. of Control (1992) 11 Cal.App.4th 1446, 1453 [15 Cal.Rptr.2d 257].)

<sup>2</sup> (Ghilotti, supra, at p. 908, italics added.) MCM Const., Inc. v. City & County of San Francisco (1998) 66 Cal.App.4th 359, 373-374.



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conditioned on a modification or deletion of any conditions required in the IFB, which would result in a contract less favorable to the City.

#### 8-109 Tied Bids and Local Preference

- (1) When all other factors are determined to be equal, preference shall be given to firms having a bona-fide place of business within the City of Banning. Local Vendor Purchasing Preference is the practice of procurement from certain suppliers/contractors because they are also local taxpayers. Local preference is desirable because it stimulates the local economy. All orders/contracts are awarded based on quality, previous performance, ability to meet the contract requirements, availability of service and parts, delivery schedule, and payment terms/discounts and all of the factors particular to the award. When all these factors are equal except price, a preference will be given to local vendors equal to 5% of the quoted price. The City Purchasing Officer has the right to award tie bids by performing a re-solicitation of the tied providers.

#### 8-110 Cancellation of Invitations for Bid and Reservation to Reject All Bids

- (1) An IFB may be canceled and any or all bids may be rejected in whole or in part as specified in the solicitation if it is for good cause and in the best interest of the City. The reasons for such cancellation or rejection shall be made part of the contract file. Reasons for cancellation or rejection shall be provided upon request to bidders.

#### 8-111 Public Bid Openings

- (1) A public bid opening will be held at a time and place announced in the bid solicitation for purchases exceeding \$25,000, subject to the guidelines for each contract type as detailed in this Policy.
  - a. The amount of each bid, together with the name of each bidder, shall be recorded and made available for public inspection.
  - b. In cases where bids are submitted and tabulated electronically, bid openings will be considered public as long as individual bids are electronically accessible after the bids close.

#### 8-112 Protest, Grievances, Appeals – Invitation for Bid (IFB)

- (1) Protest of Bid/Proposal Specifications – All protests and grievances related to bid or proposal specifications must be submitted to the City Purchasing Officer no later than five (5) business days prior to the close of the bid or proposal. Protests received after the five (5) business day deadline will not be considered by the City.



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- (2) In the event the protest of specifications is denied and the protester wishes to continue in the solicitation process, they must still submit a bid prior to the close of the solicitation in accordance with the bid/proposal submittal procedures provided in the bid/proposal.
- (3) Protest of Award of Contract – Protests related to the award of a contract based on the Invitation for Bid (IFB), must be submitted no later than five (5) business days after the notice of the proposed contract award is provided by the City Purchasing Officer.
- (4) Protests relating to a proposed contract award which are received after the five (5) business day deadline will not be considered by the City.

#### SECTION 9 – REQUEST FOR PROPOSAL (RFP)

##### 9-100 Definition

- (1) When it is not in the City's best interest to acquire goods or services through normal competitive bidding, a contract may be solicited using the Request for Proposal (RFP) method. Such a situation may arise for any number of reasons, including, but not limited to:
  - a. The City's requirements are not well defined.
  - b. The City is interested in evaluating a range of offers so that it may take advantage of technical innovation and developments in the market place.
  - c. Factors such as availability, expertise, and quality override price as criteria for award.

##### 9-101 Requests for Information

- (1) When required by the City and determined to be in its best interest, a general Request for Information may be sent to vendors preceding the RFP process. The Request for Information will be a way of determining appropriate proposers.

##### 9-102 Request for Proposal (RFP) Process

- (1) Requests for Proposals will be issued with the intent of providing a competitive process from which the City may select a vendor to satisfy its requirements. The RFP will consist of the following:
  - a. Adequate Public Notice – Adequate public notice shall be given to provide potential proposers sufficient time to prepare and submit proposals by the due date specified in the RFP.
  - b. Requirements Statement – This will be a statement of the City's objectives in issuing the request. It shall explain the City's need as clearly as possible. It shall include any special requirements which the City may have in regard to its overall objectives. Included may be requests for special reports, critical timelines, unique items or services to be provided, cost or pricing data required, duration of service, etc.





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- c. Qualification Statement – If necessary, the City may include minimum qualification criteria in the RFP. These criteria shall not be used to limit competition but may be used to assure a certain level of expertise and quality of service.
- d. Terms and Conditions – The terms and conditions that are intended to become part of the final contract shall be included in the RFP. Included in the terms and conditions are such items as indemnification, contract termination, payment terms, applicable laws, etc. The City Purchasing Officer shall maintain, by type of contract, applicable and appropriate terms and conditions to be included in contracts and shall make these available to departments for inclusion in the contracts they issue.
- e. Instructions – These are items, which related directly to the procedures on how the proposal must be submitted. Included in the instructions are items related to the number of submittals required, format, procedure for information clarification, etc.
- f. Bid and Performance Surety – When determined to be in the best interest of the City, the City Purchasing Officer may include in the terms and conditions a requirement for bid and/or performance surety. A bid surety will guarantee that proposers enter into the contract as agreed upon, and a performance surety will guarantee that the proposer will carry out the contract requirements according to specifications and terms and conditions set out by the City. Such surety, when required, will not be designed to be restrictive, but will only be in an amount necessary to protect the City's interest. Proposers shall be permitted to provide such surety in the form of a bond, certified or cashier's check, letter of credit, or certificate of deposit redeemable by the City. Upon execution of the contract with the successful proposer, all such sureties will be returned to the unsuccessful proposers.
- g. Indemnification – Where the City may experience financial or physical risk in the performance of a contract by a vendor, the contract terms and conditions will require that the vendor hold the City harmless from such risk.
- h. Insurance – The City may also require that the successful proposer submit an insurance certificate prior to contract award. Such certificate will be in an amount adequate to protect the City and will name the City as an additional insured.
- i. Liquidated Damages – When determined to be appropriate by the City Purchasing Officer, a provision for liquidated damages may be included in the contract terms and conditions. Liquidated damages may not be a penalty, but must be an approximation of the City's actual damages.
- j. Evaluation Criteria – The RFP will list the criteria which will be used to evaluate submitted proposals. The factors shall relate to the proposer's ability to satisfy the City's requirements as specified in the proposal. Evaluation criteria may be weighted by having specific values assigned to each criterion. Evaluation criteria may also be listed in order of importance without including values. Only the factors listed as part of the



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evaluation criteria may be used to determine the successful proposer. Values/weights for evaluation criteria must be established and submitted to the City Purchasing Officer prior to distribution of the proposals to the evaluation committee. Where cost is a factor in the evaluation criteria, costs analysis must be conducted and recorded in the evaluation process.

#### 9-103 Prequalification of Proposers

- (1) The City reserves the right to prequalify proposers when deemed to be in the best interest of the City. Prequalification may be done as the first step in a two-step bidding process. The process for selection shall be conducted in a competitive manner using the City's standard solicitation methods, to ensure participation by all interested vendors.
- (2) Proposers will be prequalified by responding to a Statement of Qualifications (SOQ) or equivalent solicitation, which will include a request for information related to the proposers' ability to fulfill the contract terms and conditions.
  - a. Qualification criteria may include:
    - i. Financial capacity and stability,
    - ii. Company history;
    - iii. Capacity to perform;
    - iv. Relevant experience; and
    - v. Any other criteria relevant to the goods and services being sought by the City.
- (3) Prequalification requirements will be reasonable and will constitute the minimum requirements to full the terms and conditions of the contract.

#### 9-104 Vendor Advisory

- (1) All RFP's will include as part of their language the following vendor advisory – "The City of Banning does not require and neither encourages nor discourages the use of lobbyists or other consultants for the purpose of securing business."

#### 9-105 Pre-Proposal Conference

- (1) When it is in the City's best interest, a pre-proposal conference may be held. The purpose of the conference will be to further define or illustrate the City's needs and/or to answer any questions which may exist on the part of the proposers. The conference shall be hosted by the City Purchasing Officer. Any changes, deletions, additions, or clarification to the RFP shall be issued as an addendum and sent to all prospective proposers. Pre-proposal conferences shall not be mandatory for potential proposers unless it is clearly in the City's best interest.





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#### 9-106 Receipt and Acceptance of Proposals

- (1) Proposals are to be received by the date and time specified in the RFP's. Proposals shall be unconditionally accepted without alteration or correction. All proposals must be received by someone other than the person who conducted the solicitation and must be time and date stamped immediately upon receipt. All proposals must be kept in a secure, locked location for access by only those personnel involved in the proposal evaluation process.
- (2) Late proposals may be accepted or rejected depending on the best interest of the City. No proposal will be accepted which is received by the City Purchasing Officer after the due date and time specified in the solicitation.

#### 9-107 Confidentiality

- (1) Proposals are not to be marked as confidential or proprietary. Proposals submitted in response to a RFP are subject to public disclosure as permitted by the California Public Records Act. Additionally, all proposals shall become the property of the City. The City reserves the right to make use of any information or ideas in the proposals submitted.
- (2) Regardless of any identification otherwise, including marking some or all pages as "confidential" or "proprietary", information in proposals shall become a part of the public record and subject to disclosure without further notice to the proposer.
- (3) The City shall not in any way be liable or responsible for the disclosure of any such records.

#### 9-108 Proposer Interviews

- (1) After reviewing submitted proposals, the evaluation committee may conduct interviews with responsible proposers who have submitted proposals determined to be acceptable and within competitive range. The purpose of these interviews will be for clarification to assure full understanding of and responsiveness to the solicitation requirements.
  - a. Proposers shall be given fair and equal treatment with respect to any opportunity for discussion and revision to proposals.
  - b. Discussions with proposers will be recorded either in writing or on tape, and that record will become part of the contract file.
  - c. In conducting interviews, there shall be no disclosure of any information derived from proposals submitted by competing proposers.
  - d. All members of the evaluation committee must sit in on the interviews with all proposers. If in the best interest of the City, an exception may be made with the approval of the City Purchasing Officer.

#### 9-109 Proposal Questions, Amendments, Extensions, Cancellation

- (1) When questions are received from potential offerors that involve clarification or interpretation of the RFP, the Purchasing Officer shall provide a written explanation of the RFP to all potential



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offerors. If questions are received over the telephone, keep a record of all questions asked and answers given. Advise all potential offerors to put their questions in writing and confirm telephone conversations in writing. Addendums may be requested after submissions and prior to award for the purpose of obtaining best and final offers. Late best and final offers will not be accepted.

#### 9-110 Scope of Work Revisions

- (1) If discussions reveal the need to change the original scope of work prior to the bid/proposal due date, an addendum in which details the revised scope will be sent to all those submitting proposals. Upon issuance of an addendum, the vendor is required to acknowledge receipt and understanding by signing where designated and return the executed copy with submissions of the bid/proposal. If appropriate, the City will issue a revised RFP and begin the solicitation process again. The City Purchasing Officer will be the final authority as to which process will be used.

#### 9-111 Evaluation Scores

- (1) Evaluators shall initially score proposals individually. Evaluators' individual scores will be discussed with the entire evaluation panel and combined and tallied. The final scores will be recorded on an individual finalized score sheet. To ensure the integrity of the procurement process and the protected privacy afforded by the Public Records Act, Section 6255, the initial score sheets containing the evaluators notes and comments shall remain in the possession of the individual evaluators, and at no time shall this information become part of the permanent purchasing file or retained as City record.

#### 9-112 One Proposal Received

- (1) If only one (1) proposal is received in response to an RFP, the City Purchasing Officer may either recommend award, or, if time permits, re-solicit – whichever is in the City's best interest.

#### 9-113 Errors in Proposal

- (1) Prior to the time and date set for the receipt of proposals, any proposer may withdraw the proposal or correct any errors in their previously submitted proposal.
  - a. After the time and date set for the receipt of proposals, proposers may not make any changes to their submitted proposals.
  - b. After the receipt of best and final offers, a proposer may be permitted to withdraw its proposal without penalty if evidence is provided of a material error and the fulfillment of the contract by the proposer would create unconscionable hardship or financial loss.



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#### 9-114 Award

- (1) Award of contract will be made to the responsible proposer whose proposal best meets the City's requirements as determined by the evaluation committee using the evaluation criteria, which should include proposed cost.
- (2) Should the City Purchasing Officer fail to concur with the recommendation submitted by the evaluation committee, the City Purchasing Officer would meet with the evaluation committee members to discuss the reasons for the difference in opinion.
  - a. No recommendation shall go forward to the City Council from the City Purchasing Officer unless there is concurrence between the City Purchasing Officer and the evaluation committee.

#### 9-115 Protests, Grievances, and Appeals – Request for Proposals

- (1) Any actual or prospective proposer or contractor who alleges a grievance by an error or impropriety in the solicitation or award of a contract may submit a grievance or protest to the appropriate department Purchasing Liaison and the City Purchasing Officer who is administering the RFP.
- (2) Release of Proposal Information – Immediately upon completion of negotiations with the top-ranked vendor(s), but prior to the filing of a City Council Agenda Report for award of contract, the City Purchasing Officer shall send a "Notice of Intent to Award" to all participating vendors and a copy to the City Clerk.
  - a. Vendors will then have five (5) business days from the date of the notice in which to obtain proposal documents that are available for disclosure, including final score sheets with the names and notes of individual evaluators redacted.
  - b. Upon expiration of the five (5) business day period, the City Purchasing Office shall inform the department that the contract may be awarded, or as necessary, submit the item for review and approval by City Council.

#### 9-116 Evaluation Committee

- (1) All proposals shall be evaluated by an evaluation committee comprised of three (3) or more members, (preferably two (2) internal staff members and one (1) external professional). Evaluators must have no conflict of interest with the selection process, members of evaluation committees shall be selected based on their qualifications and expertise related to the subject matter.
  - a. It is City policy that when practical and appropriate, private citizens with appropriate expertise who are free of any potential conflict of interest will be included on the proposal evaluation committee.





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- b. The composition of the selection committee will be determined by the using department or by the City Purchasing Officer for those contracts issued by the Office of Finance, Purchasing Department.
- c. All members of the evaluation committee must sign a form certifying, under penalty of perjury, that they have no conflict of interest with the selection process.
- d. During the proposal evaluation process, evaluators shall not discuss any issues related to the evaluation or selection process with any proposed contractors or their advocates, except in scheduled proposer interviews as discussed below.

#### SECTION 10 – MULTI-STEP SEALED BIDDING

##### 10-100 Definitions

- (1) Multi-step sealed bidding is a method of soliciting bids, which permits preliminary evaluation based on a proposal's technical merit and the qualifications of the bidder/proposer and a final evaluation based on price.
- (2) Multi-step sealed bidding may be used when it is determined that:
  - a. Available specifications or purchase descriptions are not sufficiently complete to permit full competition without technical evaluations and discussions to ensure mutual understanding between each bidder and the City of Banning;
  - b. Definite criteria exist for evaluation of technical offers;
  - c. More than one technically qualified source is expected to be available; and
  - d. A fixed price contract will be used.

##### 10-101 Multi-Step Bidding Process

- (1) Phase One:
  - a. Multi-step sealed bidding shall be initiated by the issuance of an invitation to submit technical offers. A technical offer is a document that lists and defines all of the technical requirements of the project and explains the approach and plan to address the City's needs. The invitation to submit offers shall be issued in a manner which provides adequate public notice allowing bidders sufficient time to prepare and submit responses. The invitation to submit technical offers shall contain the following information:
    - i. Notice that the procurement shall be conducted in two phases;
    - ii. A description of the material or service desired using the best information available to the City;
    - iii. A statement that unpriced technical offers only shall be considered in Phase One;
    - iv. The requirements for the technical offers, such as drawings and descriptive literature;



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- v. The criteria for evaluating technical offers;
  - vi. The closing date and time for receipt of technical offers and the location where offers should be delivered or mailed;
  - vii. A statement that discussions may be held; and
  - viii. A statement that only bids based on technical offers determined to be acceptable in Phase One shall be considered for award.
- b. The City Purchasing Officer may hold a conference with the potential bidders before submission of the technical offers or at any time during the evaluation of unpriced technical offers.
  - c. The invitation to submit technical offers may be amended after the submission of the unpriced technical offers. The amendment shall be distributed only to bidders who submitted unpriced technical offers or to amend offers already submitted. If an amendment materially changes the intent of the procurement, the invitation to submit technical offers shall be canceled or reissued.
  - d. Unpriced technical offers shall be due at the time and date specified. The contents of unpriced technical offers shall be disclosed only to City personnel having a legitimate interest in them or persons assisting in their evaluation.
  - e. Late technical offers may be accepted or rejected depending upon the best interest of the City. No technical offer will be accepted which is received later than 24 hours from the original due date. The City Purchasing Officer will have sole discretion in deciding which late technical offers will be accepted or rejected.
  - f. Unpriced technical offers shall be evaluated solely in accordance with the criteria set forth in the invitation to submit technical offers. Offers shall be determined to be either acceptable for further consideration or unacceptable. A determination that an unpriced technical proposal is unacceptable shall be stated in writing explaining the basis for the determination. A record of the rejection will be retained in the procurement file. Unsuccessful bidders shall be notified in writing by the City Purchasing Officer, and the bidder shall not be afforded the opportunity to amend its technical offer.
  - g. Discussions may be held with any bidder who submits an acceptable or potentially acceptable technical offer. During discussions, there shall be no disclosure of any information derived from one unpriced technical offer to another bidder. After discussions, the City Purchasing Officer shall establish a closing date for receipt of final technical offers and shall notify, in writing, bidders submitting acceptable or potentially acceptable offers of the closing date. A record will be kept of discussions and made part of the contract file.
  - h. At any time during Phase One, offers may be withdrawn without penalty.





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(2) Phase Two:

- a. Upon completion of Phase One, the City Purchasing Officer shall issue an Invitation for Bid (IFB). The invitations for bid shall be issued only to bidders whose technical offers are determined to be acceptable in Phase One.
- b. Award will be made to the lowest responsive and responsible bidder.

10-102 Requests for Information

- (1) When required by the City and determined to be in its best interest, a general request for information sent to vendors may precede this process. The request for information will be a way of determining appropriate bidders and will be considered as part of the multi-step procurement process.

10-103 Vendor Advisory

- (1) All invitations for bid will include as part of their language the following vendor advisory – “The City of Banning does not require and neither encourages nor discourages the use of lobbyists or other consultants for the purpose of securing business.”

10-104 Protest, Grievances, and Appeals – Multi-Step Sealed Bidding

- (1) Refer to Section 6 – Protest, Grievances, and Appeals.

### SECTION 11 – SOLE SOURCE; PROPRIETARY REQUESTS; INNOVATION

11-100 Policy

- (1) It is the policy of the City of Banning to solicit competitive bids and proposals for its procurement requirements. Sole Source procurement shall not be used unless there is clear and convincing evidence that only one source exists to fulfill the City’s requirements.

11-101 Sole Source Justification

- (1) Formal justification for Sole Source procurement is required when competitive bid guidelines require pricing from competing proposers. A Sole Source justification form will be prepared by the department and approved by Department Head or designee. The City Purchasing Officer shall retain a copy of this justification as part of the contract file. As part of the Sole Source justification, the requestor shall clearly provide:
  - a. A detailed description of the type of contract to be established;
  - b. A detailed description of services and/or commodities to be provided by the vendor;
  - c. An explanation of why the recommended vendor is the only one capable of providing the required services and/or commodities and include back-up information to support the justification;
  - d. The identity of other sources that have been contacted and explain in detail why they cannot fulfill the City’s requirements;



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- e. An explanation of how the recommended vendor's prices or fees compare to the general market and attach quotes for comparable services and supplies, if available (limited competition);
  - f. An explanation of how the City would accomplish this particular task if the recommended vendor could not provide the product or service.
- (2) Valid Sole Source justification requires strong technological or strong programmatic justifications. Sole Source justifications are not required for purchases where no competitive solicitation is required.
- (3) If a contractor develops a particular expertise through demonstrated past performance which has been investigated and determined to be satisfactory in this area of expertise, then such contractor may be awarded a subsequent contract for related work, provided that the Sole Source justification requirements outlined in this Section are satisfied. Such contractor may be designated as an exclusive contractor if the City would be adversely affected by bringing in another vendor who would be required to meet the expert contractor's level of expertise and existing knowledge and involvement in a specific project.
- (4) Instances when sole source purchasing may be applicable include the following:
- a. Property or services can be obtained only from a specific vendor (i.e., materials or equipment; one of a kind items, etc.).
  - b. Competitive sourcing is precluded because of the existence of patents, copyrights, and special processes, control of raw materials by vendors or similar circumstances.
  - c. Procurement of water, power or other utility services where it would not be practical or feasible to allow other vendors to provide such services.
  - d. Procurement of support services in connection with the assembly, installation or servicing of equipment or software of a highly technical or specialized nature.
  - e. Procurement of parts or components to be used as replacements in support of equipment manufactured by a particular supplier.
  - f. Procurement involving construction where a contractor is already at work on the site and it would not be practical to engage another contractor.
  - g. Procurement where only a single supplier in a market is licensed or authorized to service or sell a specific product line.
  - h. Procurement of compatible additions to existing equipment where a different manufacturer's equipment would be impractical for the specific need.
  - i. The supplier or products are specified and required by the funding agency of a grant or Federal/State contract.



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#### 11-102 Proprietary Source Requests

- (1) Proprietary means confidentially owned and controlled. The term may be used to refer to such items as property, computer software, or intellectual property. The party owning items that are proprietary is known as a sole proprietor and there is no other source available from which to purchase the goods or services.
  - a. Determining if an item is proprietary rests with the City Purchasing Officer and shall be justified in accordance with the policies and procedures outlined in this Section. In the event an item is justified as proprietary, the City Purchasing Officer shall endeavor to negotiate a price that is most advantageous to the City.
  - b. Proprietary Specifications – A proprietary item or service is one that must meet particular restrictive specifications but may be available from a number of sources, e.g., “Brand X Computers – no substitutions”. A detailed description of the proprietary specification shall be attached to the requisition for approval. The requisition should contain a brief justification for requesting the proprietary specification.
- (2) City Manager – City Manager approval is required for all sole source and proprietary requests in accordance with applicable policy as provided in this Section.

#### 11-103 Emergency Purchase Requests

- (1) Sole Source requests may be approved based upon emergency situations in which there is not adequate time for competitive bidding. For additional policies regarding Emergency Requests, refer to Section 13 of this Policy.

#### 11-104 Commodities – Sole Source Requests

- (1) Approval by City Council is required prior to the execution of a Sole Source commodity contract costing more than \$25,000 annually.

#### 11-105 Service Contracts (includes A&E) – Sole Source Requests

- (1) Approval by City Council is required for the following:
  - a. Sole Source service contracts that exceed the total annual amount of \$25,000,
  - b. Sole Source service contracts that exceed a two (2) year consecutive term, regardless of dollar amount. Contracts may not be intentionally split to avoid this Policy,
  - c. Renewal of Sole Source service contracts where the annual costs exceeds \$25,000.

#### 11-106 City Council Agenda Report

- (1) Prior to the submittal of a City Council Agenda Report, all Sole Source justifications requiring City Council approval shall first be reviewed and approved by the Department Head, City Purchasing Officer and City Manager.
- (2) City Council Agenda Reports shall clearly state that the procurement is a Sole Source purchase; and





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- a. A signed copy of the Sole Source justification, as described above, shall also be attached to the City Council Agenda Report.

#### 11-107 Negotiation

- (1) With approvals as required, a contract shall be negotiated with the designated sole source to achieve a contract that is advantageous to the City of Banning.

#### 11-108 Innovative Procurements

- (1) Procurement of new or unique technologies, commodities, supplies and services can require an innovative process of procurement be utilized to competitively source for an award. When the City Purchasing Officer determines in writing that it is advantageous to the City to use an innovative competitive procurement process to achieve best value; the City Purchasing Officer shall provide such information in writing to the City Manager, Risk Manager and/or the City Attorney's Office for review and approval as to form before issuing a public notice and solicitation.

### SECTION 12 – COOPERATIVE PURCHASING

#### 12-100 Definitions

- (1) The Cooperative Purchasing Program authorizes departments to purchase products and services from contracts awarded by and through another City, County, State or Federal entity.

#### 12-101 Policy

- (1) With the exception of Architectural-Engineering projects, goods and services may be acquired through cooperative contracts that can involve one or more public entities. Such cooperative purchasing may include public procurement contracts, which are made available to other local public entities.

#### 12-102 Responsibility

- (1) The City Purchasing Officer is responsible for identifying and executing all cooperative contracts for use by City departments. The City Purchasing Officer may authorize and make use of cooperative agreements, including the pricing, and terms and conditions of the contract of another public entity provided that:
  - a. The initial procurement the City is relying upon is consistent with City purchasing rules and requirements.
  - b. The vendor holding the contract extends the same pricing, terms, and conditions to the City.
  - c. Before deciding whether or not to use the contract of another public entity, City Purchasing Officer will conduct an analysis of the contract to determine that the use of



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the contract serves the best interest of the City of Banning and that minimum City procurement requirements have been followed with respect to competitive bidding.

- d. The City may also allow local schools and other public entities to take advantage of contracts the City has competitively bid, although the City shall not be a signor on these contracts and shall have no legal liability to either the contracting entities or to third parties as a result of the contracts, including but not limited to:
  - i. Issuing their own contract purchase documents,
  - ii. Providing for its own acceptance of the terms and pricing of the contract,
  - iii. Obtaining required certificates of insurance and bonds, and
  - iv. Making any payments due to the vendor.
  - v. Limitation of Liability – The contracting entities shall hold the City of Banning harmless from all claims, demand actions, or causes of actions of every kind, known or unknown, resulting directly or indirectly, allegedly arising out of, or in any way connected with the use of City issued cooperative agreements.

#### 12-103 City Requirements

- (1) The City Purchasing Officer is required to maintain a list of the cooperative agreements that the City has joined. The list shall report dollar volumes, contracts' terms, type of contract, expiration or renewal date, and all other pertinent information.

#### 12-104 No Usage Guarantees

- (1) While cooperative entities may use these agreements, they City of Banning makes no guarantee of usage.

#### 12-105 City Council Approval

- (1) Individual entities and departments utilizing cooperative agreements to purchase goods and services, by and through the City Purchasing Officer, are required to receive City Council approval on individual purchases that exceed the established dollar thresholds for the appropriate contract types as set forth in Section 3 of this Policy.

#### 12-106 Term of Cooperative Contract

- (1) The duration of a City cooperative contract will depend upon the City's needs, prevailing market conditions, contract start-up costs, and the City's best economic interest.
- (2) In no case will a City cooperative contract exceed five (5) years in duration, unless specifically approved by City Council.
- (3) City cooperative contracts issued by the City Purchasing Officer that are subordinate to State and/or Federal government contracts and programs may be executed in accordance with the term of the overriding contract and where appropriate, may extend beyond five (5) years, without further approval by City Council.





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#### 12-107 Collaborative Purchasing

- (1) The City Purchasing Officer has authority to identify and make use of governmental agency cooperative agreements that would be beneficial for City use.
  - a. The City Purchasing Officer may pursue both competitive and negotiated cooperative agreements executed by City, County, State and/or Federal governments.
  - b. May pursue contracts with other governmental entities in order to obtain cost savings for the City.
  - c. Shall make available City cooperative contracts to other governmental entities and pursue opportunities for collaboration in purchasing.
- (2) In the event a cooperative agreement identified for use by the City Purchasing was awarded by a method other than a competitive bid, the City Purchasing Officer is required to seek review from the Office of the City Attorney and City Risk Manager, where appropriate, prior to authorizing the use of the cooperative contract.

#### SECTION 13 – EMERGENCY PURCHASING

##### 13-100 Emergencies

- (1) Emergencies are defined as those situations where the safety and/or welfare of City residents or employees is at stake and/or immediate purchasing action is required to prevent serious economic or other hardship to the City. When due to the nature of the emergency, it is not possible or it is impractical to follow competitive bidding requirements, these requirements may be waived, by the City Manager or his designee.
- (2) No later than two (2) business day from the emergency request date, a Notice of Emergency Purchase(s) Form by the Department Head should detail the emergency situation. This justification should become a permanent part of the purchasing file.
- (3) This Notice of Emergency Purchase(s) will be accompanied by all supporting documentation of the purchase(s) and a summary detailing the emergency situation, which caused the emergency purchase(s). All documents will become a permanent part of the purchasing file.
- (4) Emergency purchases shall be subject to the approval of the City Manager, or his designee. City Council approval and/or notification on the Agenda Consent Calendar will be within 30 days of an emergency expenditure that exceeds the City Manager's approval limit of \$25,000.
- (5) In many cases, emergency orders may be made using either Online Purchasing or the Procurement Card methods.
- (6) For emergency purchases related to an emergency/disaster incident outside of normal business hours, a log of present employee(s), date(s) and hour(s) spent on such incident must accompany the Notice of Emergency Purchase Form.



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#### SECTION 14 – GRANTS AND AGREEMENTS

##### 14-100 Grant and Agreement Regulations

- (1) When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with §200.322 Procurement of recovered materials and ensure that every purchase order or other contract includes any clauses required by Section §200.326 Contract provisions. All other non-Federal entities, including sub recipients of a state, will follow the procurement provisions contained in the Code of Federal Regulations (2 CFR §200.318 through §200.326) Contract provisions.
- (2) See Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards Code of Federal Regulations, Title 2, Subtitle A, Chapter 2, Part 200, Subpart A-F for specified guidelines.
- (3) When procuring property and services under a state or other local award, see the granting agencies regulations and requirements for specified guidelines.

#### SECTION 15 – COMPLIANCE MONITORING

##### 15-100 Scope

- (1) It shall be the duty of the City Purchasing Officer to review, on an annual basis, the purchasing records and processes of all the City departments. This monitoring will be done on a sample basis. The monitoring of the department purchasing records will be conducted to facilitate the purchasing process and will not be construed to place responsibility for department purchasing on the City Purchasing Officer.

##### 15-101 Specific Duties

- (1) The City Purchasing Officer shall select purchasing records from each department on regularly scheduled basis for compliance monitoring. Selected records will span the range of the purchasing process. Records will be monitored using the following performance measures:
  - a. Compliance with legal and purchasing processes outlined in this Policy;
  - b. Compliance with Council policy set forth in this Policy;
  - c. Cost-effectiveness of goods and services acquired;
  - d. Timeliness of the purchasing process;
  - e. Operational efficiencies of processes used; and
  - f. Other measures as determined by the City Purchasing Officer





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## ARTICLE 5 – PURCHASING CONTRACTS – GOODS AND/OR SERVICES

### SECTION 16 – TYPES OF CONTRACTS

#### 16-100 Definitions

- (1) Purchase Orders (PO) are formal contractual documents, and required for all purchases. Once sent to and accepted by a vendor bind the performance of both parties to the transaction. PO's created from requisitions are processed using the City's accounting software. Once a PO has been approved, it is transmitted either by secure electronic means or by email or fax to the vendor.
- (2) Blanket Purchase Orders (BPO) are contractual documents and should be issued for recurring purchases, such as office supplies, not valid for longer than one year, and shall always expire at the end of the fiscal year in which they were initiated.
  - a. Blanket purchase orders are used for the acquisition of assorted commodities or services from a known vendor for departments that have predictable but varied program needs. The range of commodities or services covered by the blanket purchase order should be defined as narrowly as possible. Blanket purchase orders may not be used for the acquisition of equipment or appliances.
  - b. Blanket purchase orders are established with a maximum commitment dollar value. Requests for modification of this amount must be made in writing using the "Request to Increase the Dollar Amount of a Standard or Blanket Purchase Order" Form. Note that requests for increases will be reviewed by Purchasing and by the Chief Finance Officer, Deputy City Manager, or City Manager, as appropriate to ensure that funds are available before approval for the increase will be given.
- (3) Commodities include all supplies and equipment, equipment rentals and leases, certain types of software and software licenses costing less than \$5,000 per unit, including tax and freight, and those costing \$5,000 or more with a useful life expectancy of less than one year. Included in the definition of commodity contracts covered in this Section are the following:
  - a. Equipment – Operating Rental/Lease – These contracts are in essence an extended rental agreement under which the owner of the equipment allows the City to operate or otherwise make use of the equipment in exchange for periodic lease payments. These types of contracts are "Operating Leases" and are characterized by short-term, cancelable terms. The lessor bears the risk of obsolescence and depreciation of the equipment. Operating Leases are generally preferable when the City benefits from such agreement financially or when consistent product changes occur, such as for minor



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office equipment, printers, copiers and technology related equipment. Not included in the definition are long-term, "capital," and/or non-terminable leases.

- b. Publications/Newsprint – Contracts to receive periodicals, magazines, trade journals, etc., either in print or electronic/digital subscriptions.
  - c. Software/Licenses (Retail) – Contracts for proprietary software licenses where the software publisher grants the use of one or more copies of software under the end-user license agreement (EULA), but ownership of those copies remains with the software publisher. These types of purchases typically include terms and conditions, which define the uses of the software and number of users allowed.
  - d. Subscriptions/Databases – Contracts for access to online information or databases used to enhance or support a City program or project. Contracts of this type involve no onsite visits or work by a contractor and are limited to the digital exchange of information for a predetermined fee.
- (4) Professional Services are defined as a service that requires specialized knowledge and training (often through long and intensive academic preparation) or in-depth experience in a particular field or discipline. Professional services are professional, technical, or consultant services predominantly intellectual in character. They include analyzing, evaluating, predicting, planning, or recommending and usually result in the producing of a report or completing a task.
- (5) When a proposed procurement consists of both professional and goods and/or other services, determine if it is reasonable to separate the procurement, then decide if the procurement will be made as a professional service or not. A general rule of thumb that should be applied is:
- a. If seventy-five percent (75%) or more of the cost of procurement consists of professional services, then procure it as a professional service. If less is a professional service, the procurement should be made by competitive sealed bids. If competitive sealed bidding is impracticable under the circumstances, an exemption will be considered.

#### 16-101 Solicitation Considerations

- (1) Solicitations of commodities shall be written so that critical factors associated with the acquisition shall be considered. These facts may include, but are not necessarily limited to the following:
- a. Item capabilities – Will it carry out the functions for which it is being acquired?
  - b. Size, dimensions – Will it fit within the space where it is to be used?
  - c. Power requirements – Does the City possess the necessary mechanisms for powering the item as it requires?
  - d. Safety – Does the item meet all local, state, and federal safety requirements?
  - e. Pollution – Can the item be used without unnecessarily harming the environment? Does it require special air quality management permits?



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- f. Maintenance – Is there a reasonable on-hand inventory of service or spare parts readily available for use? Are maintenance contracts available?
- g. Life Cycle Cost – What is the total cost of ownership including initial acquisition cost, cost of maintenance, cost of required space, residual value, etc.?
- h. Liability Insurance – If the item is being installed by a vendor, what is the cost of liability insurance if the vendor does not name the City as an additional insured?

#### 16-102 Term of Contract

- (1) The length of all contracts for commodities shall be based upon the City's best interest. Consideration will be given to product availability, price volatility, and expectation of need. In no case shall a commodity contract exceed five (5) years in duration, unless the contract is temporarily extended for the original contract term by six (6) months to allow time for re-bidding the project.
  - a. All contracts will include a provision for cancellation by the City due to lack of liquidity or funds, termination of requirement, or prices which no longer reflect reasonable market prices.
  - b. Once a contract has expired, it is no longer valid and cannot be used, extended, or renewed through a Change Order or an Amendment.

#### 16-103 Contract Pricing

- (1) Contracts will be written so that pricing is controlled and monitored during the contract period. This may be done in several ways, including but not limited to:
  - a. A contract may show a firm price for the contract period.
  - b. A contract may show a percentage increase which will occur during the contract period.
  - c. A contract's prices may be tied to an index, such as the Consumer Price Index, during the contract period.

#### 16-104 Vendor Selection

- (1) General Information - The Purchasing Officer maintains a list of known prospective suppliers who are available to furnish materials, professional and consultant services, and supplies that can meet the City's needs. In the case of written formal bids and informal quotations and for most transactions, the list (or record) of those bidders solicited will be in the solicitation file. In most cases, lists are maintained on a computer that enables identification of those suppliers that provide the item or service in question.
- (2) New Suppliers - From time to time, purchases are made from suppliers whose names are not on existing bid lists and may never be on a list (because of infrequency of purchases, specialty items, etc.). As frequency increases or the demand requires, a new list may be established by the Purchasing Officer.





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- (3) Requests to be added to bid lists - Companies may be added to existing or new bid lists based on requests from departments or by the Purchasing Officer. All requests from suppliers may not necessarily result in being added to a bid listing.
- (4) Deletions from Bid Lists - Companies may be deleted from bid lists. Reasons for deletion are: out of business, continual poor service, poor quality of goods furnished; default on previous purchase; failure to respond to three consecutive bid or quote invitations, or a supplier's request to be removed for any reason.
- (5) Official Record of Bidders - The master supplier number list and bid list is the reference resource used to prepare each record of bidders.

#### 16-105 City of Banning Business Preference

- (1) Banning businesses are given a five percent (5%) preference on their quoted price. A Banning business:
  - a. Holds a current City of Banning business license;
  - b. Submits a bid for goods, services, or construction under the name that appears on the entity's current City of Banning business license; and
  - c. Same business has maintained its place of business located within the Banning city limits for the six (6) month period immediately preceding the date of the bid.

#### 16-106 Contract Increases

- (1) A contract's total expenditure may not increase by more than thirty percent (30%) of the original estimate upon which it was bid, unless it is demonstrated to be in the best interest of the City and reflective of good purchasing practices and is approved by City Council.

#### 16-107 Change Orders, Modifications to Professional Services and Capital Projects

- (1) Definitions:
  - a. Extra Work: Additional work that is unrelated to or significantly adds to the design intent and/or functionality of the original plans and specifications. This work is not necessary to complete the project and is typically requested by staff.
  - b. Plan Changes: Work differing from the scope of work which is set forth in the plans and specifications which is necessary to complete the project. The intent of the additional work is to 1) facilitate ongoing work when differing site conditions occur; or 2) conformance with the original design intent; or 3) take advantage of construction cost efficiencies.
  - c. Emergency Work: Work that is determined to be beyond the scope of work set forth in the plans and specifications which is necessary and essential to proceed with to avoid project delays or potential additional costs if work is not commenced as soon as practical.



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Authorization must come from the owner's construction management representative and the respective Division Director or his/her designee. Authorization will be reported to the Council at their next regularly scheduled meeting.

- (2) All Change Orders for existing contracts for commodities, professional services and construction, entered into by the City, shall be subject to the modification procedures contained in this policy. All Change Order approvals shall be in writing.

- a. Department Head approval is authorized for any Change Order up to \$5,000, or 1% of the original contract amount, whichever is greater.
- b. The City Manager may approve modifications to the plans and specifications and contract documents by means of a Change Order if the cost or estimated costs of such Change Order does not exceed \$25,000.00 or 10% of the original contract, whichever is less.
- c. Any Change Order in excess of \$25,000.00 or 10%, whichever is less, shall require Council approval.
- d. The cumulative dollar amount of all change orders for a particular public project may not exceed 25% of the original contract price. Should it become necessary to exceed this limitation, the change shall be by written supplement agreement between the contracting parties.
- e. When the Notice of Completion is submitted to the City Council for approval, a summary of total project cost listing all change orders, their purpose and amount, shall be included.
- f. The City Manager's authorized representative, (Resident Engineer or Engineering Manager) may approve plan changes (but not extra work items) up to \$10,000.00, within the limits of the City Council approved contingency amount. The representative would authorize work in writing to the contractor. All recommended plan changes must be reviewed and approved by the Deputy City Manager. Contractor would proceed with work and identify percent complete in the next partial payment. Payment would be identified as pending Council approval; however, the amount of work completed would be included in the partial payment total.

- (3) Report to the City Council:

- a. The City Manager, or his designated representative, shall make a monthly written report to the City Council as to all Change Orders approved by the City Manager during the month, and of all possible future Change Orders that may appear probable prior to the next monthly report. At a minimum, the City Manager shall provide the Council with the name and nature of the contract, all Change Orders approved during that month, the reason for the Change Orders, the cumulative amount of the Change Orders for that contract, and any additional information the Council requests.



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(4) Authorization:

- a. The authority contained in this policy binds the City Council, and it is recognized that subsequent Council refusal to ratify a change order would subject the City to damage claims.

**16-108 Multiple Awards**

- (1) Awards of commodity contracts may be on an individual basis, a group basis, or on a low total bid basis for the total contract amount, whichever is determined to be in the City's best interest.

**16-109 Secondary Awards**

- (1) Awards may be made to secondary, and, in some cases, tertiary vendors when there is a reasonable possibility of supply disruption and having an alternate source is clearly in the City's best interest.
  - a. Primary award will go to the lowest responsive and responsible bidder; secondary award will go to the second lowest responsive and responsible bidder, etc.
  - b. For any commodity requirement, the primary bidder will always be contacted first and, only if that bidder is unable to provide the required commodity within the time required, will the secondary bidder, etc., be contacted.

**16-110 Multi-Department Contracts and Cooperative Contracts**

- (1) Multi-Department Contracts are those which are issued for use by multiple City departments which use like commodities and would benefit from the contract pricing resulting from economies of scale. City departments listed on the contracts may order directly through multi-department contracts. This is accomplished through the City Purchasing Department.
  - a. Cooperative Contracts are used by various public agencies and entities to jointly exercise certain powers common to each, including among other things, the right to exercise their power to purchase. (Cal. Gov. Code §6500 through §6512)
  - b. Cooperative Contracts are executed by the Office of the City Purchasing Officer and are available for use by City departments. Terms and conditions are established under a cooperative contract and departments may issue individual purchase documents and orders through the cooperative contract, identifying the goods the department wishes to purchase.
  - c. The City Purchasing Officer and Department Head or delegated person(s) shall be responsible for the use of all cooperative contracts and all multi-departmental contracts with four (4) or more users for use by City departments. These contracts shall be available for use by all City departments at the discretion of the Department Head. Department Heads must work closely with the City Purchasing Officer.



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#### 16-111 Approval of Non-Standard Contract Terms

- (1) If Risk Management, City Manager and City Attorney agree in writing that the risk to the City is minimal, approval by City Council is required prior to the execution of any commodity contract that includes non-standard terms in the following contract provisions:
  - a. Indemnification, and
  - b. Limitation of liability provisions.

#### 16-112 Opportunity Buy

- (1) An "Opportunity Buy" is a situation where necessary goods are for sale at significantly reduced rates from what is normally offered in the general market or where an alternative product to the one being bid represents a minimum cost savings of 20% to the City. In the event this situation arises, the Department Head or authorized designee shall prepare a written justification in support of the prompt action taken that shall become part of the permanent purchasing file. The justification shall include:
  - a. A detailed description of the commodity to be provided by the vendor and an explanation of the cost savings achieved.
  - b. Why the recommended vendor is the only one capable of providing the required commodities with back-up information included to support the justification.
  - c. Comparison of the recommended vendor's prices or fees to the general market with price and attached quotes for comparable items provided, if available.
- (2) City Council Approval – Opportunity Buy
  - a. In the event that the "opportunity buy" exceeds \$25,000, approval by City Council is required prior to the purchase.

#### 16-113 Service Contracts

- (1) Service contracts encompass all contracts for services either with or without materials. Included in the definition of service contracts covered in this Section are the following:
  - a. Professional Services – Services provided by licensed and/or technically trained professionals, including such services as, data processing, accounting, legal, medical, appraisal, consulting, adjusting, risk management, insurance, engineering, architectural, selling agents and brokerages, auditing, information technology related services that may or may not include software, and software license or other types of end-user agreements.
  - b. Facilities and Equipment Services – Services that provide maintenance to existing facilities or equipment, including such services as janitorial and grounds maintenance, equipment maintenance and repair, software maintenance, etc.
  - c. Personnel or Employee-related Services – Services that provide benefit or assistance directly to employees, including such services as vending machines, security, etc.





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- d. Consultant Service Contracts – Services that provide an advisory nature which include a recommended course of action or personal expertise, and have an end product which is basically a transmittal of information. Consultant service contracts are issued in order to obtain professional or technical advice or expertise that will supplement departmental expertise or advice or where an independent opinion or audit is required. All consultant service contracts shall contain a provision that prohibits “follow-on” projects that prevent the consultant from performing work related to any recommendations being formulated as a result of the consulting work.
- e. Revenue Generating Agreements (non-real estate) – An agreement for contractor-provided services on City premises in which the City does not pay a fee, but instead receives a portion of the revenues that are generated from the services.
- f. Capital Leases (non-real estate) – A long-term lease that transfers to the lessee most rights and obligations concerning the asset leased, and usually transfers ownership at the end of the lease.

- (2) Not included in the definition of service contracts for City procurement purposes are contracts for public works, architects and engineers, real property contracts, and human services.

#### 16-114 Architect-Engineer Service Contracts

- (1) Architect-Engineer (A&E) service contracts or agreements include, but are not limited to: architectural, engineering, environmental, and land surveying services, as well as incidental services that members of these professions may logically or justifiably perform. Environmental services are further defined to mean those services performed in connection with project development and permit processing that facilitates compliance with state and federal environmental laws.
- (2) Services which are considered A&E services may include but are not limited to: investigations, developing designs, plans and specifications, reports, cost estimates, show drawings, review, supervision of construction, land surveying, environmental documentation required by the California Environmental Quality Act,, Public Resources Code §21000, *et seq.* (CEQA), and other regulatory permits.
- (3) A&E services may also include other related services, where needed, in support of an A&E project, including but not limited to, archeology, geological and soils engineering, agronomy, limnology, biology, paleontology, construction claims consultants, material testing and inspection, real estate appraisal and other property acquisition services.
- (4) If the service provided is a specialized service and performed by private architectural, landscape, engineering, environmental, land surveying or construction project management, the contract or agreement shall meet the requirements set forth in this Section.
- (5) Limits On Architect-Engineer Contracts:
  - a. A&E contracts shall not be awarded to the same A&E (or affiliated firms) who provided design services in the situations listed below:



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- i. A&E who prepared plans and specifications may not bid on the project as a construction contractor except as otherwise provided by state law (Design and Build Exceptions);
- ii. Any A&E representing a private sector client with an interest in a City project may not also represent the City on the same project. Exceptions to this may be made if the Department Head discloses the relationship to the City Council with a determination that using that particular A&E will provide a substantial benefit to the City;
- iii. It is prohibited to use cooperative contracts, to procure A&E Services; and
- iv. The above list is not exclusive. Other situations where conflicts might exist should also be considered.

(6) Basis for Selection of Architects and Engineers:

- a. California Government Code §4526 reads in pertinent part, "Notwithstanding any other provision of law, selection by a state or local agency head for professional services of private architectural, landscape architectural, engineering, environmental, land surveying or construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required."
- b. Selection of Architects and Engineers for On-Call A&E Services:
  - i. Definition – For purposes of this Section, "on-call" A&E Services are for projects that are routine in nature, and encompass a predefined category of work as defined by the executing department.
- c. Each department shall follow these procedures for selection of A&E firms to perform on-call A&E Services:
  - i. Architect-engineer firms shall file applications with individual departments delineating their qualifications, including experience, expertise for project magnitude in which they are capable of handling. A&E firms shall identify the on-call A&E services they are qualified to provide in accordance with departments' predefined categories;
  - ii. Departments shall maintain a list of qualified architects-engineers from the applications received, in accordance with this Section;
  - iii. Departments shall then turn over the list of qualified architects-engineers to the City Purchasing Officer.
- d. Statements of qualifications will be ranked by the City staff using the following criteria:
  - i. Technical experience; Key personnel; Availability of adequate staff; and; other criteria determined necessary for and appropriate to the project.
  - ii. After evaluating the qualifications using the established criteria, the department shall submit a ranked slate of the most qualified A&E firms to the City Council



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for selection and approval. City Council-approved slates for specific categories of services shall be valid for a period of no more than three (3) years, unless otherwise directed by City Council.

- e. Departments will then select from City Council-approved slates of A&E firms for on-call A&E services and negotiate contracts or agreements as needed for final approval by the City Manager, Risk Manager, and the City Purchasing Officer.
  - f. Once an A&E on-call contract or agreement has been approved and executed, the departments may utilize the on-call A&E without additional City Council approval for as needed tasks, which shall be identified in writing in a subordinate agreement (or "Task Order") with the A&E, with final approval by the City Purchasing Officer.
  - g. While remaining consistent with qualification-based selection, an effort shall be made to produce an equitable distribution of contracts among the best-qualified firms and to provide fair opportunities to small businesses.
- (7) Selection of Architects and Engineers for Project Specific A&E Services
- a. Each department must issue, to the City Purchasing Officer, a Request for Proposal for all architect-engineer projects valued annually at \$25,000 or more. The process shall consist of evaluation of written proposals and oral presentations. Evaluation criteria shall be as follows:

Written Proposals	Oral Presentations
Technical expertise	Presentation
Key personnel	Technical content
Approach/understanding of project	Project manager
Control of cost and schedules	Key team members
References (written and verbal)	Communication skills
Availability/staff devoted to project	Project understanding
Insurance and good standing entity	Project schedule
Other – reserved	Other – reserved



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- (8) Evaluation shall be based on a scoring system from 0-5, with 0 being unacceptable and 5 being excellent. Weighting of evaluation criteria shall jointly be determined by the Department and the City Purchasing Officer.
- (9) After evaluating the proposals using the above criteria, the City Purchasing Officer shall submit, or the City Purchasing Officer may delegate the Department to submit, a ranked slate of the most qualified A&E firms to City Council for selection and approval. Any member of City Council who recommends the selection of an A&E provider other than the top-ranked providers shall publicly disclose his or her reason for recommendation.

#### 16-115 Public Works Contracts

- (1) Notwithstanding any provision of this chapter to the contrary, all public projects contracts for more than five thousand dollars (\$5,000), must be contracted for and let by the procedures set forth in Division 2, Part 3, Chapter 1, Article of the Public Contract Code (commencing at Sections 20160). This includes the purchase of supplies or materials for any such project, including maintenance or repair of streets or sewers.
- (2) As permissible by the Public Contract Code, the City will consider Design-Build as an alternate method of procurement for public projects.
- (3) The definition of a public project shall be the same definitions that are included in the Public Contract Code §20161, and for payment of prevailing wages, Labor Code §1720.
- (4) Bonds: A bid bond in a value not less than 10% of the total bid price shall be required on all projects of more than \$5,000.
- (5) Award of all public projects under \$25,000 may be approved by the City Manager.
- (6) Award of all public projects over \$25,000 must be approved by City Council.





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## ARTICLE 6 – MISCELLANEOUS PROCUREMENT PROCEDURES; GUIDELINES AND REFERENCES

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### SECTION 17 - RECEIVING PROCESS

#### 17-100 Product Delivery

- (1) Delivery of requested products or services marks a transition in the purchase-to-pay process from a purchasing activity to a payables activity. All purchases must be “received” to release payment to the vendor. The “receiving” staff must determine if the products or services received are acceptable and conform to the City’s requirements. The entire receiving process consists of the following:

#### 17-101 Signing for Deliveries

- (1) Whenever possible, the person receiving the product should sign the receiving documents provided by the vendor or shipping company. The person receiving the delivery should preferably inspect the delivery before signing the delivery receipt and should also initial the packing list. Then, submit the packing list to the appropriate person for financial reconciliation.

#### 17-102 Refusing Delivery

- (1) Whenever possible, departments should refuse to accept shipments if they are unable to confirm that the order was placed by their department, if the packaging appears sufficiently damaged to warrant concern or does not meet the required specification.

#### 17-103 Record Retention

- (1) During the receiving process, the department takes physical possession and legal ownership of the shipment. Therefore, it is important for the vendor to provide the department with a packing list for all shipments delivered to the department. If the vendor fails to provide the packing list, the department should contact the vendor to request that copies be sent for its files. The need for saving receiving documents is particularly important when accepting any partial or staggered deliveries over a period of time.

#### 17-104 Inspecting the Shipment

- (1) Persons receiving shipments should, upon acknowledging receipt of an order, conduct an inspection to verify the following minimum conditions:
  - a. The products conform to the PO/BPO requirements and other relevant documents (for example: correct model number, description, size, type, color, ratings, etc.)
  - b. The quantity ordered against the quantity shipped or delivered.



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- c. There is no damage or breakage
- d. The unit of measurement count is correct (e.g. if the unit of measurement on the purchase order is one dozen, there should be 12 in the package).
- e. Delivery documentation (packing list, certifications, etc.) is acceptable
- f. Products are operable or functional.

#### 17-105 Matching the Packing List to Purchase Order

- (1) During the inspection process, the department should compare the vendor's packing list to the purchase order to determine if there are any discrepancies between the documents. At a minimum, the following information should be the same on both the packing list and purchase order:
  - a. PO number
  - b. Item or Manufacturer's part number
  - c. Quantity and unit of measure
  - d. Description of the products
- (2) Once the invoice has been entered by the department representative, the department should determine if the invoice charges are correct. In case of any invoice discrepancies, the Accounting department should be notified to place a "hold" on the invoice until further notified.

#### 17-106 Product Substitutions and Over-Shipments

- (1) Vendors are not allowed to substitute products or deliver more than the amount ordered without prior approval from either the department representative or Purchasing Officer.

#### 17-107 Failed Inspections

- (1) Departments are advised to notify in writing any failed inspection results discovered during inspection and provide the results to the vendor and the Accounting department for appropriate action. When receiving items from freight companies, the number of packages received should match exactly the number on the freight bill. If not, the department should require the driver to write the number of packages received on the bill before signing. Inspect all packages for damage to the outside container. Any visual damage should also be noted on the freight bill before signing.
- (2) In cases of concealed damage, a report should be made by the department immediately to the delivering carrier. The report should include the following information: Freight Bill Number, PO/BPO number, the date of delivery, supplier, and the extent of damage or shortage. In the



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event of damage, it is essential that the department retain all the original shipping cartons for inspection by a claims adjuster.

#### 17-108 Testing

- (1) Testing may be performed by the department to ensure that the products substantially conform to the specifications documented in the PO/BPO, contract, or vendor's proposal. Acceptance testing is highly recommended for complex, expensive capital equipment prior to approving final payments to the vendor.
- (2) An acceptance testing period may occur as a single instance or over a period of time, but should be performed as quickly as possible following the receipt of the product.
- (3) For major capital equipment purchases, specific acceptance testing criteria should be developed and incorporated into the contract. Departments must perform the testing according to the criteria established in the agreement for the results to be considered valid and legally enforceable in the event the product is rejected and payments are to be refunded.

#### 17-109 Acceptance Determining

- (1) Departments are required to contact the vendor in a timely manner when rejecting products that are over-shipments, defective or for any other non-conformance. Failure to notify the vendor in a timely manner will mean the shipment will be considered "accepted."

#### 17-110 Product Returns for Credit/Refund

- (1) When a vendor has shipped items as specified on a purchase order, they have legally complied with their part of the contract and are under no obligation to accept returned items for credit or refund.
- (2) When a product is damaged, or is rejected for failing acceptance testing or is not as specified on the PO/BPO, the department should request a Return Authorization Number from the vendor. The shipping label on the returned package must be marked with the Return Authorization Number. Other identifying information should be placed on the outside of the returned package for easy identification.

#### 17-111 Financial Information

- (1) The Finance department is responsible for establishing general ledger account numbers, which represent the source of funds (department or function). Account numbers represent the type of revenue or expense to be transacted to each department.
- (2) Each department is assigned a general ledger account number(s) in order to detail and control expenditure activity for their area(s) of responsibility. All Purchase Requisitions





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must carry the complete account number to be charged in order that required approvals may be obtained prior to its receipt and for proper encumbrance and payment once the process is complete.

#### 17-112 Payment Terms

- (1) The City's standard payment terms for purchase orders and demand checks are Net 30 Days from the date of the invoice.
- (2) The City's payment terms are determined by the City Manager and Administrative Services Director. Departments do not have authority to change or otherwise accept different payment terms from vendors and contractors. Non-standard payment terms must be reviewed and approved by City Manager prior to entering into any contracts.

#### 17-113 Invoice Approval

- (1) Invoices must be approved by the authorizing individual, or his/her designee, for the items invoiced. The authorization requires validation of the correct general ledger account charged for the payment.
- (2) Payments must be issues from original invoice, and not a copy or statement. If a copy is all that is provided to accounts payable, it must be stamped "ONLY COPY AVAILABLE" with a reason as to why it is the only copy.
- (3) The Accounting Department encumbers all proper purchase orders into the City's Accounts Payable System for matching and payment of invoices. Vendors and contractors are directed to send their invoices either specifically by email or mail to the City's mailing address.
- (4) Invoices are entered into the Accounts Payable system upon approval. If the purchase order and corresponding invoice systematically match within predefined tolerances, the invoice will be scheduled for payment in accordance with the payment terms.
- (5) Should there be a problem regarding the item or services received under the purchase order, the department is to be notified by the Accounting department to withhold payment until the problem is reconciled.
- (6) Since the credit standing of the City is dependent upon its ability to pay its obligations on time, communications between the department and the Accounting Department must be done in a timely manner.

#### 17-114 Payment Methods

- (1) The purchase of products and services is accomplished through a variety of different procedures. These procedures are designed to address the great differences in complexity, value, risk and





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transaction volumes associated with City purchases. The list below describes the current payment methods:

- a. Petty Cash – a fund which supports petty cash disbursements for authorized cash advances and for limited cash reimbursement.
- b. City Check – a draft drawn on a City bank account for the procurement of goods and services.
- c. Electronic Funds Transfer (EFT) Payments – an electronic payment made directly to a designated vendor account.
- d. Procurement Cards (i.e.: Visa, Staples, Costco) - for single transactions in accordance with the individual procurement card for the purchase of discretionary transactions with local retailers, internet companies and travel related services.

#### SECTION 18 – SURPLUS CITY PROPERTY

##### 18-100 Definition

- (1) Surplus City Property is defined as all tangible supplies, materials or equipment to which the City acquired title by means of purchase, donation, grant, or any other lawful means of acquisition that is determined to no longer be used or required by the department in possession.

##### 18-101 Policy

- (1) City of Banning, Administrative Policy, requires that Surplus City Property to be reported to the Finance Department, Purchasing Officer, who may then transfer such an item to a surplus pool to be maintained under the supervision of the City Purchasing Officer for reassignment and reuse by City departments.

##### 18-102 Disposal of Surplus City Property

- (1) The method used by departments to dispose of Surplus City Property must be approved and coordinated with the City Purchasing Officer. Internal reuse of Surplus City Property by City departments is the preferred method of disposal.
- (2) Disposition Methods – Surplus City Property shall be disposed of in one of the following preferred methods:
  - a. Internal transfer to a claiming department;
  - b. Sale by City Purchasing Officer;
  - c. Documented donation of technology and related equipment with a fair market value less than \$5,000 per lot to the Department of Education and non-profit organizations;
  - d. Auction (material value);
  - e. Recycling; and
  - f. Waste.



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#### 18-103 Receipt for Fair Market Value

- (1) In the event that property is not transferred within the City and must be disposed of in another manner, every attempt will be made to receive fair market value for the property.

#### 18-104 City Council Approval

- (1) Approval from City Council is required prior to the donation of any Surplus City Property with an estimated market value that exceeds Five Thousand Dollars (\$5,000 USD).

### SECTION 19 – COMPUTER PURCHASES

#### 19-100 Computer Purchases

- (1) For initial personal computer purchases, the following items will be considered as one unit: System unit including disk-drive(s), emulation board, internal/external modems, memory expansion board, co-processor, expansion chassis, cables, additional chips, keyboard monitor and operating system software.
- (2) If the following items are acquired at an individual cost of \$5,000 or more after the initial purchase of a computer, they will be considered ENHANCEMENTS and coded as equipment:
  - a. additional disk drives (including replacements if they provide enhancement)
  - b. emulation board
  - c. internal/external modems
  - d. memory expansion board
  - e. co-processor
  - f. expansion chassis
  - g. keyboard
  - h. monitor
- (3) Software will be considered Capital Equipment if it is customized for the City and acquired at a cost of \$5,000 or more per unit and has a useful life of more than 3 years.

### SECTION 20 – LEASING

#### 20-100 Lease / Lease Purchase / Rental Orders (Equipment)

- (1) A lease is an agreement conveying the right to use property for a specified time and for a specific amount of money. In a true lease, the property being used remains the sole property of the lessor (vendor), and the lessee (City) builds no equity in the leased property. A lease/purchase agreement allows the lessee to build equity and purchase the property from the lessor for a





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nominal amount at the completion of the lease. The term of a lease is fixed in duration and generally not cancelable. A rental agreement is similar to a lease in that the user does not build ownership in the asset. A rental agreement differs from a lease in the length of the agreement (usually less than one year) and the agreement can usually be cancelled by the renter prior to the end of the agreement without penalty.

#### SECTION 21 – PURCHASING CARDS

##### 21-100 Definition

- (1) With the approval of the City Council and under the direction of the City Manager, the City Purchasing Officer shall oversee and administer the City's Purchasing Card Program. Purchasing Cards are City credit cards issued to City of Banning employees authorized by Department Heads to make purchases on behalf of the department in accordance with Purchasing Card Program Policy and Procedures.

##### 21-101 Authorized Use

- (1) The Purchasing Card may be used to purchase goods and services for City use only. Using the Card for personal purchases is strictly prohibited. Any employee who willingly uses the Card for personal purchases shall be subject to:
  - a. Reimbursing the City for all costs associated with personal purchases;
  - b. Having the card immediately revoked;
  - c. Possible referral to the City Attorney for collection and prosecution; and
  - d. Further disciplinary action and possible termination of employment.

##### 21-102 Responsibilities

- (1) Program Administrator – Each department shall have a Purchasing Card Program Administrator. The Program Administrator is responsible for all aspects of their department's participation in the Purchasing Card Program. The Program Administrator works closely with the City Purchasing Officer or designee to answer questions, perform contract administration, account application coordination, card issuance and cancellation, ensure timely monthly submission of receipts and purchase documentation, and administrative training.
- (2) Authorized Signer - Department employee authorized to request new cards, modifications to card limits, cancel cards, and assign Approving Officials.
- (3) Billing Officials – Department employees responsible for managing the billing, payment and approval processes for department purchases. Billing Officials cannot also be cardholders.
- (4) Approving Officials – Department employees authorized to approve payment for purchases made by department cardholders.
- (5) Cardholders – City of Banning employees authorized to make Purchasing Card purchases on behalf of their assigned department in accordance with established program policy and procedures and applicable procurement policies and procedures.



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#### 21-103 Controls

- (1) In addition to the other internal controls and procedures as detailed in the Purchasing Card Program Policies and Procedures, use of City-issued Purchasing Cards are subject to the following controls:
  - a. 30-Day Purchase Limit per Card – Each card is established with a monthly, not-to-exceed amount predetermined by the Cardholder's department and approved by the City Purchasing Officer and delegated Agents.
  - b. Single Purchase Limit per Card – Each card is established with a single transaction limit to ensure adherence to competitive billing requirements.
  - c. Merchant Code Blocking – Every City-issued Purchasing Card is blocked to prohibit the Cardholder from making purchases from certain types of vendors.
  - d. Department Heads may impose additional restrictions on goods or services that may not be purchased using the Purchasing Card.

#### 21-104 Adherence to Purchasing Policy

- (1) City purchasing policies, as delineated in this Manual, may not be circumvented when using the Purchasing Card. In accordance with City policies and procedures outlined herein, where appropriate, Cardholders are required to obtain the appropriate number of price quotes before making purchases and must document the quotes received with the transaction information and invoice.

## SECTION 22 – PETTY CASH DISBURSEMENTS & REPLENISHMENT

#### 22-100 Petty Cash Fund

- (1) The petty cash fund in the amount not-to-exceed \$250; is established to make low value and urgent need purchases. A custodian of the fund, who is directly responsible for the safekeeping and disbursement of cash, must be appointed by the Administrative Services Director. The original check written to establish the fund, and checks written to replenish it, are made payable to the custodian of the fund. Written instructions detailing the procedures that must be followed in using petty cash funds should be provided to the custodian.
- (2) Petty Cash Disbursements – All disbursements must be authorized by the designated authority and indicated by approval signature. Expenses paid from a petty cash fund can only be made for the purpose(s) for which the fund was authorized and must be supported by receipts, which should contain the following information:
  - a. Date of purchase or payment;
  - b. Name of vendor or other payee;
  - c. Evidence that a payment was made, i.e., a cash register receipt or an invoice which the indicates that it was "Paid";
  - d. Amount paid;





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- e. Description of the goods purchased or of the services provided and
- f. Signature indicating receipt of purchases or services.

#### 22-101 Reimbursement of Funds

- (1) Reimbursements made to a fund custodian for petty cash expenditures are based on a Check Request which must be supported by purchase receipts.
- (2) Such requests must be approved for payment by someone with signature authority who is neither the petty cash fund custodian nor an employee who reports to the fund custodian.
- (3) Reimbursement should be requested as needed, but the fund should always be reimbursed by the end of the fiscal year or when it falls below 60% of the total fund.

#### SECTION 23 – TRAVEL REIMBURSEMENT

##### 23-100 Travel Reimbursement

- (1) Travel reimbursement shall only be paid to employees of the City and must be submitted in the fiscal year incurred or within 30 days following fiscal year end.
- (2) Travel authorization is required prior to business related event (Conference, training, meeting, etc.).
- (3) City funds shall be used only for conducting City business, or as may otherwise be permitted in this policy.
- (4) Spouses may accompany an employee on a City business trip, provided that all expenses are borne solely by the official or staff member.
- (5) Staff shall use the annual budget process to propose attendance at conferences/meetings during the fiscal year, whether in-state or out-of-state. Exceptions may be approved by the City Manager.
- (6) Mileage reimbursement – When a private automobile is used for travel, reimbursement for mileage shall be at the rate paid currently by the IRS per mile up to a maximum equal to the lowest reasonable round trip airfare to the conference/meeting location. Internal Revenue Service (IRS) Per Diem Rate is the rate of reimbursement and can be found at [www.irs.gov](http://www.irs.gov). The IRS Per Diem Rate is updated and effective on January 1 of each calendar year.
- (7) For staff members receiving a monthly automobile allowance, mileage for trips exceeding sixty (60) miles one-way shall be reimbursable at the rate of current IRS rate.
- (8) If cost of standard airline ticket combined with airline parking is >\$200 less expensive than mileage, the lesser amount shall be reimbursed.

##### 23-101 Meal Reimbursement

- (1) Itemized original receipts are required for reimbursement.



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- (2) Name of attendees are required (employees, consultants, vendor, etc.) when paying for others.
- (3) When out-of-town City business requires an employee to leave home an hour earlier than normal worktime, the breakfast meal is reimbursable. When an employee is required to work out-of-town, or is still in transit three hours past a normally scheduled workday, the evening meal is reimbursable. Additional expenses in excess of said approved events will be borne solely by the staff member.
- (4) The applicable employee unit's Memorandum of Understanding (MOU) Per Diem Rates shall be the maximum amount reimbursed when a receipt is not available. If there is no applicable MOU, the United States General Services Administration (GSA) Per Diem Rates may be used when a receipt is lost or not available. The GSA Per Diem Rate can be found at [www.gsa.gov](http://www.gsa.gov) and is specific to location.
  - a. Example: 2016 Palm Springs Per Diem Rate (Riverside County) is \$64 per day or \$15 - breakfast, \$16 - lunch, \$28 - dinner, & \$5 - incidental expenses.
- (5) Other rates (POST) are subject to review and approval of the Administrative Services Director per occurrence.

#### 23-102 Miscellaneous

- (1) Lodging
  - a. Itemized invoice that indicates "Paid" is required for reimbursement.
  - b. Reservations for hotel/motel rooms should be made in advance to ensure availability and lowest rates. In choosing lodging, both price, convenience and propriety should be considered. For example, the cost of lodging at the conference/meeting site may be less expensive when the cost of a necessary car rental, parking or other considerations are factored in. Employees shall always request the government rate. When a deposit is necessary to guarantee a room, an advance request should be processed through the Finance Department. The Finance Department will pay the hotel/motel directly.
- (2) Public Transportation
  - a. Airfare – original receipt must show name, date, destination, class and amount paid. Coach or economy rates only.
  - b. Taxi, Bart, etc. – original receipt and/or proof of payment (copy of credit card statement, etc.).



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#### (3) Rental Vehicle

- a. Original receipt must show location (city/state) of Rental Company, name of employee, dates, description of services and amount paid.

#### (4) Gasoline for rental vehicles

- a. Must provide original receipt, accompanied by a copy of rental vehicle receipt.

#### (5) Tips must not exceed 15% of authorized purchase.

#### (6) Miscellaneous

- a. Unauthorized Purchases:
  - i. Alcohol
  - ii. Laundry services
  - iii. Excess of three meals per day
  - iv. Expenses for non-employees
  - v. Gasoline for any vehicle, (except authorized rental vehicle with original receipt accompanied by a copy of rental vehicle receipt).

#### (7) Reimbursement/Cash Advance

- a. In order to receive reimbursement for expenses incurred while traveling on behalf of the City, a Travel Authority and Payment/Advance Request form (available from the Finance Department) must be completed and submitted to the Finance Department.
- b. The Travel Authority and Payment/Advance Request form shall be used for pre-authorization of staff travel and requests for cash advances. This form must be signed by the Department Head prior to being submitted to the Finance Department. Cash advances must be requested at least two weeks in advance of the day funds are required, or there shall be no obligation on the part of the City for an advance. These funds will be distributed to the requestor no more than seven (7) days prior to the travel date. Cash advances are limited to 100% of the reasonably expected cash expenses listed on the Travel Authority and Payment/Advance Request form.
- c. Individuals receiving an advance must submit a Claim for Reimbursement and Expense form to the Finance Department within 7 working days of returning from the travel event. No further advances will be given to individuals not adhering to this reporting guideline.
- d. The City Manager's travel advances and reimbursement request shall be reviewed and approved by the Administrative Services Director.



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#### SECTION 24 – STANDARD FORMS

##### 24-100 Standard Forms

- (1) Most recently updated standard purchasing forms can found on the City's intranet.





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## ARTICLE 7 – GLOSSARY

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### SECTION 25 – DEFINED TERMS

- **(Using) Department** – A City department that utilizes any supplies, services, or construction procured by City Purchasing Officer.
- **Agent** – An individual authorized by a superior, i.e., principal or officer, to act for him, her, or in his or her authority. In public purchasing, this designation is usually incorporated into policy, statute and ordinance law.
- **Agreement** – Synonymous with Contract. See Contract.
- **Alternative Bid** – A bid submitted in knowing variance from the specifications, terms, conditions or provisions of the solicitation.
- **Amendment** – Synonymous with Modification. See Modification.
- **Arbitration** – A process, non-binding or binding, by which a dispute between two or more contending parties is presented to one or more disinterested parties for a decision; a process whereby a disagreement may be resolved.
- **Architect or Engineer** – Persons or firms providing professional services of an architectural or engineering nature, as well as those providing incidental services that members of these professions and those in their employ may logically or justifiably perform. (Refer to California Government Code §4525).
- **Auto Liability Insurance** – All contractors engaged in services on City property are required to maintain minimum automobile liability insurance of \$1 million for each occurrence, naming the City of Banning as an additional insured. Certain high-risk activities require higher limits.
- **Award** – The presentation of a purchase agreement or contract to a bidder or proposer.
- **Best Interest** – The discretionary rationale used by purchasing officials in taking action most advantageous to the jurisdiction when it is impossible to adequately delineate a specific response by law or regulation.
- **Bid** – The offer submitted by a bidder in response to an Initiation for Bid (IFB), a request for quotation, or a multi-step bidding procedure. A bid includes a cost for goods and services to be provided per the specifications included in the bid solicitation issued by the City.
- **Bid Bond** – An insurance agreement in which a third party agrees to be liable to pay a certain amount of money in the event that a specific bidder, if its bid is accepted, fails to accept the contract as bid.
- **Bid Opening** – The formal process through which bids are opened and the contents revealed for the first time to the jurisdiction, other bidders, and usually, to the public.
- **Bid Surety** – A surety bond ensures contract completion in the event of contractor default. City hired contractor (principal) to fulfill a contract and if defaults, the surety company (insurer) is



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obligated to find another contractor to complete the contract or compensate the City for the financial loss incurred.

- **Bidders List** – Same as Vendor List; a list maintained by the City Purchasing Officer setting out the names and addresses of suppliers of various goods and services from whom bids, proposals, and quotations can be solicited.
- **Blanket Purchase Order** – A purchase order permitting the buyer to place individual orders or releases to a particular supplier for goods/services for a specified period of time using the same purchase order number.
- **Brand Name** – A name that serves to identify a product of a particular manufacturer; a trade name.
- **Change Order** – Synonymous with Modification.
- **City Council Agenda Report** – A document by which matters are submitted to City Council for consideration during its regular meetings.
- **City Purchasing Officer** – An employee of the City of Banning who is appointed by, trained, and certified under the direction of the Deputy City Manager to act in the capacity to procure goods and/or service Citywide.
- **Collusion** – A secret agreement or cooperation between two or more parties to accomplish a fraudulent, deceitful, or unlawful act.
- **Commercial General Liability (CGL)** – All contractors engaged in services on City property are required to maintain minimum liability insurance of \$1 million per occurrence naming the City of Banning as an additional insured. Certain high-risk activities require higher limits.
- **Commodities** – All supplies and all equipment.
- **Competitive Process** – The process by which two or more vendors vie to secure the business of a purchaser by offering the most favorable terms as to price, quality, delivery, and/or service.
- **Compliance Monitoring** – A process whereby the City Purchasing Officer selects and reviews procurement transactions conducted by departments for the purpose of ensuring that the City purchasing process is fair, equitable, effective, lawful, and efficient.
- **Confirming Order** – A purchase order written and sent to a vendor to verify that an order which was transmitted orally is authorized.
- **Conflict of Interest** – A situation where the personal interests of a contractor, public official and/or designated employee are/is, or appears to be, at odds with the interests of the jurisdiction.
- **Consent Agenda Items** – Those agenda items, as identified by the City Manager, which are placed in the Section of the City Council agenda for review and approval as a group. Items on the Consent Calendar may be pulled by City Council, City staff, or a member of the public for discussion and individual Council action.
- **Consultant** – A person or firm who provides professional or expert advice and/or recommendations.



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- **Contingency** – City Council authorized percentage or specific amount of money which can be added to the base contract amount to provide for small changes to the contract without returning to Council for approval. The percentage granted will not be based on the total amount of the contract, as it may accumulate in subsequent term years, etc., of the contract but will be based on the initial contract amount.
- **Contract** – A written agreement between two or more competent individuals and/or corporate entities to perform or not perform a specific act(s) for compensation. Contract includes all types of government agreements, regardless of what they may be titled for the procurement of supplies, services, or construction.
- **Contract Administration** – The management of various facets of contracts to assure that the contractor's total performance is in accordance with the contractual terms and conditions for all parties thereto.
- **Contractor** – Any person or corporate entity having a contract with a governmental entity.
- **Cooperative Purchase Agreement** – the purchase of goods or services utilizing a form of intergovernmental cooperative purchasing in which one government agency or jurisdiction performs the solicitation and award process for several agencies or jurisdictions, but separate contracts or purchase orders are executed between each participating agency and the vendor.
- **Consulting Services** - Purchase of Service for the purpose of obtaining an intellectual product, e.g. asbestos survey, audit reports, investigative reports, plan reviews, photos, advice, training, parking ticket processing.
- **Debarment** – A shutting out or exclusion, through due process and for cause, e.g., a bidder from a list of qualified prospective bidders.
- **Designated Employees** – Those employees of the City of Banning who are required to file conflict of interest statements because those employees, in the course of their employment make, or participate in the making of decisions which may potentially have a material effect on the financial interest of the employees.
- **Discount** – An allowance or deduction from a normal or list price extended by a seller to a buyer to make the net price more competitive.
- **Discussion Agenda Items** – Those agenda items, as identified by the City Manager, which are placed in the section of the City Council agenda for discussion and individual Council action. All items requiring the Council to select from a slate or a list of recommendation options, among others, are placed on the Discussion Calendar.
- **Dispute** – A difference between a contractor and a jurisdiction over performance or other elements of a contract calling for appropriate administrative action with the intent of achieving a remedial result.
- **Electronic Waste (e-waste)** – An electronic device powered by electricity or a battery that has a printed circuit board or video display attached that has reached the end of its useful life and is being discarded by the user. Examples include: televisions, computers, computer peripherals





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and components, hard drives, CD-DVD drives, printers, facsimile machines, copiers, and wireless phones and devices.

- **Emergency** – Situations where the welfare of the City residents are at stake and/or immediate purchasing action is required to prevent serious economic or other hardship to the City; requires a timely decision that must be made to prevent loss of life, damage to property or facilities, or to mitigate an imminent threat to public health, welfare, or safety.
- **Equal or Equivalent** – A phrase used to indicate the acceptability of products of similar or superior function.
- **Equipment** – Property of a durable nature which retains its identity throughout its useful life.
- **Evaluation Committee** – A committee comprised of three or more individuals that advises and assists in proposal evaluation and award of contract.
- **Evaluation Criteria** – Criteria set forth in the Request for Proposal (RFP) and used by the evaluation committee to score and rank proposers who respond to the procurement solicitation.
- **Express Warranty** – Any affirmation of fact or promise made by a seller to a buyer which relates to the goods and becomes part of the basis of the bargain.
- **Firm Bid** – A bid that binds the bidder until a stipulated time of expiration of the bid.
- **Fixed Assets** – All tangible property costing \$5,000 or more per item, including tax, delivery and installation, with a useful life expectancy exceeding one (1) year.
- **Fixed Price Contract** – A contract which provides for a firm price under which the contractor bears the full responsibility for profit or loss.
- **Force Account** – Use of internal (City) labor.
- **Formal Advertising** – The placement of a notice in a newspaper or other publications according to legal requirements to inform the public that the government is requesting bids on a specific purchase it intends to make.
- **Formal Bid Process** – The competitive bid process requiring a public bid opening with the date, time, and location set forth in the bid solicitation.
- **Gratuity** – A payment, loan, subscription, advance deposit of monies, services or anything of more than nominal value presented or promised for consideration of a purchasing decision or recommendation.
- **Guarantee** – To warrant, stand behind, or ensure performance and quality.
- **Incremental Contracting** – Contracting in small segments to avoid competitive bid requirements or City Council approval.
- **Indemnification** – Other party waiver and party protection against incurred loss, damage, or hurt, usually by monetary compensation.
- **Informal Bid** – An unsealed competitive offer conveyed by letter, telephone, telegram, or other means and under conditions different from those required for formal bidding.





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- **Insurance** – A contract between a certified insurance firm and the City that provides for monetary payment(s) in the event of damage, loss, accident, or death; also, a contract between a contractor, naming the City as an Additional Insured (AI), for the purpose of reimbursing the City for any loss incurred due to the nature of the work being performed by the contractor.
- **Invitation for Bid (IFB)** – The solicitation document used for competitive sealed bidding for the purchase of equipment, materials, supplies, services, and construction, for which clear specifications can be written.
- **Lead Time** – The period of time from date of order to date of delivery during which the buyer must reasonably allow the vendor to prepare goods for shipment; the period of time needed to process purchase requisitions for bid/proposal solicitation and award of contract.
- **Liquidated Damages** – Parties designate the amount of damages during the formation of a contract for possible injury to collect as compensation upon a specific breach of contract (e.g., late or partially breached performance).
- **Modification** – A written document signed by the City Purchasing Officer that directs the contractor to make or that the City is making changes to the originally signed contract between the parties.
- **Multi-Departmental Contracts** – Contracts issued by the City Purchasing Officer for the purchase of goods and services, which may be used by more than one City department under the condition that the department is named on the contract as an authorized user.
- **Negotiation** – The discussion or correspondence between City and the preferred contractor in order to develop a contract with terms and conditions that serve the best interests of the City and is fair and equitable to the contractor.
- **One-Time Purchases** – Purchases for particular goods or services which cover a particular need. These types of purchases are distinguished from annual or blanket contracts which cover a continuing need of an item or service.
- **Performance Surety** – Synonymous with Bid Surety. See Bid Surety.
- **Petty Cash** – Funds set aside as a cash reserve in a revolving fund for single expenditures of limited nature.
- **Piggy-Back Agreement** - The form of intergovernmental cooperative purchasing in which a public agency requests competitive bids, enters into a contract and arranges, as part of the contract for other public agencies to purchase from the selected vendor under the same terms and conditions as itself. This process eliminates the need to competitively bid the particular item again. May only be used if the public agency received the competitive bids within two years prior to the award of contract under piggy-back.
- **Pre-Bid/Pre-Proposal Conference** – A meeting set up between the City parties issuing a bid/proposal solicitation and the potential bidders/proposers for the purpose of clarifying the bid/proposal solicitation and answering any questions the bidders/proposers may have.



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- **Pregualification** – A process used prior to solicitation of bids to determine if potential bidders have the ability to fulfill the contract requirements for which the solicitation will be issued and/or to determine if the potential bidders' products will meet the cost and performance criteria required to meet the City's needs.
- **Prevailing Wage** - Payment of prevailing wages, shall be required on all publicly funded public works contracts of \$1,000 or more. When a contract requires this, notification will be included in the call to bid.
- **Professional Services** - All services performed by persons in a professional occupation, including but not limited to, consulting and performance services for accounting, auditing, computer hardware and software support, engineering, architectural, planning, environmental, redevelopment, financial, economic, personnel, social services, legal, management, communication and other similar professional functions which may be necessary for the operation of the city.
- **Proposal** – The executed document submitted by a proposer in response to a Request for Proposal (RFP). A proposal includes a detailed description of the goods and/or services to be provided to the City per the scope of work included in the RFP, including but not limited to cost, time frame for completion of work or delivery of goods, and method of accomplishment of services.
- **Proprietary Product** – An item or service that must meet particular restrictive specifications, but may be available from multiple sources.
- **Public Works Contract** – An agreement for erection, construction, alteration, repair, or improvement of any public structure, building, road, or any other public improvement of any kind (see Public Contracts Code, §20161).
- **Purchase Order** - Formal, contractual documents requesting the delivery of specific goods, equipment, or services and promising payment therefor. They are issued by the purchasing officer and must be used in conjunction with formal contracts or else as provided in this chapter as stand-alone documents for all city purchases with the exception of purchases made pursuant to short form purchase orders or other methods consistent with the policies and procedures.
- **Rejection of Bid** – The non-acceptance of submitted bid(s).
- **Request for Proposal (RFP)** – The solicitation document which includes a scope of work and terms and conditions used to secure proposals for services or goods not clearly defined by the City in terms of exact specifications or manner of delivery of services or where price is not the sole selection criteria.
- **Request for Qualifications (RFQ)** – A document that describes the project or services required and solicits qualifications for potential vendors or contractors for purposes of evaluating those qualifications for screening purposes or for award of contract.



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- **Responsible Bidder** – A bidder who has the capability in all respects to perform in full the contract requirements and who has the integrity and reliability which will assure a good faith performance.
- **Responsive Bidder** – A bidder whose bid conforms in all material respects to the terms and conditions, the specifications and all other requirements of the respective solicitation.
- **Services** – The furnishing and delivery of labor, time, or effort by a contractor/consultant involving specific performance.
- **Short Form Purchase Orders** - Formal documents that provide a method whereby department directors, or designee may purchase non repetitive, low volume, low-cost goods or services valued at less than five thousand dollars.
- **Sole Source** – An award for a commodity or service to the only known capable supplier, occasioned by the unique nature of the requirement, the supplier, or market conditions.
- **Solicitation** – A good faith effort to obtain a bid or proposal for the provision of goods and/or services.
- **Specification** – A description of what the purchaser seeks to buy, and consequently, what a bidder/proposer must be responsive to in order to be considered for award to a contract.
- **Standard** – A characteristic or set of characteristics for an item that, for reasons of performance level, compatibility or interchangeability with other products, etc., is generally accepted by producers and by users of the items as a requested characteristic of all items for the designated purpose.
- **Subcontractor** – Any person undertaking part of the work under the terms of the contract, by virtue of the agreement with the contractor.
- **Supplier** – An actual or potential contractor; a vendor.
- **Terms and Conditions** – A general reference applied to the provisions under which bids/proposals must be submitted and which are applicable to most purchase contracts.
- **Terms of Payment** – Methods and timelines by which the City must render payment under a purchase agreement.
- **Waiver of Bid** – A process authorized by law or rule whereby the City Purchasing Officer may procure items without competitive bidding procedures because of unique circumstances related to a particular need or procurement.
- **Waiver of Mistake or Informality** – The act of disregarding errors or technical nonconformities in the bid/proposal which do not go to the substance of the bid/proposal and will not adversely affect the competition between bidders/proposers.
- **Warranty** – A representation of utility, condition, and durability made by a bidder or proposer for a product offered.
- **Worker's Compensation Insurance** - All contractors engaged in service on behalf of the City are required to maintain Worker's Compensation Insurance in accordance with the provisions of the State of California, including a waiver of subrogation rights against the City.

# ATTACHMENT 2



CITY OF BANNING  
ADMINISTRATIVE POLICY

Subject: Formal Bid Procedures		Policy No. B - 4
Reference: Chapter 18A of the City Code	Effective 3-3-78	Page 1 of 1

PURPOSE

To establish a uniform guide for the preparation and processing of formal bid documents.

BACKGROUND

In the past, there was a wide variety of documents utilized for formal bids. There was no central control over bids and bid documents. Recently, this lack of control has become more evident. To insure compliance with the City Code, a formal policy must be adopted.

POLICY

1. All bids, in excess of \$5,000, are required to be handled in a formal manner.
2. All bid documents will be prepared following the standard bid document format, available in the City Clerk's Office.
3. The responsible department head shall prepare and take the appropriate action to have the required legal notice published in the local newspaper.
4. All bid documents must be received by the City Clerk for public opening. Only the City Clerk, or duly appointed Deputy City Clerks, are authorized to open bids.
5. The department head preparing the bid documents is responsible for coordinating the bid opening date and time with the City Clerk.
6. After publicly opening the bids, the City Clerk shall make a copy of the bids for the responsible department head. The original bid documents will remain in the Office of the City Clerk.
7. The responsible department head shall prepare and submit an analytical report to the City Manager on the bids received which will conclude with an award recommendation.

# **ATTACHMENT 3**

**CITY OF BANNING****Administrative Policy**

No. B-15

Department

Administration

By

Adm. Services

Approved by

Date 1-20-80

Sub

LEASE-PURCHASE OF EQUIPMENT

Page 1 of 2

**POLICY STATEMENT**

The City Council may authorize the Purchasing Agent to negotiate lease-purchase agreements for costly items of equipment.

**DEFINITION**

A lease-purchase agreement is a contract between buyer and seller, whereby the seller agrees to furnish an item of equipment to the buyer at a specific price, with an option to buy. The buyer makes the first/last payment after the equipment is received and accepted. Thereafter, payments are made in equal payments, according to the frequency agreed upon, i.e., monthly, quarterly, semi-annually, or annually.

The buyer has the option to terminate the lease without penalty at the end of any fiscal year, upon contractual written notice. The buyer also has the option to purchase the property at any time in "as is" condition, upon payment of all rentals due and to become due, less the unearned interest at the lease rate from date of payment to the end of the lease.

At the completion of the full term of the contract, title passes to the buyer. If payments are not made in accordance with the agreement, and the buyer does not exercise his option to buy, the item is returned to the seller and payments made are considered as rent.

**PROCEDURE**

A department desiring to lease-purchase equipment must first contact the Purchasing Agent. The Purchasing Agent or deputy will secure current prices and make all arrangements for meetings between departments and vendors; a representative of Purchasing may be present at these meetings. Departments are never authorized to deal directly with vendors without the prior approval of the Purchasing Agent. After the department, the vendor(s), and Purchasing, arrive at an approximate price, the department will submit a request to the City Council allotting the projected installment payments to the fiscal years in which they will be made.

If the City Council approves this request, the department in conjunction with the Purchasing Agent, will compile exact specifications, service requirements, mode and date of delivery special training arrangements, etc. for the equipment. The department will then submit a requisition form utilizing proper budget code.

In all cases, the Purchasing Agent will negotiate the lease agreement with a bank at the least possible cost to the department. After finalizing the contract terms, the Purchasing Agent will sign as lessee, and issue the purchase order.

The bank, Purchasing Agent, ordering department each will receive a copy of the lease agreement and the purchase order.

INSTALLMENT AND FINAL PAYMENTS

The accounting department will remit payment when each installment is due.

For the final payment, accounting will note "Final Payment". Purchasing will issue a Purchase Order stamped, "Lease Purchase" referring to the original Purchase Order number and indicating that this is a final payment. Accounting will submit the pink release copy of this Purchase Order to the Finance Director for payment. As for this payment, property title passes to the City, and the item will be entered into the fixed assets inventory for the amount of the total cost, less interest.



# ATTACHMENT 4

**CITY OF BANNING**  
**ADMINISTRATIVE POLICY**

<b>Subject:</b> PUBLIC PROJECT CHANGE ORDER		<b>Policy No.</b> B-18
<b>Reference:</b> Minutes, City Council Meeting October 13, 1987	<b>Effective</b> 10-14-87	<b>Page</b> 1 of 2

**PURPOSE:**

To establish policy on public project change order.

**BACKGROUND**

Since the State of California Government Code does not contain provisions for change order of public projects funded and administered by individual cities, and since the City of Banning does not have a written policy for public project change orders, the City Council has demanded and adopted the following policy in order to provide uniform procedure and practice in dealing with public project change orders.

**POLICY**

1. As used in this policy, "public project" means:
  - a. A project for the erection, improvement, painting, or repair of public buildings.
  - b. Street, drainage, sewer, water or electrical work.
  - c. Furnishing supplies or materials for any such project, including maintenance or repair of street, drainage, sewer, water or electrical work.
2. Public project change order shall be held to a minimum and shall normally be used to deal with unforeseen circumstances.
3. Public project change order shall be in writing and shall state the dollar amount of the change or establish method of payment and any adjustment in contract time.

**CITY OF BANNING**  
**ADMINISTRATIVE POLICY**

<b>Subject:</b> PUBLIC PROJECT CHANGE ORDER		<b>Policy No.</b> B-18
<b>Reference:</b> Minutes, City Council Meeting October 13, 1987	<b>Effective</b> 10-14-87	<b>Page</b> 2 of 2

4. For contracts costing \$5,000 or more:

- a. Individual public project change order exceeding 10% of the total contract price shall be presented to City Council for approval.
- b. Individual public project change order less than 10% of the total contract price may be approved by the City Manager or his designees, provided that such approval will not cause the accumulative amount of all change orders approved by the City Manager or his designees to exceed 10% of the total contract price.
- c. When the accumulative amount of all change orders approved by the City Manager or his designees has come close to 10% of the total contract price, the City Manager may request the Council to authorize him or his designees to approve future change orders up to the percentage of the total contract price as approved by the Council.

5. For contract costing less than \$5,000, public project change orders may be approved by the City Manager or his designees.

6. The cumulative dollar amount of all change orders for a particular public project may not exceed 25% of the original contract price. Should it become necessary to exceed this limitation, the change shall be by written supplement agreement between the contracting parties.

7. Public project change orders will not be approved if they will cause costs to exceed the approved project budget unless additional funds can be allocated and project budget increased (by City Council for contracts of \$5,000 or more and by City Manager for contracts of less than \$5,000).

8. When the Notice of Completion is submitted to the City Council for approval, a summary of total project cost listing all change orders, their purpose and amount, shall be included.

# ATTACHMENT 5



CITY OF BANNING		
ADMINISTRATIVE POLICY		
Subject: Purchasing Practices and Approval Requirements Policy		Policy No. B-23
Reference:	Effective: 08/14/01	Page No. 1 of 19

### PURPOSE

The purpose of this policy is to provide the City of Banning a means of assuring continuity and uniformity in its purchasing operation, and to define the responsibilities for purchasing supplies, services, tools and equipment, and installation for the City of Banning. These guidelines are not intended to address every issue, exception, or contingency that may arise in the course of purchasing activities. The basic standard that should always prevail is to exercise good judgment in the use and stewardship of City resources, including keeping within the budget authorized by the City Council, and to be certain of quantity, quality, cost, delivery date, warranty and liability coverage before accepting the purchase.

In accordance with the policy framework set forth in Chapter 18A of the Banning Ordinance Code, City purchases and contracts will be made pursuant to these guidelines. Applicable competitive bidding categories, authorization limits, or contract award procedures will be based on unit cost, total purchase cost for consolidated bid items, or fiscal year aggregates in the case of blanket purchase orders or similar ongoing purchasing arrangements. Staging of purchases in order to avoid these competitive bidding procedures or authorization limits is prohibited.

Whereas the City of Banning also administers the purchasing function for the Electric Operations, the process shall vary for energy agreements as specifically provided for in the Banning Ordinance Code Section 2-17.1.

### PROCUREMENT CATEGORIES

#### A. Service

Purchase of Labor that is not supervised by a City employee and that does not result in modification to City property or private property under the authority of the City, and not for the purpose of obtaining an intellectual product.

#### B. Consulting Services

Purchase of Service for the purpose of obtaining an intellectual product, e.g. asbestos survey, audit reports, investigative reports, plan reviews, photos, advice, training, parking ticket processing.

CITY OF BANNING		
ADMINISTRATIVE POLICY		
Subject: Purchasing Practices and Approval Requirements Policy		Policy No. B-23
Reference:	Effective: 08/14/01	Page No. 2 of 19

C. Rental

The term purchase, as used herein, shall also include the rental or lease of tools and equipment.

D. Installation

Purchase of service in combination with the purchase or rental of tools and equipment, or materials or supplies or, purchase of Service that will result in modification to City property or private property under the authority of the City.

E. Equipment

Tangible property with a life in excess of one year

F. Supplies

Tangible property with a life of one year or less

### UNAUTHORIZED PURCHASES

Except for emergencies (B.O.C. §18A-7(5)), petty cash purchases, purchases of \$1,000 or less authorized by a Department Head or other authorized exemptions, no purchase of supplies, services, tools and equipment, or installations shall be made without an authorized purchase order. In addition, the person ordering supplies, services, tools and equipment, or installations shall be authorized to purchase per Responsibilities of Departments, Paragraph A (found on page 4 of this Policy). Otherwise:

- A. Such purchases are void and are not an obligation of the City.
- B. Invoices without an authorized purchase order may be returned to the vendor unpaid at the discretion of the Finance Director, or his or her designee, and the purchasing authority of the party making the purchase may thereafter be limited.
- C. The person ordering the unauthorized purchase may be held personally liable for the costs of the purchase or contract.

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Purchase orders shall be issued prior to ordering supplies, tools and equipment, services and installations, and not "after the fact" for work already done or materials already ordered.

### RESPONSIBILITIES OF THE FINANCE DIRECTOR/PURCHASING

The Finance Director is responsible for 1) the procurement of general supplies, services and equipment; 2) the administration of the purchasing policy; and 3) the management of surplus City property. To perform these functions efficiently and assist departments, the Finance Director shall:

- A. Be charged with the responsibility and authority for coordinating and managing the procurement of the City's general supplies, services and equipment from the lowest responsive, responsible and qualified bidder when required by this policy.
- B. Ensure full and open competition on all purchases as required by this policy.
- C. Identify, evaluate and utilize purchasing methods that best meet the needs of the City (i.e., cooperative purchases, blanket purchase orders, contractual agreements, etc.).
- D. Assist all departments with research and recommendations in developing specifications and review specifications for completeness of information to ensure specifications are not unnecessarily restrictive.
- E. Review all non-public works bid proposals prior to issuance.
- F. Coordinate vendor relations, locate sources of supply, and evaluate vendor performance.
- G. Recommend revisions to purchasing procedures when necessary and keep informed of current developments in the field of public purchasing.
- H. Prescribe and maintain all forms and records necessary for the efficient operation of the purchasing function.
- I. Act as the City's agent in the transfer and disposal of surplus equipment and materials.

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- J. Make purchase award recommendations to the appropriate authority.
- K. Be authorized to allow a budget over-ride for purposes of timely completion of a purchase transaction as long as such action would not put the fund over-budget when reasonably projected to the end of the fiscal year.

### **RESPONSIBILITIES OF DEPARTMENTS**

Departments are charged with the following responsibilities in the purchasing process:

- A. To provide to the Finance Director, at the beginning of each fiscal year, an updated authorized signature list designating those individuals who are delegated the authority to make purchases per the policies and procedures as described herein.
- B. To anticipate requirements sufficiently in advance to allow adequate time to obtain goods in accordance with the best purchasing practices.
- C. To communicate and coordinate purchases with Purchasing, as necessary.
- D. To provide detailed accurate specifications to ensure goods obtained are consistent with requirements and expectations.
- E. To prepare requisitions in accordance with instructions so as to minimize the processing effort.
- F. To inform Purchasing of any vendor relations' problems, shipping problems (i.e., damaged goods, late delivery, wrong items delivered, incorrect quantity delivered, etc.) and any situations that could affect the purchasing function.
- G. To minimize urgent and sole source purchases and to provide written documentation when such purchases may be necessary.
- H. To assist Purchasing with the review of all bids received for compliance with specifications, and provide Purchasing with written documentation regarding their findings.



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- I. To notify vendors of purchase award when authorized by the Finance Director.
- J. To not "split" orders for the purpose of avoiding procurement requirements.
- K. To obtain vendor quotes when appropriate.
- L. To prepare request for bids and request for proposals packages and be responsible for mailing or contacting vendors. All sealed bids should be delivered to the City Clerk's office and bid openings should be scheduled with appropriate departmental personnel, Purchasing and City Clerk, whenever possible.
- M. To forward all formal bid proposals to Human Resources/Risk Management for review and approval in regards to insurance requirements, prior to final Purchasing review.
- N. To forward all formal bid proposals to Purchasing for review and approval prior to issuance.
- O. To provide on all new vendors a completed vendor packet to include name, physical address, mailing address, telephone number and federal identification number or social security number when required.
- P. To maintain proper records in the Department of bids, quotes and signed requisitions authorizing purchases, for a period of not less than 2 years. During the course of a contract the responsible department will maintain records. At the conclusion of the contract, the original bids, specifications, and other pertinent data will be forwarded, along with the request for final payment to purchasing.
- Q. To ensure that requests that will put an account over-budget will be accompanied by a Request for Transfer of Funds so the proposed account will have sufficient funds for the purchase.

#### VENDOR RELATIONS

It is to the City's advantage to promote and maintain good relations with vendors. Purchasing and operating department staff shall conduct their dealings with vendors in a

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professional manner and shall promote equal opportunity and demonstrate fairness, integrity, and courtesy in all vendor relations. When feasible to do so, vendors within the City of Banning should be utilized for supplies, services and equipment.

### **PURCHASING AUTHORITY AND METHODS**

Purchases and contracts for supplies, tools and equipment, services, installations and will be made pursuant to the following guidelines.

**A. Limited Purchase** For purchases of \$1,000 or less, the authority to award is the Department Head.

1. All departments are hereby authorized to purchase supplies, material and tools and equipment, and services of \$1,000 or less without obtaining quotes from additional vendors.
2. Comparative pricing is required to the extent possible by telephone or by use of the Internet. Pricing shall include considerations of delivery time, cost of delivery, discounts, warranties, return policy, cost of return, and the need for servicing of the purchase.
3. The "Limited Purchase Approval" form, Exhibit "A", will serve as a model, should the Department Head desire to maintain records of purchases of tools and equipment, or supplies, or installation that he or she has approved under Section A-1 above.
4. The Standard Agreement for Consultant Services for services, including consultant services, shall be substantially in the form attached hereto as Exhibit "B."

**B. Open Market** For purchases of 1,001 - \$10,000 the Finance Director has the authority to award. For purchases of \$10,001 - \$25,000 the City Manager's approval is also required. Department staff shall not authorize purchases over \$1,000 without the approval of the Finance Director, or City Manager, except in the event of an emergency purchase (see page 14, Exception to Standard Purchasing Procedures). All departments shall use the Informal Bid process described in this Policy. The department shall submit electronically a requisition, which includes the recommended vendor, and price quotes obtained and shall maintain records of all supporting documentation. Supporting documentation shall include

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competitive price quotes obtained, names of vendors contacted, description of the items required, and certificates of insurance as applicable. Purchasing shall review the requisition and electronic documentation and may request to review supporting documentation kept within the department, as necessary, and may contact additional sources for quotations.

The Finance Director or designee may award purchase to the lowest responsive, responsible and qualified bidder whose quote fulfills the intended purpose, quality, and delivery needs of the solicitation, provided that an unencumbered appropriation for that item exists. In lieu of awarding the purchase, the Finance Director or designee may reject bids, or may negotiate further to obtain terms more acceptable to the City.

**C. Formal Bid Proposals** Purchases in excess of \$25,000 will be made pursuant to the formal bidding requirements described herein. Authority to approve specifications, invite bids or request proposals, and award contracts will be as follows:

1. For purchases with an approved line item budget and a cost estimate between \$25,000 and \$35,000, the City Manager, or designee, is authorized to invite bids or request proposals, and approve specifications. The City Manager shall award the contract.
2. For purchases with an approved line item budget in excess of \$35,000, the City Manager, or designee, is authorized to invite bids or request proposals, and approve specifications. Council award of the contract is required.
3. For purchases without an approved line item budget, in excess of \$25,000, Council award of the contract is required.

**D. Blanket Purchase Orders** A Blanket Purchase Order is an agreement whereby the City contracts with a vendor to provide service, tools and equipment or supplies on a just-in-time basis. Blanket Purchase Orders provide a mechanism whereby items that are uneconomical to stock may be purchased in a manner that allows field operations timely access to necessary materials. Blanket Purchase Orders shall not be used to purchase capital assets or items maintained in stock or items that can be reasonably maintained in stock as determined by the Finance Director or

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Department Head. The procedure is not for purposes of emergency purchases except as is consistent with the emergency purchase procedures set forth herein.

The Purchasing Division shall request confirmation of Blanket Purchase Orders annually, before the beginning of the fiscal year. Requests for Blanket Purchase Orders may also be submitted to the Purchasing Division on an as-needed basis. The Purchasing Division shall review Blanket Purchase Order requests based upon the following criteria:

1. Price, including cost of pick-up or delivery, and discounts
2. Reasonableness of stocking the items or of otherwise procuring the purchase through routine procedures, including:
  - a. Average dollar value and type of items to be purchased
  - b. Frequency of need
  - c. Time for delivery

All Blanket Orders shall include the following items:

- a. Documentation of all terms and conditions of the purchase including:
  1. A clear description of the tools and equipment, supplies or services that may be charged.
  2. The price, including discounts, and the price change policy
  3. Written confirmation of the vendor's agreement to all such terms and conditions
- b. The expiration date of the order, which will be no later than the end of the current fiscal year.
- c. The maximum amount that may be charged on the purchase order.
- d. Items excluded from purchase, if applicable.
- e. Identification of the department(s) and employee(s) who may charge against the order. Number shall be limited to one person except upon the approval of the Finance Director or his or her designee.
- f. Requirement that the employee show official identification issued by the City.
- g. Requirement that employees print and sign their names when picking up goods.
- h. Requirement that employees return any receipts (or other paperwork) received from vendor to Department for processing.



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- i. Requirement that the vendor bill the City using City identification of purchaser.
- j. There shall not be more than one purchase order open with a vendor except on the express written approval of the Finance Director or his or her designee.
- k. Once a Blanket Purchase Order is issued to a vendor, any authorized City employee may contact the vendor directly to place orders per the terms and conditions specified in the Blanket Purchase Order.

Department shall maintain an inventory of items purchased, and a determination of associated personnel costs including time lost on the job and costs of pick-up, for purposes of determining next years purchasing needs.

Open Purchase Orders shall require the same approval as required for any other purchase agreement of equivalent cost.

### **INFORMAL AND FORMAL BID PROCESS**

Except as otherwise exempted in the policy, supplies, services, tools and equipment, and installations with an estimated value of \$1,001 to \$25,000 shall be purchased following an Informal Bid Process and purchases of \$25,001 or more shall be made following a Formal Bid Process.

To initiate the informal/formal bid process, the department making the request shall provide specifications for the item to be purchased and documentation showing the existence of an unencumbered appropriation for the item in the current approved budget. The purchasing division or requesting department shall solicit informal/formal bids as prescribed by this policy.

Informal bids may be posted at City Hall, posted on the City's Web-site, faxed, E-mailed, mailed or solicited over the phone to prospective bidders. Formal bids shall be posted at City Hall and shall be published at least once in a newspaper of general circulation as required by State law, and, if applicable, in appropriate trade publications and on the City's Web site. The date of publication shall be at least 10 days before the due date. All formal bids shall be sealed and shall be publicly opened and read at the date, time, and place indicated in the published notice.

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Bids shall be reviewed for compliance with specifications by the requesting department. All deviations from the specifications shall be fully documented by the requesting department and the impact of the deviations on the performance or suitability of the bid item shall be detailed. Staff will prepare and forward a recommendation for approval of purchase. The City Manager and/or City Council shall approve formal bids where applicable.

### **SPECIFICATIONS**

It is the responsibility of each department to provide detailed, accurate specifications when requisitioning supplies, equipment and services. Accurate specifications are essential for effective bidding.

- A. **Sole Source Specifications** Sole source specifications shall be avoided whenever possible, as they minimize or eliminate competition. The appropriate authority (Finance Director, City Manager or City Council) may waive bidding requirements if sufficient written justification for a sole source purchase exists (B.O.C. §18A-8(1)). An example of sole source is where specific equipment or supplies are required in order to be compatible with existing equipment or to perform a complex or unique function. Written documentation signed by the appropriate Department Head shall accompany the requisition for any sole source request. Standard approval procedures and documentation will be adhered to.
- B. **Standardization** Standardization of specifications for items common to several divisions and/or departments can facilitate the purchasing process. Purchasing and departments shall work together to establish standard specifications for such items.
- C. **Brand Name, or Equal, Specifications** In purchasing equipment or supplies needed to be compatible with existing equipment, or to perform complex or unique functions, the Finance Director may limit bidding to a specific product type or a brand name product.

Use of brand names in specifications shall be for the purpose of describing the standard of quality, performance, and characteristics the City desires and not be intended to limit or restrict competition. If a brand name is incorporated into a specification, a minimum of two acceptable brands shall be listed whenever possible and shall be followed by the statement "or approved equal" unless the sole source rule applies.

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Using specifications provided by a specific manufacturer should be avoided, however, if used, the name of the manufacturer, model number, etc., should be indicated. The bid document shall clearly state that the use of the manufacturer's specifications is for the sole purpose of establishing the characteristics and quality desired. The Finance Director reserves the right to determine and approve any product submitted as an "or equal."

- D. Vendor Assistance in Writing Specifications** There may be occasions when vendor assistance is required to develop a specification. Such specifications shall be written in general terms and the vendor shall be informed that the information they provide may be used to develop specifications for a competitive bid process. The vendor shall be allowed to submit a bid, but will not be given any preference over the other bids.

#### **PURCHASE AWARD**

**A. Lowest Responsive, Responsible and Qualified Bidder**

1. Bids shall be awarded to the "responsive," "responsible" and "qualified" bidder who submits the lowest bid.
2. In determining the lowest "responsive" bid, the following elements shall be considered in addition to price:
  - a. A responsive bid is one that is in substantial conformance with the requirements of the invitation to bid, including specifications and the City's contractual terms and conditions. Bidders who substitute terms and conditions or who qualify their bids in such a manner as to nullify or limit their liability shall be considered non-responsive bidders.
  - b. Conformance with the requirements of the invitation to bid shall also include providing proof of insurance, proof of required State and/or City licenses, completing all forms, including references, and all other information as requested in the bid document.
  - c. The successful bidder must demonstrate the ability to successfully fulfill a contract, including rendering of subsequent and continuing service. Staff may request proof of

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a prospective bidder's reliability. Prospective bidders may be requested to furnish proof of financial resources, a list of current or previous customers, and other pertinent data. Such action may also be taken after receipt of bids.

- d. A bidder may be determined to be non-responsive if a prospective bidder fails to furnish proof of qualifications when required.
3. In determining the lowest "responsible" bidder, the following elements shall be considered in addition to price:
  - a. A responsible bidder is one that is financially responsible and possesses the resources, judgement, skills, ability, capacity, and integrity necessary to perform the contract according to its terms.
4. In determining the lowest "qualified" bidder, the following elements shall be considered in addition to price:
  - a. That the products offered conform to the advertised specifications and otherwise provide the quality, fitness, and capacity for the required usage.
  - b. That the bidder has the ability, capacity and skill to perform the contract satisfactorily and within the time required.
  - c. That the bidder's experience(s) regarding past purchases by the City or other public agencies demonstrates the reliability of the bidder to perform the contract.
5. When a bid is recommended to be awarded to other than the low bidder, written justification is required. The written statement, signed by the appropriate Department Head, shall be forwarded to Purchasing at the time the purchase requisition is entered into the system.
- B. **Rejection of Bids** The Finance Director or the requesting Department Head may recommend rejection of any or all bids if it is determined to be in the best interests of the City. Reasons for rejection may include, but are



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not limited to, the following: a bid is determined to be non-responsive, the number of bids received is inadequate, bids received are not reasonably uniform in price, or the lowest bid received is deemed to be too high. The Finance Director, City Manager or City Council may, in any given case depending on bid amount, reject all bids with or without cause and submit the supplies, tools and equipment, service or installation involved to a new bidding process. If all bids are rejected, Purchasing may be authorized to re-solicit bids, negotiate a contract for the purchase, or abandon the purchase.

- C. **Tie Bids** If two or more bids are received which are in all respects equal, the Finance Director may accept the one deemed in the exercise of his or her sole discretion to be in the best interests of the City.
- D. **Local Vendor Purchasing Preference** Local preference is the practice of procurement from certain suppliers/contractors because they are also local taxpayers. Local preference is desirable because it stimulates the local economy. All orders/contracts are awarded on the basis of quality, previous performance, ability to meet the contract requirements, availability of service and parts, delivery schedule, and payment terms/discounts and all of the factors particular to the award. When all these factors are equal except price, a preference will be given to local vendors equal to 2% of the quoted price (B.O.C. §18A-5).
- E. **Change Orders** A Purchase Order represents a contract between the City and the Vendor. Any substantial change to a Purchase Order shall be documented as a change order. Change Orders shall be reviewed by the Purchasing Division and shall be approved by the Finance Director. A purchase order may not be increased by more than 10% or \$2,500, whichever is less, without a change order, except for taxes, shipping and handling as discussed below.

Taxes, shipping and handling may cause the purchase order to exceed the authorized purchase order amount. These items do not require a Change Order, even if they exceed 10% of the original purchase order amount.

The Requisition Form shall be used to change a quantity, description, size, color, vendor name or address, unit price, delivery location, terms and conditions and to delete or add to the order. It shall also be used to

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terminate a purchase order and to correct errors in the original purchase order.

### EXCEPTIONS TO STANDARD PURCHASING PROCEDURES

#### **A. Emergency Purchase**

1. **Tools and Equipment or Service Failure** An emergency is defined under B.O.C. §18-A (8)(5)(c) as a breakdown in machinery or service that requires an immediate purchase to protect the public health or safety, or to avoid interruption of essential City operations. Under such conditions the City Manager may authorize the Finance Director or his/her designee to secure in the open market, at the lowest obtainable price, any supplies, materials, equipment, or contractual services required, as necessary to eliminate the emergency condition as determined by the City Manager in his or her sole and reasonable discretion.
2. **Disaster Operations** During an emergency condition as defined in B.O.C. §18A-8(5) (a) or (b), the using division may purchase any supplies, materials, equipment, or contractual services. This may be done only after the division manager has concluded that the purchase is essential to prevent delays, which may affect the life, health, or safety of citizens. The head of the using division shall, within 2 days, provide a completed purchase requisition to the Finance Director or his/her designee, as well as a full written explanation of the circumstances.

In the case of a disaster or for civil defense, nothing contained in this document shall limit the authority of the director of emergency services and/or the City Manager to make purchases and take such other emergency steps as are, or may be, authorized by the City Council.

- B. **Used Equipment** Competitive bidding shall be used whenever multiple sources of comparable equipment are discovered and the City enjoys no significant price advantage from any one vendor. Before making the purchase, the department shall determine a range of fair market value for the item to be purchased without bid. In determining the fair market value, each department shall document the methods used to make such

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determination including tools such as Kelly Blue Book, classified advertisements, and local vendors with similar products available. The City Manager is authorized to approve the purchase of used equipment up to \$25,000 after a review of all supporting documentation. Council approval is required for purchases that exceed \$25,000.

**C. Cooperative Purchasing (B.O.C. §18A-8(C))** The Finance Director or his/her designee has the authority to participate in purchases and contracts established by other public entities in cooperative purchasing agreements, provided the cooperative agreement is established following a competitive bid process, even if the City has not joined with that public agency in a formal agreement. The Finance Director or his/her designee may also purchase from the United States of America or any state, municipality or other public corporation or agency without following formal purchasing procedures as defined in this document.

**D. Petty Cash (replaces Policy B-2)** The high cost of payment processing makes it imperative that small-dollar purchases are made by cash. The exception is when the City heavily patronizes the vendor and the vendor is willing to establish a purchase order with the City. Each division that has a petty cash fund may use it only for minor purchases of up to \$25 when buying from uncommon sources, or vendors that have stated that they are unwilling to establish a purchase order with the City but because of the proximity and type of goods, the City continues to require purchases.

The Department Head shall be accountable for the safekeeping of funds within their divisions. The following steps shall be taken to insure the security of funds and the propriety of reimbursement of expenditures:

1. Petty cash custodians shall be appointed by the Department Head and must record all expenditures in pre-numbered petty cash receipt books, which are obtained from the Finance Department.
2. Actual receipts shall be attached to the white copies of the pre-numbered receipts when requesting petty cash fund reimbursement.
3. Completed receipt books are to be turned in to the Finance Division to receive an additional receipt book.
4. Each division must submit their petty cash expenditures for reimbursement monthly.

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5. No expenditure will be reimbursed without support of an invoice, receipt or similar documentation.

The Finance Director shall have the final authority to establish or terminate petty cash funds and establish such funds' dollar size. Finance will periodically audit, without notice, each division's petty cash fund.

- E. Public Works Projects** All public works contracts over \$5,000 must be approved by City Council. This includes all procurement involving the purchase of supplies, services and equipment that is included within the specification of a "Public Works Contract" and is subject to the regulations contained in the State of California Public Contract Code.
- F. Exemptions** Certain purchases that are not readily adaptable to the open market and the bid process, or purchases that require a check to accompany the order are exempt from the bid/purchase order process. The direct pay method may be used to process payments for exempt items, regardless of the amount. Following is a list of allowable exemptions:

Advertisements and Notices	Payment to Other Governmental Units
Attorney & Consultant Services	Petty Cash Replenishment
City Debt Service	Property Rental
Conference registration	Postage/Delivery/Messenger Svs
Dept. Purchases \$1,000 or less	Real property/Easement Acquisition
Educational seminars, training	Refunds
Fuel	Subscriptions/Membership Dues
Insurance Claims and Premiums	Trade circulars, Books or CD's
Loans	Travel Expense/Advances
Medical Payments	Utility Payments

Exemptions are limited to those items listed above. Departments may submit written requests for additional exemptions to the Finance Director. If warranted, additional exemptions will be added to this list.

### PROFESSIONAL /CONSULTANT SERVICES

All employment of consultants shall be evidenced by a signed contract with the City. Said contract shall be signed by all parties prior to the commencement of work. Said contract shall, at a minimum, contain the language contained in Attachment B. Contracts for consultant services will be awarded pursuant to the following guidelines:



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- A. Contracts for consultant services estimated to cost \$5,000 or less may be awarded by the Department Head.
- B. Contracts for consulting services estimated to cost between \$5,001 and \$25,000 may be awarded by the City Manager. Proposals from at least three firms should be solicited whenever practical.
- C. Contracts for consultant services estimated to cost more than \$25,000 will generally be awarded pursuant to the following guidelines; however, it is recognized that the City's need for consultant services will vary from situation to situation, and accordingly, flexibility will be provided in determining the appropriate evaluation and selection process to be used in each specific circumstance.
  1. The City Manager should generally approve request for proposal (RFP) or request for qualification (RFQ) documents before they are issued. The Council may authorize the City Manager to award the contract if it is less than or equal to the Council-approved budgeted cost estimate and there are no substantive changes to the approved work scope. Otherwise, Council award of the contract is required.
  2. Cost will not be the sole criteria in selecting the successful bidder. Consultant proposals will be evaluated based on a combination of factors that result in the best value to the City, including but not limited to:
    - a. Understanding of the work required by the City
    - b. Quality and responsiveness of the proposal
    - c. Demonstrated competence and professional qualifications necessary for satisfactory performance of the work required by the City
    - d. Recent experience in successfully performing similar services
    - e. Proposed methodology for completing the work

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f. References

g. Background and related experience of the specific individuals to be assigned to the project

h. Proposed compensation

3. In the event that it is determined that it is in the best interests of the City for services to be provided by a specific consultant - with contract terms, work scope, and compensation to be determined based on direct negotiations - contract award will be made by the City Manager.

## **DEFINITIONS AND SPECIAL REQUIREMENTS**

### **Quote**

Verbal or written promise from the vendor/contractor guaranteeing the cost of specific goods, supplies, or services.

### **Bid**

Written offer, more formal than a quote, to furnish supplies, equipment, vehicles, services in conformity with the specifications, delivery terms, and conditions required at a guaranteed maximum cost.

### **Capital Asset**

A tangible asset, that will last for more than one year, that is being capitalized per the requirements of the Fixed Assets Policy (C-8).

### **Commercial General Liability (CGL) Insurance**

All contractors engaged in service on City property are required to maintain minimum liability insurance of \$1,000,000 for each occurrence naming the City of Banning as an additional insured. Certain high-risk activities require higher limits.

### **Auto Liability Insurance**

All contractors engaged in service on City property are required to maintain minimum automobile liability insurance of \$1,000,000 for each occurrence naming the City of Banning as an additional insured. Certain high-risk activities require higher limits.

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### **Worker's Compensation Insurance**

All contractors engaged in service on behalf of the City are required to maintain Worker's Compensation Insurance in accordance with the provisions of the State of California, including a waiver of subrogation rights against the City.

### **Prevailing Wage**

Payment of prevailing wages established by City Council shall be required on all publicly funded public works contracts of \$5,000 or more. When a contract requires this, notification will be included in the call to bid.

### **Professional Services**

Any work performed by, but not limited to, an auditor, attorney, doctor, architect, engineer, land surveyor, construction project manager, appraiser, expert, or consultant. Provision of such services requires professional liability insurance in an amount of \$1,000,000 for each occurrence, except as specifically provided in individual contracts.

### **Public Works Project**

Specific, planned undertaking for the creation, improvement and/or repair of buildings and works, including parks; for the construction and installation of streets and sewers; or for the general benefit of the citizenry (e.g., street lights, drains, etc.).

Approved: \_\_\_\_\_



Don Foster, City Manager

## LIMITED PURCHASE APPROVAL

Banning Ordinance Code Section 18A-4 grants to department heads the authority to approve purchases of supplies, materials, tools and equipment and installations with a value not to exceed one thousand dollars (\$1,000). Pursuant to that authority, the following described purchase is approved.

I. Solicitation:

a. Department: \_\_\_\_\_

b. Date: \_\_\_\_\_

c. Clear and complete description of the item to be purchased, including any specifications as to quality and quantity.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

d. Term \_\_\_\_\_  
(shall not exceed 90 days)

e. Specification of required date, time and manner of delivery:

\_\_\_\_\_  
 \_\_\_\_\_

- Title to tools, equipment, supplies only; and risk of loss to tools, equipment, and supplies; and licenses and all other materials shall pass to City upon delivery to the City, providing same is accepted as in good order.
- City shall notify seller promptly of any claim with respect to loss which occurs while the seller has the risk of loss, and shall cooperate in every reasonable way to facilitate the settlement of any claim.
- For purposes of this paragraph, "delivery" shall mean the point at which the seller or seller's supplier or agent turns over possession of the tools and equipment and supplies to City, City's employee, City's designated carrier, City's warehouse or storage facility, or other City agent. Delivery is not synonymous with "acceptance."

f. Conditions of acceptance by the City:

\_\_\_\_\_  
 \_\_\_\_\_

g. Name, address, and telephone number of vendors contacted and name of vendors representative, and vendor number (obtained from Finance Department):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

II. Acceptance:

a. Identification of selected vendor and written verification of vendor's agreement to perform (may be attached).

\_\_\_\_\_  
 \_\_\_\_\_

b. Written specifications of items promised by vendor in response to solicitation if different from (c) above:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

c. Terms of vendor acceptance, including price, cost of delivery, discounts, return policy, and cost of return. In the absence of a specification by the vendor, the City's standard discount requirement is 2/15 (two percent reduction in price if paid within 15 days). The department shall be liable for all discounts.

\_\_\_\_\_  
 \_\_\_\_\_

d. Warranties provided by vendor (may be attached);

\_\_\_\_\_  
 \_\_\_\_\_

If the vendor does not provide a warranty, the following shall apply:

1. Seller warrants to City that during the applicable warranty period, which shall in no event be less than (90) days from the date of delivery.



- (i) Seller's manufactured products (i.e. any product manufactured by Seller and purchased by City under this agreement) will be free from defects in material and workmanship and will conform to Seller's specifications for such products;
  - (ii) Licensed materials (i.e. software or any other product for which licenses are granted by Seller under this agreement) developed by Seller will be free from those defects which materially affect function or performance in accordance with Seller's specifications; and
  - (iii) Services will be performed in a workmanlike manner and in accordance with good usage and accepted practices in the community in which services are provided. With respect to products, licensed materials or assembly of products furnished by Seller, but neither manufactured by Seller nor purchased by Seller pursuant to this procurement specifications; Seller, to the extent permitted, does hereby assign to City the warranties given to Seller by its vendor(s) of such items.
2. If, under normal and proper use, a defect or non-conformity appears in Seller's manufactured products or licensed materials during the applicable warranty period;
    - (i) City shall notify Seller in writing of such defect or non-conformance within 5 working days of actual knowledge of such defect or non-conformance, and
    - (ii) City shall follow Seller's instructions regarding return of defective or non-conforming product or licensed materials,
    - (iii) Seller, at City's option, shall within fourteen (14) calendar days, or less if the defective item is necessary for performance of a critical function as determined by the City, either repair, replace or correct the same without charge at its manufacturing or repair facility or provide a full refund or credit based on the original purchase price or license fee.
  3. If engineering or installation services prove not to be performed as warranted within a three (3) month period commencing on the date of completion of the services, Seller, at the City's option, either will correct the defect or non-conforming services or render a full refund or credit based on the original charges for the services. Seller shall pay all costs and expenses associated with
    - (i) removal and reinstallation of the product or licensed materials,
    - (ii) transportation expenses associated with returning such product or licensed materials to Seller; and
    - (iii) transportation of the repaired or replaced product or licensed materials to the City.
  4. With respect to Seller's manufactured products that City has ascertained are not readily returnable for repair, Seller, at City's option, may elect to have the manufactured products repaired or replaced at City's site and the Seller shall pay all costs and expenses associated therewith, including but not limited to restoring the site after completion of the repairs or replacement.

### III. Insurance Terms Applicable to Service and Installation Contracts:

Seller shall provide and maintain at its own expense during the term of this Agreement the following program(s) of insurance covering its operation hereunder. Such insurance shall be provided by insurer(s) satisfactory to City and evidence of such programs satisfactory to City shall be delivered to the City Manager or his or her designee within ten (10) days of the effective date of this Agreement.

**General Liability:** A program including, but not limited to, comprehensive general liability including automobile coverage with a combined single limit of not less than \$1,000,000 per occurrence. Such insurance shall be primary to and not contributing with any other insurance maintained by the City of Banning, and shall name the City of Banning as an additional insured.

**Workers' Compensation:** A program including workers' compensation insurance, where necessary, with statutory limits and a waiver of subrogation rights against the City of Banning.

Failure on the part of Seller to procure or maintain required insurance shall constitute a material breach of this Agreement upon which City may immediately terminate this Agreement.

### IV. Insurance Terms Applicable to Consulting Service Contract (service procured for the purpose of obtaining an intellectual product on which the City will rely in construction or modification of City property or on which it will rely in making a binding representation to a government entity or other third party)

**Professional Liability Insurance:** Consultant shall maintain Professional Liability Insurance providing coverage for Contractor's performance of work included in this Agreement, with a limit of liability of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate. If Contractor's Professional Liability Insurance is written on a claims made basis rather than an occurrence basis, such insurance shall continue through the term of this Agreement and Consultant shall purchase at his sole expense either 1) an Extended Reporting Endorsement (also known as Tail Coverage); or 2) Prior Dates Coverage from new insurer with a retroactive date back to the date of, or prior to, the inception of this Agreement; 3) demonstrate through Certificates of Insurance that Consultant has maintained continuous coverage with the same or original insurer. Coverage provided under items; 1), 2), or 3) will continue for a period of 3 years beyond the termination of this Agreement.

V. \_\_\_\_\_ (check when applicable) NO INSURANCE REQUIRED.

- a. No insurance is required when the product provided under the contract is materials, supplies, tools and equipment held out by the Seller for purchase by the general public in its normal course of business, for the purpose and with the quality agreed upon by the City; the item is delivered ready to use; and, no installation services are required to be provided by the vendor or any third party.
- b. No insurance is required when the product provided under the consulting service contract is advice and information intended exclusively for use by the department head; e.g. review of documents, situational analysis, strategy consultation, interpretation of legislation. Also, at the time of contracting, it is contemplated that any such advice that is of a technical nature will be subject to further development before the City takes action in reliance thereon.

VI. This agreement shall supercede any inconsistent provision of any agreement respecting this same transaction.

VII. Disputes arising under this agreement shall be resolved by appeal to the Banning City Council whose determination shall be final and binding.

Signature:

\_\_\_\_\_  
(Department Head)

\_\_\_\_\_  
(Vendor)

**STANDARD AGREEMENT FOR  
CONSULTANT SERVICES  
THE CITY OF BANNING**

THIS AGREEMENT, made and entered into this \_\_\_ day of July, 2001, by and between the City of Banning ("City") and ("Consultant" or, "Seller") (sometimes jointly referred to herein as the "Parties").

**RECITAL**

**1. Purpose**

The purpose of this Agreement is to allow City to procure the service of an experienced professional individual or firm to perform the services described in Attachment 1 hereto.

**TERMS AND CONDITIONS**

**2. Mission**

City hereby retains Consultant in the capacity as Consultant for provisions of services described in Attachments I. Consultant hereby accepts such responsibility as described herein. In the event of any conflict between the interpretation of the terms and conditions of this Agreement and any provision contained in Attachment I, herein, the language of this agreement shall prevail. The Consultant shall require that all applicable provisions of this Agreement be made a part of any contract with a subcontractor for performance hereunder. Special attention is addressed to the insurance requirements.

**3. Terms**

This Agreement shall commence as of the day and year first above shown and shall remain in full force and effect for a period of ninety (90) days, unless sooner terminated as provided herein. The City Manager ("City Manager"), or his or her designee, is authorized to approve line item adjustments to the Agreement's program budget as long as either of such amendments are upon the same terms and conditions as specified herein, and do not increase the total compensation agreed upon herein.

**4. Consultant Responsibilities**

Upon the request of the City Manager, or his or her designee, Consultant shall complete the work program described in Attachments I. Consultant commits the principal personnel listed below to the project for its duration:

**Consultant**

\_\_\_\_\_

5. Replacement of Named Personnel

It has been determined that the individual(s) named in this Agreement are necessary for the successful performance of this Agreement. No diversion or replacement of these individuals(s) shall be made by Consultant without written consent of City, who may ratify, in writing, within ten (10) days of diversion or replacement and such ratification shall constitute the consent of City required by this clause. If City fails to respond to Consultant within ten (10) days of notification by Consultant; said personnel diversion or replacement shall be deemed approved.

6. Release of News Information

No news release, including photographs, public announcements or confirmation of same, of any part of the subject matter of this Agreement or any phase of any program hereunder shall be made without prior written approval of City or his or her designee.

7. Confidentiality of Reports

Consultant shall keep confidential all reports, information and data received, prepared or assembled pursuant to performance hereunder and that City designates as confidential. Such information shall not be made available to any person, firm, corporation or entity without the prior written consent of City.

8. Compensation

During the term of this Agreement, City shall pay Consultant, for each work component the fixed, not to exceed, fee described in Attachments I. Said compensation shall be considered full and complete reimbursement for all of Consultant's costs associated with the services provided hereunder. The maximum compensation for services, including all Consultant's costs, under the terms of this Agreement, shall not exceed \_\_\_\_\_.

Consultant shall be paid in accordance with City's standard accounts payable system. The City Manager, or his or her designee, shall approve invoices.

9. Right to Audit

City, or any of its duly authorized representatives, shall have access to any books, documents, papers and records of Consultant and/or its subcontractors which are pertinent to the specific program hereunder for the purpose of making an audit, an examination, excerpts and transcriptions. All books, records and supporting detail shall be retained for a period of one (1) year after the expiration of the term of this Agreement, or any extension thereof, City may request in writing at least thirty (30) days prior to expiration of this Agreement that information and records prepared, or used by Consultant in providing the services under this Agreement be provided to City whereupon Consultant shall provide said information to City within thirty (30) days.

10. Audit Exceptions

Consultant agrees that in the event the program established hereunder is subjected to audit exceptions by appropriate audit agencies, it shall be responsible for complying with such exceptions and paying City the full amount of liability resulting from such audit exceptions.

11. City Support

City shall provide Consultant with any plans, publications, reports, statistics, records or other data or information pertinent to the services to be provided hereunder which are reasonably available to City.



12. Independent Contractor

Consultant shall perform the services as contained herein as an independent contractor and shall not be considered an employee of City or under City supervision or control. This Agreement is by and between Consultant and City, and is not intended, and shall not be construed, to create the relationship of agent, servant, employee, partnership, joint venture, or association, between City and Consultant.

13. Work Product

All work product produced under this contract will be considered work made for hire, and shall become the sole property of the City of Banning.

14. Conflict of Interest

Consultant represents, warrants and agrees that it does not presently have, nor will it acquire during the term of this Agreement, any interest direct or indirect, by contract, employment or otherwise, or as a partner, joint venturer or shareholder (other than as a shareholder holding a one percent (1%) or less interest in publicly traded companies) or affiliate with any business or business entity that has entered into any contract, subcontract or arrangement with the City of Banning. Upon execution of this Agreement and during its term, as appropriate, Consultant shall upon written request, disclose in writing to City any other contractual or employment arrangement from which it receives compensation. Consultant agrees not to accept any employment during the term of this Agreement by any other person, business or corporation which employment will or may likely develop a conflict of interest between the City of Banning's interests and the interests of third parties.

14. Successor and Assignment

The services as contained herein are to be rendered by Consultant whose name is as appears first above written and said Consultant shall not assign nor transfer any interest in this Agreement without the prior written consent of City.

15. Indemnification

Consultant agrees to indemnify, defend (upon request by City) and save and hold harmless the City of Banning, its agents, officers and employees, from and against any and all liability, expense, including defense costs and legal fees, and claims for damages of any nature whatsoever, including, but not limited to, bodily injury, death, personal injury or property damage arising from or connected with Consultant's operations, or its services hereunder, including any workers' compensation suit, liability or expense, arising from or connected with the services performed by or on behalf of Consultant by any person pursuant to this Agreement, save actions arising from City's active negligence in performing its duties hereunder.

16. Insurance

Without limiting Consultant's indemnification of City, Consultant shall provide and maintain at its own expense during the term of this Agreement the following program(s) of insurance covering its operation hereunder. Such insurance shall be provided by insurer(s) satisfactory to City and evidence of such programs satisfactory to City shall be delivered to the City Manager or his/her designee within ten (10) days of the effective date of this Agreement.

**Minimum Scope of Insurance:**

Commercial General Liability and Umbrella Liability Insurance on an occurrence basis, including the tort liability of another assumed in a business contract. Automobile and Umbrella Liability Insurance for any auto, including owned, hired and non-owned autos.

Worker's Compensation Insurance as required by the State of California and Employer's Legal Liability, including a waiver of subrogation against the City of Banning. Professional Liability coverage on either a claims made or occurrence basis.

**Minimum Limits of Insurance:**

General Liability/Umbrella Liability with a limit of not less than \$1,000,000.00 per occurrence. If such insurance contains a general aggregate limit, it shall apply separately to the contract project. Automobile Liability (and necessary commercial umbrella liability) Insurance with a limit of not less than \$1,000,000.00 each accident. Worker's Compensation (commercial umbrella and/or employers liability) Insurance with a limit of not less than \$1,000,000.00 each accident for bodily injury by accident or \$1,000,000.00 each employee for bodily injury by disease. Professional Liability with a limit of not less than \$1,000,000 per occurrence.

**Deductibles and Self-Insured Retentions:**

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either (a) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees and volunteers; or (b) the Consultant shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

**Other Insurance Provisions:**

**Additional Insured Status of City.** The City, its officers, officials, employees, and volunteers shall be insureds with respect to either liability arising out of automobiles owned, leased, hired, or borrowed by or on behalf of the Consultant or liability arising out of work or operations performed by or on behalf of the Consultant, including materials, parts or equipment furnished in connection with such work or operations, excepting professional liability coverage.

**Insurance Primary to City Insurance.** For any claims related to this contract, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

**Prior Notice of Cancellation.** Each insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by Consultant or Consultant's insurance; except after thirty (30) days prior written notice to the City.

**Acceptability of Insurers:**

Insurance is to be placed with insurers with a current A.M. Best's rating of not less than A:VII.

**17. VERIFICATION OF COVERAGE:**

Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

Failure on the part of Consultant to procure or maintain required insurance shall constitute a material breach of this

Agreement upon which City may immediately terminate this Agreement.

18. Insurance Terms Applicable to Consulting Service Contract (service procured for the purpose of obtaining an intellectual product on which the City will rely in construction or modification of City property or on which it will rely in making a binding representation to a government entity or other third party)

Professional Liability Insurance: Consultant shall maintain Professional Liability Insurance providing coverage for Contractor's performance of work included in this Agreement, with a limit of liability of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate. If Contractor's Professional Liability Insurance is written on a claims made basis rather than an occurrence basis, such insurance shall continue through the term of this Agreement and Consultant shall purchase at his sole expense either 1) an Extended Reporting Endorsement (also known as Tail Coverage); or 2) Prior Dates Coverage from new insurer with a retroactive date back to the date of, or prior to, the inception of this Agreement; 3) demonstrate through Certificates of Insurance that Consultant has maintained continuous coverage with the same or original insurer. Coverage provided under items; 1), 2), or 3) will continue for a period of 3 years beyond the termination of this Agreement.

\_\_\_\_ (check when applicable) **NO INSURANCE REQUIRED.**

No insurance is required when the product provided under the consulting service contract is advice and information intended exclusively for use by the department head; e.g. review of documents, situational analysis, strategy consultation, interpretation of legislation. And, at the time of contracting, it is contemplated that any such advice and information that is of a technical nature will be subject to further development before the City takes action in reliance thereon.

19. Compliance with Laws

The parties agree to be bound by applicable federal, state and local laws, regulations and directives as they pertain to the performance of this Agreement.

20. Non-Discrimination

In the fulfillment of the program established under this Agreement, either as to employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other terms of compensation, selection for training, including apprenticeship or participation in the program or the receiving of any benefits under the program, Consultant agrees not to discriminate nor to allow any subcontractor to discriminate on the basis of race, color, creed, religion, natural origin, ancestry, sex, marital status or physical handicap.

21. Severability

In the event that any provision herein contained is held to be invalid, void or illegal by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall in no way affect, impair or invalidate any other provision contained herein. If any such provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

22. Interpretation

No provision of this Agreement is to be interpreted for or against either party because that party or that party's legal representative drafted such provision, but this Agreement is to be construed as if it were drafted by both parties hereto.

23. Waiver

No breach of any provision hereof can be waived unless in writing, Waiver of any one breach of any provision shall not be deemed to be a waiver of any other breach of the same or any other provision hereof.

24. Contract Evaluation and Review

The ongoing assessment and monitoring of this Agreement is the responsibility of City Manager or his or her designee.

25. Termination

Either party may terminate this Agreement by giving written notice at least five (5) days prior to the effective date of the termination. Each party hereby assumes its risk of loss as a result of such termination and hereby waives any right against the other for costs of performance or for breach of performance hereunder. Said waiver is void and of no effect upon proof of bad faith on the part of the party initiating the termination. The County of Riverside shall be the venue for any legal action commenced hereunder.

26. Notice

Notices, herein shall be presented by regular, certified or registered U.S. mail, as follows:

To Consultant:

To City:                      City of Banning  
                                    Post Office Box 998  
                                    Banning, California 92220  
                                    Attention: City Attorney

Nothing in this paragraph shall be construed to prevent the giving of notice by personal service.

27. Entire Agreement

This Agreement with attachments constitutes the entire understanding and agreement of the parties. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the retention of Consultant by the City and contains all the covenants and agreements with respect to such retention.

28. No Third Party Beneficiaries.

No third party shall be deemed to have any rights hereunder against any of the parties hereto as a result of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above shown.



CITY OF BANNING

By \_\_\_\_\_  
City Manager

By \_\_\_\_\_

Title \_\_\_\_\_

For \_\_\_\_\_


APPROVED AS TO FORM  
AND LEGAL CONTENT:

By \_\_\_\_\_  
John F. Wilson  
City Attorney

APPROVED AS TO INSURANCE PROVISIONS:

By \_\_\_\_\_  
F. Ann Yates, R.M. Division

# ATTACHMENT 6

		SECTION or Policy No: B-23 (a)
		ORIGINATING DEPARTMENT: Administrative Services
		Reference: Purchasing
SUPERSEDES: n/a	NEW EFFECTIVE DATE: November 12, 2014	PAGE 1 of 2
APPROVED BY: City Council approval November 12, 2014		

### **PURPOSE**

To prioritize governing documents related to purchasing and provide methods for improving communication and transparency to the City Council related to contracts signed within the City Manager's authority.

### **BACKGROUND**


During 2014, it became apparent that the Purchasing Policy B-23 adopted in August 2001 and the Purchasing Ordinance updated in 2005 and 2007 include contradictory procedures. Because the Policy is an older document, most staff were following the Policy. With the passage of time and changes in personnel, it is unclear if any effort was made to train staff on the updated Ordinance. In addition, the Ordinance assumes a centralized purchasing system. With the economic downturn, the Purchasing Manager position was eliminated and the purchasing functions were decentralized. The transition to a decentralized system occurred with limited training for the staff assuming these new duties. The combination of the above factors have led to challenges in standardizing the purchasing functions in the City.

Both Administrative Policy B-23 and the Purchasing System described in the Banning Municipal Code Chapter 3.24 need to be updated to resolve any contradictory procedures and reflect a decentralized purchasing function. Until such time when these City documents can be analyzed, updated, and evaluated in relationship to State (i.e. State Public Contract Code) or Federal codes, and any other best practices in the industry, the following policy will provide the guidelines to follow.

### **POLICY**

Chapter 3.24 – Purchasing System – of the Banning Municipal Code is the primary governing document.

- Section 3.24.010 – The Purchasing System is decentralized until further notice in accordance with Section 3.24.120.
- Section 3.24.030 – The Purchasing Officer shall be the Administrative Services Director or designee per direction of the City Manager.

 <div style="text-align: center;"> <h2 style="margin: 0;">City of Banning</h2> <h2 style="margin: 0;">Purchasing Policy</h2> <h2 style="margin: 0;">Addendum</h2> </div>		<b>SECTION or Policy No:</b> B-23 (a)
		<b>ORIGINATING DEPARTMENT:</b> Administrative Services
		<b>Reference:</b> Purchasing
<b>SUPERSEDES:</b> n/a	<b>NEW EFFECTIVE DATE:</b> November 12, 2014	<b>PAGE 2 of 2</b>
<b>APPROVED BY:</b> City Council approval November 12, 2014		

- Section 3.24.030 – Functions and duties of the Purchasing Officer are decentralized but verified by the designated Purchasing Officer.
- Section 3.24.050 to 3.24.090 – City Manager signature authority shall remain at \$25,000. However, on a quarterly basis, the City Manager shall be responsible for providing City Council a report listing the contracts signed during the previous quarter. Such list shall include the vendor name, contract amount, and purpose of work.

Administrative Policy B-32: The Municipal Code references “administrative policies and procedures implementing this chapter” in several sections of the Code. Administrative Policy B-23 “Purchasing Practices and Approval Requirements Policy” is the administrative policy and procedure document that supports the Municipal Code.

- Where the Municipal Code is silent, Policy B-23 should be used for direction.
- Where Policy B-23 conflicts with the Municipal Code, the Municipal Code prevails.
- Where neither the Municipal Code nor Policy B-23 provide direction for a specific situation, the City Manager shall provide the final approval.
- Exhibit A – Limited Purchase approval form is rescinded. Documentation is verified by both the Financial Services Specialist that processes the purchases orders and the Deputy Finance Director that verifies the purchase orders for signature. Forms are updated from time to time as needed.
- Exhibit B – Standard Agreement for Consultant Services template is rescinded. The contract template has been updated since Aleshire and Wynder, LLP became the City Attorney. The contract template is updated periodically to reflect changes in laws and best practices.

State or Federal laws governing purchasing practices as it relates to grants or projects will prevail where applicable. For example, Municipal Code Section 3.24.100 references the State Public Contract Code (commencing at Section 20160).



# ATTACHMENT 7

CITY OF BANNING		
ADMINISTRATIVE POLICY		
Subject: Disposal of Surplus Property		Policy No. B - 24
Reference:	Effective: 08/14/01	Page No. 1 of 4

### **PURPOSE**

The purpose of this policy is to provide the City of Banning a means of assuring continuity and uniformity in the disposal of surplus City property.

In accordance with the policy framework set forth in Chapter 18A-13 of the Banning Ordinance Code, the disposal of surplus City property will be made pursuant to these guidelines.

### **BACKGROUND**

The policy on the disposal of surplus property was previously included in the *Purchasing Practices and Approval Requirements Policy, Policy B-23*. For clarification, the section pertaining to the disposal of surplus property has now been separated and moved to Policy B-24.

### **SURPLUS PROPERTY**

Finance, in cooperation with all Department Heads, is responsible for the transfer and disposition of surplus City property. "Surplus property" is used generically to describe any City property that is no longer needed or useable by the holding department. The Finance Director, or designee, has the authority to declare item(s) surplus.

Annually, in March, each department shall review its equipment, material, and inventory, and shall promptly notify Purchasing of any surplus property. A Declaration of Surplus Property Form, *Exhibit A*, signed by the Department Head shall be completed and submitted for each surplus property item. Declaration of Surplus Property Forms are available from the Finance Department. When determining the fair market value, each department shall document the methods used to make such determination including tools such as Kelly Blue Book, classified advertisements, and local vendors with similar products available.

#### **A. Methods of Disposition**

The Finance Director, or designee, shall approve one of the following methods of disposition that is most appropriate and in the best interests of the City. Surplus City property may not be acquired by an employee of the City except at a public auction or through other formal bid procedure.

CITY OF BANNING		
ADMINISTRATIVE POLICY		
Subject: Disposal of Surplus Property		Policy No. B - 24
Reference:	Effective: 08/14/01	Page No. 2 of 4

Once a decision has been made regarding disposition, an Asset Retirement Form, *Exhibit B*, for the asset must be completed and sent to the Finance Department.

1. **Transfer to Another Department**  
Surplus property may be transferred between City departments. Departments wishing to transfer surplus property to or from another department shall complete the Surplus Property Form and an Asset Transfer Form, *Exhibit C*, and submit them both to the Finance Department for review. All transfers of items require the approval of the Department Heads from each department affected by the transfer.
2. **Trade-In**  
Property declared as surplus may be offered as a trade-in for credit toward the acquisition of new property. All trade-in offers will be submitted for the review and approval of the Finance Director. If surplus property is to be applied to a purchase order, the trade-in value shall be itemized on the Purchase Order.
3. **Return to Manufacturer**  
Surplus property may, when possible, be returned to the manufacturer for buy-back or credit toward the purchase of new property. Return to manufacturer requires approval of the Finance Director.
4. **Disposal .**  
The Finance Director may approve or offer surplus property for sale. All surplus property is for sale "as is" and "where is", with no warranty, guarantee, or representation of any kind, expressed or implied, as to the condition, utility or usability of the property offered for sale. Appropriate methods of sale are as follows:
  - a. **Public Auction** - Surplus property may be sold at public auction. City staff may conduct public auctions, or the City may contract with a professional auctioneer including professional auction services.

CITY OF BANNING		
ADMINISTRATIVE POLICY		
Subject: Disposal of Surplus Property		Policy No. B - 24
Reference:	Effective: 08/14/01	Page No. 3 of 4

- b. **Sealed Bids** - Sealed bids may be solicited for the sale of surplus property. Surplus property disposed of in this manner shall be sold to the highest responsible bidder.
- c. **Selling for Scrap** - Surplus property may be sold as scrap, with the approval of the Finance Director, if the Department Head deems that the value of the raw material exceeds the value of the property as a whole.
- d. **Negotiated Sale** - Surplus property may be sold outright, with the approval of the Finance Director, if Purchasing determines that only one known buyer is available or interested in acquiring the property.
- e. **Donated to Non-Profit Organization or Public Agency** - At the discretion of the City Manager, supplies or equipment that has been determined to be surplus may be donated to either a non-profit organization or other public agency. An eligible organization must have assets that are permanently dedicated to a public and/or exempt purpose, in accordance with State law. The City Manager shall not be required to conduct a comprehensive search for an exempt user, but may exercise his or her discretion in the determination and selection of an appropriate recipient, if any.
- f. **No Value Item** - Where the Department Head determines that specific supplies or equipment are surplus and of minimal value to the City due to spoilage, obsolescence or other cause or where Purchasing determines that the cost of disposal of such supplies or equipment would exceed the recovery value, the Finance Director shall dispose



CITY OF BANNING		
ADMINISTRATIVE POLICY		
Subject: Disposal of Surplus Property		Policy No. B - 24
Reference:	Effective: 08/14/01	Page No. 4 of 4

of the same in such a manner as he or she deems appropriate and in the best interests of the City.

**B. Proceeds**

Proceeds from the sale or trade-in of surplus property shall be returned to the appropriate fund.

Approved: Don Foster  
Don Foster, City Manager

## **DECLARATION OF SURPLUS PROPERTY**

The following property is no longer useable by the City and should be declared surplus.

**Description of Property**

**Owned by which Department**


**Signed:**

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
Date

**Reviewed and Approved:**

\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
Date

**Reviewed and Approved:**

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

## ASSET RETIREMENT FORM

I am requesting approval to dispose of (retire) the following assets in the manner listed below:

<u>Description of Property</u>	<u>Owned by Which Department</u>	<u>Method of Retirement</u>

Signed:

Department Head Date

Reviewed and Approved:

Reviewed and Approved:

Finance Director Date

City Manager Date

# ASSET TRANSFER FORM

The following departments are requesting to transfer the property listed below:

<u>Description of Property</u>	<u>Owned by Which Department</u>	<u>Transfer to Which Department</u>

Signed:

Signed:

<u>Transferring Department Head</u>	<u>Date</u>	<u>Transferee Department Head</u>	<u>Date</u>
<u>Reviewed and Approved:</u>		<u>Reviewed and Approved:</u>	
<u>Finance Director</u>	<u>Date</u>	<u>City Manager</u>	<u>Date</u>



# ATTACHMENT 8

CITY OF BANNING		
Administrative Policies		
Subject: I. Travel and Meeting Policy II. Mileage Reimbursement Policy		Policy No. E-1 (Includes E-2)
Reference: City Manager Authority	Effective 9/1/2001	Page No. 1 Of 4

# I.

## Travel Related Expenses

### PURPOSE

To establish guidelines for payment and/or reimbursement of travel expenses related to attendance at various conferences and meetings, including professional development and training seminars, for which the City will derive benefit through attendance by City employees.

### POLICY

#### A. General Guidelines:

1. When possible, advance travel arrangements shall be made to take advantage of discounts in transportation, lodging and conference or meeting registration costs;
2. Recognizing that advance travel arrangements may involve non-refundable discounted fares and substantial penalties for cancellation of conference/meeting registrations, registrants unable to attend the function shall make every effort to find competent substitutes from City personnel for conference attendance;
3. City funds shall be used only for conducting City business, or as may otherwise be permitted in this policy.
4. Spouses may accompany an employee on a City business trip, provided that all expenses are borne solely by the official or staff member.

#### B. Conference/Meeting Selection:

1. Staff shall use the annual budget process to propose attendance at conferences/meetings during the fiscal year, whether in-state or out-of-state. Exceptions may be approved by the City Manager.

#### C. Travel:

1. Staff shall use prudent business judgment concerning the most economical means of transportation for conference attendees.
2. When a private automobile is used for travel, reimbursement for mileage shall be at the rate paid currently by the IRS per mile up to a maximum equal to the lowest reasonable round trip airfare to the conference/meeting location.
3. Taxi, airport shuttle and bus fare, as required for transportation to and from conference meeting sites, is reimbursable, as well as pre-approved car rental;

CITY OF BANNING		
Administrative Policies		
Subject: I. Travel and Meeting Policy II. Mileage Reimbursement Policy		Policy No. E-1 (Includes E-2)
Reference: City Manager Authority	Effective 9/1/2001	Page No. 2 Of 4

4. For staff members receiving a monthly automobile allowance, mileage for trips exceeding sixty (60) miles one-way shall be reimbursable at the rate of current IRS rate.

**D. Lodging/Meals:**

1. Reservations for hotel/motel rooms should be made in advance to ensure availability and lowest rates. In choosing lodging, both price, convenience and propriety should be considered. For example, the cost of lodging at the conference/meeting site may be less expensive when the cost of a necessary car rental, parking or other considerations are factored in. Employees shall always request the government rate. When a deposit is necessary to guarantee a room, an advance request should be processed through the Finance Department. The Finance Department will pay the hotel/motel directly.
2. Meal costs for employees out-of-town on City business, or required to work over-time under an applicable MOU, are subject to a per diem rate of \$40.00, exclusive of tips, when allowance is due for all three meals. The individual meal per diem allowance is \$8.00 for breakfast; \$12.00 for lunch and \$20.00 for dinner. When out-of-town City business requires an official or employee to leave home an hour earlier than normal worktime, the breakfast meal is reimbursable. When an official or employee is required to work out-of-town, or is still in transit three hours past a normal eight-hour work day, the evening meal is reimbursable. Annual banquets and special luncheons may be reimbursed if approved in advance. Meals covered in conference/meeting registrations are not to be claimed for reimbursement.
3. Reasonable tips, related to the cost of individual meals, will be reimbursed for the following services: food services, baggage handlers, cab drivers' housekeeping/maids, etc.
4. Expenditures for alcoholic beverages are not reimbursable;
5. Business related telephone calls are reimbursable. Reimbursable calls home are limited to one fifteen-minute call per day except in emergency situations.

**E. Authorization to Travel:**

1. A staff person planning to travel must receive pre-authorization from his/her Department Head. Department Heads must receive pre-authorization from the City Manager.
2. All staff travel exceeding \$300.00 in anticipated reimbursement or advance payment expense is subject to pre-approval by the City Manager or his/her designee;
3. The City Manager's travel advances and reimbursement request shall be reviewed and approved by the Finance Director.

CITY OF BANNING		
Administrative Policies		
Subject: I. Travel and Meeting Policy II. Mileage Reimbursement Policy		Policy No. E-1 (Includes E-2)
Reference: City Manager Authority	Effective 9/1/2001	Page No. 3 Of 4

F. Reimbursement/Cash Advance:

1. In order to receive reimbursement for expenses incurred while traveling on behalf of the City, a Travel Authority and Payment/Advance Request form (available from the Finance Department) must be completed and submitted to the Finance Department.
2. The Travel Authority and Payment/Advance Request form shall be used for pre-authorization of staff travel and requests for cash advances. This form must be signed by the Department Head prior to being submitted to the Finance Department. Cash advances must be requested at least two weeks in advance of the day funds are required, or there shall be no obligation on the part of the City for an advance. These funds will be distributed to the requestor no more than seven (7) days prior to the travel date. Cash advances are limited to 100% of the reasonably expected cash expenses listed on the Travel Authority and Payment/Advance Request form.
3. Individuals receiving an advance must submit a Claim for Reimbursement and Expense form to the Finance Department within 7 working days of returning from the travel event. No further advances will be given to individuals not adhering to this reporting guideline.
4. Receipts for all travel expenses, including lodging, airfare or other form of transportation and parking expenses must be attached. Tips should be listed on the expense claim, although receipts for tips are not required;
5. Neither cash advances nor reimbursements may be used to cover expenses of family and/or friends who accompany City officials or employees traveling on the City's behalf. Expenses for friends and/or family must be billed and paid for separately.
6. Where room rates are offered based on occupancy, the City shall reimburse only those costs associated with lodging the employee.

G. Interpretations and Exceptions:

1. Where special problems or circumstances involving this policy arise, the City Manager shall be responsible for interpretations.

II.

Mileage Reimbursement

PURPOSE

To establish a uniform policy regarding payment of mileage reimbursement to employees utilizing their private automobiles for official City business, including field work. Field work is defined as work requiring the use of a private vehicle for the purpose of traveling between City locations or other City



CITY OF BANNING		
Administrative Policies		
Subject: I. Travel and Meeting Policy II. Mileage Reimbursement Policy		Policy No. E-1 (Includes E-2)
Reference: City Manager Authority	Effective 9/1/2001	Page No. 4 Of 4

property for the purpose of performing repairs, inspections or other work; traveling to and from customer and/or vendor locations, or other errands or destinations to perform City business.

- A. Any designated person who utilizes his/her private automobile while conducting City business shall be reimbursed for all mileage traveled in the course of City business at the IRS rate then current, except that a minimum of fifty (0.50) cents per trip shall be reimbursed for any single round trip. For purposes of this section, "traveled in the course of city business" shall not include traveling to and from the employee's regularly assigned work location, but shall include field work as defined above. Designated staff members receiving a monthly vehicle allowance are exempt from this provision, except as set forth in C-4, above.

B. Procedure

To make a claim for mileage reimbursement, designated persons must appropriately complete a "Claim for Reimbursement and Expense Report" form (available from the Finance Department) with the appropriate signature approving the reimbursement and present same to the Finance Department for payment.

Date: 9-2001

  
Don Foster, City Manager

**CITY OF BANNING**  
**TRAVEL AUTHORIZATION AND PAYMENT/ADVANCE REQUEST**  
**CONFERENCES\*MEETINGS\*SEMINARS\*TRAINING PROGRAMS**

Name and Title of Individual requesting authorization and payments/advances:

Name of Meeting, Conference or Seminar:

Date(s) and Time of Seminar:

Location of Meeting:

ENROLLMENT*REGISTRATION	HOTEL ACCOMMODATIONS
Amount: \$	Amount: \$
Date Check Needed By:	Date Check Needed By:
Payable To:	Payable To:
Address:	Address:
City, State, Zip:	City, State, Zip:
Circle One : Pay Vendor   Advance   Will Request Reimb.	Circle One : Pay Vendor   Advance   Will Request Reimb.

MEALS*OTHER EXPENSES	TRANSPORTATION*AIRFARE*MILEAGE
Amount: \$	Amount: \$
Date Check Needed By:	Date Check Needed By:
Payable To:	Payable To:
Address:	Address:
City, State, Zip:	City, State, Zip:
Circle One : Pay Vendor   Advance   Will Request Reimb.	Circle One : Pay Vendor   Advance   Will Request Reimb.

REQUESTOR'S SIGNATURE> \_\_\_\_\_

DATE: \_\_\_\_\_

DEPARTMENT HEAD'S SIGNATURE> \_\_\_\_\_

DATE: \_\_\_\_\_

CITY MANAGER'S SIGNATURE> \_\_\_\_\_

DATE: \_\_\_\_\_

ACCOUNT NUMBER> \_\_\_\_\_

Comments on Other Expenses:

For all payments/advances requested - attach completed Accounts Payable Request for Payment Forms and supporting documentation and forward to the Finance Department for payment processing.

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## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Fred Mason, Electric Utility Director  
Jim Steffens, Power Resource & Revenue Administrator

**MEETING DATE:** June 27, 2017

**SUBJECT:** Resolution 2017-46, Approving the Addition of Energy-Efficient LED Security Lighting Options on Schedule OLS (Outdoor Lighting Service – Security) of the Electric Utility Rate Schedule

---

### **RECOMMENDED ACTION:**

Consider adopting Resolution 2017-46, approving the addition of energy-efficient LED security lighting options on Schedule OLS (Outdoor Lighting Service – Security), attached herewith as Exhibit “A”, of the Electric Utility Rate Schedule.

### **BACKGROUND:**

The Electric Utility has historically offered outdoor lighting service (“Security Lighting”) to its customers. The light heads that are used for the Security Lighting are the same light heads that the City uses for its street lights. As such, the lighting options currently offered on Schedule OLS (Outdoor Lighting Service – Security) are the lights that the City previously used for its street lighting. These six options range from 100-watt sodium vapor lights to 400-watt mercury vapor lights. However, the City has recently converted all of its street lights to energy-efficient LED lights. Therefore, the City will no longer be maintaining the sodium vapor or the mercury vapor lights.

Additionally, the Electric Utility has begun receiving requests from several of its Security Lighting customers asking if their lights could be switched out to the more energy-efficient LED lights. To accommodate these customer requests to convert to energy-efficient LED Security Lighting, and to plan for the fact that the Electric Utility will eventually run out of stock of sodium vapor and mercury vapor lights, the Electric Utility seeks to add LED lighting options to Schedule OLS of the Electric Utility Rate Schedule.



Specifically, the Electric Utility would like to add the option for both a 100-watt equivalent LED light and a 250-watt equivalent LED light. The rate that the Electric Utility is proposing to charge is half the rate of the respective equivalent watt light, based upon the estimation that the LED lights costs approximately half as much to operate as the equivalent of the previous technology light. Since the 100-watt sodium vapor light rate is \$14.29 per month, the 100-watt equivalent LED light rate will be \$7.15 per month. The 250-watt sodium vapor light rate is \$35.73 per month, so the 250-watt equivalent LED light rate will be \$17.87 per month.

#### **ISSUES/ANALYSIS:**

The issue is whether the Electric Utility should offer energy-efficient LED lighting options for its Security Lighting customers. By offering LED lighting options, the Electric Utility will be giving their customers the ability to save money on their electric bills, and will also be supporting the State's goal of load reduction through energy efficiency. Additionally, since the Electric Utility no longer maintains sodium vapor or mercury vapor lights, the LED option will be the only option available once the Electric Utility runs out of their current inventory of the older technology lights.

#### **FISCAL IMPACT:**

The fiscal impact of this resolution should be minimal, if any. While the LED lights cost slightly more to purchase, they are less expensive to maintain and have a much longer operating life. It is estimated that the overall operating cost is approximately half as much as the previous technology.

#### **ALTERNATIVES:**

Do not adopt Resolution 2017-46, which would not allow Security Lighting customers to save money on their electric bills and would require the Electric Utility to purchase less efficient lighting technology that is no longer used for the City's street lights.

#### **ATTACHMENTS:**

1. Resolution 2017-46
2. Exhibit "A": Revised Schedule OLS (Outdoor Lighting Service – Security) of the Electric Utility Rate Schedule.

Approved by:



---

Alejandro Diaz  
Acting City Manager

# ATTACHMENT 1

## **RESOLUTION 2017-46**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE ADDITION OF ENERGY-EFFICIENT LED LIGHTING OPTIONS ON SCHEDULE OLS (OUTDOOR LIGHTING SERVICE – SECURITY) OF THE ELECTRIC UTILITY RATE SCHEDULE**

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

**WHEREAS**, Schedule OLS (Outdoor Lighting Services – Security) of the Electric Utility Rate Schedule offers security lighting services; and

**WHEREAS**, the lighting options currently available under Schedule OLS only include older-technology lights that are being phased out by the Electric Utility; and

**WHEREAS**, the Electric Utility has received several requests from security lighting customers to switch their lighting to energy-efficient LED lights; and

**WHEREAS**, the Electric Utility seeks to offer security lighting customers the option of newer-technology lights and recommends adding the following rates to Schedule OLS: \$7.15 per month for the 100-watt equivalent LED light, and \$17.87 per month for the 250-watt equivalent LED light;

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

SECTION 1. Adopt Resolution 2017-46 approving the addition of energy-efficient LED lighting options on Schedule OLS (Outdoor Lighting Service – Security) of the Electric Utility Rate Schedule. The revised Schedule OLS is attached herewith as Exhibit “A”.

SECTION 2. Authorize the Electric Utility Director, or his/her designee, to add and administer the LED lighting options on Schedule OLS.

**PASSED, APPROVED AND ADOPTED** this 27<sup>th</sup> day of June 2017.

---

George Moyer, Mayor  
City of Banning

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

\_\_\_\_\_  
John C. Cotti, Interim City Attorney  
Jenkins & Hogin, LLP

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, City Clerk  
City of Banning

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-46, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27<sup>th</sup> day of June, 2017, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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



## **Exhibit “A”**

CITY OF BANNING  
Electric Division

SCHEDULE OLS

OUTDOOR LIGHTING SERVICE  
(SECURITY)

APPLICABILITY

Applicable to all customers for outdoor area security lighting service furnished from dusk to dawn, supplied from existing overhead facilities. The Division will install, own operate and maintain the complete lighting installation, including customer owned support.

TERRITORY

Within the area served by the City of Banning.

RATES

Per Lamp  
Per Month

(Fixture installed on existing support)

100 Watt Equivalent LED	\$ 7.15
250 Watt Equivalent LED	17.87
100 Watt Sodium Vapor ( 9,500 Lumen)	14.29
150 Watt Mercury Vapor (16,000 Lumen)	21.44
175 Watt Sodium Vapor ( 7,000 Lumen)	25.01
200 Watt Sodium Vapor (16,000 Lumen)	28.59
250 Watt Sodium Vapor (25,000 Lumen)	35.73
400 Watt Mercury Vapor (20,000 Lumen)	57.17

Pole (Department owned wood pole installation)	Per Pole <u>Per Month</u>
20' or 35' Wood Pole	\$ 2.95

SPECIAL CONDITIONS

1. Service under this schedule will be supplied at a single-phase voltage from the Electric Department's existing overhead lines.

### **Schedule OLS (continued)**

2. The above lamp rates are applicable to Department-owned outdoor area lighting equipment mounted on existing Department owned poles or on customer owned supports acceptable to the Department.
3. Lighting equipment will consist of a Department standard overhead outdoor sodium vapor luminaries with photo electric switch, support and one overhead service drop not to exceed 100'.
4. Mounting height of 175 watt lamp will be approximately 25 to 30 feet, and mounting height of 400 watt lamps will be approximately 30 feet.
5. A customer who requests more than one wood pole, or other than wood poles shall install the poles at the customer's expense. The standard sodium vapor luminaire will be provided and installed by the Department.
6. Customers who do not wish to pay monthly pole charge, may pay a non-refundable amount for the installation of standard wood pole or other pole as the customer desires. The pole will remain the property of the customer at termination of service.
7. A contract for a period of one year will be required for initial installation of facilities under this schedule, and will remain in effect from month to month thereafter subject to termination or cancellation under terms stated therein.
8. Lamp maintenance will be done during regular working hours as soon as reasonably possible after the customer has notified the Department of service failure. Monthly bills will not be adjusted because of a lamp outage.
9. Relocation of an outdoor area lighting installation at the customer's request or because of government requirements will be made providing the customer pays the entire cost of such relocation.
10. Billing for an installation will be to only one account. Prorated billings to more than one account for a unit, or a combination of units will not be made. If the customer prefers to pay on an annual basis, payment shall be done and payable in advance.
11. The Department's dusk to dawn, all night service is based on a lighting period of approximately 4,380 hours per year.
12. If the customer discontinues service during the first three years of service, there will be a \$100.00 charge to remove the service and equipment.
13. Poles will be located in areas where they may be serviced by truck.
14. Customer must execute a waiver in order to participate in this program.



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Fred Mason, Electric Utility Director  
Jim Steffens, Power Resource & Revenue Administrator

**MEETING DATE:** June 27, 2017

**SUBJECT:** Resolution 2017-62, Approving the Second Amendment to the Astoria 2 Solar Project Power Sales Agreement with Southern California Public Power Authority

---

### **RECOMMENDED ACTION:**

Consider adopting Resolution 2017-62 approving the Second Amendment to the Astoria 2 Solar Power Project Power Sales Agreement ("PSA") with Southern California Public Power Authority ("SCPPA"), attached herewith as Exhibit "A".

### **BACKGROUND:**

Per Senate Bill 350, the City is required to procure certain percentages of renewable energy to serve its Electric Utility customers. To that end the City previously entered into agreements, through SCPPA, to procure solar energy from the Recurrent Energy ("RE") Astoria 2 Solar Project. The RE Astoria 2 Solar Project was developed by RE, and is the second phase of a larger project that was developed for Pacific Gas & Electric ("PG&E"). It is sited on approximately 793 acres located in Kern County, just north of Los Angeles County. This second phase is 75 MW in size. The commercial operation date of the facility was August 26, 2016. The entire output of the project was contractually purchased by the entities listed below ("Participants"). The output of the project is allocated amongst the Participants as follows:

- SCPPA 45 MW
  - City of Azusa 2 MW
  - **City of Banning 8 MW**
  - City of Colton 5 MW
  - City of Vernon 20 MW – increasing to 30 MW in 2022



- City of Corona 2 MW
- City of Lodi 10 MW
- City of Moreno Valley 2 MW
- City of Rancho Cucamonga 6 MW
- PWRPA 10 MW

The original terms of the Power Purchase Agreements ("PPA") between the Participants and RE called for RE to act as the Scheduling Coordinator ("SC") for the facility. That is, RE would be responsible for, and have discretion over, scheduling the energy from the Astoria 2 facility into the California Independent System Operator ("CAISO") energy markets.

However, all of the Participants, including the SCPPA members, came to the consensus that it would be in their best interests for the Participants to act as the SC as opposed to RE acting as the SC. Accordingly, the Participants and RE have agreed to amend the PPAs to allow the Participants to act as the SC. Since the PPA between SCPPA and RE will be amended, the corresponding PSA between SCPPA and the City of Banning should also be amended to reflect these changes.

#### **ISSUES/ANALYSIS:**

The issue is who will act as the SC for the Astoria 2 Solar Project. If the Participants can act as the SC, it will create greater flexibility from an administrative and operational perspective and may help reduce costs.

#### **FISCAL IMPACT:**

Probable cost savings in receiving energy from the Astoria 2 Solar Project for the City of Banning and the other Participants.

#### **ALTERNATIVE:**

Do not adopt Resolution 2017-62, which may result in less flexibility and greater costs in receiving energy from the Astoria 2 Solar Project.

#### **ATTACHMENTS:**

1. Resolution 2017-62
2. Exhibit "A": Second Amendment to the Astoria 2 Solar Project Power Sales Agreement with Southern California Public Power

Approved by:



Alejandro Diaz, Acting City Manager

# **ATTACHMENT 1**

## **RESOLUTION 2017-62**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO THE ASTORIA 2 SOLAR PROJECT POWER SALES AGREEMENT BETWEEN SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY AND CITY OF BANNING, CA**

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

**WHEREAS**, on June 10, 2014, the City Council adopted Ordinance No. 1480, approving a Power Purchase Agreement ("PPA") through Southern California Public Power Authority ("SCPPA") to receive energy from the Astoria 2 Solar Project being developed by Recurrent Energy; and

**WHEREAS**, on November 10, 2015, the City Council adopted Resolution 2015-101, approving the First Amendment to the Astoria 2 Solar Project Power Sales Agreement, Consent and Agreement, Non-Disturbance and Attornment Agreement, and Inter-Creditor and Subordination Agreement; and

**WHEREAS**, the City of Banning, along with the other Astoria 2 Solar Project participants, requested that the PPAs be amended to allow the participants to act as the Scheduling Coordinator of the Astoria 2 Solar Project, as opposed to Recurrent Energy acting as the Scheduling Coordinator. Recurrent Energy has agreed to this amendment; and

**WHEREAS**, there is no financial impact upon the City of Banning from said amendment, although the City may realize some cost savings in receiving energy from the Astoria 2 Solar Project; and

**WHEREAS**, SCPPA requires that the Second Amendment to the Astoria 2 Solar Project Power Sales Agreement between SCPPA and the City of Banning, attached herewith as Exhibit "A", be approved by the City of Banning;

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

SECTION 1. Adopt Resolution 2017-62 approving the Second Amendment to the Astoria 2 Solar Project Power Sales Agreement between Southern California Public Power Authority and City of Banning, CA, attached herewith as Exhibit "A".

SECTION 2. The City Manager is authorized to execute said Amendment, and the Electric Utility Director is authorized to administer said Amendment.

**PASSED, APPROVED AND ADOPTED** this 27<sup>th</sup> day of June 2017.

\_\_\_\_\_  
George Moyer, Mayor  
City of Banning

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

\_\_\_\_\_  
John C. Cotti, Interim City Attorney  
Jenkins & Hogin, LLP

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, City Clerk  
City of Banning

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-62 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 27<sup>th</sup> day of June, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

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



# **ATTACHMENT 2**

---

**SECOND AMENDMENT  
TO THE ASTORIA 2 SOLAR PROJECT  
POWER SALES AGREEMENT**

**BETWEEN**

**SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY**

**AND**

**THE CITY OF BANNING, CALIFORNIA**

**Dated as of June \_\_, 2017**

**SECOND AMENDMENT TO THE  
ASTORIA 2 SOLAR PROJECT  
POWER SALES AGREEMENT**

This Second Amendment to the Astoria 2 Solar Project Power Sales Agreement (“Amendment”), is made and entered into as of this \_\_\_\_ day of June, 2017, by and between the SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY (“SCPPA”), a joint powers agency and a public entity organized under the laws of the State of California, and the CITY OF BANNING (“Banning”), California, a municipal corporation organized and existing under the laws of the State of California.

**WHEREAS**, SCPPA, Power and Water Resources Pooling Authority, City of Lodi, City of Corona, City of Moreno Valley, and City of Rancho Cucamonga (collectively, “Buyers”) entered into that certain Power Purchase Agreement with RE Astoria 2 LLC (“REA2”) dated as of July 23, 2014 (“PPA”), pursuant to which SCPPA agreed to purchase and REA2 agreed to sell a portion of the facility output of a 75 MW solar electric generating station to be developed by REA2 in Kern County, California (“the Project”); and

**WHEREAS**, SCPPA entered into the PPA on behalf of Banning and the Cities of Azusa, Colton and Vernon (collectively “the Project Participants”) pursuant to SCPPA’s ongoing commitment to assist its Members in acquiring renewable resources; and

**WHEREAS**, SCPPA and Banning, in turn, entered into a Power Sales Agreement dated as of July 23, 2014 (the “Power Sales Agreement”), by which SCPPA agreed to sell and Banning agreed to purchase a portion of the facility output procured by SCPPA from the Project, with the remainder going to the other Project Participants; and

**WHEREAS**, SCPPA and Banning entered into a First Amendment to the PSA, dated as of November 19, 2015, to accommodate certain requests of REA2’s tax equity investor, as reflected in that certain Consent and Agreement among Buyers, Deutsche Bank Trust Company Americas and EFS Renewables Holdings, LLC, (“Consent and Agreement”), dated December 30, 2015.; and

**WHEREAS**, Buyers and REA2 have agreed to terms of a First Amendment to the PPA (i) to accommodate and implement the Buyers’ desire and intent that Buyers or their designee act as Scheduling Coordinator for the Project in lieu of that obligation being performed by the Seller, and make related conforming changes to the PPA, and (ii) to make certain other changes requested by REA2 for tax purposes that Buyers have determined do not affect their interests in the Project; and

**WHEREAS**, it is necessary and appropriate to further amend the PSA to reflect to the above-described changes to the PPA.

**NOW, THEREFORE**, in consideration of the promises and the mutual covenants and agreements hereinafter set forth, it is agreed by and between SCPPA and Banning as follows:

**SECTION 1:** The Power Sales Agreement is hereby amended by adding thereto Appendix C-1 (attached hereto and marked accordingly), which is a copy of the First Amendment to the Power Purchase Agreement by and among the Southern California Public Power Authority, the other Buyers and RE Astoria 2 LLC, in substantial final form. Any reference in the Power Sales Agreement to the PPA shall be deemed to refer to the PPA as so amended.

**SECTION 2:** Except as provided in this Amendment, the Power Sales Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF,** the Parties hereto have duly caused this Agreement to be executed on their respective behalf by their duly authorized representatives.

SOUTHERN CALIFORNIA PUBLIC  
POWER AUTHORITY

By: \_\_\_\_\_  
MICHAEL S. WEBSTER  
Executive Director

APPROVED AS TO LEGAL FORM  
AND CONTENT

By: \_\_\_\_\_  
Richard J. Morillo  
General Counsel

CITY OF BANNING, CALIFORNIA

By: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

Title: \_\_\_\_\_



**APPENDIX C-1**

**Amendment No. 1 to  
Power Purchase Agreement**

**[ATTACHED]**

**AMENDMENT NO. 1  
TO  
POWER PURCHASE AGREEMENT**

THIS AMENDMENT NO. 1 TO POWER PURCHASE AGREEMENT, dated as of this \_\_\_ day of \_\_\_\_\_, 2017 (this “**Amendment**”), is being entered into by and among the SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY, a joint powers agency and a public entity organized under the laws of the State of California and created under the provisions of the Act and the Joint Powers Agreement (each as defined below) (“**SCPPA**”), the POWER AND WATER RESOURCES POOLING AUTHORITY, a joint powers authority and a public entity organized under the laws of the State of California and created under the provisions of the Act (“**PWRPA**”), the CITY OF LODI, a California municipal corporation organized and existing under the laws of the State of California (“**Lodi**”), the CITY OF CORONA, a California municipal corporation organized and existing under the laws of the State of California (“**Corona**”), the CITY OF MORENO VALLEY, a California municipal corporation organized and existing under the laws of the State of California (“**Moreno Valley**”), the CITY OF RANCHO CUCAMONGA, a California municipal corporation organized and existing under the laws of the State of California (“**Rancho Cucamonga**”) and RE ASTORIA 2 LLC, a limited liability company organized and existing under the laws of the State of Delaware (“**Seller**”). SCPPA, PWRPA, Lodi, Corona, Moreno Valley and Rancho Cucamonga are each referred to herein as a “**Buyer**,” and together as “**Buyers**.” Each Buyer and Seller is referred to individually in this Amendment as a “**Party**” and together as the “**Parties**.” Capitalized terms used but not defined herein shall have the meanings set forth in the original Power Purchase Agreement by and among the Parties, dated as of July 23, 2014 (the “**Agreement**” as amended by that certain Consent and Agreement dated as of November 30, 2015).

**RECITAL**

WHEREAS, the Parties wish to amend the provision of the Agreement with respect to the matters set forth in this Amendment.

**AGREEMENT**

NOW, THEREFORE, in consideration of the foregoing Recitals, which are incorporated herein, the mutual covenants and agreements herein set forth, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

**ARTICLE I  
AMENDMENTS**

**Section 1.1 Scheduling Coordinator and Related Provisions.**

- A. The following terms shall be added to Section 1.1 of the Agreement in the appropriate alphabetical order:

“**APX MSA**” means that certain APX Master Services Agreement by and between Seller

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and APX, Inc. dated August 15, 2016, as supplemented by that certain related Service Order A-1 by and between Seller and APX, Inc. dated August 27, 2016.

**“CAISO Settlement Statement”** means any one or more of the following statements provided by CAISO, as applicable: Initial Settlement Statement T+3B, Recalculation Settlement Statement T+12B, Recalculation Settlement Statement T+55B, Recalculation Settlement Statement T+9M, Recalculation Settlement Statement T+18M, Recalculation Settlement Statement T+35M, Recalculation Settlement Statement T+36M, Unscheduled Reissue Recalculation Settlement Statement, or any other Recalculation Settlement Statement authorized by the CAISO Governing Board.

**“Commencement Date”** means September 1, 2017.

**“Scheduling Coordinator Performance Fee”** means an amount equal to the lesser of (a) Forty-Four Thousand Seven Hundred Dollars (\$44,700) per twelve-month period starting as of the Commencement Date, escalating at a rate equal to Two and One-Half Percent (2.5%) for each subsequent twelve-month period, and (b) the actual costs incurred by Buyers in connection with the performance of Scheduling and related services (including, but not limited to, ISO settlements) pursuant to a third party contract with a scheduling coordinator, if applicable. For the avoidance of doubt, if Buyers are Scheduling without the use of a third party contract with a scheduling coordinator, then the Scheduling Coordinator Performance Fee shall be the amount set forth in (a) above.

**“Settlement Period”** has the meaning set forth in the CAISO Tariff.

**“Settlement Timeframe”** means the Settlement Interval or Settlement Period, as applicable based on whether the settlement occurred in the real-time or day-ahead market.

- B. The term **“Authorized Auditors”** in Section 1.1 of the Agreement shall be amended and restated as follows:

**“Authorized Auditors”** means, as applicable (a) with respect to any Buyer, representatives of such Buyer or such Buyer’s Authorized Representative who are authorized to conduct audits on behalf of such Buyer, and (b) with respect to Seller, representatives of Seller who are authorized to conduct audits on behalf of Seller pursuant to Section 11.5(b).

- C. The term **“CAISO Settlement Price”** in Section 1.1 of the Agreement shall be amended and restated as follows:

**“CAISO Settlement Price”** means the Locational Marginal Price at the Point of Delivery for the applicable Settlement Timeframe, or, in the case of Replacement Product delivered to another CAISO node in accordance with Section 9.2, the LMP at such CAISO node for such deliveries of Replacement Product. For the avoidance of doubt, it is intended that the CAISO Settlement Price for any settlement will be based on the market price at which such settlement occurred. For example, for any settlement occurring in the Integrated Forward

Market (as defined by CAISO), the CAISO Settlement Price would be the LMP in the Integrated Forward Market (as defined by CAISO) and for any settlement occurring in the Fifteen Minute Market (as defined by CAISO), the CAISO Settlement Price would be the LMP in the Fifteen Minute Market (as defined by CAISO).

- D. The terms “**Schedule**” or “**Scheduling**” in Section 1.1 of the Agreement shall be amended and restated as follows:

“**Schedule**” or “**Scheduling**” means the actions of Buyers, including each Scheduler, their Authorized Representatives or designees of notifying, requesting and confirming to the CAISO the amounts of Facility Energy and Replacement Product expected to be delivered consistent with the Scheduling interval at the Point of Delivery on any given date during the Delivery Term, all in the manner contemplated by the CAISO Tariff.

- E. Section 6.1(f) of the Agreement, the term “Settlement Interval” shall be replaced with “Settlement Timeframe.”

- F. Section 6.1(g) of the Agreement shall be amended by adding the following sentence to the end thereof:

Buyers (or their designee), as Scheduling Coordinator, shall Schedule all Uncontracted Products in a manner consistent with the Scheduling of the Applicable Contract Capacity. Seller shall (i) be responsible for, and shall pay all fees, charges, and costs payable to CAISO as necessary for Buyers to Schedule the delivery of the Uncontracted Products to the Point of Delivery (including CAISO Scheduling Coordinator costs and CAISO charges and penalties including imbalance or deviation charges) and (ii) be entitled to, and Buyers or Buyers’ designee shall transfer to Seller, all payments and credits on all Settlement Statements issued by the CAISO with respect to the Uncontracted Products. Notwithstanding the foregoing, Buyers shall have no liability to Seller for any fees, charges, costs, damages or losses of any kind that arise as a result of a failure by Buyers to Schedule the Uncontracted Products in accordance with this Section 6.1(g), other than arising due to the gross negligence or willful misconduct of Buyers.

- G. Section 7.2 of the Agreement shall be amended and restated in its entirety as follows:

**Section 7.2**    Scheduling Coordinator; CAISO Cost Allocation.

(a) Through midnight on August 31, 2017, Seller shall continue to perform Scheduling of the Facility Energy and any Replacement Product pursuant to the APX MSA. Commencing as of the Commencement Date, the APX MSA shall terminate and Buyers or Buyers’ designee shall act as Scheduling Coordinator to cause the Scheduling of all Facility Energy, Capacity, and/or Replacement Product at the Point of Delivery, including performing (or causing the performance of) Scheduling and related services, including CAISO SCID Scheduling, Settlement and Payment and Operations Support Services (as defined in the APX MSA). As of the Commencement Date, (i) Buyers shall (or shall cause



their applicable designee to) Schedule delivery with the CAISO, and (ii) Buyers shall pay (or charge) the CAISO under the CAISO Tariff for delivery through the CAISO System (such payments or charges to be allocated based on Buyers' Percentage of Facility Output as set forth in Appendix M). In consideration of the performance of such services, Seller shall, as of the Commencement Date and on an annual basis thereafter, pay Buyers the Scheduling Coordinator Performance Fee. Without limitation to Section 6.1(g) and Section 7.2(c), Buyers shall not be entitled to any additional compensation or reimbursement for any other costs or expenses incurred by Buyers or Buyers' designee in connection with the performance of such services.

(b) In its capacity as Scheduling Coordinator, Buyers, or their designee, shall (i) except as set forth in Section 6.1(g), Section 7.2(a) and Section 7.2(c), be responsible for and shall pay all fees, charges, and costs necessary to Schedule the receipt of Facility Energy and Replacement Product to the Point of Delivery (including CAISO Scheduling Coordinator costs and CAISO charges and penalties including imbalance or deviation charges), and (ii) be entitled to all payments and credits on all Settlement Statements issued by the CAISO with respect to the Facility.

(c) Seller shall pay the CAISO Forecasting Service Fee (CC701) (currently an amount equal to \$0.10/MWh), and the CAISO Scheduling Coordinator Identification Charge (CC4575) (currently an amount equal to \$1,000/month) on all CAISO invoices, as such fees and charges may be adjusted by the CAISO from time to time. Buyers shall offset such amounts that are the responsibility of Seller against amounts owed by Seller to Buyers in the monthly invoice to be delivered by Buyers hereunder.

(d) Each Party shall be obligated to either pay to the CAISO or reimburse the other Party for any and all costs or charges under a Settlement Statement incurred by such other Party because of the reimbursing Party's failure to perform any covenant or obligation set forth in this Agreement.

- H. The terms "CAISO Integration Amounts" and "CAISO Integration Amounts Cost Cap" are hereby deleted in their entirety from Section 1.1 of the Agreement. Appendix N is hereby also deleted from the Agreement.
- I. Effective as of 00:01 PPT on September 1, 2017, Section 7.3(a) of the Agreement shall be amended and restated in its entirety as follows:

**Section 7.3** Forecasting and Scheduling of Energy.

(a) Except upon the occurrence of a curtailment under Section 7.4, Buyers shall (or shall cause their applicable designee to) Schedule all Facility Energy and Replacement Product in a reasonable and prudent manner in accordance with the CAISO Tariff, NERC and WECC operating policies and criteria, and any other applicable guidelines or requirements. Seller, at its own cost, shall install metering, telemetry and control equipment so as to be able to provide Facility Energy and capacity to the Point of Delivery

and respond to CAISO, Transmission Provider, or reliability coordinator's dispatch orders.

J. Section 7.4(b) of the Agreement shall be amended and restated in its entirety as follows:

(b) Seller may direct Buyers to cause Scheduling Coordinator to reduce the Scheduling of deliveries of Facility Energy to the Point of Delivery during the Initial Negative Intervals as directed by Seller, provided that Buyers shall pay Seller for any Facility Energy actually delivered during the Initial Negative Intervals in accordance with Section 6.5(a)(ii). If Seller directs Buyers to cause Scheduling Coordinator to reduce deliveries of Facility Energy in accordance with this Section 7.4(b), then Buyers shall not be obligated to pay Seller for the amount of reduced Facility Energy arising during such a curtailment, but Seller shall receive credit for the amount of Deemed Generated Energy for reductions of deliveries of Facility Energy arising hereunder for purposes of determining Seller's compliance towards its Guaranteed Generation.

K. Section 7.4(c) of the Agreement shall be amended and restated in its entirety as follows:

(c) In addition to the curtailments described in Section 7.4(a) and Section 7.4(b), each Scheduler may curtail deliveries of the Applicable MW Share of its respective Buyers or SCPPA's Participating Members, as applicable, at any time and for the duration specified by such Scheduler, including in accordance with Section 6.5(a)(iii). Each Scheduler (acting through the Scheduling Coordinator) shall provide a minimum of ten (10) minutes' notice to Seller of a request for curtailment under this Section 7.4(c), and Seller shall comply with such request in accordance with Prudent Utility Practices. In its curtailment notice to Seller, such Scheduler (acting through the Scheduling Coordinator) shall indicate the duration of the curtailment period, which shall be for a minimum of thirty (30) minutes, and the time at which such Scheduler requests Seller to resume delivery of the Facility Energy to such Scheduler, in accordance with the Applicable MW Share of its respective Buyers or SCPPA's Participating Members, as applicable. To the extent a Scheduler (acting through the Scheduling Coordinator) requests any change in the duration of the requested curtailment period, Seller shall effectuate any such change no later than ten (10) minutes following notice from such Scheduler's notification to Seller of the proposed change to curtailment. Seller shall respond to any Scheduler's curtailment notices (including the end of such curtailment periods) in accordance with Prudent Utility Practices. Each applicable Buyer shall pay Seller for any Deemed Generated Energy during any curtailment under this Section 7.4(c) in an amount equal to the Fixed Rate; *provided, however*, Seller shall use commercially reasonable efforts to sell any such Deemed Generated Energy to third parties at a positive price to the extent permitted under the CAISO Tariff. To the extent such Deemed Generated Energy is sold to a third party, (i) the obligation to pay the amounts set forth above for a curtailment by a Scheduler under this Section 7.4(c) shall be reduced accordingly by an amount equal to the net proceeds Seller receives from such sales of Deemed Generated Energy (after subtracting any Scheduling fees, wheeling charges, and other associated costs, fees, and reasonable expenses incurred in connection with such sales), and (ii) any Environmental Attributes not sold with such Deemed Generated Energy shall be delivered in proportion with the

Applicable MW Share, at no additional cost to such Buyers.

- L. The last sentence of Section 10.4 of the Agreement shall be amended by replacing the term “Seller, as Scheduling Coordinator” therein with the term “Buyers (or their designee), as Scheduling Coordinator”.
- M. The first sentence of Section 11.2 of the Agreement shall be amended by adding the following clause (e) to the end thereof:

(e) To support invoicing by Seller, Buyers through the Scheduling Coordinator shall deliver to Seller a copy of each CAISO Settlement Statement (and other available statements reasonably requested by Seller) promptly after such statements become available so as to allow Seller to invoice Buyer for the Uncontracted Products in accordance with the invoicing procedures set forth in this Section 11.2.

- N. Section 11.5 of the Agreement shall be amended and restated in its entirety as follows:

**Section 11.5 Records and Audits.** Seller shall maintain, and the Authorized Auditors of Buyers shall have access to, all records and data pertaining to the performance and management of this Agreement (including compliance with the Requirements) and related Subcontracts, and as necessary to properly reflect all costs claimed to have been incurred hereunder and thereunder, including (a) in their original form, all (i) documents provided to Seller in the ordinary course of business for the Facility, (ii) documents for billing, costs, metering, and Environmental Attributes, (iii) books, records, documents, reports, deliverables, employee time sheets, accounting procedures and practices, and (iv) records of financial transactions, and (b) other evidence, regardless of form (for example, machine readable media such as disk or tape, etc.) or type (for example, databases, applications software, database management software, or utilities). If Seller is required to submit cost or pricing data in connection with this Agreement, Seller shall maintain all records and documents necessary to permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used. Buyers shall, or shall cause Buyers’ designee, to maintain, and the Authorized Auditors of Seller shall have access to, all records and data pertaining to the Scheduling of Facility Energy, Capacity, and Replacement Product. In the event of a Dispute, records that relate to the Agreement, Dispute, litigation or costs, or items to which an audit exception has been taken, shall be maintained. Each Party, including with respect to Buyers, Buyers’ Agent, and the Authorized Auditors of the Parties may discuss such records with the other Party’s officers and independent public accountants (and by this provision each Party authorizes said accountants to discuss such billings and costs), all at such times and as often as may be reasonably requested. All such records shall be retained, and shall be subject to examination and audit by the Authorized Auditors, for a period of not less than four (4) years following final payment made by a Buyer hereunder, the expiration or termination date of this Agreement, or final settlement of all disputes, claims, or litigation, whichever is later. Each Party shall make said records or, to the extent accepted by the Authorized Auditors, photographs, micro-photographs, or other authentic reproductions thereof,



available to the Authorized Auditors at the Party's principal business office or any other of a Party's offices as mutually agreed upon by the Parties, at all reasonable times and without charge. The Authorized Auditors may reproduce, photocopy, download, transcribe, and the like any such records. Any information provided by a Party on machine-readable media shall be provided in a format accessible and readable by the Authorized Auditors. Neither Party shall, however, be required to furnish the Authorized Auditors with commonly available software. Either Party shall be subject at any time with fourteen (14) days prior written notice to audits or examinations by Authorized Auditors, relating to, with respect to Seller, all billings and required to verify compliance with all Agreement requirements relative to practices, methods, procedures, performance, compensation, and documentation and, with respect to Buyers, the Scheduling data and information. Examinations and audits shall be performed using generally accepted auditing practices and principles and applicable governmental audit standards. If Seller utilizes or is subject to Federal Acquisition Regulation, Part 30 and 31, et seq. accounting procedures, or a portion thereof, examinations and audits shall utilize such information. To the extent that an Authorized Auditor's examination or audit reveals inaccurate, incomplete or non-current records, or records are unavailable, the records shall be considered defective. Consistent with standard auditing procedures, a Party shall be provided fifteen (15) days to review an Authorized Auditor's examination results or audit and respond to the other Party prior to the examination's or audit's finalization and public release. If an Authorized Auditor's examination or audit indicates a Party has paid (or been paid) an incorrect amount under a previous payment application, the identified payment error shall be corrected by payment from the overpaying Party or the underpaying Party, as applicable, to the other Party within fifteen (15) days following notice by either Party of the identified payment error. If an Authorized Auditor's examination or audit reveals that such Party's overpayment is more than five percent (5.0%) of the billings reviewed, the overpaid Party shall pay all expenses and costs incurred by the Authorized Auditors arising out of or related to the examination or audit, which examination or audit expenses and costs shall be paid within fifteen (15) days of notice to the overpaid Party. Seller shall contractually require all Subcontractors performing services under this Agreement to comply with the provisions of this Section 11.5 by inserting this Section 11.5 into each Subcontract.

## **Section 1.2 Amendments to Contract Price Provisions.**

- A. The following term shall be added to Section 1.1 of the Agreement in the appropriate alphabetical order:  
  
    **"Buyers' Percentage of Total Capacity"** has the meaning set forth in Section 10.3(c).
- B. Commencing as of September 1, 2017, Section 6.5(a) through (d) of the Agreement shall be amended and restated in its entirety as follows:

### **Section 6.5    Payment of Contract Price.**

- (a) The amount payable to Seller for each Settlement Timeframe shall be, for each



Buyer, an amount equal to:

- (i) in each Settlement Timeframe in which the CAISO Settlement Price is zero or positive, the product of (A), (B), and (C), where: (A) is the amount (in MWh) of Facility Energy generated during such Settlement Timeframe, (B) is the Buyers' Percentage of Facility Output, and (C) is the Fixed Rate;
  - (ii) for the first three-hundred (300) Settlement Timeframes in any Contract Year (or such other number of Settlement Timeframes as would be equal to twenty-five (25) hours in the event that CAISO changes the number of minutes in a Settlement Timeframe as of the Effective Date) in which the CAISO Settlement Price is negative (the "**Initial Negative Intervals**"), for each Settlement Timeframes, the product of (A), (B), and (C), where: (A) is the amount (in MWh) of Facility Energy generated during such Settlement Timeframe, (B) is the Buyers' Percentage of Facility Output, and (C) is the Fixed Rate plus the CAISO Settlement Price for such Initial Negative Intervals; and
  - (iii) for each Settlement Timeframe in which the CAISO Settlement Price is negative other than the Initial Negative Intervals, the product of (A), (B), and (C), where: (A) is the amount (in MWh) of Facility Energy generated during such Settlement Timeframe, (B) is the Buyers' Percentage of Facility Output, and (C) is the Fixed Rate; and
  - (iv) if any Buyer (including, in the case of SCPPA, any of its Participating Members), exercises its right to curtail per Section 7.4(c), the amount to be paid by such Buyer for Deemed Generated Energy shall be the product of (A), (B), and (C), where (A) is the amount of Deemed Generated Energy calculated during such period of curtailment, (B) is the Buyers' Percentage of Facility Output, and (C) is the Fixed Rate.
- (b) The Parties acknowledge that the foregoing payment formulas reflect both the Contract Price agreed upon by the Parties and the payments to be received from the CAISO under current market design. Seller shall invoice each Buyer for the amounts calculated hereunder in accordance with Article XI. If the amount determined to be payable by a Buyer is negative, then Seller shall pay such Buyer such amount.
- (c) For purposes of this Section 6.5, a "negative" CAISO Settlement Price occurs when the CAISO Settlement Price for a Settlement Timeframe is negative and the Facility Energy (or Deemed Generated Energy, as applicable) for that Settlement Timeframe is positive, and a "zero or positive" CAISO Settlement Price occurs when the CAISO Settlement Price for a Settlement Timeframe is zero or positive and the Facility Energy (or Deemed Generated Energy, as applicable) for that Settlement Timeframe is positive.
- (d) For purposes of illustration only, sample calculations are provided in Schedule 6.5.

- C. Schedule 6.5 shall be replaced in its entirety with the following:

**SCHEDULE 6.5**  
**SAMPLE CALCULATION OF CONTRACT PRICE**

Fixed Rate: Section 6.5(a)(i)

Facility Energy = 7 MWh  
Buyers' Percentage of Facility Output = 8.0%  
Fixed Rate = \$63 / MWh

Then, the amount payable to Seller = 7 MWh \* 8.0% \* \$63 / MWh = \$35.28

Fixed Rate: Section 6.5(a)(ii)

If the CAISO Settlement Price = -\$25 / MWh, and:

The current Settlement Timeframe is an Initial Negative Interval, and:

Facility Energy = 7 MWh  
Buyers' Percentage of Facility Output = 8.0%  
Fixed Rate = \$63 / MWh

Then the amount payable to Seller = 7 MWh \* 8.0% \* (\$63 / MWh + (- \$25 / MWh)) = \$21.28

Fixed Rate: Section 6.5(a)(iii)

If the CAISO Settlement Price = -\$25 / MWh, and:

The current Settlement Timeframe is not an Initial Negative Interval, and:

Facility Energy = 7 MWh  
Buyers' Percentage of Facility Output = 8.0%  
Fixed Rate = \$63 / MWh

Then the amount payable to Seller = 7 MWh \* 8.0% \* \$63 / MWh = \$35.28

**Section 1.3    Amendment to Section 10.3(c) Calculation of RA Deficiency.**

- A. Section 10.3(c) of the Agreement, the calculation of the RA Deficiency amount, shall be amended and restated in its entirety as follows:

(c) For each Buyer, the RA Deficiency Amount shall be equal to the product of (v), (w), (x), (y) and (z) where: (v) is the RA Value, (w) is the Applicable Contract Capacity,

(x) is the Solar NQC Factor, (y) is the Buyers' Percentage of Total Capacity as listed in Appendix M, and (z) is one (1.0) minus the Partial RA Factor, which is defined below. The RA Deficiency Amount for each Buyer is represented by the following equation:

RA Deficiency Amount (\$/Month) = RA Value (\$/MW/Month) \* Applicable Contract Capacity (MW) \* Solar NQC Factor \* Buyers' Percentage of Total Capacity as listed in Appendix M \* [1.0 - Partial RA Factor]

where the "**Partial RA Factor**" is equal to (a) the Net Qualifying Capacity (in MW) divided by (b) the Qualifying Capacity (in MW), and

"**Buyers' Percentage of Total Capacity**" means the percentage of Facility Output allocated to each Buyer as set forth in Appendix M, as may be adjusted due to any withdrawal, termination or other change to the interest of a Buyer in the Facility as permitted or required by this Agreement, subject to the right, but not the obligation, of the remaining Buyers to take all or any portion of such partially terminated or withdrawn Buyer's share of the Total Capacity.

- B. Schedule 10.3 of the Agreement is hereby replaced in its entirety with the following:

**SCHEDULE 10.3**  
**SAMPLE CALCULATION OF RA DEFICIENCY AMOUNT**

Scenario with no RA Deficiency Amount

Month	(v) RA Value \$/MW-Month	(w.a) Facility Capacity (MW)	(w.b) Applicable Contract Capacity (MW)	(x) CY 2017 Solar PV Factor	(y) Buyers' Percentage Share of Applicable Contract Capacity (MW)	Full Capacity Deliverability Status? (Y/N)	NQC as % of QC based on FCFD Status  [CAISO_NQC] / [QC = (w.a)*(x)]	(z) Partial RA Factor  1 - [NQC as % of QC]	RA Deficiency Amount  (v)*(w.b)*(x)*(y)*(z)
1	\$1,650	75	65	0.26%	100%	Y	100%	0%	\$0.00
2	\$1,650	75	65	1.47%	100%	Y	100%	0%	\$0.00
3	\$1,650	75	65	6.82%	100%	Y	100%	0%	\$0.00
4	\$1,650	75	65	79.82%	100%	Y	100%	0%	\$0.00
5	\$1,650	75	65	75.56%	100%	Y	100%	0%	\$0.00
6	\$1,650	75	65	79.35%	100%	Y	100%	0%	\$0.00
7	\$1,650	75	65	75.34%	100%	Y	100%	0%	\$0.00
8	\$1,650	75	65	80.34%	100%	Y	100%	0%	\$0.00
9	\$1,650	75	65	75.01%	100%	Y	100%	0%	\$0.00
10	\$1,650	75	65	57.51%	100%	Y	100%	0%	\$0.00
11	\$1,650	75	65	0.16%	100%	Y	100%	0%	\$0.00
12	\$1,650	75	65	0.11%	100%	Y	100%	0%	\$0.00

2017 Solar PV Technology Factors (Actual)

Solar PV				
Month	2013	2014	2015	CY 2017 Solar PV Factor
1	0.20%	0.27%	0.31%	0.26%
2	0.60%	2.08%	1.74%	1.47%
3	6.89%	7.97%	5.60%	6.82%
4	73.51%	82.14%	83.80%	79.82%
5	66.63%	82.70%	77.35%	75.56%
6	74.63%	84.50%	78.91%	79.35%
7	64.80%	79.92%	81.31%	75.34%
8	77.39%	81.26%	82.38%	80.34%
9	79.23%	77.05%	68.76%	75.01%
10	62.05%	60.47%	50.00%	57.51%
11	0.15%	0.15%	0.17%	0.16%
12	0.13%	0.10%	0.11%	0.11%

2017 NQC List (Actual)

Generator Narr Astoria 2	
Jan	0.2
Feb	1.1
Mar	5.12
Apr	59.86
May	56.67
Jun	59.51
Jul	56.51
Aug	60.26
Sep	56.26
Oct	43.13
Nov	0.12
Dec	0.08

Dispatchable? N

Path26 Desig. South

Del.Status FC

<http://www.caiso.com/planning/Pages/ReliabilityRequirements/Default.aspx>



Scenario with RA Deficiency Amount (Hypothetical scenario with no Energy-Only Deliverability Status resulting in a 20% reduction in NQC)

Month	(v) RA Value \$/MW-Month	(w.a) Facility Capacity (MW)	(w.b) Applicable Contract Capacity (MW)	(x) CY 2017 Solar PV Factor	(y) Buyers' Percentage Share of Applicable Contract Capacity (MW)	Full Capacity Deliverability Status? (Y/N)	NQC as % of QC based on FCFD Status [CAISO_NQC] / [QC = (w.a)*(x)]	(z) Partial RA Factor 1 - [NQC as % of QC]	RA Deficiency Amount (v)*(w.b)*(x)*(y)*(z)
1	\$1,650	75	65	0.26%	100%	N	80%	20%	\$55.85
2	\$1,650	75	65	1.47%	100%	N	80%	20%	\$315.96
3	\$1,650	75	65	6.82%	100%	N	80%	20%	\$1,457.93
4	\$1,650	75	65	79.82%	100%	N	80%	20%	\$17,118.30
5	\$1,650	75	65	75.56%	100%	N	80%	20%	\$16,201.77
6	\$1,650	75	65	79.35%	100%	N	80%	20%	\$17,017.23
7	\$1,650	75	65	75.34%	100%	N	80%	20%	\$16,158.52
8	\$1,650	75	65	80.34%	100%	N	80%	20%	\$17,231.08
9	\$1,650	75	65	75.01%	100%	N	80%	20%	\$16,087.26
10	\$1,650	75	65	57.51%	100%	N	80%	20%	\$12,341.41
11	\$1,650	75	65	0.16%	100%	N	83%	17%	\$28.45
12	\$1,650	75	65	0.11%	100%	N	75%	25%	\$29.48

2017 Solar PV Technology Factors (Actual)

Month	2013	2014	2015	CY 2017 Solar PV Factor
1	0.20%	0.27%	0.31%	0.26%
2	0.60%	2.08%	1.74%	1.47%
3	6.89%	7.97%	5.60%	6.82%
4	73.51%	82.14%	83.80%	79.82%
5	66.63%	82.70%	77.35%	75.56%
6	74.63%	84.50%	78.91%	79.35%
7	64.80%	79.92%	81.31%	75.34%
8	77.39%	81.26%	82.38%	80.34%
9	79.23%	77.05%	68.76%	75.01%
10	62.05%	60.47%	50.00%	57.51%
11	0.15%	0.15%	0.17%	0.16%
12	0.13%	0.10%	0.11%	0.11%

2017 NQC List (Hypothetical EO Penalty)

Generator Narr Astoria 2

Jan	0.16
Feb	0.88
Mar	4.10
Apr	47.89
May	45.34
Jun	47.61
Jul	45.21
Aug	48.21
Sep	45.01
Oct	34.50
Nov	0.10
Dec	0.06

Dispatchable? N

Path26 Desig. South

Del. Status EO

<http://www.caiso.com/planning/Pages/ReliabilityRequirements/Default.asp>

## Section 1.4 Potential Change in Control.

- A. The term “RE Holdings Entity” in Section 1.1 of the Agreement shall be modified and a new defined term shall be incorporated in Section 1.1 of the Agreement as follows, in the appropriate alphabetical order:

“**RE Holdings Entity**” means each of RE Holdings, RE Pioneer Holdings LLC, and RE Astoria 2 Holdings LLC. Upon delivery by Seller to Buyer of written notice that RE Pioneer Parent has become a wholly-owned subsidiary of RE Holdings and the direct owner of RE Pioneer Holdings LLC in accordance with the terms and conditions set forth in that certain letter, dated March 7, 2017, from SCPPA to Seller, the term “RE Holdings Entity” shall also be deemed to include RE Pioneer Parent.

“**RE Pioneer Parent**” means RE Settler Holdings LLC.

- B. Upon delivery by Seller to Buyer of written notice that RE Pioneer Parent has become a wholly-owned subsidiary of RE Holdings and the direct owner of RE Pioneer Holdings

LLC, Schedule 12.2(h) of the Agreement shall be automatically amended to reflect the addition of RE Pioneer Parent as attached hereto as Attachment A.

**Section 1.5 Conforming Changes.** Any further conforming changes in the Agreement that are necessitated by virtue of the amendments agreed upon in this Amendment are hereby incorporated by reference.

## **ARTICLE II MISCELLANEOUS**

**Section 2.1 Representation and Warranty.** Each Party represents and warrants that as of the date of execution by such Party, it is authorized to enter into this Amendment, that this Amendment does not conflict with any contract, lease, instrument, or other obligation to which it is a party or by which it is bound, which conflict could reasonably be expected to have a material adverse effect on the ability of such party to perform its obligations hereunder, and this Amendment represents its valid and binding obligation, enforceable against it in accordance with its terms.

**Section 2.2 Governing Law.** This Amendment shall be interpreted, governed by, and construed under the laws of the State of California without consideration of conflicts of law principles.

**Section 2.3 Counterparts.** This Amendment may be executed in counterparts and upon execution by each signatory, each executed counterpart shall have the same force and effect as an original instrument and as if all signatories had signed the same instrument. Any signature page of this Amendment may be detached from any counterpart of this Amendment without impairing the legal effect of any signature thereon, and may be attached to another counterpart of this Amendment identical in form hereto by having attached to it one or more signature pages.

**Section 2.4 Headings.** Headings appearing in this Amendment are inserted for convenience only and shall not be construed as interpretations of text.

**Section 2.5 No Other Amendments.** Except as specifically provided in this Amendment, no amendments, revisions or changes are made or have been made to the Agreement. All other terms and conditions of the Agreement remain in full force and effect.

**Section 2.6 Effective Date.** This Amendment shall become effective on the date (the “**Amendment Effective Date**”) that it is duly executed and delivered by all Parties.

[Signature page follows]

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment as of  
Amendment Effective Date.

BUYERS:

SOUTHERN CALIFORNIA PUBLIC  
POWER AUTHORITY

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

POWER AND WATER RESOURCES  
POOLING AUTHORITY

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

CITY OF LODI

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

CITY OF CORONA

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

CITY OF MORENO VALLEY

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

CITY OF RANCHO CUCAMONGA

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

SELLER:

RE ASTORIA 2 LLC

By: \_\_\_\_\_

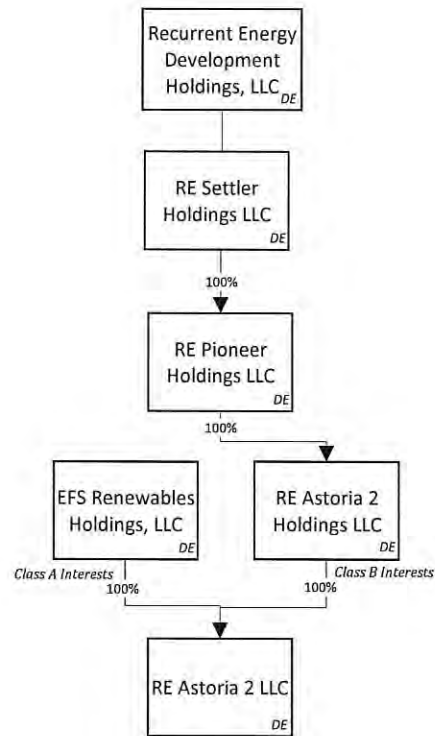
Its: \_\_\_\_\_

Date: \_\_\_\_\_



Attachment A  
to  
Amendment No. 1 to Agreement

SCHEDULE 12.2(h)





## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Art Vela, Public Works Director  
Kevin Sin, Senior Civil Engineer

**MEETING DATE:** June 27, 2017

**SUBJECT:** Resolution 2017-60, Awarding a Construction Agreement and Approving an Amendment to the Professional Services Contract for Roosevelt Williams Park Improvements

---

### **RECOMMENDED ACTION:**

Consider adopting Resolution 2017-60;

1. Approving a Construction Agreement for Roosevelt Williams Park Improvements with Environmental Construction, Inc. of Woodland Hills, California, in the amount of \$2,585,178 and a 10% contingency in the amount of \$258,518 for a total project budget of \$2,843,696 and rejecting all other bids.
2. Approving an Amendment to the Professional Services Contract with V2C Group, Inc. in the amount of \$10,000 for construction phase assistance.
3. Authorizing the Acting City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement and Amendment for the Roosevelt Williams Park Improvements and to approve change orders within the 10% construction contingency.
4. Authorizing the Acting City Manager or his designee to execute the Construction Agreement with Environmental Construction, Inc. for Roosevelt Williams Park Improvements and to execute the Amendment with V2C Group, Inc.

## **BACKGROUND:**

Roosevelt Williams Park was established in approximately the 1960's. Several improvements were made in the late 1990's, which included the renovation of restrooms and the playground. It has been the goal of the City to further renovate this park, which is the only park servicing the north east quadrant of the City and immediately adjacent to Hoffer Middle School. The park currently includes a multipurpose building; restrooms; basketball courts; walking trail; playground and two parking lots. Many of the appurtenances at the park are in poor condition and in need of repair.

City Council awarded a contract to V2C Group, Inc. for the redesign of Roosevelt Williams Park. The redesign included updating an existing design which had been completed in 2006 to include updates in storm water codes and to provide additional design features.

The main items for this project include the replacement of the existing playground equipment with new playground equipment, installation of new gazebos; construction of a new multipurpose field; reconstruction of a basketball court; construction of new concrete walkways; reconstruction and expansion of the northern parking lot; installation of landscaping; installation of lighting; and construction of tenant improvements to the exterior of the existing building and a new bathroom accessible from the inside of the existing building.

Public Works and Purchasing staff advertised a Notice Inviting Bids (NIB) on April 14, 2017 and April 21, 2017 in the Press Enterprise, Record Gazette and on the City's website. In response to these efforts, the City on May 31, 2017 received the following bids from five (5) bidders:

<b><u>Companies</u></b>	<b><u>Price</u></b>
1) Environmental Construction, Inc.	\$2,585,178
2) Hamel Contracting, Inc.	\$2,675,008
3) C.S. Legacy Construction, Inc.	\$2,697,206
4) Roadway Engineering & Contracting, Inc.	\$2,824,996
5) Marcon Engineering, Inc.	\$2,889,649

The lowest responsive and responsible bidder is Environmental Construction, Inc. of Woodland Hills, California.

## **ISSUES/ANALYSIS:**

Roosevelt Williams Park is the primary park for recreational activity on the northeast part of the City of Banning and is in desperate need of improving. City Council recognized the need for the improvements and directed staff to move forward with the preparation

of bidding documents (plans and specifications). The proposed project will achieve City Council's and the public's desire to improve Roosevelt Williams Park.

During the design of the project additions were made to the scope of work identified in the agreement with V2C Group, Inc., the landscape architect contracted to prepare the plans and specifications. In order to avoid delays in the design, allocated budgets were utilized for later tasks such as Construction Phase Assistance and As-Built Preparation. Staff is recommending an amendment to the Professional Services agreement in the amount of \$10,000 to cover the budget shortfall in order to retain V2C Group, Inc. for their assistance during the construction phase for: response to RFI's, review of submittals and preparation of As-Builts.

**FISCAL IMPACT:**

The Construction Agreement for Roosevelt Williams Park Improvements will be funded by CRA Bonds (ROPS 15-16A), Account No. 855-9500-490.90-30 in the amount of \$2,585,178, with a 10% contingency for a total not-to-exceed amount of \$2,843,696.

The Amendment to the Professional Services Agreement will also be funded by CRA Bonds (ROPS 15-16A), Account No. 855-9500-490.90-30 in the amount of \$10,000.

**ALTERNATIVE:**

1. Reject the Resolution 2017-60 and provide staff with additional direction.

**ATTACHMENTS:**

1. Resolution 2017-60
2. Environmental Construction, Inc. Bid Schedule

Approved by:



---

Alejandro Diaz  
Acting City Manager



# ***ATTACHMENT 1***

(Resolution 2017-60)

## RESOLUTION 2017-60

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A CONSTRUCTION AGREEMENT WITH ENVIRONMENTAL CONSTRUCTION, INC. OF WOODLAND HILLS, CALIFORNIA FOR ROOSEVELT WILLIAMS PARK IMPROVEMENTS IN THE AMOUNT OF \$2,585,178, AND ESTABLISHING A TOTAL PROJECT BUDGET OF \$2,843,696, REJECTING ALL OTHER BIDS AND APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH V2C GROUP, INC. IN THE AMOUNT OF \$10,000**

**WHEREAS**, the City of Banning City Council on June 23, 2015 adopted Resolution 2015-56, approving a Professional Agreement with V2C Group, Inc. to complete the design for the Roosevelt Williams Park Improvements Project; and

**WHEREAS**, the main items for this project includes the replacement of the existing playground equipment with new playground equipment, installation of new gazebos; construction of a new multipurpose field; reconstruction of a basketball court; construction of new concrete walkways; reconstruction and expansion of the northern parking lot; installation of landscaping; installation of lighting; and construction of tenant improvements to the exterior of the existing building and a new bathroom accessible from the inside of the existing building; and

**WHEREAS**, on April 14, 2017 the Public Works Department and Purchasing staff advertised a Notice Inviting Bids for the Roosevelt Williams Park Improvements Project and received five (5) responsive bids; and

**WHEREAS**, Environmental Construction, Inc. of Woodland Hills, California was the lowest responsible and responsive bidder; and

**WHEREAS**, the Construction Agreement for Roosevelt Williams Park Improvements will be funded by CRA Bonds (ROPS 15-16A), Account No. 855-9500-490.90-30 in the amount of \$2,585,178, with a 10% contingency for a total not-to-exceed amount of \$2,843,696; and

**WHEREAS**, the Amendment to the Professional Services Agreement will be funded by CRA Bonds (ROPS 15-16A), Account No. 855-9500-490.90-30 in the amount of \$10,000.

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

**SECTION 1.** The City of Banning City Council adopts Resolution No. 2017-60 approving the Construction Agreement with Environmental Construction, Inc. of Woodland Hills, CA in the amount of \$2,585,178 for the Roosevelt Williams Park Improvements and a 10% contingency in the amount of \$258,518 for a total project budget of \$2,843,696; Rejecting all other bids; and approving an Amendment to the Professional Services

Agreement in the amount of \$10,000 for the additional design scope of work for the Roosevelt Williams Park Improvements.

SECTION 2. The Acting City Manager or his designee is authorized to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement for Roosevelt Williams Park Improvements and to approve change orders within the 10% contingency.

SECTION 3. The Acting City Manager is authorized to execute the Construction Agreement with Environmental Construction, Inc. of Woodland Hills, CA for the Roosevelt Williams Park Improvements and Professional Services Agreement Amendment with V2C Group, Inc.

**PASSED, APPROVED AND ADOPTED** this 27<sup>th</sup> day of June, 2017.

\_\_\_\_\_  
George Moyer, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, City Clerk  
City of Banning

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

\_\_\_\_\_  
John C. Cotti, Interim City Attorney  
Jenkins & Hugin, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-60, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27<sup>th</sup> day of June, 2017, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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



# ***ATTACHMENT 2***

(Environmental Construction, Inc. Bid Schedule)

SECTION 1.3  
OF  
PROCEDURAL DOCUMENTS  
BID

Proposal of Environmental Construction, Inc.  
hereinafter called "Bidder", organized and existing under the laws of the State of  
California, doing business as Environmental Construction, Inc.  
\* insert "a corporation", "a partnership", or "an individual", as applicable.

To the CITY OF BANNING, hereinafter called "Owner":

In compliance with your Invitation for Bids and Instruction to Bidders, Bidder hereby proposes to perform all work for the **Project No. 2016-04, "Roosevelt Williams Park Improvements"** in strict accordance with the Contract Documents, within the time set forth therein, and at the prices stated below.

By submission of this Bid, the Bidder certifies, and in the case of a joint Bid each party thereto certifies as to their own organization that this Bid has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this Bid with any other Bidder or with any competitor.

Bidder hereby agrees that the Owner shall have a period of forty-five (45) calendar days after opening of bids within which to accept or reject the bids.

Bidder agrees to commence work under this contract on or before a date to be specified in the Notice to Proceed and to fully complete the contract within a total of **ONE HUNDRED AND TWENTY (120) Working Days** thereafter.

Bidder agrees that if the project is not fully completed within said time, he shall pay as liquidated damages, the sum of **\$750.00** for each calendar day thereafter as provided in the General Conditions, and that this amount shall be presumed to be the amount of damages sustained by Owner in the event of such a breach by Bidder, as it would be impractical or extremely difficult to fix the actual damage.

BID SCHEDULE

Project No. 2016-04, "Roosevelt Williams Park Improvements"

ITEM NO	DESCRIPTION OF ITEM	ESTIMATED QUANTITY		UNIT PRICE	TOTAL
		LS	LS		
1.	Permits and Licenses			200	200
2.	Traffic Control			200	200
3.	Overhead & Mobilization / Demobilization			147,240	147,240
4.	NPDES Compliance and SWPPP Implementation			15,800	15,800
5.	Demolition			143,186	143,186
6.	Clearing and Grubbing			65,500	65,500
7.	Grading			118,962	118,962
8.	Drainage System, Drywell, and Play Area Sumps			75,570	75,570
9.	New Entrance Drive and Parking Lot			141,635	141,635
10.	Existing Parking Lot Improvements			5,609	5,609
11.	Trash Enclosure			21,911	21,911
12.	Bollards	6	EA	850	5,100
13.	Security Gate	3	EA	6,347	19,141
14.	Basketball Court and Goals			96,765	96,765
15.	Soccer Field Corner Anchors and Goals			11,705	11,705
16.	Playground Concrete Curb, Concrete Ramp, Wood Chips w/Fabric, and Sumps			28,802	28,802
17.	Play Equipment and Swings			103,325	103,325
18.	4" Thick Concrete Paving	28,000	SF	7.6	212,800
19.	6" Thick Concrete Paving	9,000	SF	7.7	69,300

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Project No. 2016-04, "Roosevelt Williams Park Improvements"

20.	Decomposed Granite Path and Concrete Curb	1,700	SF	3.5	5,950
21.	Tree Well Circular Concrete Curb	12	EA	550	6,600
22.	Tree Well Stabilized River Rock	100	SF	54	5,400
23.	Concrete Mow Curb	1,028	LF	15	15,420
24.	40' Shade Structure	1	EA	40,095	40,095
25.	28' Shade Structure	1	EA	26,035	26,035
26.	2 Rail Fence	1,300	LF	39,000	50,700
27.	Chain Link Fence	50	LF	63	3,150
28.	Trash Receptacle	17	EA	1150	19,550
29.	Recyclable Receptacle	3	EA	1150	3,450
30.	Hot Ash Receptacle	3	EA	1130	3,390
31.	Concrete Picnic Table	8	EA	1800	14,400
32.	Concrete ADA Picnic Table	3	EA	2,100	6,300
33.	Coated Metal Picnic Table	6	EA	2,500	15,000
34.	Coated Metal ADA Picnic Table	2	EA	2,150	4,300
35.	Concrete Bench	28	EA	2,631	73,668
36.	Barbecue Grill	8	EA	3,75	3,000
37.	Bike Rack	1	EA	800	800
38.	Drinking Fountain, Drain Line, and Sump	2	EA	6,700	13,400
39.	Provide and Install Reflective Aluminum Park Sign	3	EA	450	1,350
40.	Remove, Refurbish, and Re-install Ex. Park Monument Sign	LS	LS	2,200	2,200
41.	Onsite Utilities – Water, Electric, Sewer, and Security Camera Conduit	LS	LS	32,090	32,090

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42.	Site and Building Electrical	LS	LS	305,800	305,800
43.	Building Renovations	LS	LS	247,249	247,249
44.	Irrigation System	LS	LS	129,768	129,768
45.	Soil Preparation and Fine Grading	157,000	SF	0.25	39,250
46.	Rooted Cutting @ 18" o.c.	417	EA	1	417
47.	1 Gal. Shrub	4,447	EA	10	44,470
48.	5 Gal. Shrub	387	EA	20	7,740
49.	24" Box Tree	186	EA	345	64,170
50.	36" Box Tree	12	EA	675	8,100
51.	Weed Abatement	157,000	SF	0.05	7,850
52.	Turf Hydroseed	116,100	SF	0.15	17,415
53.	Shredded Mulch	40,800	SF	0.60	24,480
54.	90-Day Maintenance	157,000	SF	0.06	9,420

**TOTAL BID AMOUNT IN WORDS:** \$ Two million five hundred eighty five thousand one hundred Seventy eight Dollars  
(Bid Item No.'s 1 through 54)

**TOTAL BID AMOUNT IN FIGURES:** \$ 2,585,178.00  
(Bid Item No.'s 1 through 54)

## ADDENDA

Bidder acknowledges receipt of the following Addenda:

Addendum No.: 1 DATED: 05/19/2017

Addendum No.: 2 DATED: 05/19/2017

Addendum No.: 3 DATED: 05/19/2017

NOTE: All addenda shall be signed by the Bidder and submitted with the bid package.

NON COLLUSION AFFIDAVIT

STATE OF CALIFORNIA

COUNTY OF Los Angeles

being first duly sworn, the party making the

(Name of Bidder) Environmental Construction, Inc.

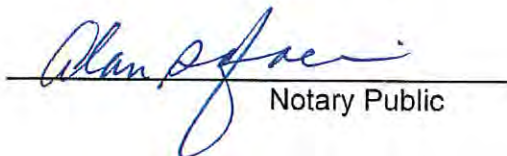
foregoing bid; that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the Bidder has not directly or indirectly induced or solicited any other Bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any Bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the Bidder or any other Bidder, or to fix any overhead, profit or cost element of the bid price, or of that of any other Bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the Bidder has not directly or indirectly, submitted their bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

  
(Signature)

Farid Soroudi - President

(Typed Name)

SUBSCRIBED BEFORE ME on this 31 day of MAY,  
2017.

  
Notary Public

My commission Expires:

MARCH, 23, 2021

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Project No. 2016-04, "Roosevelt Williams Park Improvements"



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Los Angeles )

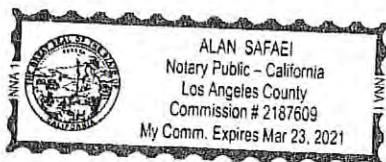
On 5-31-2017 before me, ALAN SAFAEI (Notary Public),  
Date Here Insert Name and Title of the Officer

personally appeared FARID SOROUJ,  
Name(s) of Signer(s)

who 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 Alan Safaei  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

## BID SECURITY OR BOND

There is enclosed herewith bid security or bond in the following form (check one):

- ☐ Cash (10%)
- ☐ Cashier's Check or Certified Check (10%)
- ☒ Bond - 1 Surety (10%)

in the sum of \_\_\_\_\_ ( 10 ) percent of the base bid of  
Bid Amount (\$ \_\_\_\_\_ ), made payable  
to the order of the City of Banning, and the undersigned agrees that in case of their  
failure to execute the necessary Contract and furnish the required bonds and insurance  
certificates, the cashier's check or surety bond and the money payable thereon shall be  
and remain the property of the CITY OF BANNING.

### WITHDRAWAL OF BID

The Bidder agrees that this Bid shall be good and may not be withdrawn for a period of  
forty-five (45) calendar days after the scheduled closing time for receiving Bids.

### VISITING THE SITE

The undersigned has thoroughly examined the Drawings and Specifications and  
Addenda (if any), has visited the site, and is thoroughly familiar with the contents and all  
of the conditions thereof. The undersigned is aware of and will observe all security  
regulations enforced at this facility.

### DESIGNATION OF SUBCONTRACTORS

In compliance with the provisions of Section 4100 - 4108 of the Public Contract Code of  
the State of California, and any amendments thereto, each Bidder shall set forth below,  
the name and location of the mill, shop, or office of each subcontractor who will perform  
work or labor, or render service to the Contractor in an amount in excess of one-half ( $\frac{1}{2}$ )  
of one (1) percent of the total Bid to be performed under the Contract, he shall be  
deemed to have agreed to perform such portion himself and he shall not be permitted  
to subcontract that portion of the work except under conditions permitted by law.

### LIST OF SUBCONTRACTORS

Subletting or subcontracting of any portion of the work as to which no subcontractor  
was designated in the original Bid shall only be permitted in case of public emergency  
or necessity, or otherwise permitted by law, and then only after a finding reduced to  
writing as a public record of the Owner.

In compliance with the provisions of Sec. 4100-4111, inclusive, of the Public Contract  
Code of the State of California, and any amendments thereof, each Bidder shall set



forth below: (a) The name and the location of the place of business of each subcontractor who will perform work or labor or render service to the Contractor in or about the construction of the work or improvement in an amount in excess of one-half of one percent ( $1/2$  of 1%) of the Contractor's total bid; (b) the portion of the work which will be done by each such subcontractor; and (c) the subcontractors contractor license number. If this information is not provided with the bid, the City may deem the bid non-responsive.

Each subcontractor shall possess, both at the time the bid is submitted and at all times when work is performed, a valid contractor's license for the appropriate classification necessary to perform the work for which that subcontractor is listed.

If the Contractor fails to specify a subcontractor for any portion of the work to be performed under the contract in excess of one-half of one percent ( $1/2$  of 1%) of the Contractor's total bid, he agrees that he is fully qualified to perform that work himself, and that he shall perform that work himself, and that he shall perform that portion himself.

If the Contractor violates any of the provisions of this section, it is deemed to have violated and breached this contract, and the City may exercise the option in its own discretion of: (1) canceling the contract; or (2) assessing the contract or a penalty in an amount of not more than ten percent (10%) of the amount of the subcontract involved, and this penalty shall be deposited in the fund out of which the prime contract is awarded. The Contractor shall be entitled to a public hearing in five (5) days notice of the time and place of the hearing.

LIST OF SUBCONTRACTORS

NAME: <i>Toront Resources</i>	License No: <i>886759</i> Classification: <i>CB7 AC42</i>	DBE/MBE ___Yes ___No
ADDRESS: <i>9950 Adler Ave</i>	Telephone: <i>909 829-0740</i> Fax: <i>602-264 0233</i>	Ownership (Circle One) Minority Women Not Applicable
City, Zip: <i>Bloomington CA</i>	Bid Item No. <i>8</i>	% of Total bid <i>1.8</i>

NAME: <i>Paterson Company</i>	License No: <i>348109</i> Classification: <i>BC29</i>	DBE/MBE ___Yes ___No
ADDRESS: <i>Po Box 458</i> <i>Olinas, CA</i>	Telephone: <i>714 287 7222</i> Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No. <i>11 43</i>	% of Total bid <i>1.1</i>

NAME: <i>Paul J Cas. Group</i>	License No: <i>865017</i> Classification: <i>BC36 C13</i>	DBE/MBE ___Yes ___No
ADDRESS: <i>29521 Inez Rd</i>	Telephone: <i>760 908 3180</i> Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip: <i>Temecula CA</i>	Bid Item No. <i>43</i>	% of Total bid <i>1.4</i>

## LIST OF SUBCONTRACTORS - cont.

NAME: <i>Game time</i>	License No: <i>855 664</i> Classification: <i>C61 D12 D34</i>	DBE/MBE ___Yes ___No
ADDRESS: <i>PO Box 97</i>	Telephone: <i>435-245-5055</i> Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip: <i>Wetville Utah</i>	Bid Item No. <i>17</i>	% of Total bid <i>3</i>

NAME: <i>JJ Roofing</i>	License No: <i>409528</i> Classification: <i>C39 BPS E13PS</i>	DBE/MBE ___Yes ___No
ADDRESS: <i>2011 Spruce St</i>	Telephone: <i>951-784-7663</i> Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip: <i>Riverside CA</i>	Bid Item No. <i>43</i>	% of Total bid <i>.6</i>

NAME: <i>Akan Eng.</i>	License No: <i>LS 5390</i> Classification:	DBE/MBE ___Yes ___No
ADDRESS: <i>6874 Airport Drive</i>	Telephone: <i>531 688-0421</i> Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip: <i>Rosemead CA</i>	Bid Item No. <i>3</i>	% of Total bid <i>.4</i>



## LIST OF SUBCONTRACTORS - cont.

NAME: <u>All American Asphalt</u> FS	License No: <u>267075 FS</u> Classification: <u>A CT2 FS</u>	DBE/MBE __Yes __No
ADDRESS:	Telephone: <u>951-736-4600</u> Fax: <u>FS</u>	Ownership (Circle One) Minority Women Not Applicable
City, Zip: <u>Corona, CA</u> FS	Bid Item No. <u>9</u> FS	% of Total bid <u>3</u> FS

NAME: <u>Miconic Electric Inc.</u>	License No: <u>664395</u> Classification: <u>C10 B</u>	DBE/MBE __Yes __No
ADDRESS: <u>7937 Palm Ave</u>	Telephone:  Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip: <u>Alhambra, CA</u>	Bid Item No.	% of Total bid <u>12</u>

NAME: <u>Alcan Fence</u>	License No: <u>122954</u> Classification: <u>ABC 13 C29</u>	DBE/MBE __Yes __No
ADDRESS: <u>6445 on Peckey</u>	Telephone: <u>951-683-5871</u> Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip: <u>Riverside, CA</u>	Bid Item No. <u>13, 26, 27</u> <u>11</u>	% of Total bid <u>3</u>



LIST OF SUBCONTRACTORS - cont.

NAME: <i>ONYX Paving</i>	License No: <i>630360</i> Classification: <i>A</i>	DBE/MBE __Yes __No
ADDRESS: <i>2520 E. La Costa Ave</i>	Telephone: <i>714 632-699</i> Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip: <i>Anaheim CA</i>	Bid Item No. <i>9</i>	% of Total bid <i>2.2</i>

NAME:	License No: Classification:	DBE/MBE __Yes __No
ADDRESS:	Telephone: Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total bid

NAME:	License No: Classification:	DBE/MBE __Yes __No
ADDRESS:	Telephone: Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total bid

LIST OF SUBCONTRACTORS - cont.

NAME:	License No:	DBE/MBE
	Classification:	__Yes __No
ADDRESS:	Telephone:	Ownership (Circle One)
	Fax:	Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total bid

NAME:	License No:	DBE/MBE
	Classification:	__Yes __No
ADDRESS:	Telephone:	Ownership (Circle One)
	Fax:	Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total bid

NAME:	License No:	DBE/MBE
	Classification:	__Yes __No
ADDRESS:	Telephone:	Ownership (Circle One)
	Fax:	Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total bid

### LIST OF MATERIAL SUPPLIERS

NAME:	MATERIAL(S) TO BE SUPPLIED	
ADDRESS:	Telephone:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total bid

NAME:	MATERIAL(S) TO BE SUPPLIED	
ADDRESS:	Telephone:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total bid

NAME:	MATERIAL(S) TO BE SUPPLIED	
ADDRESS:	Telephone:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total bid

LIST OF MATERIAL SUPPLIERS - cont.

NAME:	MATERIAL(S) TO BE SUPPLIED	
ADDRESS:	Telephone:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total bid

NAME:	MATERIAL(S) TO BE SUPPLIED	
ADDRESS:	Telephone:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total bid

NAME:	MATERIAL(S) TO BE SUPPLIED	
ADDRESS:	Telephone:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total bid



## LIST OF MANUFACTURERS

The Contractor shall submit this sheet with their Bid, completed, to list the manufacturers of materials he intends to use. It shall be understood that where the Contractor elects not to use the material manufacturers called for in the Specifications he will substitute only items of equal quality, durability, functional character and efficiency as determined by the Engineer. The Contractor should ascertain prior to bidding the acceptability of substitutes. Only one manufacturer shall be listed for each item.

<u>Item or Material</u>	<u>Manufacturer</u>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

No change shall be allowed of any material manufacturer listed above after receipt of Bids unless the manufacturer so listed cannot furnish materials meeting the Specifications. Should such change be allowed, there will be no increase in the amount of the Bid originally submitted.

### ANTI-TRUST CLAIM

In submitting a Bid to a public purchasing body, the Bidder offers and agrees that if the Bid is accepted, it will assign to the purchasing body all rights, title and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Chapter 2 of Part 2 of Division 7 of the Business and Professions Code) arising from purchases of goods, materials, or services by the Bidder for sale to the purchasing body pursuant to the Bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the Bidder.

### DECLARATION OF ACCURACY

I, the undersigned, declare under penalty of perjury that the information presented in this bid, including without limitation the Contractor's license number and expiration date, are true and correct to the best of my knowledge. The bid of any Bidder not signed by the Bidder, or not containing the Bidder's license number and license expiration date, or containing information which is subsequently proven false, shall be considered non-responsive and shall be rejected.

Environmental Construction, Inc.

Name



Signature

Farid Soroudi - President

Title

05/30/2017

Date

498624

Contractor's License No.

68-0597503

Federal ID No. (If applicable)

(SEAL - if Bid is by a corporation)

ATTEST

21550 Oxnard Street Suite 1050

Address

Woodland Hills, CA 91367

City, State, Zip

818-449-8920

Telephone

A, B, C-10, C-27 HAZ, ASB

Type of License

01/31/2019

Expiration Date of License

CERTIFICATION  
LABOR CODE - SECTION 1861

I, the undersigned Contractor, am aware of the provisions of Section 3700 et. Seq. of the Labor Code which requires every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I, the undersigned Contractor, agree to and will comply with such provisions before commencing the performance of the Work of this Contract.

Contractor agrees to utilize federal job classifications for the submittal of the certified payrolls and further agrees to pay all of its employees the higher of the prevailing State or Federal wages.

CONTRACTOR:

Environmental Construction, Inc.

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
By 

Farid Soroudi - President

\_\_\_\_\_  
Title

## QUESTIONNAIRE REGARDING BIDDERS

Number of years engaged in the contracting business under present business name  
13 Years

List of at least the last three contracts performed which show experience in working on a project of a nature similar to that covered in this proposal. If none, so indicate. Attach separate list of references if necessary.

Year	Type of Work	Contract Amt.	Location	Contact person/phone
1	Please see attached Exhibition A			
2				
3				
4				
5				
6				
7				

State of California Contractor's License No.: 498624

Contractor's License Expiration Date: 01/31/2019



# **Exhibit A**

## **Job Reference**

# ENVIRONMENTAL CONSTRUCTION - COMPLETED SIMILAR PROJECTS REFERENCE

	PROJECT NAME	PROJECT LOCATION	Contract Value	Type of Work	Date of Completion	Owner/ Architect/Construction Manager	Contact Name	Phone Number
239	Dos Vientos Playground	Thousand Oaks	4,641,697	Park Construction Grading	2/20/2013	Conejo recreation & Park District	Tom Hare	805-495-6471 x1111
240	Silverhawk Parks Rehab	Riverside	1,374,716	Park Construction	4/1/2013	County of Riverside	Mike Franklin	951-955-6686
245	Oakbrook Neighborhood Park Improvement	Thousand Oaks	1,122,316	Park Construction	7/9/2013	Conejo Recreation & Park District	Shauna Wealty	805-495-6471
247	Spring Street Park - Phase II	Los Angeles	1,550,574	Park Construction	8/13/2013	City of LA - Dept. of Park and Recreation	Paul Tseng	2132022681
262	Sunset Ridge Park	Newport Beach	5,214,820	Park Construction	12/4/2014	City of Newport Beach	Marcus Puglis	949-795-6942
269	Patriot Park Soccer Complex	Perris	2,780,152	Park Construction Synthetic Turf	8/10/2015	City of Perris	Rudi Gomez	909-720-3755
270	Helen Keller Park Remediation	Los Angeles	3,901,055	Park Construction Hazardous Abatement	1/10/2016	Los Angeles County - DPW	Ryan Kristan	626-300-3271
273	Oso Creek Multi-Use Trail Project	Laguna Niguel	3,644,239	Park Construction Trail/Site Development	5/17/2016	CITY OF LAGUNA NIGUEL - DPW	Nasser Abbaszadeh	949-362-4377
279	Joint Used Are at Yorba Linda HS	Yorba Linda	5,940,674	School Work Athletic Field	9/19/2016	PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT	Dave Walser Robert Uribe (PM of Consultant)	714-293-1684 909.938.6535
280	RUNKLE CANYON PARK	Simi Valley	1,577,608	Park Construction	7/15/2016	RANCHO SIMI RECREATION AND PARK DISTRICT	Tom Evans	805-584-4422
281	State Street Park and Safe Routes to School Cycle 8-9	South Gate	4,376,274	Park Construction	1/13/2017	City of South Gate	Steve Forster	949-679-2600
282	Chumash Park	Simi Valley	1,496,453	Park Construction	3/1/2017	RANCHO SIMI RECREATION AND PARK DISTRICT	Tom Evans	805-584-4422
283	E Street Park	San Bernardino	2,138,292	Park Construction	4/15/2017	San Bernardino Regional Water Resources Authorities- San Bernardino Valley Municipal Water District	Wes Huang	909-387-9223

SECTION 1.4  
OF  
PROCEDURAL DOCUMENTS  
  
BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, Environmental Construction, Inc., as Principal, and Vigilant Insurance Company, as Surety, are hereby held and firmly bound unto the CITY OF BANNING as Owner in the penal sum of Ten percent of the bid for payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

Signed, this 18th day of May, 2017. The Condition of the above obligation is such that whereas the Principal has submitted to the CITY OF BANNING a certain Bid, attached hereto and hereby made a part hereof to enter into a contract in writing for the

**Project No. 2016-04, "Roosevelt Williams Park Improvements"**

NOW, THEREFORE,

A. If said Bid shall be rejected, or

B. If said Bid shall be accepted and the Principal shall execute and deliver, within fifteen (15) days after the Notice of Award, a contract in the form attached hereto (properly completed in accordance with said Bid) and shall furnish a Bond for their faithful performance of said Contract and for the payment of all persons performing labor or furnishing materials in connection therewith, the required Insurance Certificates, and shall in all other respects perform the agreement created by the acceptance of said Bid, then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims there under shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its Bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgment is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

Two Witnesses  
(If Individual):

\_\_\_\_\_  
\_\_\_\_\_

Principal: Environmental Construction, Inc.

By 

Title Farid Soroudi - President

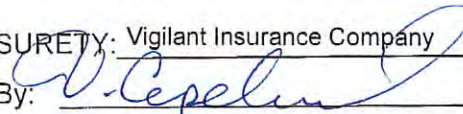
ATTEST (If Corporation):

By 

Title Farid Soroudi - Secretary

(Corporate Seal)

SURETY: Vigilant Insurance Company

By: 

Title Vanessa Copeland, Attorney-in-Fact

ATTEST:

By 

Title Barbara Copeland, Accountant

(Corporate Seal)



IMPORTANT: Surety companies executing Bonds must possess a certificate of authority from the California Insurance Commissioner authorizing them to write surety insurance defined in Section 105 of the California Insurance code.

Any claims under this bond may be addressed to:

(Name and Address of Surety) Vigilant Insurance Company  
15 Mountain View Road, Warren, NJ 07059  
\_\_\_\_\_  
\_\_\_\_\_

(Name and address of Agent or Representative in California, if different from above) Pinnacle Surety & Insurance Services  
151 Kalmus Drive, Ste. A201, Costa Mesa, CA 92626  
\_\_\_\_\_  
\_\_\_\_\_

(Telephone number and address of Surety and Agent or Representative in California) Surety: (212)612-4000  
Agent: (714) 546-5100  
\_\_\_\_\_  
\_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of Los Angeles )

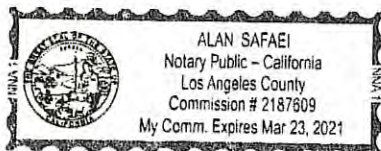
On 5-18-17 before me, ALAN SAFAEI (NOTARY PUBLIC)  
Date Here Insert Name and Title of the Officer

personally appeared FARID SORAUDI  
Name(s) of Signer(s)

who 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 Alan Safaei  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

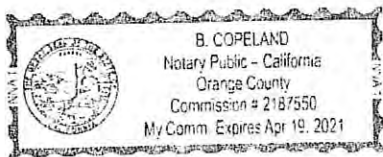
State of California )

County of Orange )

On 5/18/17 before me, B. Copeland, Notary Public,

personally appeared Vanessa Copeland  
Name(s) of Signer(s)

who 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.



Place Notary Seal Above

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: B. Copeland  
Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could present fraudulent and reattachment of this form to another document.

### Description of Attached Document

Type or Title of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

#### Capacity(ies) Claimed by Signer(s)

Signer's Name: Vanessa Copeland

- ☐ Individual  
☐ Corporate Officer – Title(s): \_\_\_\_\_  
☐ Partner: ☐ Limited ☐ General  
☒ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

#### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer – Title(s): \_\_\_\_\_  
☐ Partner: ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint Shawn T. Blume, Kevin Cathcart, Vanessa Copeland, Eric Lowey and Mark Richardson of Costa Mesa, California-----

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 21<sup>st</sup> day of April, 2017.

*Dawn M. Chloros*

Dawn M. Chloros, Assistant Secretary

*Stephen M. Haney*

Stephen M. Haney, Vice President



STATE OF NEW JERSEY

County of Hunterdon

SS.

On this 21<sup>st</sup> day of April, 2017 before me, a Notary Public of New Jersey, personally came Dawn M. Chloros, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros, being by me duly sworn, did depose and say that she is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that she signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that she is acquainted with Stephen M. Haney, and knows him to be Vice President of said Companies; and that the signature of Stephen M. Haney, subscribed to said Power of Attorney is in the genuine handwriting of Stephen M. Haney, and was thereto subscribed by authority of said Companies and in deponent's presence.

Notarial Seal



KATHERINE J. ADELAAR  
NOTARY PUBLIC OF NEW JERSEY  
No. 2318885  
Commission Expires July 16, 2019

*Katherine J. Adelaar*  
Notary Public

CERTIFICATION

Resolutions adopted by the Boards of Directors of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY on August 30, 2016:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into in the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested."

I, Dawn M. Chloros, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing Resolutions adopted by the Board of Directors of the Companies are true, correct and in full force and effect,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in the U.S. Virgin Islands, and Federal is licensed in Guam, Puerto Rico, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this May 18, 2017



*Dawn M. Chloros*

Dawn M. Chloros, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT:  
Telephone (908) 903-3493 Fax (908) 903-3656 e-mail: surety@chubb.com



Nº 2707

STATE OF CALIFORNIA  
DEPARTMENT OF INSURANCE  
SAN FRANCISCO

AMENDED  
Certificate of Authority

THIS IS TO CERTIFY, That, pursuant to the Insurance Code of the State of California,

VIGILANT INSURANCE COMPANY

of NEW YORK, NEW YORK, organized under the  
laws of NEW YORK, subject to its Articles of Incorporation or  
other fundamental organizational documents, is hereby authorized to transact within this State, subject  
to all provisions of this Certificate, the following classes of insurance: FIRE, MARINE, SURETY,  
PLATE GLASS, DISABILITY, LIABILITY, WORKMEN'S COMPENSATION, COMMON  
CARRIER LIABILITY, BOILER AND MACHINERY, BURGLARY, SPRINKLER, TEAM AND  
VEHICLE, AUTOMOBILE, AIRCRAFT and MISCELLANEOUS

as such classes are now or may hereafter be defined in the Insurance Laws of the State of California.

THIS CERTIFICATE is expressly conditioned upon the holder hereof now and hereafter being in full  
compliance with all, and not in violation of any, of the applicable laws and lawful requirements made  
under authority of the laws of the State of California as long as such laws or requirements are in effect  
and applicable, and as such laws and requirements now are, or may hereafter be changed or amended.

IN WITNESS WHEREOF, effective as of the 29th day  
of AUGUST, 1967, I have hereunto  
set my hand and caused my official seal to be affixed this 29th  
day of AUGUST, 1967.



RICHARD S. L. RODDIS  
Insurance Commissioner

By

John J. Faber  
JOHN J. FABER

Deputy

NOTICE:

Qualification with the Secretary of State must be accomplished as required by the California Corporations Code promptly  
after issuance of this Certificate of Authority. Failure to do so will be a violation of Ins. Code Sec. 701 and will be grounds  
for revoking this Certificate of Authority pursuant to the covenants made in the application therefor and the conditions  
contained herein.

FORM CS-3

STAMPED IN BLUE INK BY THE DEPT. OF INSURANCE



**ADDENDUM NO. 1**  
**INVITATION FOR BIDS**

**FOR**

**IFB No. 17-013 – Project No. 2016-04 Roosevelt Williams Park Improvements**

**PUBLIC WORKS DEPARTMENT**  
**CITY OF BANNING**

**Released on May 19, 2017**

**The referenced document has been modified as per the attached Addendum No. 1**

**Please sign this Addendum where designated and return the executed copy with submission of your bid. This addendum is hereby made part of the referenced invitation for bids as though fully set forth therein.**

**Any questions regarding this addendum should be addressed to:**

**Jennifer McCoy**

**Telephone: (951) 922-3121**

**Email: [jmccov@ci.banning.ca.us](mailto:jmccov@ci.banning.ca.us)**

**Addendum No. 1**

## 2<sup>ND</sup> REQUEST FOR INFORMATION RESPONSE

(Response to questions in red)

1. Please advise if there are any Pre-qualification requirements on this project? I didn't see any on the NIB or documents.

Response: No.

### **PROJECT PLANS HAVE BEEN REVISED. THE LIST BELOW CONTAINS THE SHEETS BEING REPLACED:**

Sheet 41 of 60 (AD-101)  
Sheet 43 of 60 (A-101)  
Sheet 44 of 60 (A-102)  
Sheet 48 of 60 (A-401)  
Sheet 51 of 60 (S1.1)  
Sheet 52 of 60 (S2.1)  
Sheet 53 of 60 (S3.1)  
Sheet 54 of 60 (S4.1)  
Sheet 55 of 60 (S5.1)  
Sheet 56 of 60 (S5.2)  
Sheet 30 of 60 (E-2)  
Sheet 38 of 60 (E-10)  
Sheet 57 of 60 (P-1)  
Sheet 59 of 60 (P-3)

These revised sheets included additional work for the added restroom inside the existing building.

*All other provisions of the invitation for bids shall remain in their entirety.*

*Vendors hereby acknowledge receipt and understanding of the above Addendum. Complete and submit this Addendum with your bid.*

 5/22/2017  
\_\_\_\_\_  
Signature Date

Farid Soroudi - President  
\_\_\_\_\_  
Typed Name and Title

Environmental Construction, Inc.

\_\_\_\_\_  
Company Name

21550 Oxnard Street Suite 1050  
\_\_\_\_\_  
Address

Woodland Hills CA 91367  
\_\_\_\_\_  
City State Zip



**ADDENDUM NO. 2**

**INVITATION FOR BIDS**

**FOR**

**IFB No. 17-013 – Project No. 2016-04 Roosevelt Williams Park Improvements**

**PUBLIC WORKS DEPARTMENT**

**CITY OF BANNING**

**Released on May 19, 2017**

**The referenced document has been modified as per the attached Addendum No. 2**

**Please sign this Addendum where designated and return the executed copy with submission of your bid. This addendum is hereby made part of the referenced invitation for bids as though fully set forth therein.**

**Any questions regarding this addendum should be addressed to:**

**Jennifer McCoy**

**Telephone: (951) 922-3121**

**Email: [jmccoy@ci.banning.ca.us](mailto:jmccoy@ci.banning.ca.us)**




**Addendum No. 2**

**PROJECT ELECTRICAL PLANS HAVE BEEN ADDED. THE LIST BELOW CONTAINS THE SHEETS BEING ADDED:**

E-1249 Roosevelt Williams Park – Layout1

*All other provisions of the invitation for bids shall remain in their entirety.*

*Vendors hereby acknowledge receipt and understanding of the above Addendum. Complete and submit this Addendum with your bid.*

 05/22/2017  
\_\_\_\_\_  
Signature Date  
Farid Soroudi - President  
\_\_\_\_\_  
Typed Name and Title

Environmental Construction, Inc.  
\_\_\_\_\_  
Company Name  
21550 Oxnard Street Suite 1050  
\_\_\_\_\_  
Address  
Woodland Hills CA 91367  
\_\_\_\_\_  
City State Zip



**ADDENDUM NO. 3**  
**INVITATION FOR BIDS**

**FOR**

**IFB No. 17-013 – Project No. 2016-04 Roosevelt Williams Park Improvements**

**PUBLIC WORKS DEPARTMENT**  
**CITY OF BANNING**

**Released on May 19, 2017**

**The referenced document has been modified as per the attached Addendum No. 3**

**Please sign this Addendum where designated and return the executed copy with submission of your bid. This addendum is hereby made part of the referenced invitation for bids as though fully set forth therein.**

**Any questions regarding this addendum should be addressed to:**

**Jennifer McCoy**

**Telephone: (951) 922-3121**

**Email: [jmccoy@ci.banning.ca.us](mailto:jmccoy@ci.banning.ca.us)**

**Addendum No. 3**

**INVITATION FOR BID DUE DATE REVISION**

Sealed Bids for **Project No. 2016-04, "Roosevelt Williams Park Improvements"**, will be received by the CITY OF BANNING ("Owner") until **1:30 p.m.**, Pacific Standard Time on **May 26, 2017** **May 31, 2017** and then publicly opened and read aloud at the location listed below:

**CITY CLERK'S OFFICE  
BANNING CITY HALL  
99 E. RAMSEY STREET**

*All other provisions of the invitation for bids shall remain in their entirety.*

*Vendors hereby acknowledge receipt and understanding of the above Addendum. Complete and submit this Addendum with your bid.*

 5/23/2017  
\_\_\_\_\_  
Signature Date

Farid Soroudi - President

\_\_\_\_\_  
Typed Name and Title

Environmental Construction, Inc.

\_\_\_\_\_  
Company Name

21550 Oxnard Street, Suite 1050

\_\_\_\_\_  
Address

Woodland Hills CA 91367  
City State Zip

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## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Art Vela, Public Works Director  
Kevin Sin, Senior Civil Engineer

**MEETING DATE:** June 27, 2017

**SUBJECT:** Resolution 2017-61, Awarding a Construction Agreement for Traffic Signal System Improvements on Ramsey Street

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### **RECOMMENDED ACTION:**

Consider adopting Resolution 2017-61, approving a Construction Agreement for Traffic Signal System Improvements on Ramsey Street with Belco Electric of Chino, California, in the amount of \$494,469 and a 10% contingency in the amount of \$49,447 for a total project budget of \$543,916 and reject all other bids.

### **BACKGROUND:**

On April 5, 2013 KOA Corporation of Orange, California completed an extensive inventory of the City's traffic signal system and related infrastructure. The purpose of the report was to identify the deficiencies in the traffic signal system in order to assist the department in creating a replacement program. The report identified many items that were missing, in need of repair or replacement.

On April 29, 2013, Caltrans Division of Local Assistance announced Cycle 6 Call for Projects for the Highway Safety Improvement Program (HSIP). The Call for Projects was targeted for approximately \$150 million of Federal HSIP funds based on the estimated programming capacity in the 2013 Federal Statewide Transportation Improvement Program (FSTIP).

On November 14, 2013, Caltrans approved the list of Cycle 6 projects to receive HSIP funding. A total of 389 applications were received from local agencies throughout the State. Of which, 231 projects have been funded, totaling approximately \$150 million in

HSIP funds. Public Works staff submitted a project application which was listed in the approved list of Cycle 6 projects to receive funding. The amount of funding awarded to the City is \$375,700.

On January 14, 2014, City Council accepted the HSIP Grant Funding and approved a professional services agreement with KOA Corporation to prepare plans and specifications for the Traffic Signal System Improvements on Ramsey Street.

On September 16, 2016, City staff received authorization from Caltrans to begin the construction phase of the Traffic Signal System Improvements on Ramsey Street.

Public Works and Purchasing staff advertised a Notice Inviting Bids (NIB) on April 28, 2017 and May 5, 2017 in the Press Enterprise, Record Gazette and on the City's website. In response to these efforts, the City on June 2, 2017 received the following bids from three (3) bidders:

<u>Companies</u>	<u>Price</u>
1) Belco Electric	\$494,469
2) PTM General Engineering Services	\$558,580
3) DBX Inc.	\$696,509

The project includes replacing outdated traffic signal controllers, cabinets, detection loops, signal heads, pedestrian push buttons; installation of battery backup systems, emergency vehicle preemption devices (EVP), wireless interconnection systems, and illuminated street name signs.

### **ISSUES/ANALYSIS:**

The traffic signal system throughout the City along Ramsey Street has been in operation for many years without upgrades to the equipment, which as a result, has made a majority of the equipment difficult to repair.

Additionally, many of the traffic signals do not have battery backup systems resulting in flashing signals during power outages.

The proposed project will improve the safety of vehicular drivers, bicyclists and pedestrians at the Ramsey Street signalized intersections by increasing signal visibility, bringing signals, pedestrian push buttons, controllers and cabinets to current standards and maximizing the traffic signal system capability to satisfy current traffic demand.

**FISCAL IMPACT:**

The Construction Agreement for the Traffic Signal System Improvements on Ramsey Street will be for an amount of \$494,469 with a 10% contingency for a total project budget of \$543,915.

The Gas Tax Fund, Account 100-4900-431.93-27 will fund the project in the amount of \$404,229. The balance of \$139,686 will be funded by the Measure A Fund, Account 101-4900-431.93-16.

\$375,700 will be reimbursed to the City by the awarded HSIP grant.

**ALTERNATIVE:**

1. Reject Resolution 2017-61 and provide staff with direction.

**ATTACHMENTS:**

1. Resolution 2017-61
2. Belco Electric Bid Schedule

Approved by:

A handwritten signature in blue ink, appearing to read 'Alejandro Diaz', is written over a horizontal line.

Alejandro Diaz  
Acting City Manager

# ***ATTACHMENT 1***

(Resolution 2017-61)



## **RESOLUTION 2017-61**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A CONSTRUCTION AGREEMENT WITH BELCO ELECTRIC OF CHINO, CALIFORNIA FOR TRAFFIC SIGNAL SYSTEM IMPROVEMENTS ON RAMSEY STREET IN THE AMOUNT OF \$494,469, AND ESTABLISHING A TOTAL PROJECT BUDGET OF \$543,916**

**WHEREAS**, the Highway Safety Improvement Program (HSIP) is a federal-aid program in the new federal surface transportation act, "Moving Ahead for Progress in the 21<sup>st</sup> Century" (MAP-21), which was signed into law on July 6, 2012 and proposes to achieve a reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal land; and

**WHEREAS**, on April 29, 2013, Caltrans Division of Local Assistance announced Cycle 6 Call for Projects for the HSIP which City staff responded by submitting a project application and on November 18, 2013 was notified in writing by the Caltrans District Local Assistance Engineer that the project was approved for funding; and

**WHEREAS**, the construction project includes replacing outdated traffic signal controllers, cabinets, detection loops, signal heads, pedestrian push buttons; installation of battery backup systems, emergency vehicle preemption devices (EVP), wireless interconnection systems, and illuminated street name; and

**WHEREAS**, the HSIP Cycle 6 grant will reimburse the City \$375,700 of the project costs; and

**WHEREAS**, on January 14, 2014, City Council accepted the HSIP Grant Funding and approved a professional services agreement with KOA Corporation to prepare plans and specifications for the Traffic Signal System Improvements on Ramsey Street; and

**WHEREAS**, on September 16, 2016, City staff received authorization from Caltrans to begin the construction phase of the Traffic Signal System Improvements on Ramsey Street; and

**WHEREAS**, on April 28, 2017 the Public Works Department and Purchasing staff advertised a Notice Inviting Bids for the Traffic Signal System Improvements on Ramsey Street project and received three (3) responsive bids; and

**WHEREAS**, Belco Electric of Chino, California was the lowest responsible and responsive bidder; and

**WHEREAS**, the Construction Agreement for the Traffic Signal System Improvements on Ramsey Street will be for an amount of \$494,469 with a 10% contingency for a total project budget of \$543,915.

**WHEREAS**, the Gas Tax Fund, Account No. 100-4900-431.93-27 will fund the project in the amount of \$404,229. The balance of \$139,686 will be funded by the Measure A Fund, Account No. 101-4900-431.93-16.

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

SECTION 1. The City of Banning City Council adopts Resolution No. 2017-61 approving the Construction Agreement with Belco Electric of Chino, CA in the amount of \$494,469 for the Traffic Signal System Improvements on Ramsey Street and a 10% contingency in the amount of \$49,447 for a total project budget of \$543,916 and rejecting all other bids.

SECTION 2. The Acting City Manager or his designee is authorized to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement for Traffic Signal System Improvements on Ramsey Street and to approve change orders within the 10% contingency.

SECTION 3. The Acting City Manager is authorized to execute the Construction Agreement with Belco Electric of Chino, CA for the Traffic Signal System Improvements on Ramsey Street.

**PASSED, APPROVED AND ADOPTED** this 27<sup>th</sup> day of June, 2017.

\_\_\_\_\_  
George Moyer, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, City Clerk  
City of Banning

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

\_\_\_\_\_  
John C. Cotti, Interim City Attorney  
Jenkins & Hugin, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-61, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 27<sup>th</sup> day of June, 2017, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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

# ***ATTACHMENT 2***

**(Belco Electric Bids Schedule)**

SECTION 1.3  
OF  
PROCEDURAL DOCUMENTS

BID

Proposal of Elecnor Belco Electing INC., hereinafter called  
"Bidder", organized and existing under the laws of the State of California, doing business as a corporation  
\* insert "a corporation", "a partnership", or "an individual", as applicable.

To the CITY OF BANNING, hereinafter called "Owner":

In compliance with your Invitation for Bids and Instruction to Bidders, Bidder hereby proposes to perform all work for the **PROJECT NO. HSIPL-5214(010), "TRAFFIC SIGNAL SYSTEM IMPROVEMENTS ON RAMSEY STREET"** in strict accordance with the Contract Documents, within the time set forth therein, and at the prices stated below.

By submission of this Bid, the Bidder certifies, and in the case of a joint Bid each party thereto certifies as to his own organization that this Bid has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this Bid with any other Bidder or with any competitor.

The Bidder hereby agrees that the Owner shall have a period of forty-five (45) calendar days after opening of Bids within which to accept or reject the Bids.

The Bidder agrees to commence work under this Contract on or before a date to be specified in the Notice to Proceed and to fully complete the Contract within a total of **One Hundred (100) working days** thereafter.

The Bidder agrees that if the project is not fully completed within said time, he shall pay, as liquidated damages, the sum of **\$750.00** for each calendar day thereafter as provided in the General Conditions, and that this amount shall be presumed to be the amount of damages sustained by Owner in the event of such a breach by the Bidder, as it would be impractical or extremely difficult to fix the actual damage.



**IFB NO. 17-015: PROJECT NO. HSIPL-5214(010)**

**“TRAFFIC SIGNAL SYSTEM IMPROVEMENTS ON RAMSEY STREET”**

**BID SCHEDULE**

ITEM NO.	DESCRIPTION OF ITEMS	ESTIMATED QUANTITY		UNIT PRICE	TOTAL
Ramsey Street and Hargrave Street					
1	F & I 2070E controller and Re-Wire Detector Wire Input	1	EA	\$4922	\$4922
2	F & I Video Detection system (4-Legs, 4 Cameras)	1	LS	35,000	35,000
3	F & I Standalone GPS with Wiring	1	EA	1,578	1,578
4	F & I Opticom EVP System (4-Legs) – Including Discriminators Modules	1	LS	11,000	11,000
5	F & I 24M11-WBE Caltrans Approved BBS/UPS	1	LS	5,000	5,000
6	Repainting of Signal Poles	8	EA	1,500	12,000
7	Traffic Control	1	LS	2,000	2,000
Ramsey Street and San Gorgonio Avenue					
8	F & I Video Detection system (4-Legs, 4 Cameras)	1	LS	33,000	33,000
9	F & I Standalone GPS with Wiring	1	EA	1,702	1,702
10	F & I Opticom EVP System (4-Legs) – Including Discriminators Modules	1	LS	11,000	11,000
11	F & I 24M11-WBE Caltrans Approved BBS/UPS	1	LS	5,000	5,000
12	Repainting of Signal Poles	8	EA	1,400	11,200
13	Traffic Control	1	LS	2,000	2,000
Ramsey Street and 4th Street					
14	F & I Video Detection system (4-Legs, 4 Cameras)	1	LS	32,000	32,000
15	F & I Standalone GPS with Wiring	1	EA	1,702	1,702
16	F & I Opticom EVP System (4-Legs) – Including Discriminators Modules	1	LS	11,000	11,000
17	F & I 24M11-WBE Caltrans Approved BBS/UPS	1	LS	5,000	5,000
18	Repainting of Signal Poles	8	EA	1,400	11,200
19	Traffic Control	1	LS	2,000	2,000

IFB NO. 17-015: PROJECT NO. HSIPL-5214(010)

"TRAFFIC SIGNAL SYSTEM IMPROVEMENTS ON RAMSEY STREET"

BID SCHEDULE (CONTINUED)

ITEM NO.	DESCRIPTION OF ITEMS	ESTIMATED QUANTITY	UNIT PRICE	TOTAL
<b>Ramsey Street and 8th Street</b>				
20	F & I Video Detection system (4-Legs, 4 Cameras)	1	LS	34,000
21	F & I Standalone GPS with Wiring	1	EA	1,702
22	F & I Opticom EVP System (4-Legs) – Including Discriminators Modules	1	LS	11,000
23	F & I 24M11-WBE Caltrans Approved BBS/UPS	1	LS	5,000
24	Repainting of Signal Poles	8	EA	1,400
25	Traffic Control	1	LS	2,000
<b>Ramsey Street and Sunset Avenue</b>				
26	F & I ASC/3-2100 Controller with Re-Wire Detector Wire Input	1	EA	10,234
27	F & I Malfunction Management Unit (MMU)	1	EA	2,668
28	"D" connector harness and panel	1	EA	800
29	Remove Vehicle Head w/ Mounting	3	EA	182
30	F & I 12" Signal Head w/ Mounting & Backplate	5	EA	877
31	F & I ISNS per City Standard – Including New Conductors	4	EA	1,627
32	F & I Standalone GPS with Wiring	1	EA	2,471
33	F & I 24M11-WBE Caltrans approved BBS/UPS	1	LS	10,429
34	Repainting of Signal Poles	8	EA	1,400
35	Traffic Control	1	LS	2,000



IFB NO. 17-015: PROJECT NO. HSIPL-5214(010)

"TRAFFIC SIGNAL SYSTEM IMPROVEMENTS ON RAMSEY STREET"

BID SCHEDULE (CONTINUED)

ITEM NO.	DESCRIPTION OF ITEMS	ESTIMATED QUANTITY		UNIT PRICE	TOTAL
Ramsey Street and 22nd Street					
36	F & I Fully Loaded 332L Cabinet with 2070E Controller	1	EA	13,805	13,805
37	Remove ex. Foundation and Install Type 332 Foundation	1	EA	1,361	1,361
38	F & I Type 19-4-100 Pole and Foundation	1	EA	17,900	17,900
39	F & I Type 24-4-100 Pole and Foundation	1	EA	18,100	18,100
40	Remove Existing Pole & Foundation Complete	2	EA	1,691	3,382
41	Signal System Wiring	1	LS	10,000	10,000
42	Relocate Existing Type 1-A Pole and Foundation	1	EA	1,500	1,500
43	F & I 12" Signal Head w/ Mounting & Backplate	7	EA	893	6,251
44	F & I SNS per City Standard – Including New Conductors	4	EA	1,627	6,508
45	F & I Luminaires	2	EA	720	1,440
46	Relocate Vehicle Head	2	EA	365	730
47	Relocate Pedestrian Head	2	EA	365	730
48	Install Signal Backplate	1	EA	263	263
49	Install 3" Conduit	300	LF	57	17,100
50	Install 4" Conduit	100	LF	135	13,500
51	F & I Video Detection system (4-Legs, 4 Cameras)	1	LS	33,000	33,000
52	F & I Standalone GPS with Wiring	1	EA	1,702	1,702
53	F & I Opticom EVP System (4-Legs) - Including Discriminators Modules	1	LS	11,000	11,000
54	F & I 24M11-WBE Caltrans approved BBS/UPS	1	LS	5,000	5,000
55	Repainting of signal poles	6	EA	1,400	8,400
56	Traffic Control	1	LS	4,000	4,000
57	Install 2" Conduit	30	LF	45	1,350
58	Remove Palm Tree Complete	1	LS	3,000	3,000

## BID SUMMARY

**TOTAL BID AMOUNT IN FIGURES:**

\$494,469

**TOTAL BID AMOUNT IN WORDS:**

FOUR HUNDRED NINETY FOUR THOUSAND FOUR HUNDRED  
SIXTY NINE DOLLARS

**NOTE:** The City of Banning reserves the right to reduce quantities without a change in the Contractor's Bid Prices, due to a possible reduction in funding, at the time of contract award.

The Contractor shall schedule the traffic controller vendors to be present for final checking and implementation of City-furnished timing plans to the new signal controllers prior to the turn-on of the signals.

### ADDENDA

The Bidder acknowledges receipt of the following Addenda:

Addendum No.: 1 DATED: 5/26/17

Addendum No.: \_\_\_\_\_ DATED: \_\_\_\_\_

Addendum No.: \_\_\_\_\_ DATED: \_\_\_\_\_

NOTE: All addenda shall be signed by the Bidder and submitted with the Bid package.





**ADDENDUM NO. 1**

**INVITATION FOR BIDS**

**FOR**

**IFB No. 17-015 – Project No. HSIPL-5214(010), “Traffic Signal System  
Improvements on Ramsey Street”**

**PUBLIC WORKS DEPARTMENT**

**CITY OF BANNING**

**Released on May 18, 2017**

**The referenced document has been modified as per the attached Addendum No. 1**

**Please sign this Addendum where designated and return the executed copy with submission of your  
bid. This addendum is hereby made part of the referenced invitation for bids as though fully set  
forth therein.**

**Any questions regarding this addendum should be addressed to:**

**Jennifer McCoy**

**Telephone: (951) 922-3121**

**Email: [jmccoy@ci.banning.ca.us](mailto:jmccoy@ci.banning.ca.us)**

## Addendum No. 1

### REQUEST FOR INFORMATION RESPONSE

#### (Response to questions in red)

1. On the Invitation for Bid No. 17-015, it states that bids will be received until 1:30PM on June 2, 2017. However, the Notice Inviting Bids states that bids are due by 1:30PM June 6, 2017.  
Please clarify when the bids are due by  
**Response: Bids are due by 1:30 PM on June 2, 2017.**
2. The actual Bid documents it says this Bid is due June 2nd, 2017 at 1:30PM but the invitation to Bid Says June 6th, 2017 at 1:30pm. I just wanted to confirm which date is correct  
**Response: Bids are due by 1:30 PM on June 2, 2017.**
3. Sheet 2 loc. Ramsey St. at Sunset Ave.  
Note 1 indicates an existing ASC8000 cabinet and controller and to furnish and install a Econolite ASC/3-2100 controller and cabinet.  
The existing cabinet is a 170E controller and a 332D cabinet that seems to be new ,doe's the city still want to change to the new Econolite controller and cabinet or do you want to continue to use the existing cabinet and controller which is compatible with the rest of your existing controller on Ramsey.  
**Response: Furnish and install new Econolite ASC/3-2100 Controller and Cabinet as per Plans and Specifications.**
4. Sheet 2 loc. Ramsey St. at Sunset Ave.  
The existing S/N/S are reflective the spec. call for internally illuminated signs there is no provisions for new conductors or electrical connector, does the city want reflective or illuminated S/N/S?  
**Response: Illuminated Street Name Sign (I.S.N.S.). See Addendum #1.**
5. Sheet 4 location Ramsey St. at 22nd St.  
Your construction note 10 calls out illuminated S/N/S the pole schedule calls out for reflectorized what does the city want?  
**Response: Illuminated Street Name Sign (I.S.N.S.). See Addendum #1.**  
Also notes 14 and 15 call for new access ramps are we to bid on these and if so there is bid item for them.  
**Response: Delete Construction Notes 14 and 15 on Sheet 4 of the Project Plans.**  
On the conduit schedule run 7 calls for 2" conduit there is not a bid item for this.  
**Response: Added Bid Item #57 to include Installation of 2" Conduit. See Addendum #1.**
6. Sheets 4,5,6,7,8  
Calls for the installation of 711 opticom detectors and cable but does not ask for discriminators modules to be installed are these a part of the bid or are they city furnished?  
**Response: These are part of the bid item for the Opticom EVP System. See Addendum #1.**



7. On sheet 4 the city calls out a palm tree to be removed there is not a bid item for the removal can you please clarify.

**Response:** Added Bid Item #58 for Remove Palm Tree Complete. See Addendum #1.

8. Page 58 of pdf – In the event the project will utilize subcontractors, the meaning of this sentence is unclear: *“No one shall be directly or indirectly employed by any subcontractor.”*. Can you please clarify what is meant by this statement because as written it does not make sense?

**Response:** Article 5(a), Page 11-4 of the Specifications – Delete the following sentence: *“No one shall be directly or indirectly employed by any subcontractor.”*

9. Page 80 of pdf- Would the City consider striking this requirement? *“All work shall be solely at the Contractor’s risk, with the exception of damage to the work caused by ‘Acts of God.’”* In the event of a loss attributable to an Act of God, the Contractor is responsible for up to 5% of loss.

**Response:** No, the City will not consider striking this requirement.

10. Page 83 of the pdf – Would the City consider striking the following provision concerning dispute resolution? As written, the contractor would be responsible for any dispute, addition of work, etc. and would have to carry that cost at risk until brought to court after project completion. *“In the event of a dispute, Contractor cannot stop work, and the sole remedy is to submit the dispute to a court “after the Project has been completed.”*

**Response:** No, the City will not consider striking this requirement.

11. Page 89 of the pdf –Is the indemnification provision negotiable? We prefer that each party is responsible for losses to the extent of the party’s negligent acts, omissions or willful misconduct. As the indemnification provision is written, we are 100% responsible even if the City’s acts caused part of the loss: The work shall be performed entirely at the Contractor’s risk and the Contractor shall defend, indemnify, and hold harmless the City, the County of Riverside, and their elected officials, officers, agents, servants, representatives and employees from and against all loss, including loss of use, liability damage, claims, demands, actions and proceedings, and all costs and expense connected therewith, including reasonable attorney fees, of whatsoever cause of nature on account of any damage to or loss or destruction of any property, including employees of the City, or injury to or death of any person, including employees of the City, caused in whole or in part by any negligent act or omission of the Contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified under the Contract. The Contractor shall also defend, indemnify and hold the City harmless from and against all claims and liens of all persons based upon the furnishing of labor and materials in connection with the performance of the work.

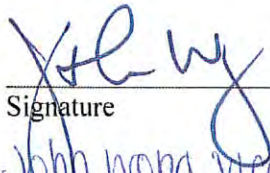
**Response:** No, the indemnification provision is not negotiable.

#### **BID SCHEDULE - PAGES I-10 THROUGH I-13 REVISED**

**This bid schedule is to be used when submitting formal bid. (Revisions in red)**

***All other provisions of the invitation for bids shall remain in their entirety.***

***Vendors hereby acknowledge receipt and understanding of the above Addendum. Complete and submit this Addendum with your bid.***

 5/26/17  
Signature Date  
John Wong, Vice President  
Typed Name and Title

Eleanor Belco Electric, Inc.  
Company Name  
4331 Schaefer Ave.  
Address  
Chino, CA 91710  
City State Zip



# NON COLLUSION AFFIDAVIT

STATE OF CALIFORNIA

COUNTY OF San Bernardino

Eleanor Belco Electric, Inc., being first duly sworn, the party making the  
(Name of Bidder)

foregoing Bid; that the Bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the Bid is genuine and not collusive or sham; that the Bidder has not directly or indirectly induced or solicited any other Bidder to put in a false or sham Bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any Bidder or anyone else to put in a sham Bid, or that anyone shall refrain from bidding; that the Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the Bid price of the Bidder or any other Bidder, or to fix any overhead, profit or cost element of the Bid price, or of that of any other Bidder, or to secure any advantage against the public body awarding the Contract of anyone interested in the proposed contract; that all statements contained in the Bid are true; and, further, that the Bidder has not directly or indirectly, submitted his or her Bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, Bid depository, or to any member or agent thereof to effectuate a collusive or sham Bid.

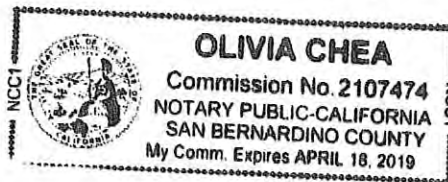
[Signature]  
(Signature)  
John Wong  
(Typed Name)

SUBSCRIBED BEFORE ME on this 26<sup>th</sup> day of May, 2016. 2017

[Signature]  
Notary Public

My commission Expires:

April 18, 2019



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.



NONE

**LIST OF SUBCONTRACTORS**

NAME:	License No and Classification	DBE/MBE __Yes __No
ADDRESS:	Telephone: Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total Bid

NAME:	License No and Classification	DBE/MBE __Yes __No
ADDRESS:	Telephone: Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total Bid

NAME:	License No and Classification	DBE/MBE __Yes __No
ADDRESS:	Telephone: Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total Bid

**LIST OF SUBCONTRACTORS - cont.**

NAME:	License No and Classification	DBE/MBE __Yes __No
ADDRESS:	Telephone: Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total Bid

NAME:	License No and Classification	DBE/MBE __Yes __No
ADDRESS:	Telephone: Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total Bid

NAME:	License No and Classification	DBE/MBE __Yes __No
ADDRESS:	Telephone: Fax:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total Bid

### LIST OF MATERIAL SUPPLIERS

NAME: <b>Iteris</b>	MATERIAL(S) TO BE SUPPLIED <b>video detection system</b>	
ADDRESS: <b>1700 Carnegie Ave.</b>	Telephone: <b>909-626-0545</b>	Ownership (Circle One) Minority Women <input checked="" type="checkbox"/> Not Applicable
City, Zip: <b>santa Ana, CA 92705</b>	Bid Item No. <b>2, 8, 14, 20, 51</b>	% of Total Bid <b>24 %</b>

NAME: <b>McCain</b>	MATERIAL(S) TO BE SUPPLIED <b>controller, BBS, signals, poles &amp; luminaires</b>	
ADDRESS: <b>2365 oak ridge way</b>	Telephone: <b>760-734-5031</b>	Ownership (Circle One) Minority Women <input checked="" type="checkbox"/> Not Applicable
City, Zip: <b>Vista, CA 92081</b>	Bid Item No. <b>1, 3, 5, 9, 11, 15, 17, 21, 23, 30, 31, 32, 36, 38, 39, 42, 43, 44, 45, 48, 52, 54</b>	% of Total Bid <b>14 %</b>

NAME: <b>DDL Traffic</b>	MATERIAL(S) TO BE SUPPLIED <b>opticom</b>	
ADDRESS: <b>14658 Central Ave.</b>	Telephone: <b>909-240-5914</b>	Ownership (Circle One) Minority Women <input checked="" type="checkbox"/> Not Applicable
City, Zip: <b>Chino, CA 91710</b>	Bid Item No. <b>4, 10, 15, 22, 53</b>	% of Total Bid <b>7 %</b>

**LIST OF MATERIAL SUPPLIERS - cont.**

NAME: <i>Econolife</i>	MATERIAL(S) TO BE SUPPLIED <i>Controller</i>	
ADDRESS: <i>3360 E. La Palma Ave.</i>	Telephone: <i>714-630-3700</i>	Ownership (Circle One) Minority Women <input checked="" type="checkbox"/> Not Applicable
City, Zip: <i>Andover, CA 92806</i>	Bid Item No. <i>26-28</i>	% of Total Bid <i>2%</i>

NAME:	MATERIAL(S) TO BE SUPPLIED	
ADDRESS:	Telephone:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total Bid

NAME:	MATERIAL(S) TO BE SUPPLIED	
ADDRESS:	Telephone:	Ownership (Circle One) Minority Women Not Applicable
City, Zip:	Bid Item No.	% of Total Bid



## LIST OF MANUFACTURERS

The Contractor shall submit this sheet with his Bid, completed, to list the manufacturers of materials he intends to use. It shall be understood that where the Contractor elects not to use the material manufacturers called for in the Specifications he will substitute only items of equal quality, durability, functional character and efficiency as determined by the Engineer. The Contractor should ascertain prior to bidding the acceptability of substitutes. Only one manufacturer shall be listed for each item.

<u>Item or Material</u>	<u>Manufacturer</u>
<u>video detection System</u>	<u>Heris</u>
<u>signals &amp; 2010 controller</u>	<u>McCain</u>
<u>2100 controller</u>	<u>Edmoldie</u>
<u>Opticom</u>	<u>3M</u>

No change shall be allowed of any material manufacturer listed above after receipt of Bids unless the manufacturer so listed cannot furnish materials meeting the specifications. Should such change be allowed, there will be no increase in the amount of the Bid originally submitted.

### ANTI-TRUST CLAIM

In submitting a Bid to a public purchasing body, the Bidder offers and agrees that if the Bid is accepted, it will assign to the purchasing body all rights, title and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Chapter 2 of Part 2 of Division 7 of the Business and Professions Code) arising from purchases of goods, materials, or services by the Bidder for sale to the purchasing body pursuant to the Bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the Bidder.

Battery Back up system  
poles

Alpha  
valmont



EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION

The bidder Elecnor Belco Electric, Inc, proposed subcontractor \_\_\_\_\_, hereby certifies that he has X, has not \_\_\_\_\_, participated in a previous contract or subcontract subject to the equal opportunity clauses, as required by Executive Orders 10925, 11114, or 11246, and that, where required, he has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

**Note:** The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7(b) (1)), and must be submitted by bidders and proposed subcontractors only in connection with contracts and subcontracts which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of \$10,000 or under are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders or their implementing regulations.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7(b) (1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

Public Contract Code Section 10285.1 Statement

In conformance with Public Contract Code Section 10285.1 (Chapter 376, Stats. 1985), the bidder hereby declares under penalty of perjury under the laws of the State of California that the bidder has \_\_\_\_\_, has not X been convicted within the preceding three years of any offenses referred to in that section, including any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or Federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Public Contract Code Section 1101, with any public entity, as defined in Public Contract Code Section 1100, including the Regents of the University of California or the Trustees of the California State University. The term "bidder" is understood to include any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof, as referred to in Section 10285.1.

**Note:** The bidder must place a checkmark after "has" or "has not" in one of the blank spaces provided. The above Statement is part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Statement. Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

Public Contract Code Section 10162 Questionnaire

In conformance with Public Contract Code Section 10162, the Bidder shall complete, under penalty of perjury, the following questionnaire:

Has the bidder, any officer of the bidder, or any employee of the bidder who has a proprietary interest in the bidder, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?

Yes \_\_\_\_\_ No X

If the answer is yes, explain the circumstances in the following space.

#### Public Contract Code 10232 Statement

In conformance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding of contempt of court by a federal court has been issued against the Contractor within the immediately preceding two-year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board.

**Note:** The above Statement and Questionnaire are part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Statement and Questionnaire. Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

#### DEBARMENT AND SUSPENSION CERTIFICATION

##### TITLE 49, CODE OF FEDERAL REGULATIONS, PART 29

The bidder, under penalty of perjury, certifies that, except as noted below, he/she or any other person associated therewith in the capacity of owner, partner, director, officer, manager:

- is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any Federal agency;
- has not been suspended, debarred, voluntarily excluded or determined ineligible by any Federal agency within the past 3 years;
- does not have a proposed debarment pending; and
- has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

If there are any exceptions to this certification, insert the exceptions in the following space.

Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Notes: Providing false information may result in criminal prosecution or administrative sanctions. The above certification is part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Certificat

DECLARATION OF ACCURACY

I, the undersigned, declare under penalty of perjury that the information presented in this Bid, including without limitation the Contractor's license number and expiration date, are true and correct to the best of my knowledge. Any Bid not signed by the Bidder, or not containing the Bidder's license number and license expiration date, or containing information which is subsequently proven false, shall be considered unresponsive and shall be rejected.

[Signature]  
Signature

Vice President  
Title

5/26/17  
Date

738518  
Contractor's License No.

33-0768970  
Federal ID No. (If applicable)

(SEAL - if Bid is by a corporation)

ATTEST

4331 Schaefer Ave.  
Address

Chino, CA 91710  
City, State, Zip

909-993-5470  
Telephone

A, B, C-10  
Type of License

7/31/17.  
Expiration Date of License

CERTIFICATION  
LABOR CODE - SECTION 1861

I, the undersigned Contractor, am aware of the provisions of Section 3700 et. Seq. of the Labor Code which requires every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I, the undersigned Contractor, agree to and will comply with such provisions before commencing with the performance of the Work of this Contract.

The Contractor agrees to utilize federal job classifications for the submittal of the certified payrolls and further agrees to pay all of its employees the higher of the prevailing state or federal wages.

CONTRACTOR:

Eleanor Belco Electric, Inc.

Firm Name

By

John Wong

Title

Vice President



# QUESTIONNAIRE REGARDING BIDDERS

Number of years engaged in the contracting business under present business name 5 years

List of at least the last three contracts performed which show experience in working on a project of a nature similar to that covered in this proposal. If none, so indicate. Attach separate list of references if necessary.

Year	Type of Work	Contract Amt.	Location	Contact person/phone
1	2014 Traffic Signal, Street Lighting, Fiber Optics, Interconnect	\$1,278,432	City of Victorville	Greg Heldreth 760-243-6260
2				
3	2015 Traffic Signal	\$316,285	City of Glendale	Sarkis Oganesyan 818-548-3945
4				
5	2015 Traffic Signal	\$322,096	City of Orange	Medel Llanes 714-744-5535
6				
7				

Please check applicable box concerning the ownership of your business:

- (1) ☐ American Indian or Alaska Native
- (2) ☐ Asian or Pacific Islander
- (3) ☐ Black
- (4) ☐ Hispanic
- (5) ☒ White
- (6) ☐ Female
- (7) ☐ Other (Specify) \_\_\_\_\_

State of California Contractor's License No.: 738518

Contractor's License Expiration Date: 7/31/17

SECTION 1.4  
OF  
PROCEDURAL DOCUMENTS

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, Elecnor Belco Electric, Inc., as Principal, and Fidelity and Deposit Company of\*, as Surety, are hereby held and firmly bound unto the CITY OF BANNING as Owner in the penal sum of Ten Percent of Amount Bid (10%)

for payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our successors, and our assigns.

Signed this 8th day of May, 201~~8~~<sup>7</sup>. The Condition of the above obligation is such that whereas the Principal has submitted to the CITY OF BANNING a certain Bid, attached hereto and hereby made a part hereof to enter into a contract in writing for **PROJECT NO. HSIPL-5214(010), "TRAFFIC SIGNAL SYSTEM IMPROVEMENTS ON RAMSEY STREET"**

NOW, THEREFORE,

- A. If said Bid shall be rejected, or
- B. If said Bid shall be accepted and the Principal shall execute and deliver, within fifteen (15) days after the Notice of Award, a Contract in the form attached hereto (properly completed in accordance with said Bid) and shall furnish a Bond for his faithful performance of said Contract and for the payment of all persons performing labor or furnishing materials in connection therewith, the required Insurance Certificates, and shall in all other respects perform the agreement created by the acceptance of said Bid, then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims thereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its Bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgment is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

\*Maryland

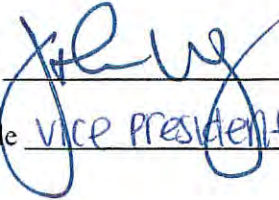
IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

Two Witnesses


(If Individual):

\_\_\_\_\_  
\_\_\_\_\_

Principal: Elecnor Belco Electric, Inc.


By  John Wong  
Title vice president

ATTEST (If Corporation):

By  Alberto Garcia  
Title EXEC. vice president

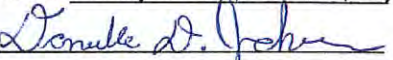
(Corporate Seal)

ATTEST:

By   
Title Nicole Clark, Witness

(Corporate Seal)

SURETY: Fidelity and Deposit Company of Maryland

By:   
Title Danielle D. Johnson, Attorney-In-Fact

IMPORTANT: Surety companies executing Bonds must possess a certificate of authority from the California Insurance Commissioner authorizing them to write surety insurance as defined in Section 105 of the California Insurance Code.

Any claims under this bond may be addressed to:

(Name and Address of Surety)

Zurich American Insurance Company  
Attn: Surety Dept.  
600 Red Brook Blvd  
Owings Mills, MD. 21117

(Name and address of Agent or  
Representative in California, if  
different from above)

Margaret Hentz  
777 South Figueroa St., Ste 3900  
Los Angeles, CA 90017  
\_\_\_\_\_

(Telephone number and address  
of Surety and Agent or  
Representative in California)

Ph No. 410-559-8705  
600 Red Brook Blvd, Owings Mills, MD, 21117  
\_\_\_\_\_  
Ph No. 213-270-0757  
777 South Figueroa St., Ste 3900 Los Angeles, CA 90017



# ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of San Bernardino }

On May 26, 2017 before me, Olivia Chea, Notary Public  
(Here insert name and title of the officer)

personally appeared John Wong  
who 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.

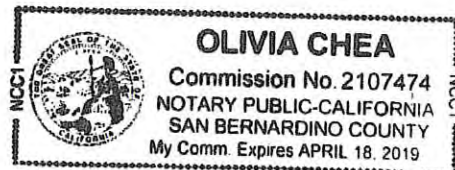
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Notary Public Signature

(Notary Public Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Bid Bond  
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

### CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)  
☒ Corporate Officer  
Vice President  
(Title)  
☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

## INSTRUCTIONS FOR COMPLETING THIS FORM

*This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~ is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple



# ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

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State of California }

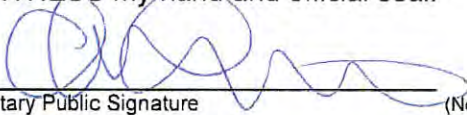
County of San Bernardino }

On May 26, 2017 before me, Olivia Chea, Notary Public,  
(Here insert name and title of the officer)

personally appeared Alberto Garcia,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) (s) 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.

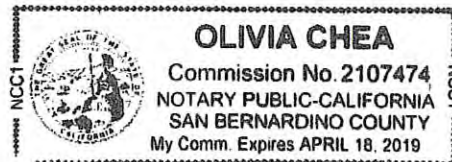
I certify under PENALTY OF PERJURY under the laws of the State of California that  
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Notary Public Signature

(Notary Public Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Bid Bond  
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

### CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)  
☒ Corporate Officer  
Exec. Vice President  
(Title)  
☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

## INSTRUCTIONS FOR COMPLETING THIS FORM

*This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*

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- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
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- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ~~Connecticut~~ California  
County of Hartford


On May 8, 2017 before me, Ashley Sinclair, Notary Public  
(insert name and title of the officer)

personally appeared Danielle D. Johnson,  
who 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.

**ASHLEY SINCLAIR**  
**NOTARY PUBLIC - 173125**  
MY COMMISSION EXPIRES JAN. 31, 2022

Signature  (Seal)

## EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

### CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 2<sup>nd</sup> day of May, 2017.



Michael Bond, Vice President

**TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT ALL REQUIRED INFORMATION TO:**

Zurich American Insurance Co.  
Attn: Surety Claims  
1299 Zurich Way  
Schaumburg, IL 60196-1056



## EXHIBIT 15-G CONSTRUCTION CONTRACT DBE COMMITMENT

1. Local Agency: City of Banning 2. Contract DBE Goal: 3%  
 3. Project Description: Traffic Signal Improvements on Ramsey Street  
 4. Project Location: Ramsey Street  
 5. Bidder's Name: Electro Betco Electric, Inc. 6. Prime Certified DBE: ☐ 7. Bid Amount: \$494,469  
 8. Total Dollar Amount for **ALL** Subcontractors: 0 9. Total Number of **ALL** Subcontractors: 0

10. Bid Item Number	11. Description of Work, Service, or Materials Supplied	12. DBE Certification Number	13. DBE Contact Information (Must be certified on the date bids are opened)	14. DBE Dollar Amount
4,10,15, 22,53	Electrical Supplies	40450	T&K Services LLC 5630 Van Borch Way Yorkland, CA 92881 714-336-0536	\$21,000
			60% OF \$35,000	
Local Agency to Complete this Section			15. TOTAL CLAIMED DBE PARTICIPATION	\$21,000
21. Local Agency Contract Number: _____ 22. Federal-Aid Project Number: _____ 23. Bid Opening Date: _____ 24. Contract Award Date: _____  Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.				4.2 %
25. Local Agency Representative's Signature _____ 26. Date _____  27. Local Agency Representative's Name _____ 28. Phone _____  29. Local Agency Representative's Title _____			IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable with the names and items of the work in the "Subcontractor List" submitted with your bid. Written confirmation of each listed DBE is required.  16. Preparer's Signature <u>[Signature]</u> 17. Date <u>5/26/17</u> 18. Preparer's Name <u>John Wong</u> 19. Phone <u>909-993-5470</u> 20. Preparer's Title <u>vice President</u>	

DISTRIBUTION: 1. Original – Local Agency  
 2. Copy – Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract. Include additional copy with award package.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

  
**belco**  
elecnor group  
4331 Schaefer Avenue  
Chino, CA 91710  
909-993-5470 / 909-993-5476

City of Banning—City Clerk  
99 E. Ramsey Street  
Banning, CA

RECEIVED  
Office of the City Clerk  
JUN 02 2017  
BY: [Signature]  
1:23 PM

**PROJECT NAME:**

Traffic Signal System Improvements on Ramsey Street  
Bid No. 17-015

**BID DATE:**

June 2, 2017

**BID TIME:**

1:30PM

**\*SEALED BID. DO NOT OPEN WITH REGULAR MAIL**

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## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Patty Nevins, Interim Community Development Director  
Sandra Calderon, Development Project Coordinator

**MEETING DATE:** June 27, 2017

**SUBJECT:** Resolution 2017-64 Approving a Consultant Services Agreement with Aspen Environmental Group for Professional Environmental Services for a Proposed Banning Distribution Center

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### **RECOMMENDED ACTION:**

Consider adopting Resolution 2017-64 (Attachment 1), approving a Professional Services Agreement between the City of Banning and Aspen Environmental Group to provide peer review services to the City of Banning for the review of an Environmental Impact Report (EIR) and associated documents for the proposed Banning Distribution Center project. The EIR will analyze the development of a 1,000,000 square foot warehouse distribution facility and associated improvements, as well as preparation of environmental recommendations, staff reports, and resolutions for Planning Commission and City Council hearings on the project.

### **BACKGROUND:**

Section 17.24.070 of the City's Zoning Ordinance requires that development applications be reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA). In accordance with CEQA Guidelines Section 15084(d)(3), a lead agency may accept a draft EIR prepared by a consultant retained by the applicant; before using a draft prepared by another person, the lead agency shall subject the draft to the agency's own review and analysis, and the draft EIR which is sent out for public review must reflect the independent judgement of the Lead Agency. Where a project applicant's consultant is preparing the EIR (which is the case for the Banning Distribution



Center) the Planning Department utilizes peer review services to both review and validate technical report findings as well as to support the City's review of the EIR document.

On April 24, 2017, the Community Development Department Planning Division released a Request for Quote (RFQ) (Attachment 2) in accordance with the On-Call Environmental Services Contract Services Agreement approved by the City Council on May 10, 2016 (Attachment 3). The RFQ requested a cost estimate for peer review of environmental documents associated with the proposed Banning Distribution Center, a proposed 1,000,000 square foot warehouse distribution facility with associated on and off-site improvements.

On May 12, 2017, Aspen Environmental Group provided a quote to provide peer review services to the City as requested. The quote includes peer review of environmental documents as well as the preparation of environmental recommendations, notices, staff reports and resolutions for Planning Commission and City Council hearings on the project, and printing of environmental documents.

#### **FISCAL IMPACT:**

The Developer is responsible for the reimbursement of the proposed professional services (Attachment 4). The fee amount is \$49,581. A deposit/reimbursement agreement will be executed in connection with this proposal.

#### **ALTERNATIVES:**

Do not approve the Profession Services Agreement and provide staff with alternative direction.

#### **ATTACHMENTS:**

1. Resolution No. 2017-64 with Scope of Work
2. Request for Quote (RFQ)
3. Resolution No. 2016-38 (On-Call Environmental Services)
4. Deposit/Reimbursement Agreement

Approved by:

A handwritten signature in blue ink, appearing to read 'Alejandro Diaz', is written over a horizontal line.

Alejandro Diaz, Acting City Manager

## **ATTACHMENT 1**

Resolution No. 2017-64 with Scope of Work

## **RESOLUTION NO. 2017-64**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO APPROVE THE SERVICES AGREEMENT IN CONNECTION WITH THE BANNING DISTRIBUTION CENTER.**

**WHEREAS**, on April 24, 2017 the Community Development Department released a Request for Proposal seeking a professional consulting firm in accordance with the terms and conditions of the On-Call Environmental Services request for proposals adopted by City Council on May 10, 2016 to prepare peer review of environmental documents associated with project modifications and amendments for an EIR addressing the project in accordance with the California Environmental Quality Act (CEQA), and best professional practice; and

**WHEREAS**, on May 12, 2017, Aspen Environmental Group provided a proposal to provide California Environmental Quality Act (CEQA) Peer review services to the City for the review of environmental documents associated with the Environmental Impact Report (EIR) that will be prepared for the proposed project that includes the development of a 1,000,000 square feet warehouse distribution facility, as well as preparation of recommendations, staff reports and resolutions for Planning Commission and City Council hearings on the project; and

**WHEREAS**, the Developer is responsible for the fee amount of the proposed professional services for the total contract amount "not to exceed" \$49,581.

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

SECTION 1. The Council approves the Agreement for Professional Services with Aspen Environmental Group to provide Consulting Services to provide professional environmental services in connection with the Banning Distribution Center in the amount of \$49,581 as provided in the proposal for CEQA Peer Review Services as shown in Exhibit "A".

SECTION 2. The City Manager is authorized to execute the agreement, make the necessary appropriations and account transfers to fund this agreement, and appropriate funds deposited by Banning Industrial, LP for the purpose of funding the said Professional Services Agreement in a form approved by the City Attorney.

**PASSED, APPROVED AND ADOPTED** this 27<sup>th</sup> day of June, 2017.

---

George Moyer, Mayor  
City of Banning

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

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John C. Cotti, Interim City Attorney  
Jenkins & Hugin, LLP

**ATTEST:**

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Marie A. Calderon, City Clerk  
City of Banning

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2017-64 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 27th day of June, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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



**ATTACHMENT 2**  
Request for Proposal (RFP)

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**CITY OF BANNING**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**PROJECT SPECIFIC REQUEST FOR QUOTE (RFQ)**  
**Design Review No. 2016-7002 (Warehouse)**

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**Today's Date:** April 27, 2017

**Reply Requested By:** May 12, 2017 (by 4:00 p.m.)

**Contact Person:** Patty Nevins, Senior Planner  
Phone: (951) 922-3152  
E-mail: pnevins@ci.banning.ca.us

**I. PROJECT SPECIFIC PROPOSAL**

The City of Banning (City) is requesting a project specific proposal in accordance with the terms and conditions of the on-call environmental services request for proposals reviewed and approved by City Council on May 10, 2016, per Resolution No. 2016-38.

On October 27, 2007, the City approved by staff authorization, Tentative Parcel Map (TPM) 34335 that included the development of up to 1,000,000 square feet of warehousing. The approval included the adoption of a Mitigated Negative Declaration for Tentative Parcel Map 34335. The project is located south of the railroad right-of-way, north of the Banning Airport, and immediately west of the eastern City limits (Assessor's Parcel Numbers 532-110-006, 532-130-001, and 532-130-002).

The current project includes the construction of a 1,000,000 square feet warehouse distribution facility, the extension of John Street to the subject site, secondary emergency access road through the Banning Airport to the southwest portion of the subject site, and installation of offsite water, sewer, and drainage improvements. Please see the attached documents referencing the previous project approvals and the current project application and site plan.

**II. SUBMITTAL INSTRUCTIONS**

The project specific proposal package shall include the described services, requirements, compensation, and schedule as organized in Exhibit's "A" through "D" of the City's standard professional services agreement. The services shall include among other things:

- a. Proposal – The proposal shall be signed by the highest company executive who can bind the company in contractual services. The proposal shall include a list of key individuals involved in the firm with regard to the scope of work requested by the City.
- b. Organization and Staffing – Provide information showing all proposed staff assignments and sub-consultants including their relationships with the proposed work. Identify the Project Leader who will be the day-to-day contact for the services; and, other personnel assigned to perform the required work for the preparation of the environmental documents. The Consultant will provide personnel to act independently in accomplishing work for the City.
- c. Project Schedule – Provide a detailed project schedule for the Scope of Work requested from start to completion of the entitlement process including the filing of any notices.
- d. Proposed Fee Schedule – Provide a statement of hourly rates for all proposed classifications, including rates for sub-consultants, if any, as well as any proposed percentage mark-up of reimbursable expenses. These items shall match those proposed in the submittal approved by City Council in Resolution No. 2016-38.

### **III. SCOPE OF WORK**

#### **a. Literature Review and Meetings**

The City will provide the Consultant with access to the project application, approval documents and MND, staff reports, approved ordinances and resolutions, the City's General Plan and Zoning Ordinance, General Plan Land Use and Zoning Maps, and any other relevant documents and studies.

The City's Project Manager will assist the Consultant with scheduling any necessary coordination meetings with the applicant and responsible/trustee agencies to gather information to ensure that the environmental documents address issues of concern and project impacts as required by CEQA. The Consultant and/or consultant team will be required to attend four public meetings and two coordination meetings with the City and applicant.

#### **b. Peer review of environmental documents associated with project modifications and amendments.**

The Consultant will provide peer review services for an EIR addressing the project in accordance with the California Environmental Quality Act (CEQA), and best professional practice. The environmental documents are to be prepared by the applicant and the applicant's environmental consultant. The peer review work

requires intimate knowledge and familiarity with CEQA regulations, the previous project approvals, and the City of Banning General Plan and Zoning Ordinance.

Tasks associated with the peer review will include the following:

1. Technical Study Peer Review

Technical studies will include a current or updated air quality and greenhouse gases technical report, updated biological assessment and DBESP, jurisdictional delineation, cultural, noise, and traffic report. Existing/previous studies include a geotechnical report, hydrology report, Preliminary Water Quality Management Plan, and Phase I Environmental Assessment.

The environmental Consultant shall ensure that all technical studies provided by the project Applicant are accurate, and must be able to perform modeling related to items such as for air quality, traffic, and greenhouse gas analyses, etc.

2. Initial Study Peer Review

The environmental consultant will conduct a peer review of the Initial Study, including one round of revisions to the Screencheck Initial Study and review of the final Initial Study.

3. Notice Of Preparation (NOP)

The environmental consultant will review comments received on the NOP and attend one meeting to discuss response to comments approach.

4. Draft EIR Peer Review

Effects dismissed in an Initial Study as insignificant and unlikely to occur need not be discussed further in the Draft EIR. It is anticipated that all topics except the following can be determined to be less than significant or less than significant with mitigation in the Initial Study and therefore not included in the draft EIR:

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| ▪ Air Quality/Global Climate Change | ▪ Energy Conservation                |
| ▪ Cultural Resources                | ▪ Greenhouse Gas Emissions           |
| ▪ Hydrology and Water Quality       | ▪ Transportation/Traffic             |
| ▪ Utilities/Service Systems         | ▪ Mandatory Findings of Significance |
| ▪ Cumulative Impacts                | ▪ Alternatives                       |

The environmental consultant will conduct one review of the screencheck draft EIR and one review of the "final" draft. The Consultant shall ensure that the environmental document that is prepared reflects the independent judgment of the City. The Consultant shall provide input on the NOA list and is responsible for printing ten copies of the DEIR and delivering to the City,



#### 5. Response to Draft EIR Comments and Final EIR Peer Review

peer The Consultant shall review DEIR comments (assume up to 50), and provide review of the response to comments and FEIR including statements of overriding considerations and findings (if applicable), changes to the DEIR necessitated by the Response to Comments, and the Mitigation Monitoring and Reporting Program. Assume review of one Screencheck and one final FEIR.

#### c. Printing

The Consultant will be responsible for providing 15 bound copies of any environmental documents required for the project.

#### d. Preparation of Staff Documents

The Consultant shall prepare all required public notices, draft Planning Commission staff report, and resolutions required for the environmental documentation subject to review and approval of the City Attorney.

### **IV. SUBCONTRACTING**

The Consultant may utilize the services of specialty subcontractors on those parts of the work which, under normal contracting practices, are performed by specialty subcontractors. Unless a specific subcontractor is listed by Consultant, Consultant is representing to City that Consultant has all appropriate licenses, certifications, and registrations to perform the work hereunder.

After submission of the project specific proposal, the Consultant shall not award work to any unlisted subcontractor(s) without prior written approval of the City. The Consultant shall be fully responsible to the City for the performance of his/her subcontractors, and of persons either directly or indirectly employed by them.

Nothing contained herein shall create any contractual relation between any subcontractor and the City.

### **V. CONSULTANT COMPENSATION**

The Consultant will be asked to provide specific scope and a "not to exceed fixed fee" prior to the issuance of the notice to proceed. The budgets for both services identified under the Scope of Work are to be paid by the Applicant. Consultant payments will be made through a trust deposit with the City subject to reimbursement(s) made by the applicant.

**VI. STANDARD CONTRACT**

The Consultant shall be willing to enter into a Professional Services Agreement (sample attached) with the City and comply with the City's insurance requirements as indicated in the agreement.

**VII. ATTACHMENTS:**

1. Staff report dated 10-22-07 (approval)
2. Application dated 08-04-16

**ATTACHMENT 3**  
Resolution No. 2016-38  
(On-Call Environmental Services)

**RESOLUTION NO. 2016-38**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF BANNING, CALIFORNIA, AWARDED CONTRACT  
SERVICES AGREEMENTS FOR ON-CALL  
ENVIRONMENTAL SERVICES AS A SHORT LIST  
CONSISTING OF DUDEK, ALBERT A WEBB  
ASSOCIATES, AND ASPEN ENVIRONMENTAL GROUP**

**WHEREAS**, on March 4, 2016, the City released a request for qualifications seeking a professional consulting firm or firms to provide professional on-call consulting services for the preparation of environmental documents pursuant to the requirements of the California Environmental Quality Act (CEQA) for development and entitlement projects, including public works projects; and

**WHEREAS**, on April 4, 2016, the City received fourteen (14) responses to the Request for Qualifications from professional consulting firms; and

**WHEREAS**, the City desires to create a short list of consultants to provide On-Call Environmental Services for projects proposed in the City where thereafter the City may request project-specific services; and

**WHEREAS**, upon evaluation of the proposals in terms of experience and expertise in respective environmental service experience areas, reviewers rated the proposals with the top three (3) rated firms listed below:

<b>Consultant Name</b>	<b>Location</b>
1. Dudek	Riverside, CA
2. Albert A Webb Associates	Riverside, CA
3. Aspen Environmental Group	Agoura Hills, CA

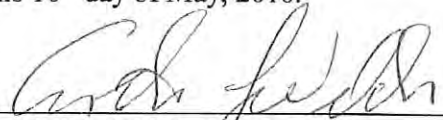
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Banning as follows:

**SECTION 1.** Resolution No. 2016-38 is approved awarding Contract Service Agreements for On-Call Environmental Services as a short list consisting of Dudek, Albert A Webb Associates, and Aspen Environmental Group to provide On-Call Environmental Services for the City; and


**SECTION 2.** The City Council authorizes the City Manager for the City of Banning to execute Contract Service Agreements for project specific services with Dudek, Albert A Webb Associates, and Aspen Environmental Group in the form that is approved by the City Attorney; and, in accordance with the City's purchasing policies.



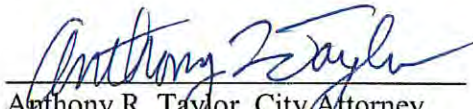
**PASSED, APPROVED AND ADOPTED** this 10<sup>th</sup> day of May, 2016.

  
Arthur L. Welch, Mayor  
City of Banning, California

**ATTEST:**

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

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

  
Anthony R. Taylor, 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. 2016-38 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 10<sup>th</sup> day of May, 2016, by the following vote, to wit:

AYES: Councilmembers Franklin, Miller, Moyer, Peterson, Mayor Welch

NOES: None

ABSENT: None

ABSTAIN: None

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

**ATTACHMENT 4**  
Deposit/Reimbursement Agreement

## DEPOSIT/REIMBURSEMENT AGREEMENT

### CITY OF BANNING AND BANNING INDUSTRIAL, LP RELATING TO DESIGN REVIEW No. 16-7002 (Industrial Project)

**THIS DEPOSIT/REIMBURSEMENT AGREEMENT** ("Agreement") is made this 20<sup>th</sup> day of June, 2017, by and between the CITY OF BANNING, a municipal corporation ("City"), and Banning Industrial, LP ("Developer") (collectively, the "Parties").

#### RECITALS:

**WHEREAS**, the City of Banning Municipal Code Chapter 3.36 provides for recovery of costs reasonably borne relating to providing products or services relating to the land development of an approximately 1,000,000 square foot warehouse facility commonly known as the "Banning Distribution Center" (the "Project") in the City;

**WHEREAS**, the City's policy provides that the City shall be the lead agency as defined by the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA"), for the purpose of conducting environmental review of the Project, and shall prepare all CEQA reports and supporting documentation, distribute such reports and documentation to responsible agencies and others, hold public hearings and consider public comments, and consider certification of such environmental review report and other documentation through a City Council resolution, as necessary and appropriate in accordance with CEQA;

**WHEREAS**, the Project contemplates peer review of environmental documents associated with Project approvals (the "Entitlements");

**WHEREAS**, the Municipal Code Chapter 3.36 provides that Developer shall fund and be solely responsible for all third-party consulting costs and the City's legal costs associated with the development of such plans, studies and agreements as set forth in the Municipal Code;

**WHEREAS**, the Parties now desire to specify the terms of such deposit/reimbursement, including a cash deposit to be made by Developer with on-going payments to City and deposit restoration provisions as provided herein.

#### AGREEMENT:

**NOW, THEREFORE**, in consideration of the foregoing and the mutual covenants set forth herein, and for other consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

##### **Section 1.     Construction.**

This Agreement shall be liberally constructed to accomplish its intent.

## **Section 2.     Conflicts of Interest.**

(a)     No Financial Relationship. By law, the documents required by CEQA must be independently prepared by City. Accordingly (See Section 4), despite any funding mechanism, during the existence of the City's contract with the Environmental Consultant (as defined below), and for a period of one (1) year after final resolution of Developer's application for the Project, neither Developer, nor any of its representatives, agents or other persons acting in concert with Developer, shall enter into any financial relationship with the Environmental Consultant or with any City official, employee, or contractor. Nor, during such period, shall Developer propose to enter into any future relationship with the Environmental Consultant or with any City official, employee, or contractor. This shall not prevent Developer's consulting with Environmental Consultant as permitted by Section 5 of this Agreement.

(b)     Developer's Representations and Warranties. Developer makes the following representations and warranties for the twelve (12) month period preceding the submission of its application for the Project. Developer represents and warrants that it has not entered into any arrangement to pay financial consideration to, and has not made any payment to, the Environmental Consultant or any of the Environmental Consultant's agents or employees. Developer further represents and warrants that it has not entered into any arrangement to pay financial consideration to, and has not made any payment to, any City official, agent or employee that would create a legally cognizable conflict of interest as defined in the Political Reform Act (Gov. Code § 87100 *et seq.*).

(c)     Developer's Acknowledgments. Subject to the reimbursement requirements set forth below, Developer acknowledges and agrees as follows with respect to its application for the Project:

(1) The City has sole discretion to select which of its employees and contractors are assigned to work on the application.

(2) The City has sole discretion to direct the work and evaluate the performance of the employees and contractors assigned to work on the application, and the City retains the right to terminate or replace at any time any such person.

(3) The City has sole discretion to determine the amount of compensation paid to employees or contractors assigned to work on the application.

(4) The City, not Developer, shall pay employees and contractors assigned to work on the application from a City account.

(d)     The Parties acknowledge and agree that the processing of Developer's application for the Project is not contingent on the hiring of any specific contractor.

## **Section 3.     The Deposit; Additional Advances.**

(a)     Establishing and Supplementing Deposit. Within three (3) business days following execution of this Agreement, Developer shall provide to the City a full deposit of **\$49,581** ("Deposit") for peer review services for environmental documents associated with



Project processing, including review of all technical studies, review of the screencheck and final initial study, review of comments received on the Notice of Preparation (NOP), review of the screencheck draft environmental impact report ("DEIR") and review of the final DEIR, and review of DEIR comments received and final environmental impact report (FEIR). The peer review consultant shall prepare recommendation reports and draft staff reports, and resolutions for the environmental document that analyzes the environmental review of the Project, which includes a 1,000,000 square feet warehousing/distribution facility, the extension of a street to the subject site, provision of a secondary emergency access road to the subject site, and offsite water, sewer, and drainage improvements.

(b) Eligible Expenses. The Deposit shall be used to pay for the costs incurred by the City in connection with the following (all of which shall be deemed "Eligible Expenses"): (i) peer review of necessary CEQA reports and documents, and additional supporting documentation, as necessary and appropriate in accordance with CEQA; (ii) assistance distributing such documentation to responsible agencies and others as needed; (iii) noticing and considering public comments on such CEQA documents and reports; (iv) considering certification of such CEQA documents and reports and other documentation through a City Council resolution in accordance with CEQA; (v) peer review of the permits, Entitlements, and conditions of the Project, for the environmental documents; (vi) review of all further legal documents in connection with the transaction, including without limitation, technical reports, development agreements, and similar agreements and instruments; (vii) the fees and expenses of any consultants employed by the City in connection with the Project, (viii) review of studies, reports and design services related to development of any Project-related infrastructure as these may relate to the environmental documents; and (ix) any and all other actions reasonably taken by the City in connection with the environmental review of the Project.

(c) Administration of Deposit. The Deposit may be commingled with other funds of the City for purposes of investment and safekeeping. The Deposit shall not accrue interest. The City will administer the Deposit and shall use the Deposit to pay for Eligible Expenses. The City shall maintain satisfactory accounting records as to the expenditure of the Deposits at all times and shall provide Developer with monthly costs reports.

(d) Unexpended Funds. Upon approval of all necessary Entitlements, the expiration of all applicable appeal periods, and if a legal or administrative challenge is made to the Entitlements, then upon the resolution of such challenge in accordance with Section 8, the City shall return any then-unexpended portion of the Deposit to Developer, without interest, less an amount equal to any unpaid Eligible Expenses previously incurred by the City.

#### **Section 4. Compliance with Guidelines: Independent Judgment.**

The CEQA Guidelines at sections 15084 and 15090 require the lead agency to exercise its independent judgment in approving environmental documents. Payment of the cost of preparation of the environmental documents by Developer does not undermine the independent preparation of the environmental documents by the City so long as any peer review consultant (the "Environmental Consultant") hired to review the environmental documents is under contract to and directed by the City. (Pub. Res. Code § 21082.1(a).) Accordingly, it is understood that any such consultant hired by the City to prepare and/or review environmental

documents, shall be under contract to and directed by the City, and Developer shall not attempt to direct, influence, or otherwise control the consultant in the performance of the work. Any questions or concerns Developer may have will be directed to the City.

**Section 5. Developer's Rights Concerning Expenses and Review of Documents.**

(a) Statements of Account. The City shall provide Developer a summary of expenditures made from the Deposit, and the unexpended balance thereof, whenever requesting any additional advance and within ten (10) business days of receipt by the City of a written request therefore submitted by Developer. On a monthly basis, City shall provide Developer with a cost report, including copies of each statement or invoice received from any consultant whose costs are chargeable as Eligible Expenses.

(b) Review of Documents. City shall give Developer at least ten (10) days notice along with copies of any proposed contract with the Environmental Consultant, change orders or contract amendments, drafts, Project description and alternatives, comments to the environmental documents received from third parties and proposed responses to those comments, and related documents so that Developer shall have the opportunity to provide comments or objections thereto, prior to the City finalizing, filing, or otherwise releasing any of the foregoing. The City shall also provide Developer with draft copies of all other reports and studies funded through this Agreement. Developer may discuss issues with the City or its consultants and may make comments orally or in writing. The City shall also use reasonable efforts to permit Developer's review with respect to agendas and staff reports for all open City Council, Planning Commission and other public body meetings at which the Project or related matters are to be considered, and by providing Developer with draft copies thereof prior to or concurrently with the transmission of such documents to the appropriate body. It is expressly understood that City consultants retained by the City are under contract solely with the City, and the City is free to disregard the comments of Developer and exercise its independent judgment in making payments to the Consultants or revising or accepting the Consultant's work product, without any liability whatsoever to Developer therefor.

**Section 6. No Obligation to Adopt environmental documents or to Approve Project.**

The provisions of this Agreement shall in no way obligate the City to adopt the environmental documents or take any action approving the Project. The City shall use its independent judgment in determining whether to approve the Entitlements, and environmental documents. In the event that the City adopts the environmental documents, the City shall use its independent judgment in determining the significance of any impacts, approving any mitigation program, adopting a statement of overriding considerations, or taking any other action. The City shall have no liability to Developer in any manner whatsoever therefor, other than providing the accounting of expenses as provided herein.

**Section 7. Agreement Not Debt or Liability of City.**

It is hereby acknowledged and agreed that this Agreement is not a debt or liability of the City. The City shall not in any event be liable hereunder other than to return the unexpended and

uncommitted portions of the Deposit as provided in Sections 3(c) and 3(d) above, and to provide an accounting under Section 5(a) above. The City shall not be obligated to advance any of its own funds with respect to the environmental documents or for any of the other purposes listed in Section 3(b) hereof. No official, officer, employee or agent of the City shall be personally liable hereunder to any extent.

#### **Section 8. Indemnification and Hold Harmless.**

(a) Non-liability of City Concerning Entitlements. The Parties acknowledge that there may be challenges to the legality, validity and adequacy of the Entitlements and/or this Agreement in the future; and if successful, such challenges could delay or prevent the performance of this Agreement and the development of the Project. The City shall have no liability under this Agreement for the inability of Developer to develop the Project as the result of a judicial determination that the Entitlements, the general plan, the zoning, the land use regulations, or any portions thereof are invalid or inadequate or not in compliance with law.

(b) Participation in Litigation: Indemnity. Developer agrees to indemnify, protect, defend, and hold harmless the City and its officials, officers, employees, agents, elected boards, commissions, departments, agencies, and instrumentalities thereof, from any and all actions, suits, claims, demands, writs of mandamus, liabilities, losses, damages, penalties, obligations, expenses, and any other actions or proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to, arbitrations, mediations, and other such procedures) arising from or related to the Entitlements (including, but not limited to, attorneys' fees and costs) (herein the "Claims and Liabilities") for any such Claims or Liabilities brought against the City by any third parties and/or any of its officials, officers, employees, agents, departments, agencies, and/or instrumentalities thereof; and Developer shall be responsible for any monetary judgment arising therefrom, whether such Claims and Liabilities are brought under CEQA, planning and zoning laws, the Subdivision Map Act, Code of Civil Procedure section 1085 or 1094.5, or any other federal, state, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. Developer may be required to deposit funds to cover its indemnification obligation or to provide other security. If Developer fails to timely pay such funds, the City may abandon the action without liability to Developer and may recover from Developer any attorneys' fees and other costs for which the City may be liable for abandonment of the action. The City shall provide Developer with notice of the pendency of such action and request that Developer pay for the costs to defend such action. It is expressly agreed that the City shall have the right to utilize the City Attorney's office or use other legal counsel of its choosing, and Developer shall promptly pay or reimburse the City for any reasonable legal costs and fees incurred by City. If Developer fails to do so, the City may defend the action and Developer shall be liable to the City for the cost thereof, but if the City chooses not to defend the action, the City shall have no liability to Developer. Developer's obligation to pay the defense costs of the City shall extend until final judgment, including any appeals. Notwithstanding Developer's indemnity for claims and litigation, the City retains its inherent right to abandon any litigation following an adverse judgment or to settle any litigation brought against it in its sole and absolute discretion, and Developer shall remain liable, other than in the case where judgment adverse to the City and Developer's position has been rendered, or where a settlement has been negotiated that is materially adverse to the Project. In the case of a settlement without an adverse judgment, the



City may still settle the litigation contrary to the wishes of Developer, and shall then be responsible for its own litigation expense, but shall bear no other liability to Developer. If Developer chooses to reduce the scope of the Project or abandon the Entitlements in order to settle any such litigation, the City shall reasonably cooperate in effecting a settlement.

(c) Hold Harmless: Developer's Construction and Other Activities. Developer hereby agrees to, and shall defend, save and hold the City and each of its elected and appointed boards, commissions, officers, agents, and employees harmless from any and all claims, costs (including attorneys' fees) and liability for any damages, personal injury or death, that may arise, directly or indirectly, from Developer's or Developer's agents, contractors, subcontractors, agents, or employees' operations under this Agreement, whether such operations are conducted by Developer or by any of Developer's agents, contractors or subcontractors or by any one or more persons directly or indirectly employed by or acting as agent for Developer or any of Developer's agents, contractors or subcontractors. Nothing herein is intended to make Developer liable for the acts of the City's officers, employees, agents, contractors, or subcontractors.

(d) Exception. The obligations of Developer under this Section shall not apply to any claims, actions, or proceedings arising through the gross negligence or willful misconduct of the City, its members, officers, or employees.

(e) Survival of Indemnity Obligations. All indemnity provisions set forth in this Agreement shall survive termination of this Agreement.

#### **Section 9. Notices.**

Any notices, requests, demands, documents, approvals or disapprovals given or sent under this Agreement from one party to another (collectively, the "Notices") shall be given to the party entitled thereto at its address set forth below, or at such other address as such party may provide to the other parties in writing from time to time, namely:

If to Developer:

Banning Industrial, LP  
17842 Mitchell N., Suite 100  
Irvine, CA 92614

If to the City:

City Manager  
City of Banning  
99 E. Ramsey Street  
Banning, CA 92220

With a copy to:



Jenkins & Hugin LLC  
John Cotti, Interim City Attorney  
Manhattan Towers  
1230 Rosecrans Avenue, Suite 110  
Manhattan Beach, CA 90266

Each such Notice shall be deemed delivered to the party to whom it is addressed: (i) if personally served or delivered, upon delivery; (ii) if given by fax, upon the sender's receipt of an appropriate answerback or other written acknowledgement; (iii) if given by registered or certified mail, return receipt requested, deposited with the United States mail postage prepaid, seventy-two (72) hours after such notice is deposited with the United States mail; (iv) if given by overnight courier, with courier charges prepaid, twenty-four (24) hours after delivery to said overnight courier; or (v) if given by any other means, upon delivery at the address specified in this Section.

**Section 10. California Law.**

This Agreement shall be governed by, construed in accordance with, and interpreted under the laws of the State of California. The venue for any litigation regarding this Agreement shall be Riverside County, State of California.

**Section 11. Severability.**

If any part of this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.

**Section 12. Attorneys' Fees.**

In the event that any party shall commence any legal action or proceeding to enforce or interpret this Agreement, the prevailing party in such action or proceeding shall be entitled to recover its costs of suit, including reasonable attorneys' fees.

**Section 13. Ambiguities.**

In the event of any asserted ambiguity in, or dispute regarding, the interpretation of any matter herein, the interpretation of this Agreement shall not be resolved by any rules of interpretation providing for interpretation against the party who caused the uncertainty to exist or against the drafting party.

**Section 14. Counterparts.**

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original.

**Section 15. 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 of this Agreement does not violate any provision of any other agreement to which said party is bound.

**IN WITNESS THEREOF**, the Parties hereto have executed this Agreement as of the day and year written alongside their respective signature line below.

Executed on: June 20, 2017

**DEVELOPER**

Banning Industrial, LP

By: \_\_\_\_\_

Jon B. Patton  
VP, Pacific Newport Properties Inc.,  
General Partner

By: \_\_\_\_\_

Executed on: \_\_\_\_\_, 2017

**CITY OF BANNING**

ATTEST:

\_\_\_\_\_  
Marie Calderon, City Clerk

\_\_\_\_\_  
George Moyer, Mayor

**APPROVED AS TO FORM:**  
JENKINS & HOGIN LLC

\_\_\_\_\_  
John C. Cotti, Interim City Attorney

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**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Ted Shove, Economic Development Manager

**MEETING DATE:** June 27, 2017

**SUBJECT:** Resolution 2017-65 Authorizing Participation in the County of Riverside's Urban County Program for Fiscal Years 2018-19, 2019-20, and 2020-21

---

**RECOMMENDED ACTION:**

It is recommended that City Council consider:

1. Adopting Resolution 2017-65 authorizing the City's participation in the County of Riverside's Urban County Program for Fiscal Years 2018-19, 2019-20, and 2020-21;
2. Authorizing the Mayor to execute the agreement; and
3. Authorizing the City Attorney to take such additional, related action that may be necessary.

**BACKGROUND:**

The City has historically participated in the Riverside County Urban County Program as a source of funding for community and neighborhood programming and revitalization. Riverside County acts as a direct conduit administering CDBG funds directly to participating cities through the program.

Every year, the City notifies the public and past applicants of the upcoming funding availability, which also encourages applications for potential programs and physical improvements tied to funding requirements.



Entitlement Funding for the County is determined by a formula based upon several criteria including: housing inventory, population, and poverty levels. The County then utilizes a similar formula for cities participating in the Urban County Program.

On October 25, 2016, the Council approved Resolution 2016-105, which approved a 2017-18 Fiscal Year Community Development Project, with an award of \$169,843. Funding from the award was applied solely to the Lion's Park expansion project.

**ISSUES/ANALYSIS:**

The County of Riverside, as part of its ongoing administration of the Urban County Program must certify cooperating city participation through an executed agreement and City Resolution, in three year increments. By approving the Resolution and Cooperating Agreement, the City will remain eligible for Community Development Block Grant funding through the County of Riverside's Urban County Program for the next three fiscal years, through 2020-21.

**FISCAL IMPACT:**

By approving the Cooperating Agreement, the City can continue to receive an annual entitlement for the next three (3) fiscal years. Each year the entitlement amount varies, but is approximately \$170,000 that can be used for community benefit and associated programs.

**ALTERNATIVE:**

Reject Cooperating Agreement with the County of Riverside and provide staff with alternative direction.

**ATTACHMENTS:**

1. Resolution 2017-65
2. Cooperation Agreement for the Community Development Block Grant, Home Investment Partnership Program, and Emergency Shelter Grant for Fiscal Years 2018-19, 2019-20, and 2020-21.

Approved by:

A handwritten signature in blue ink, appearing to read 'Alejandro Diaz', is written over a horizontal line.

Alejandro Diaz, Acting City Manager

# **ATTACHMENT 1**

## **RESOLUTION 2017-65**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AUTHORIZING PARTICIPATION IN THE COUNTY OF RIVERSIDE'S URBAN COUNTY PROGRAM FOR FISCAL YEARS 2018-19, 2019-20, 2020-2021**

**WHEREAS**, the City of Banning has elected to participate as a unit of government (Cooperating City) in the County of Riverside's Urban County Program for Federal Fiscal Years 2018-2019, 2019-2020, and 2020-2021; and

**WHEREAS**, the Cooperating Agreement will allow the County and City to carryout activities which are funded by Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME) funds, and Emergency Solutions Grant (ESG); and

**WHEREAS**, the Cooperating Agreement will allow the Cooperating City to participate in the Urban County Consolidated Planning Programs.

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

1. Resolution No. 2017-65 is approved authorizing a Cooperating Agreement for the Community Development Block Grant, Home Investment Partnership Program, and Emergency Shelter Grant for Fiscal Years 2018-19, 2019-20, 2020-21; and
2. The City Council authorizes the Mayor for the City of Banning to execute Cooperating Agreement on behalf of the City of Banning in the form that is approved by the City Attorney.

**PASSED, APPROVED AND ADOPTED** this 27th day of June, 2017.

---

George Moyer, Mayor  
City of Banning

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

\_\_\_\_\_  
John C. Cotti, Interim City Attorney  
Jenkins & Hugin, LLP

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, City Clerk  
City of Banning

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-65 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 27<sup>th</sup> day of June, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

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



# ATTACHMENT 2

**COOPERATION AGREEMENT  
FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT,  
HOME INVESTMENT PARTNERSHIP PROGRAM, AND EMERGENCY SHELTER  
GRANT FOR FISCAL YEARS 2018-19, 2019-20, 2020-21**

This Cooperation Agreement for the Community Development Block Grant, HOME Investment Partnership Program, and the Emergency Solutions Grant for Fiscal Years 2018-19, 2019-20, 2020-21, hereinafter referred to as "Agreement" is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2017, by and between the COUNTY OF RIVERSIDE, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and CITY of BANNING, an incorporated municipality within the geographical boundaries of the COUNTY, hereinafter referred to as "CITY." City and County are individually referred to herein as "Party" and collectively as the "Parties."

**RECITALS**

**WHEREAS**, the Housing and Community Development Act of 1974, as amended (42 U.S.C.A. § 5301 et seq.)(Public Law 93-383), hereinafter called "ACT," provides that Community Development Block Grant funds hereinafter referred to as "CDBG," may be used for the support of activities that provide decent housing, suitable living environments, and expanded economic opportunities principally for persons of low and moderate-income;

**WHEREAS**, the HOME Investment Partnerships Act program, hereinafter referred to as "HOME," was enacted by Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (42 U.S.C.A. § 12701 et seq.) for the purposes of: expanding the supply of decent, affordable housing for low and very-low income families with emphasis on rental housing; building State and local capacity to carry out affordable housing programs; and providing for coordinated assistance to participants in the development of affordable low-income housing;

**WHEREAS**, the Emergency Solutions Grant, hereinafter referred to as "ESG," was authorized by the McKinney-Vento Homeless Assistance Act of 1987, as amended by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH) (42 U.S.C.A. § 11301 et seq.). The objectives of the ESG program are to increase the number and

1 quality of emergency shelters and transitional housing facilities for homeless individuals and  
2 families, to operate these facilities and provide essential social services, and to help prevent  
3 homelessness.

4 **WHEREAS**, CDBG regulations requires an eligible county to re-qualify as Urban County  
5 under the CDBG program every three (3) years; and

6 **WHEREAS**, the execution of this Agreement is necessary to include CITY as a  
7 participating unit of general government under COUNTY's Urban County CDBG, HOME, and  
8 ESG programs.

9 **NOW THEREFORE**, in consideration of the mutual covenants herein set forth  
10 and the mutual benefits to be derived there from, the Parties agree as follows:

11 1. GENERAL.

12 This Agreement gives COUNTY authority to undertake, or assist in undertaking,  
13 activities for Fiscal Years 2018-19, 2019-20, and 2020-21, that will be funded from the CDBG,  
14 HOME, and ESG programs and from any program income generated from the expenditure of such  
15 funds. COUNTY and CITY agree to cooperate, to undertake, or to assist in undertaking,  
16 community renewal and lower-income housing assistance activities. COUNTY is qualified as an  
17 "Urban County" under the ACT. CITY, by executing this Agreement, hereby gives notice of its  
18 election to participate in an Urban County Community Development Block Grant program,  
19 hereinafter referred to as "CDBG programs" and "Urban County program."

20 This Agreement is necessary to include the CITY as a participating unit of local  
21 government under the COUNTY'S Urban County CDBG Entitlement program, the HOME  
22 Investment Partnership (HOME) program, and the Emergency Solutions Grant (ESG) program.

23 CITY acknowledges and agrees that it may not apply for grants from appropriations  
24 under the State of California Small Cities CDBG Programs for fiscal years during the period in  
25 which it participates in the COUNTY's Urban County's CDBG Entitlement program, and the  
26 CITY may only participate in the HOME program through the COUNTY'S Urban County  
27 program, not a consortium. The CITY may apply for HOME funds or ESG funds from the State  
28 of California, if permitted by the State.

1                   2.     TERM.

2                   The term of this Agreement shall be for three (3) years commencing on July 1, 2018  
3 and terminating on June 30, 2021, unless an earlier date of termination is fixed by U.S. Department  
4 of Housing and Urban Development, hereinafter referred to as HUD, pursuant to ACT.

5                   The terms of this Agreement shall remain in effect until the CDBG, HOME, and  
6 ESG funds and program income received with respect to activities carried out during the three-  
7 year qualification period are expended and the funded activities completed. Furthermore, neither  
8 the COUNTY nor the CITY may terminate or withdraw from this Agreement while it remains in  
9 effect.

10                  3.     PREPARATION OF FEDERALLY REQUIRED FUNDING  
11 APPLICATIONS.

12                  The County of Riverside Economic Development Agency, subject to approval of  
13 COUNTY's Board of Supervisors, shall be responsible for preparing and submitting to the U.S.  
14 Department of Housing and Urban Development (HUD), in a timely manner, all reports and  
15 statements required by the ACT and the Federal regulations promulgated by HUD to secure  
16 entitlement grant funding under the CDBG, HOME, and ESG programs. This duty shall include  
17 the preparation and processing of COUNTY Housing, Community, and Economic Development  
18 Needs Identification Report, Citizen Participation Plan, the County Five-Year Consolidated Plan,  
19 One-Year Action Plan, Consolidated Annual Performance and Evaluation Report (CAPER), and  
20 other related programs which satisfy the application requirements of ACT and its regulations.

21                  4.     COMPLIANCE WITH FEDERAL STATUTES, REGULATIONS AND  
22 OTHER APPLICABLE STATUTES, REGULATIONS AND ORDINANCES.

23                  (a)     COUNTY and CITY will comply with the applicable provisions of the ACT  
24 and those Federal regulations promulgated by HUD pursuant thereto, as the same currently exists  
25 or may hereafter be amended. The COUNTY and CITY will take all actions necessary to assure  
26 compliance with COUNTY's certifications required by Section 104 (b) of Title I of ACT, as  
27 amended (42 U.S.C.A. § 5304) , Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. § 2000d et  
28 seq.), the Fair Housing Act (42 U.S.C.A. § 3601 et seq.), and affirmatively furthering fair housing.



1 (b) COUNTY and CITY will comply with all applicable laws, including, but  
2 not limited to, the following: National Environmental Policy Act of 1969; Title VIII of the Civil  
3 Rights Act of 1968; Title 24 Code of Federal Regulations part 570; Cranston-Gonzales National  
4 Affordable Housing Act (Public Law 101-625), as amended; Executive Order 11063, as amended  
5 by Executive Order 12259; Executive Order 11988; the Uniform Relocation Assistance and Real  
6 Property Acquisition Policies Act of 1970 (42 U.S.C.A. § 4630, et. seq.); and other Federal or state  
7 statute or regulation applicable to the use of CDBG or HOME Investment Partnerships Act  
8 (enacted as Title II of the Cranston – Gonzalez National Affordable Housing Act of 1990) funds.

9 (c) The Parties acknowledge that the COUNTY and CITY are obligated to take  
10 all actions necessary to comply with the Urban County's certification regarding affirmatively  
11 furthering fair housing and to comply with the provisions of Section 109 Title I of the Housing  
12 and Community Development Act of 1974, Section 504 of the Rehabilitation Act of 1973, and the  
13 Age Discrimination Act of 1975. COUNTY and CITY agree that the Urban County program is  
14 prohibited from funding any activities in, or in support of, any cooperating unit of general local  
15 government that do not affirmatively further fair housing within its own jurisdiction or impedes  
16 the COUNTY's actions to comply with the COUNTY's fair housing certification.

17 (d) CITY and COUNTY shall meet the citizen participation requirements of 24  
18 CFR 570.301(b)(4)(i) and provide Riverside County citizens with all of the following:

19 i. The estimate of the amount of CDBG funds proposed to be used for  
20 activities that will benefit persons of low and moderate-income;

21 ii. A plan for minimizing displacement of persons as a result of  
22 activities assisted with CDBG funds and to assist persons actually displaced as a result of such  
23 activities;

24 iii. A plan that provides for and encourages citizen participation, with  
25 particular emphasis on participation by persons of low and moderate-incomes, residents of slum  
26 and blighted areas, and of areas in which funds are proposed to be used, and provides for  
27 participation of residents in low and moderate-income neighborhoods;

1                   iv.     Reasonable and timely access to local meetings, information, and  
2 records relating to the grantee's proposed use of funds, as required by the regulations of the  
3 Secretary, and relating to the actual use of funds under the ACT;

4                   v.     Provide for public meetings to obtain citizen views and to respond  
5 to proposals and questions at all stages of the community development program, including at least  
6 the development of needs, the review of proposed activities and review of program performance.  
7 Meetings shall be held after adequate notice, at times and locations convenient to potential or  
8 actual beneficiaries, and with accommodation for the disabled.

9                   (e)     CITY shall develop a community development plan, for the period of this  
10 Agreement, which identifies community development and housing needs and specifies both short  
11 and long-term community development objectives.

12                  (f)     CITY certifies, to the best of its knowledge and belief, that:

13                   i.     No Federal appropriated funds have been paid or will be paid, by or  
14 on behalf of the CITY, to any person influencing or attempting to influence an officer or employee  
15 of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a  
16 Member of Congress, in connection with the awarding of any Federal contract, the making of any  
17 Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and  
18 the extension, continuation, renewal, amendment or modification of any Federal contract, grant,  
19 loan or cooperative agreement.

20                   ii.    If any funds other than Federally-appropriated funds have been paid  
21 or will be paid to any person for influencing or attempting to influence an officer or employee of  
22 any agency, a Member of Congress, an officer or employee of Congress, or an employee of a  
23 Member of Congress, in connection with this Federal contract, grant, loan, or cooperative  
24 agreement, the undersigned shall complete and submit standard Form-LLL, "Disclosure Form to  
25 Report Lobbying", in accordance with its instructions.

26                   iii.   The CITY shall require that the language provided in Sections  
27 4(e)(i) and 4(e)(ii) of this Agreement be included in the award documents for all sub-awards at all  
28 tiers (including subcontracts, sub- grants and contracts under grants, loans, and cooperative

1 agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is  
2 a material representation of fact upon which reliance was placed when this transaction was made  
3 or entered into.

4 (g) CITY certifies that it has adopted and is enforcing a policy prohibiting the  
5 use of excessive force by law enforcement agencies within its jurisdiction against any individuals  
6 engaged in non-violent civil rights demonstrations, and that it has adopted and is enforcing  
7 applicable State and local laws against physically barring entrance to, or exit from, a facility or  
8 location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

9 5. COMPLIANCE WITH POLICY AND PROGRAM OBJECTIVES.

10 The COUNTY's Board of Supervisors have adopted policies and procedures to  
11 ensure efficient and effective administration of the CDBG, HOME, and ESG programs. COUNTY  
12 will provide these policies and procedures to CITY within a reasonable time after this Agreement's  
13 commencement date. COUNTY and City agree to comply with these said policies and program  
14 objectives and to take no actions to obstruct implementation of the approved 2014-2019 Five Year  
15 Consolidated Plan and the subsequent Five Year Consolidated Plan.

16 6. OTHER AGREEMENTS.

17 Pursuant to Federal regulations at 24 CFR 570.501(b), CITY is subject to the same  
18 requirements applicable to sub-recipients, including the requirement of a written agreement set  
19 forth in Federal regulations at 24 CFR 570.503. For each fiscal year during the term of this  
20 Agreement, COUNTY and CITY shall enter into an additional agreement, commonly known as a  
21 Supplemental Agreement, that will have a term coinciding with a CDBG Program Year and  
22 enumerate the project(s) CITY will implement with its entitlement funds. Said Supplemental  
23 Agreement will set forth the time schedule for completion of said project(s) and any funding  
24 sources, in addition to entitlement funds, that will be used in completing the project(s). If  
25 substantial compliance with the completion schedule, due to unforeseen or uncontrollable  
26 circumstances, cannot be met by CITY, the schedule for the project(s) may be extended by  
27 COUNTY. If COUNTY determines that substantial progress toward drawdown of funds is not  
28 made during the term of the Supplemental Agreement, the entitlement funds associated with the

1 project(s) may be reprogrammed by COUNTY, to other activities as determined by COUNTY,  
2 after COUNTY provides appropriate written notice to CITY. COUNTY's decision not to extend  
3 the completion schedule associated with the project(s), or to reprogram the entitlement funds  
4 associated with the project(s), will not excuse CITY from complying with terms of this Agreement.

5 7. DETERMINATION OF PROJECTS TO BE FUNDED AND  
6 DISTRIBUTION OF ENTITLEMENT FUNDS.

7 CITY agrees to submit to COUNTY in writing, no later than the date specified by  
8 COUNTY prior to each program year, the activities that the CITY desires to implement with its  
9 entitlement funds, said designation to comply with statutory and regulatory provisions governing  
10 citizen's participation. Said designation is to be reviewed by the COUNTY's Economic  
11 Development Agency to determine that the projects are eligible under Federal regulations for  
12 funding and inclusion in the One Year Action Plan of the County's Five-Year Consolidated Plan  
13 and consistent with both Federal and COUNTY policy governing use of Community Development  
14 Block Grant (CDBG) funds.

15 In the event that CITY fails to submit to COUNTY the identified activities that the  
16 CITY desires to implement with its entitlement funds by the date specified prior to each program  
17 year, the COUNTY may determine the activities to be funded, without consent of the CITY,  
18 consistent with both Federal and COUNTY policy governing use of Community Development  
19 Block Grant (CDBG) funds.

20 Consistent with Sections 3, 4, 5, 6, and 7 of this Agreement, COUNTY's Board of  
21 Supervisors will make the final determination of the distribution and disposition of all CDBG  
22 funds received by COUNTY pursuant to the ACT.

23 8. COMMUNITY DEVELOPMENT BLOCK GRANT MANUAL.

24 CITY warrants that those officers, employees, and agents, retained by it and  
25 responsible for implementing projects funded with CDBG have received, reviewed, and will  
26 follow the Community Development Block Grant Manual that has been prepared and amended by  
27 COUNTY, which Manual is incorporated herein and made a part hereof by this reference.  
28



1                   9.     REAL PROPERTY ACQUIRED OR PUBLIC FACILITY  
2 CONSTRUCTED WITH CDBG FUNDS.

3                   When CDBG funds are used, in whole or in part, by CITY to acquire real property  
4 or to construct a public facility, CITY shall comply with the National Environmental Policy Act  
5 of 1969 (42 U.S.C. § 4321, et seq.), the California Environmental Quality Act (Cal. Pub. Resources  
6 Code § 21000, et seq.), the Uniform Relocation Assistance and Real Property Acquisition Policies  
7 Act of 1970 (42 U.S.C. § 4630, et seq.), and California Government Code Sections 7260 et seq.,  
8 as those laws may be amended from time-to-time and any Federal or state regulations issued to  
9 implement the aforementioned laws.

10                  In addition, the following is to occur:

11                  (a)     Title to the real property shall vest in CITY;

12                  (b)     The real property title will be held by or the constructed facility will be  
13 maintained by the CITY for the approved use until five (5) years after the date that the project is  
14 reported as "Completed" within the annual Consolidated Annual Performance and Evaluation  
15 Report.

16                  (c)     While held by CITY, the real property or the constructed facility is to be  
17 used exclusively for the purpose for which acquisition or construction was originally approved by  
18 COUNTY;

19                  (d)     CITY shall provide timely written notice to COUNTY of any action which  
20 would result in a modification or change in the use of the real property purchased or improved, in  
21 whole or in part, with CDBG or HOME funds from that planned at the time of acquisition or  
22 improvement, including disposition.

23                  (e)     CITY shall provide timely written notice to citizens and opportunity to  
24 comment on any proposed modification or change;

25                  (f)     Written approval from COUNTY must be secured if the property or the  
26 facility is to be put to an alternate use that is or is not consistent with Federal regulations governing  
27 CDBG funds;

1 (g) Should CITY desire during the five (5) year period to use the real property  
2 or the constructed facility for a purpose not consistent with applicable Federal regulations  
3 governing CDBG funds or to sell the real property or facility, then:

4 (i) If CITY desires to retain title, it will have to reimburse either COUNTY  
5 or the Federal government an amount that represents the percentage of current fair market value  
6 that is identical to the percentage that CDBG funds initially comprised to when the property was  
7 acquired or the facility was constructed;

8 (ii) If CITY sells the property or facility, or is required to sell the property  
9 or facility, CITY is to reimburse the COUNTY an amount that represents the percentage of  
10 proceeds realized by the sale that is identical to the percentage that CDBG funds comprised of the  
11 monies paid to initially acquire the property or construct the facility. This percentage amount will  
12 be calculated after deducting all actual and reasonable cost of sale from the sale proceeds.

13 10. DISPOSITION OF INCOME GENERATED BY THE EXPENDITURE  
14 OF CDBG FUNDS.

15 CITY shall inform COUNTY in writing of any income generated by the  
16 expenditure of CDBG funds received by CITY from COUNTY. CITY may not retain any program  
17 income so generated. Any and all program income shall be returned to the County and may only  
18 be used for eligible activities in accordance with all CDBG requirements, including all  
19 requirements for citizen participation.

20 The COUNTY is required by HUD to monitor and report the receipt and use of all  
21 program income. CITY is required to track, monitor, and report any and all program income as  
22 requested by COUNTY.

23 11. TERMINATION.

24 Except as provided for in Paragraph 2, CITY and COUNTY cannot terminate or  
25 withdraw from this Agreement while it remains in effect.

26 12. NOTICES.

27 All correspondence and notices required or contemplated by this Agreement shall  
28

be delivered to the respective parties at the addresses set forth below and are deemed submitted two days after their deposit in the United States mail, postage prepaid:

COUNTY OF RIVERSIDE

CITY OF BANNING

Assistant County Executive Officer/EDA

Michael Rock

Economic Development Agency

City of Banning

P.O. Box 1180

99 E. Ramsey Street

Riverside, CA 92502

Banning, CA 92220

13. AGREEMENT ADMINISTRATION.

The City Manager in the case of the CITY of BANNING, and the Assistant County Executive Officer/EDA, in the case of the County of Riverside, or their designee, shall administer the terms and conditions of this Agreement for their respective city or county.

14. COOPERATION; FURTHER ACT.

The PARTIES shall cooperate fully with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purpose of the Agreement.

15. NO THIRD-PARTY BENEFICIARIES.

This Agreement is made and entered into for the sole protection and benefit of the PARTIES hereto and shall not create any rights in any third PARTIES. No other person or entity shall have any right or action based upon the provisions of the Agreement.

16. SECTION HEADINGS.

The Section headings herein are for the convenience of the PARTIES only and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions or language of this Agreement.

17. FORMER AGREEMENTS UTILIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS BETWEEN COUNTY AND CITY.

All agreements between CITY and COUNTY regarding the use of CDBG funds for fiscal years 1975-76 through fiscal years 2018-2020, and any Supplemental Agreements

1 thereunder, shall remain in full force and effect. If the language of this Agreement is in conflict  
2 or inconsistent with the terms of any prior said agreements between CITY and COUNTY, the  
3 language of this Agreement will be controlling.

4 18. INDEMNIFICATION

5 CITY and COUNTY agree to indemnify, defend, and hold harmless the other Party  
6 and its authorized officers, employees, agents, and volunteers from any and all claims, actions,  
7 losses, damages, and/or liability arising from either Party's acts, errors, or omissions, and for any  
8 costs or expenses incurred by either Party on account of any claim therefore, except where such  
9 indemnifications is prohibited by law. Each Party shall promptly notify the other Party in writing  
10 of the occurrence of any such claims, actions, losses, damages, and/or liability.

11 Each Party shall indemnify and hold harmless the other Party against any liability,  
12 claims, losses, demands, and actions incurred by either Party as a result of the determination by  
13 HUD or its successor that activities undertaken by either Party under the program(s) fail to comply  
14 with any laws, regulations, or policies applicable thereto or that any funds billed by and disbursed  
15 to either Party under this Agreement were improperly expended.

16 19. COMPLIANCE WITH LAWS AND REGULATIONS.

17 By executing this Agreement, the PARTIES agree to and comply with all applicable  
18 federal, state, and local laws, regulations, and ordinances.

19 20. ENTIRE AGREEMENT.

20 It is expressly agreed that this Agreement embodies the entire agreement of the  
21 Parties in relation to the subject matter hereof, and that no other agreement or understanding,  
22 verbal or otherwise, relative to this subject matter, exists between the Parties at the time of  
23 execution.

24 21. SEVERABILITY.

25 Each paragraph and provision of this Agreement is severable from each other  
26 provision and in the event any provision in this Agreement is held by a court of competent  
27 jurisdiction to be invalid, void, or unenforceable, the remaining provision will never the less  
28 continue in full force without being impaired or invalidated in any way.



1                   22.    ASSIGNMENT.

2                   The City shall not make any sale, assignment, conveyance or lease of any trust or  
3 power, or transfer in any other form with respect to this Agreement, or delegate or assign any  
4 interest in this Agreement without prior written approval of the COUNTY.

5                   23.    INTERPRETATION AND GOVERNING LAW.

6                   This Agreement and any dispute arising hereunder shall be governed by and  
7 interpreted in accordance with the laws of the State of California. This Agreement shall be  
8 construed as a whole according to its fair language and common meaning to achieve the objectives  
9 and purposes of the Parties hereto, and the rule of construction to the effect that ambiguities are  
10 to be resolved against the drafting Party shall not be employed in interpreting this Agreement, all  
11 Parties having been represented by counsel in the negotiation and preparation hereof.

12                  24.    WAIVER.

13                  Failure by a Party to insist upon the strict performance of any of the provisions of  
14 this Agreement by the other Party, or the failure by a Party to exercise its rights upon the default  
15 of the other Party, shall not constitute a waiver of such Party's right to insist and demand strict  
16 compliance by the other Party with the terms of this Agreement thereafter.

17                  25.    JURISDICTION AND VENUE.

18                  Any action at law or in equity arising under this Agreement or brought by a Party  
19 hereto for the purpose of enforcing, construing or determining the validity of any provision of this  
20 Agreement shall be filed in the Superior Court of California, County of Riverside, State of  
21 California, and the Parties hereto waive all provisions of law providing for the filing, removal or  
22 change of venue to any other court or jurisdiction.

23                  26.    PROHIBITION OF CDBG FUND TRANSFER

24                  The CITY may not sell, trade, or otherwise transfer all or any portion of the CDBG  
25 funds to another such cooperating city, metropolitan city, urban county, or Indian tribe, that  
26 directly receives CDBG funds in exchange for any other funds, credits, or non-Federal  
27 considerations. CITY must use the CDBG funds for activities eligible under Title I of the ACT.

28                  27.    EMERGENCY SOLUTIONS GRANT FORMUAL ALLOCATION

1 CITY acknowledges and agrees that while participating in the COUNTY's Urban  
2 County program, CITY can only receive a formula Emergency Solutions Grant (ESG) allocation  
3 from the Urban County program and only at such times as authorized by the County's Board of  
4 Supervisors. The CITY and COUNTY may also apply for ESG funds from the State of California,  
5 if permitted by the State.

6 28. HOME INVESTMENT PARTNERSHIP ACT FORMULA  
7 ALLOCATION

8 CITY acknowledges and agrees that while participating in the COUNTY's Urban  
9 County program, CITY can only receive a formula HOME allocation from the Urban County  
10 program and only at such times as authorized by the County's Board of Supervisors. The CITY  
11 and COUNTY may also apply for HOME funds from the State of California, if permitted by the  
12 State.

13 29. AMENDMENTS

14 No change, amendment, or modification to the Agreement shall be valid or binding  
15 upon CITY or COUNTY unless such change, amendment, or modification is in writing and duly  
16 executed. CITY and COUNTY agree to adopt any necessary amendments to this Agreement to  
17 incorporate changes required by HUD as set forth in the Urban County Qualification Notice.  
18 Amendments must be submitted to HUD as provided in the Urban County Qualification Notice  
19 and failure to do so will void the automatic renewal for such qualification period.

20 30. AUTHORITY TO EXECUTE.

21 The persons executing this Agreement or exhibits attached hereto on behalf of the  
22 Parties to this Agreement hereby warrant and represent that they have the authority to execute  
23 this Agreement and warrant and represent that they have the authority to bind the respective  
24 Parties to this Agreement to the performance of its obligations hereunder.

25 31. INCORPORATION OF RECITALS

26 The Parties hereby affirm the facts set forth in the recitals above. Said recitals are  
27 incorporated herein and made an operative part of this Agreement.  
28

1                   **IN WITNESS WHEREOF**, the COUNTY and CITY have executed this  
2 Agreement on the date shown below.

3  
4 COUNTY OF RIVERSIDE,  
5 a political subdivision of the  
6 State of California

CITY OF BANNING,  
a general law city

7 By: \_\_\_\_\_  
8 Robert Field, Assistant County  
9 Executive Officer/EDA

By: \_\_\_\_\_

10 Date: \_\_\_\_\_

Date: \_\_\_\_\_

11  
12 APPROVED AS TO FORM:  
13 Gregory P. Priamos, County Counsel

ATTEST:

14  
15 By: \_\_\_\_\_  
16 Jhaila R. Brown, Deputy County Counsel

By: \_\_\_\_\_  
City Clerk

17  
18 APPROVED AS TO FORM:

19  
20 By: \_\_\_\_\_  
21 City Attorney

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Gregory P. Priamos  
County Counsel

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## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Patty Nevins, Community Development Director

**MEETING DATE:** June 27, 2017

**SUBJECT:** Information Relating to Marijuana Regulations

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### **RECOMMENDATION:**

None; this item is for information/discussion purposes only.

### **BACKGROUND:**

#### Previous City Council Action

In 2015, the California legislature adopted AB 243, AB 266, and SB 643, identified collectively as the Medical Marijuana Regulation and Safety Act (MMRSA), to comprehensively regulate medical marijuana. The MMRSA recognizes and preserves local control to regulate or ban medical cannabis cultivation, delivery, dispensing, and distribution.

On November 8, 2016, voters passed Proposition 64 the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA). As of November 9, 2016, adults 21 years of age or older are allowed to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older up to 28.5 grams of un-concentrated recreational marijuana and up to 8 grams of concentrated marijuana<sup>1</sup>; and (3) possess, plant, cultivate, harvest, dry, or process up to six (6) living marijuana plants per residence for personal use.<sup>2</sup> Additionally, the AUMA divides state licensing and enforcement into three agencies: (1) the Department of Consumer Affairs, which will issue licenses for the transportation, storage, distribution

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<sup>1</sup> Any person possessing an amount over these limits may be arrested and charged with a misdemeanor.

<sup>2</sup> Health & Safety Code §§ 11362.1(a) & 11362.2(a)

and sale of marijuana<sup>3</sup>; (2) the Department of Food and Agriculture, which will issue marijuana cultivation licenses<sup>4</sup>; and (3) the Department of Public Health, which will issue licenses for marijuana manufacturers and testing laboratories<sup>5</sup>. Each of these state licensing authorities is tasked with creating regulations governing their respective areas of responsibility<sup>6</sup>, and will begin issuing licenses by January 1, 2018.<sup>7</sup>

On December 12, 2016, the City Council adopted Urgency Ordinance 1505 (Attachment 4) amending Section 8.48.330 (Cultivation, Manufacture, or Sale of Drugs) and adding Chapter 5.34 ("Marijuana Cultivation") to the Banning Municipal Code (BMC) in order to regulate the cultivation of marijuana for personal use by creating a Marijuana Cultivation Permit program and amending Chapter 8.68 (Medical Marijuana Prohibited) of the BMC to conform to state law (see Attachment 3 for Urgency Ordinance 1505).

Subsequently on February 28, 2017, the City Council approved Ordinance 1506 amending Section 8.48.330 (Cultivation, Manufacture, or Sale of Drugs) and adding Chapter 5.34 ("Marijuana Cultivation") to regulate the cultivation of marijuana for personal use by creating a Marijuana Cultivation Permit; amending Chapter 8.68 (Medical Marijuana Prohibited) to conform to state law, and also approved Ordinance 1507 approving Zoning Text Amendment ZTA 16-97502 amending various sections of the Zoning Ordinance (Title 17 of the Banning Municipal Code) related to the delivery, dispensing, and cultivation of marijuana. Both ordinances are attached, as are the staff reports discussing the recently adopted state regulations and justifications for the adopted ordinances.

### **ANALYSIS:**

Currently, the City's Municipal Code allows the personal cultivation of a maximum of six plants on residential property, subject to a number of restrictions, including requirements that cultivation must be indoors and that cultivation may not take place within 1,000 feet of certain uses such as schools, childcare centers, public parks, etc. A Marijuana Cultivation Permit is required for such cultivation, and to date there has been only one application for a Marijuana Cultivation Permit (that application is currently under review). No commercial uses (e.g. commercial cultivation, dispensaries, etc.) associated with marijuana are permitted. Please see Ordinances 1506 and 1507, attached, which contain the City's regulations/requirements pertaining to marijuana.

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<sup>3</sup> Business & Professions Code § 26012(a)(1)

<sup>4</sup> B&P § 26012(a)(2)

<sup>5</sup> B&P § 26012(3)

<sup>6</sup> B&P § 26013(a)

<sup>7</sup> B&P §§ 26012(c)

**FISCAL IMPACT:**

Not applicable; this item is for information/discussion only.

**ATTACHMENTS:**

1. Ordinance 1506
2. Ordinance 1507
3. City Council Staff Report, December 12, 2016 Meeting
4. City Council Staff Report, February 28, 2017 Meeting

Approved by:

A handwritten signature in blue ink, appearing to read 'Alejandro Diaz', is written over a horizontal line.

Alejandro Diaz  
Acting City Manager



# Attachment 1

Ordinance 1506

## **ORDINANCE NO. 1506**

**AN ORDINANCE OF THE CITY OF BANNING AMENDING SECTION 8.48.330 ("CULTIVATION, MANUFACTURE, OR SALES OF DRUGS") TO CONFORM TO STATE LAW; ADDING CHAPTER 5.34 ("MARIJUANA CULTIVATION") TO TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE BANNING MUNICIPAL CODE TO REGULATE THE CULTIVATION OF MARIJUANA FOR PERSONAL USE BY CREATING A MARIJUANA CULTIVATION PERMIT; REPEALING CHAPTER 8.68 ("MEDICAL MARIJUANA PROHIBITED") OF TITLE 8 (HEALTH AND SAFETY) OF THE BANNING MUNICIPAL CODE IN ITS ENTIRETY TO PROMOTE CONSISTENCY WITH PROPOSED CHAPTER 5.34 AND EFFICIENCY OF REGULATION; AND AMENDING THE DEFINITION OF "SMOKING" IN SECTION 8.56.020 TO PROHIBIT MARIJUANA SMOKE IN THOSE PLACES WHERE TOBACCO SMOKE IS PROHIBITED IN THE CITY.**

The City Council of the City of Banning does hereby ordain as follows:

**Section 1.** A new Chapter 5.34, entitled "Marijuana Cultivation" is added to Title 5 (Business Licenses and Regulations) of the Banning Municipal Code to read as follows:

### **Chapter 5.34**

#### **MARIJUANA CULTIVATION**

##### **Sections:**

**5.34.010 – Purpose**

**5.34.020 – Definitions**

**5.34.030 – Site Location, Operation, and Development Standards**

**5.34.040 – Other Applicable Regulations**

**5.34.050 – Marijuana Cultivation Permit**

**5.34.060 – Revocation of Marijuana Cultivation Permit**

**5.34.070 – Appeals**

#### **5.34.080 – Prohibited Activities Declared a Public Nuisance**

#### **5.34.090 – Enforcement, Violations and Penalties**

##### **5.34.010 – Purpose**

A. The purpose of this Chapter is to prevent community-wide adverse impacts including, but not limited to, increased criminal activity, fire and chemical hazards, objectionable odors, late night traffic, and the general deterioration of neighborhoods associated with marijuana cultivation.

B. Marijuana cultivation in the City can adversely affect the health, safety and well-being of City residents. Therefore, reasonable regulation of marijuana cultivation is proper and necessary to avoid the concentration of substantial amounts of marijuana in one place and to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation.

##### **5.34.020 – Definitions**

For the purposes of this Chapter, the following definition shall apply:

“Childcare Center” shall mean any licensed childcare center, daycare center, childcare home, or any preschool.”

“Church” shall mean any structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

“Commercial Cannabis Activity” shall mean the possession, processing, transporting, obtaining, purchasing or giving away, storing, cultivation, or manufacture of marijuana for compensation or sale. “Commercial Cannabis Activity” shall also mean the

laboratory testing, distribution, delivery, dispensing, mobile dispensing, or mobile delivery of marijuana.

"Community Center" shall mean any facility open to the public at which classes, social activities, recreational activities, educational activities, support and public information are offered for all residents of the community.

"Detached accessory structure" shall mean a building completely detached from a residence that complies with the California Building Code and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Exterior walls must be constructed with nontransparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Enforcement Officer" shall mean the chief of police, building official, code enforcement official, environmental health department director, public health officer, agricultural commissioner, fire chief, clerk of the board of supervisors, or their designees.

"Indoors" shall mean within a fully enclosed and secure building.

"Marijuana" means all parts of the plant *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It includes *marijuana* infused in foodstuff. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant that are incapable of germination.



"Marijuana Cultivation" or "Marijuana Cultivation Activities" shall mean the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof.

"Marijuana Cultivation Permit" shall mean a permit issued by the City to a person over the age of 21 for the purposes of engaging in marijuana cultivation activities pursuant to this Chapter.

"Marijuana Cultivation Permit Holder" shall mean the applicant named on the application for a Marijuana Cultivation Permit.

"Marijuana Plant" shall mean any mature or immature marijuana plant, or any marijuana seedling.

"Park" shall mean any public playground, public recreation center or area, and other public areas created, established, designed, maintained, provided, or set aside by the county, and city or any other public entity or agency, for the purposes of public rest, play, recreation, enjoyment or assembly, and all buildings and structures located thereon or therein.

"Premises" shall mean a single parcel of property. Where contiguous parcels are under common ownership or control, such contiguous parcels shall be counted as a single "premises" for purposes of this Chapter.

"Primary Caregiver" shall have the same meaning as set forth in Health and Safety Code sections 11362.5 and 11362.7, et seq.

"Qualified Patient" shall have the same meaning as set forth in Health and Safety Code sections 11362.5 and 11362.7, et seq.

"Rear Yard" shall mean the rear open space portion of any premises, whether fenced or unfenced.

"Residential Unit" means any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation on a premises or legal parcel located within a residential or agricultural-residential zoning district.

"Responsible Party" shall mean: (1) each person committing the violation or causing a condition on a premises located within the jurisdiction of the City which violates this Chapter; (2) each person who has an ownership interest in that premises; or (3) each person who, although not an owner, nevertheless occupies or has a legal right or a legal obligation to exercise possession or control over that premises. In the event a person who commits the violation or causes the violation is a minor, then the minor's parents or legal guardian shall be deemed the responsible party.

"School" shall mean any institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education; excluding home school, vocational or professional institution of higher education, including a community college, junior college, college or university.

#### **5.34.030 – Site Location, Operation, and Development Standards**

Non-commercial cultivation of small amounts of marijuana for personal use is only permitted in the Ranch Agriculture (R/A), Ranch Agriculture –Hillside (R/A/H), Rural Residential (RR), Rural Residential – Hillside (RR/H), Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR) zones when all of the following conditions and standards are met:

##### **A. Generally.**

1. Marijuana cultivation is permitted only on parcels with residential units where the Marijuana Cultivation Permit Holder resides full-time. Marijuana Cultivation Permit Holders shall not participate in marijuana cultivation in more than one location within the City. Marijuana cultivation activities may only occur within a residential unit, garage or self-contained accessory structure that is secured, locked and fully enclosed.
2. From the public right-of-way, there shall be no exterior evidence of marijuana cultivation.
3. Prior to the commencement of any marijuana cultivation, the party responsible for the marijuana cultivation shall provide the City with adequate proof of a City Marijuana Cultivation Permit.
4. The marijuana cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, excessive light, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to the use of storage of materials, processes, products or waste.
5. Cultivation shall not exceed six (6) marijuana plants of any size per residential unit, and subject to the issuance of Marijuana Cultivation Permit. The maximum number of plants shall be limited regardless of the number of qualified patients or primary caregivers residing on the property.
6. Marijuana cultivation activities shall not be upon any property or parcel containing a childcare center, school or church. Furthermore, the marijuana cultivation activities do not take place within 1,000 feet of any school, childcare center, public park, government building, or church. The 1,000 feet shall be measured from the closest property line of the school, childcare center, public park, government building or church, to the closest property line of the cultivation parcel.
7. Indoor grow lights shall not exceed 1,200 watts and shall comply with the California Building, Electrical and Fire Codes as adopted by the City.
8. Any location used for marijuana cultivation must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and shall comply with California Building Code section 402.3 (Mechanical Ventilation). The ventilation and filtration system must be approved by the enforcement officer and installed prior to the commencement of marijuana cultivation activities.
9. Marijuana cultivation activities shall not be accessible to persons under 18 years of age.

B. *Marijuana cultivation within residential units, specifically.* In addition to those requirements listed in Subsection A of this section, marijuana cultivation activities within a residential unit shall also comply with the following requirements:

1. The residential unit shall, at all times, maintain a kitchen, bathroom, and primary bedroom(s) for their intended purpose, and shall not be used for marijuana cultivation.
2. Any marijuana cultivation activities shall not create humidity, mold, or other nuisance condition.

C. *Marijuana cultivation within detached accessory structures, specifically.* In addition to those requirements listed in Subsection A of this section, marijuana cultivation activities within a detached accessory structure shall also comply with the following requirements:

1. The structure shall be no smaller than 120 square feet in size.
2. The structure shall be located within the rear yard area of any legal parcel or premises.
3. The structure shall maintain a minimum setback of 10-feet from any property line.
4. The structure shall be fully-enclosed and the area surrounding the structure must be enclosed by a solid fence at least six (6) feet in height. The fence must be adequately secure to prevent unauthorized entry. Bushes, hedgerows, plastic sheeting, tarps or cloth material shall not constitute an adequate fence under this subsection.
5. The structure shall maintain adequate mechanical or electronic security systems, approved by the enforcement officer, and shall install such systems prior to the commencement of cultivation.
6. Any accessory structure used for marijuana cultivation must have a valid building permit issued by the City building official. The building official shall consult with the planning director and enforcement officers in consideration of any building permit application seeking a building permit for the construction or alteration of any detached accessory structure to be used for marijuana cultivation.

#### **5.34.040 – Other Applicable Regulations**



A. There shall be no variances or deviations permitted to any standards or requirements within this Chapter.

B. Nothing in this Chapter is intended to authorize the cultivation, possession, or use of marijuana in violation of state law.

#### **5.34.050 – Marijuana Cultivation Permit**

A. Prior to commencing any marijuana cultivation, the person(s) owning, leasing, renting, occupying, or having charge or possession of any legal parcel or premises where marijuana cultivation is proposed to occur must apply for a Marijuana Cultivation Permit within the City. The following information will be required with the initial Permit application and subsequent Permit extensions:

1. Adequate proof that the permit holder is 21 years of age or older;
2. Notarized signature from the owner of the property consenting to the cultivation of marijuana at the premises on a form acceptable to the City;
3. The name of each person owning, leasing, occupying or having charge of any legal parcel or premises where marijuana will be cultivated;
4. The physical site address of where marijuana will be cultivated;
5. A signed consent form, acceptable to the City, authorizing enforcement officers to conduct an inspection of the detached accessory structure used for marijuana cultivation upon 24 hours' notice;

B. The Permit shall be valid for no more than one (1) year and may be extended in increments of two (2) years.

C. The enforcement officer may, in his or her discretion, deny any application for a Marijuana Cultivation Permit, or extension thereof, where he or she finds, based on articulated facts, that the issuance of such Permit, or extension thereof, would be detrimental to the public health, safety, or welfare. The enforcement officer shall deny an application for a Marijuana Cultivation Permit, or extension thereof, which does not demonstrate satisfaction of the minimum requirements of this Chapter. The denial of any Permit application or extension shall be subject to appeal by the City Council.

D. The City Council may establish a fee or fees required to be paid upon filing of an application for a Marijuana Cultivation Permit, as provided by this Chapter, which fees shall not exceed the reasonable costs of administering this Chapter.

#### **5.34.060 – Revocation of Marijuana Cultivation Permit**

A. Any Marijuana Cultivation Permit granted by the City shall become null and void if the City receives and substantiates two (2) complaints of noxious odors resulting from indoor marijuana cultivation within a twelve (12) month period. These complaints must originate from at least two (2) separate individuals and two (2) separate properties adjoining, or within proximity to, the property engaging in marijuana cultivation.

B. Upon revocation of a Marijuana Cultivation Permit, the Responsible Party, property owner, tenant, or Permittee shall remove all marijuana plants from the premises within 30 days of official notice from any enforcement officer.

#### **5.34.070 – Appeals**

Any person aggrieved by the requirements of this Chapter may file an appeal pursuant to the requirements of Chapter 5.04 of the Banning Municipal Code.

#### **5.34.080 – Prohibited Activities Declared a Public Nuisance**

A. It is unlawful and a public nuisance for any person owning, leasing, renting, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the City to cause or allow such parcel or premises to be used for the outdoor cultivation of marijuana plants.

B. It is unlawful and a public nuisance for any person to cultivate marijuana inside any residential building or structure without a marijuana cultivation permit issued by the City.

C. It is unlawful and a public nuisance for any person to engage in Commercial Cannabis Activity in any area of the City.

D. It is unlawful and a public nuisance for any person to use gas products, such as CO<sub>2</sub>, butane, propane, and natural gas, for the cultivation, extraction, or processing of marijuana.

E. It is unlawful and a public nuisance for any person to use generators for marijuana cultivation activities.

F. In addition to the foregoing, any use or condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is hereby declared a public nuisance and may be abated by the City or subject to any available legal remedies, including but not limited to, civil injunctions. The prohibitions outlined in this Chapter shall be imposed regardless of the number of qualified patients or primary caregivers residing at the premises or participating directly or indirectly in the cultivation. Further, this prohibition shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.

#### **5.34.090 – Enforcement, Violations and Penalties.**

In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Banning Municipal Code Chapter 1.20. Each such violation shall be deemed a separate offense. This section provides a civil penalty remedy that is in addition to all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this chapter.

**Section 2.** Section 8.48.330 (“Cultivation, manufacture, or sales of drugs”) of Chapter 8.48 (Nuisances), of Title 8 (Health and Safety) of the Banning Municipal Code is hereby amended to read as follows:

#### **8.48.330 - Manufacture or sales of drugs.**

Any real or personal property utilized in the manufacture, sales, or storage of any drug which is illegal under any state or federal law is declared a nuisance. This section shall not apply to the manufacture, sale or storage of marijuana permitted under Chapter 5.34 of this Code.

**Section 3.** Chapter 8.68 (Medical Marijuana Prohibited) of Title 8 (Health and Safety) of the Banning Municipal Code is hereby repealed in its entirety.

**Section 4.** The definition of the word "smoking" in Section 8.56.020 (Definitions) of Chapter 8.56 (Smoking) of Title 8 (Health and Safety) of the Banning Municipal Code is hereby amended to read as follows:

"Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, or any plant product intended for human inhalation.


**Section 5. Effective Date.** This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

**Section 6. Certification.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Banning's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

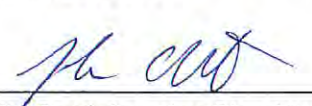
**PASSED, APPROVED and ADOPTED** this 14th day of March, 2017.

  
George Moyer, Mayor  
City of Banning

**ATTEST:**

  
Marie A. Calderon, City Clerk  
City of Banning

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

  
John C. Cotti, Interim City Attorney  
Jenkins & Hogan, LLP



**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1506 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 28th day of February, 2017, and was duly adopted at a regular meeting of said City Council on the 14<sup>th</sup> day of March, 2017, by the following vote, to wit:

AYES: Councilmembers Andrade, Welch, Mayor Moyer

NOES: None

ABSENT: Councilmembers Franklin, Peterson

ABSTAIN: None



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

## Attachment 2

Ordinance 1507

## **ORDINANCE NO. 1507**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A CATEGORICAL EXEMPTION AND APPROVING ZONE TEXT AMENDMENT 16-97502 AMENDING THE ZONING ORDINANCE (TITLE 17 ZONING OF THE BANNING MUNICIPAL CODE)**

**WHEREAS**, the City Council has authority per Chapter 17.116 (Zoning Ordinance Amendments) of the City of Banning Municipal Code to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

**WHEREAS**, the City of Banning initiated amendments to the Zoning Ordinance, Article 17 of the Municipal Code, to regulate cultivation of marijuana for personal use, and to expressly prohibit deliveries, dispensaries, mobile dispensaries, and the commercial cultivation of marijuana within the City; and

**WHEREAS**, on January 4, 2017, during a duly advertised public hearing, the Planning Commission adopted Resolution No. 2017-01 recommending that the City Council adopt Ordinance No. 1507 approving the Categorical Exemption and Zone Text Amendment No. 16-97502; and

**WHEREAS**, on the 10th day of February, 2017, the City gave public notice as required under Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of the holding of a public hearing at which the Categorical Exemption and Zone Text Amendment would be considered; and

**WHEREAS**, on the 28th day of February, 2017, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendments, and at which time the City Council considered the Categorical Exemption and Zone Text Amendment No. 16-97502; and

**WHEREAS**, at this public hearing on the 28th day of February, 2017, the City Council considered and heard public comments on the proposed Categorical Exemption and Zone Text Amendment; and

**WHEREAS**, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the 28th day of February, 2017.

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

## **SECTION 1. ENVIRONMENTAL.**

### **California Environmental Quality Act (CEQA)**

In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97502 and has determined that the zone text changes are Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

### **Multiple Species Habitat Conservation Plan (MSHCP)**

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

## **SECTION 2. REQUIRED FINDINGS**

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zone Text Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the Zone Text Amendment No. 16-97502.

***Finding No. 1:***      *Proposed Zone Text Amendment No. 16-97502 is consistent with the goals and policies of the General Plan.*

**Findings of Fact:** Proposed Zone Text Amendment No. 16-97502 is consistent with the goals and policies of the General Plan. Commercial marijuana activities can adversely affect the health, safety and well-being of City residents. The cultivation and processing of medical cannabis has resulted in damages to buildings containing indoor medical cannabis cultivation facilities; such damages include improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the frequency of home-invasion robberies and similar crimes. The City anticipates that the cultivation of non-medical marijuana exposes itself to the same inherent risks. Marijuana cultivation or other concentration of marijuana in any location or premises without



adequate regulations increases the risk that surrounding homes or businesses may be negatively impacted. The Banning Municipal Code (BMC) does not currently expressly and separately prohibit the delivery or mobile dispensing of marijuana within the City. Furthermore, the BMC currently bans personal cultivation of marijuana in contravention to the Control, Regulate, and Tax Adult Use of Marijuana Act. It is in the public interest and there are community benefits resulting from the regulation of marijuana, while still allowing for responsible and lawful access to marijuana in the City.

**Finding No. 2:** *Proposed Zone Text Amendment No. 16-97502 is internally consistent with the Zoning Ordinance.*

**Findings of Fact:** Proposed Zone Text Amendment No. 16-97502 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of uses and lands within the city to protect the public health, safety, and welfare. The proposed amendments will protect the public health, safety, and welfare of the residents of the City by reasonably regulating marijuana cultivation so as to avoid the concentration of substantial amounts of marijuana in one place, and to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards.

**Finding No. 3:** *The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.*

**Findings of Fact:** In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. *Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA.* The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 16-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

### **SECTION 3. CITY COUNCIL ACTION.**

The City Council hereby takes the following actions:

1. **Adoption of Categorical Exemption.** In accordance with Public Resources Code Section 21006 and CEQA Guidelines Section 15061 the City Council hereby adopts the Categorical Exemption prepared pursuant to CEQA Guidelines Section 15061(b)(3) for Zone Text Amendment No. 16-97502.

2. **Approve Zone Text Amendment No. 16-97502 as follows:**

Amend Title 17(Zoning) of the Banning Municipal Code as follows:

1. The alphabetized list of definitions provided for in Section 17.04.070 (Definitions) of Chapter 17.04 (Basic Provisions) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following definitions:

"Marijuana" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It includes marijuana infused in foodstuff. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant that are incapable of germination.

"Marijuana Cultivation" shall mean the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof. Marijuana Cultivation shall not exceed six (6) marijuana plants of any size per Marijuana Cultivation Permit holder. See Chapter 5.34 for provisions.

"Marijuana Dispensary" shall mean any association, cooperative, club, co-op, delivery service, mobile dispensary, dispensary, collective, and any other similar use that manufactures, laboratory tests, labels, distributes, delivers, dispenses, sells or makes marijuana available in the City.

2. Table 17.08.020 of Section 17.08.020 (Permitted, conditional and prohibited uses) of Chapter 17.08 (Residential Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR	MHP
Residential Uses									
Marijuana Cultivation <sup>6</sup>	P	P	P	P	P	P	P	P	P
Marijuana Dispensary	X	X	X	X	X	X	X	X	X

<sup>6</sup> Marijuana Cultivation requires a Marijuana Cultivation License. See Chapter 5.34 for provisions.

**3.** Table 17.12.020 of Section 17.12.020 (Permitted, conditional and prohibited commercial and industrial uses) of Chapter 17.12 (Commercial and Industrial Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	DC	GC	HSC	PO	I	AI	BP	IMR
Resource and Open Space Uses								
Marijuana Cultivation	X	X	X	X	X	X	X	X
Marijuana Dispensary	X	X	X	X	X	X	X	X

**4.** Table 17.16.020 of Section 17.16.020 (Permitted, conditional and prohibited public facilities uses) of Chapter 17.16 (Public Facilities Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	PF-A	PF-G	PF-F	PF-S	PF-H
Marijuana Cultivation	X	X	X	X	X
Marijuana Dispensary	X	X	X	X	X

**5.** Table 17.20.020 of Section 17.20.020 (Permitted, conditional and prohibited open space uses) of Chapter 17.20 (Open Space Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	OS-R	OS-PA	OS-PU	OS-H
Marijuana Cultivation	X	X	X	X
Marijuana Dispensary	X	X	X	X

#### **SECTION 4. SEVERABILITY.**

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


#### **SECTION 5. PUBLICATION; EFFECTIVE DATE.**

The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.

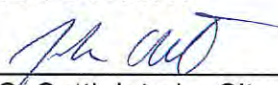
**PASSED, APPROVED, AND ADOPTED** this 14<sup>th</sup> day of March, 2017.

  
George Moyer, Mayor  
City of Banning

**ATTEST:**

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

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

  
John C. Cotti, Interim City Attorney  
Jenkins & Hogan, LLP



**CERTIFICATION:**


I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1507 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 28th day of February, 2017, and was duly adopted at a regular meeting of said City Council on the 14<sup>th</sup> day of March, 2017, by the following vote, to wit:

AYES: Councilmembers Andrade, Welch, Mayor Moyer

NOES: None

ABSENT: Councilmembers Franklin, Peterson

ABSTAIN: None

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



## Attachment 3

City Council Staff Report, December 12, 2016 Meeting



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Michael Rock, City Manager

**PREPARED BY:** Natalie C. Karpeles, Interim Deputy City Attorney

**MEETING DATE:** December 12, 2016

**SUBJECT:** Discuss and Consider Municipal Code amendments to expressly prohibit all commercial marijuana land uses throughout the City as an urgency measure

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### **RECOMMENDATION:**

1. After the City Attorney reads the title, adopt Urgency Ordinance 1505 amending Section 8.48.330 (Cultivation, Manufacture, or Sale of Drugs) and adding Chapter 5.34 ("Marijuana Cultivation") to regulate the cultivation of marijuana for personal use by creating a Marijuana Cultivation Permit; amending Chapter 8.68 (Medical Marijuana Prohibited) to conform to state law;
2. Introduce on first reading non-urgency Ordinance 1506, related to the regulation of marijuana cultivation for personal use, and the prohibition of commercial marijuana activities (including commercial delivery, dispensing and non-personal cultivation); and
3. Direct staff to schedule the second reading and adoption of non-urgency Ordinance 1506 for the January 24, 2017, regular City Council meeting.

### **JUSTIFICATION:**

An oral report will be provided by the City Council Ad-Hoc committee.

### **BACKGROUND:**

On November 8, 2016, the voters of the State of California passed the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA). Upon its passage, certain provisions of the AUMA took effect as of November 9, 2016. These provisions include the legalization of the use of nonmedical marijuana by persons 21 years of age or older, and the personal cultivation of up to six (6) marijuana plants. Specifically, the AUMA makes it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without any compensation, 28.5 grams of un-concentrated marijuana or 8 grams of concentrated marijuana; and (3) possess, plant,

cultivate, harvest, dry or process up to six living marijuana plants for personal use. Until recently, it was unnecessary for the City's land use regulations to address the recreational use of marijuana because it was not legal pursuant to federal, state or local law<sup>1</sup>.

Commercial marijuana activities can adversely affect the health, safety and well-being of City residents. For instance, the exterior cultivation of marijuana requires large amounts of space and may result in a large quantity of plants being cultivated on a single parcel of land. As these "crops" begin to flower, they produce a strong odor that is detectable far beyond the property boundaries. Not only is the odor of flowering marijuana plants offensive, it also alerts persons to the location of these valuable plants and creates an increased risk of nuisance activity, including crime. Furthermore, the indoor cultivation and processing of marijuana has also resulted in damages to buildings; such damages include improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the frequency of home-invasion robberies and similar crimes. The City anticipates that the cultivation of non-medical marijuana exposes itself to the same inherent risks. Marijuana cultivation or other concentration of marijuana in any location or premises without adequate regulations increases the risk that surrounding homes or businesses may be negatively impacted.

Even though the Compassionate Use Act, the Medical Marijuana Program, and the AUMA provide limited immunity from specified State marijuana laws, this immunity does not grant any land use rights or create the right to maintain a public nuisance. With that said, the Banning Municipal Code does not currently expressly and separately prohibit the delivery or mobile dispensing of marijuana within the City. Furthermore, the BMC currently bans personal cultivation of marijuana in contravention to the AUMA.

#### **URGENCY ORDINANCE:**

In conjunction with the proposed ordinance, staff has also provided a substantively identical urgency ordinance. Pursuant to Government Code section 36937, urgency ordinances for the immediate preservation of the public peace, health or safety take effect immediately, subject to a four-fifths (4/5) vote of approval by the City Council. Commercial marijuana activities and unregulated personal cultivation can adversely affect the safety and peace of City residents by creating situations which may result in an increase of fire hazards, nuisance and crime. Upon approval by the City Council, the urgency ordinance would go into effect immediately and will essentially be replaced by the non-urgency ordinance once the non-urgency ordinance goes into effect after a second reading and thirty-day waiting period.

Currently, the BMC prohibits medical marijuana dispensaries<sup>2</sup> and the cultivation of marijuana<sup>3</sup>. Pursuant to the recent passage of the AUMA in November, personal

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<sup>1</sup> Division II of Title 17 of the Banning Municipal Code ("BMC") does not currently expressly and separately prohibit the cultivation or delivery of marijuana within the City. While Chapter 8.68 prohibits medical marijuana dispensaries and Section 8.48.330 prohibits the cultivation of marijuana within the City, the City's Zoning Code is silent as to these uses.

<sup>2</sup> Specifically, Section 8.68.030 makes it unlawful to open, operate, manage or be employed by, or conduct business with a medical marijuana dispensary and other similar uses.

cultivation of marijuana is no longer prohibited by state law; persons who are 21 years or older may immediately cultivate up to six (6) marijuana plants for personal use. Attached to this report are proposed amendments to Section 8.48.330 and the proposed addition of a new Chapter 5.34 to regulate the cultivation of marijuana for personal use.

If adopted, the urgency ordinance will:

- Create a new chapter solely dedicated to the regulation of marijuana cultivation. The proposed addition of Chapter 5.34 – "Marijuana Cultivation" would require all persons wishing to engage in cultivation of marijuana for personal use to first obtain a City-issued Marijuana Cultivation Permit.
- Permit issuance would be subject to the discretion of the City's enforcement officers and would allow the City to monitor those locations where personal cultivation will be conducted.
- Most importantly, this proposed chapter would include provisions regulating the development, location and operation standards for the personal cultivation of marijuana. For instance, personal cultivation would be limited to the City's residential zones; fully-enclosed structures<sup>4</sup> more than 1,000 feet from any school, childcare center, government building, public park, or religious institution; and six (6) marijuana plants per Marijuana Cultivation Permit holder.
- Furthermore, this chapter would prohibit evidence of personal cultivation from the public right-of-way, and would designate as a nuisance certain activities related to the cultivation of marijuana, including outdoor cultivation, chemical extractions, and the use of generators.
- Amend Section 8.48.330 to conform to state law so as not to prohibit the cultivation of marijuana for personal use.

#### **NON-URGENCY ORDINANCE & PLANNING COMMISSION RESOLUTION:**

On October 9, 2015, Governor Brown signed three bills into law – Assembly Bills 266 and 243, and Senate Bill 643 – collectively referred to as the Medical Marijuana Regulation and Safety Act (MMRSA). The MMRSA became effective on January 1, 2016 and contains provisions that govern the cultivating, processing, transporting, testing, and distributing of medical marijuana to qualified patients. The MMRSA states that if a city or county has not adopted land use regulations to either regulate or ban delivery of marijuana for medicinal purposes, the State will be the sole authority that issues licenses for such purposes in that jurisdiction, meaning no local license will be required.

Within the Counties of Los Angeles and Orange, mobile dispensaries have been the targets of armed robbers seeking cash and drugs. As a result, many drivers reportedly carry weapons or have armed guards as protection. For instance, in June of 2011, a marijuana delivery from a Los Angeles mobile dispensary turned deadly in Orange County when four individuals reportedly ambushed the mobile dispensary driver and his armed security guard and tried to rob them. One of the suspects approached the

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<sup>3</sup> Pursuant to Section 8.48.330 it is a nuisance to use any real or personal property in the manufacture, cultivation, sales or storage of any drug which is illegal under state or federal law, including marijuana.

<sup>4</sup> Note that the AUMA includes language purporting to repeal any ordinance that bans personal outdoor cultivation upon the Attorney General's determination that nonmedical use of marijuana is lawful under federal law; therefore, regulations in the BMC which prohibit outdoor personal cultivation may be rendered unenforceable in the future.



delivery vehicle and confronted the driver; a struggle ensued. A second suspect, armed with a handgun, approached the security guard, who fired at the suspect shooting him multiple times.

Staff has prepared Resolution 2017-01 for the Planning Commission's consideration. Resolution 2017-01 proposes to define "marijuana cultivation" in the City's Zoning Ordinance in such a way to obviate any distinction between medical and recreational marijuana cultivation and thereby applying the term "marijuana cultivation" to either recreational or medicinal marijuana. Additionally, Resolution 2017-01 proposes to define "marijuana dispensaries" to include traditional medical marijuana dispensaries, in addition to recreational marijuana businesses and mobile dispensaries. With these definitions in place, Resolution 2017-01 would prohibit *marijuana dispensaries* within every zone in the City and would permit the personal *marijuana cultivation* solely within the City's residential zones; these changes would render Chapter 8.68 superfluous, which is why staff is recommending that Chapter 8.68 be repealed. It is anticipated that Resolution 2017-01 and the non-urgency ordinance will go to Planning Commission during the regularly scheduled meeting for January 4, 2017.

**OPTIONS:**

1. Approve Staffs' recommendations;
2. Do not approve staffs' recommendations and provide staff with alternative direction.

**FISCAL IMPACT:**

None, if approved as proposed.

**ATTACHMENT:**

1. Urgency Ordinance 1505
2. Non-urgency Ordinance 1506
3. Planning Commission Resolution 2017-01

Approved by:

A handwritten signature in blue ink, appearing to read "Michael Rock", is written over a horizontal line.

Michael Rock  
City Manager



**ATTACHMENT 1**  
Ordinance 1505

## ORDINANCE 1505

AN URGENCY ORDINANCE OF THE CITY OF BANNING AMENDING SECTION 8.48.330 ("CULTIVATION, MANUFACTURE, OR SALES OF DRUGS") AND ADDING CHAPTER 5.34 ("MARIJUANA CULTIVATION") TO TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE BANNING MUNICIPAL CODE TO REGULATE THE CULTIVATION OF MARIJUANA FOR PERSONAL USE BY CREATING A MARIJUANA CULTIVATION PERMIT; AND DECLARING THE URGENCY THEREOF.

The City Council of the City of Banning does hereby ordain as follows:

**Section 1.** A new Chapter 5.34, entitled "Marijuana Cultivation" is added to Title 5 (Business Licenses and Regulations) of the Banning Municipal Code to read as follows:

### Chapter 5.34 MARIJUANA CULTIVATION

#### Sections:

- 5.34.010 – Purpose
- 5.34.020 – Definitions
- 5.34.030 – Site Location, Operation, and Development Standards
- 5.34.040 – Other Applicable Regulations
- 5.34.050 – Marijuana Cultivation Permit
- 5.34.060 – Revocation of Marijuana Cultivation Permit
- 5.34.070 – Appeals
- 5.34.080 – Prohibited Activities Declared a Public Nuisance

#### 5.34.010 – Purpose

A. The purpose of this Chapter is to prevent community-wide adverse impacts including, but not limited to, increased criminal activity, fire and chemical hazards, objectionable odors, late night traffic, and the general deterioration of neighborhoods associated with marijuana cultivation.

B. Marijuana cultivation in the City can adversely affect the health, safety and well-being of City residents. Therefore, reasonable regulation of marijuana cultivation is proper and necessary to avoid the concentration of substantial amounts of marijuana in one place and to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation.

#### **5.34.020 – Definitions**

For the purposes of this Chapter, the following definition shall apply:

"Childcare Center" shall mean any licensed childcare center, daycare center, childcare home, or any preschool.

"Church" shall mean any structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

"Commercial Cannabis Activity" shall mean the possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, dispensing, mobile dispensing, mobile delivery, or sale of more than 28.5 grams of un-concentrated marijuana or more than eight (8) grams of concentrated marijuana.

"Community Center" shall mean any facility open to the public at which classes, social activities, recreational activities, educational activities, support and public information are offered for all residents of the community.

"Detached accessory structure" shall mean a building completely detached from a residence that complies with the California Building Code and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Exterior walls must be constructed with nontransparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Enforcement Officer" shall mean the chief of police, building official, code enforcement official, environmental health department director, public health officer, agricultural commissioner, fire chief, clerk of the board of supervisors, or their designees.

"Indoors" shall mean within a fully enclosed and secure building.

"Marijuana Cultivation" or "Marijuana Cultivation Activities" shall mean the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof.

"Marijuana Cultivation Permit" shall mean a permit issued by the City to a person over the age of 21 for the purposes of engaging in marijuana cultivation activities pursuant to this Chapter.

"Marijuana Cultivation Permit Holder" shall mean the applicant named on the application for a Marijuana Cultivation Permit.

"Marijuana Plant" shall mean any mature or immature marijuana plant, or any marijuana seedling.

"Park" shall mean any public playground, public recreation center or area, and other public areas created, established, designed, maintained, provided, or set aside by the county, and city or any other public entity or agency, for the purposes of public rest, play, recreation, enjoyment or assembly, and all buildings and structures located thereon or therein.

"Premises" shall mean a single parcel of property. Where contiguous parcels are under common ownership or control, such contiguous parcels shall be counted as a single "premises" for purposes of this Chapter.

"Primary Caregiver" shall have the same meaning as set forth in Health and Safety Code sections 11362.5 and 11362.7, et seq.

"Qualified Patient" shall have the same meaning as set forth in Health and Safety Code sections 11326.5 and 11362.7, et seq.

"Rear Yard" shall mean the rear open space portion of any premises, whether fenced or unfenced.

"Residential Unit" means any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation on a premises or legal parcel located within a residential or agricultural-residential zoning district.

"Responsible Party" shall mean: (1) each person committing the violation or causing a condition on a premises located within the jurisdiction of the City which violates this Chapter; (2) each person who has an ownership interest in that premises; or (3) each person who, although not an owner, nevertheless occupies or has a legal right or a legal obligation to exercise possession or control over that premises. In the



event a person who commits the violation or causes the violation is a minor, then the minor's parents or legal guardian shall be deemed the responsible party.

"School" shall mean any institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education; excluding home school, vocational or professional institution of higher education, including a community college, junior college, college or university.

#### **5.34.030 – Site Location, Operation, and Development Standards**

Non-commercial cultivation of small amounts of marijuana for personal use is only permitted in the Ranch Agriculture (R/A), Ranch Agriculture –Hillside (R/A/H), Rural Residential (RR), Rural Residential – Hillside (RR/H), Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR) zones when all of the following conditions and standards are met:

##### **A. Generally.**

1. Marijuana cultivation is permitted only on parcels with residential units where the Marijuana Cultivation Permit Holder resides full-time. Marijuana Cultivation Permit Holders shall not participate in marijuana cultivation in more than one location within the City. Marijuana cultivation activities may only occur within a residential unit, garage or self-contained accessory structure that is secured, locked and fully enclosed.
2. From the public right-of-way, there shall be no exterior evidence of marijuana cultivation.
3. Prior to the commencement of any marijuana cultivation, the person responsible for the marijuana cultivation shall provide the City with adequate proof of a City Marijuana Cultivation Permit.
4. The marijuana cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, excessive light, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to the use of storage of materials, processes, products or waste.
5. Cultivation shall not exceed six (6) marijuana plants of any size per Marijuana Cultivation Permit holder. The maximum number of plants shall be limited regardless of the number of qualified patients or primary caregivers residing on the property.

6. Marijuana cultivation activities shall not be upon any property or parcel containing a childcare center, school or church. Furthermore, the marijuana cultivation activities do not take place within 1,000 feet of any school, childcare center, public park, government building, or church. The 1,000 feet shall be measured from the closest property line of the school, childcare center, public park, government building or church, to the closest property line of the cultivation parcel.

7. Indoor grow lights shall not exceed 1,200 watts and shall comply with the California Building, Electrical and Fire Codes as adopted by the City.

8. Any location used for marijuana cultivation must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and shall comply with California Building Code section 402.3 (Mechanical Ventilation). The ventilation and filtration system must be approved by the enforcement officer and installed prior to the commencement of marijuana cultivation activities.

9. Marijuana cultivation activities shall not be accessible to persons under 18 years of age.

*B. Marijuana cultivation within residential units, specifically.* In addition to those requirements listed in Subsection A of this section, marijuana cultivation activities within a residential unit shall also comply with the following requirements:

1. The residential unit shall, at all times, maintain a kitchen, bathroom and primary bedroom(s) for their intended purpose, and shall not be used for marijuana cultivation.

2. Any marijuana cultivation activities shall not create humidity, mold, or other nuisance condition.

*C. Marijuana cultivation within detached accessory structures, specifically.* In addition to those requirements listed in Subsection A of this section, marijuana cultivation activities within a detached accessory structure shall also comply with the following requirements:

1. The structure shall be no smaller than 120 square feet in size.

2. The structure shall be located within the rear yard area of any legal parcel or premises.

3. The structure shall maintain a minimum setback of 10-feet from any property line.

4. The structure shall be fully-enclosed and the area surrounding the structure must be enclosed by a solid fence at least six (6) feet in height. The fence must be adequately secure to prevent unauthorized entry.

Bushes, hedgerows, plastic sheeting, tarps or cloth material shall not constitute an adequate fence under this subsection.

5. The structure shall maintain adequate mechanical or electronic security systems, approved by the enforcement officer, and shall install such systems prior to the commencement of cultivation.

6. Any accessory structure used for marijuana cultivation must have a valid building permit issued by the City building official. The building official shall consult with the planning director and enforcement officers in consideration of any building permit application seeking a building permit for the construction or alteration of any detached accessory structure to be used for marijuana cultivation.

#### **5.34.040 – Other Applicable Regulations**

A. There shall be no variances or deviations permitted to any standards or requirements within this Chapter.

B. Nothing in this Chapter is intended to authorize the cultivation, possession, or use of marijuana in violation of state or federal law.

#### **5.34.050 – Marijuana Cultivation Permit**

A. Prior to commencing any marijuana cultivation, the person(s) owning, leasing, renting, occupying, or having charge or possession of any legal parcel or premises where marijuana cultivation is proposed to occur must apply for a Marijuana Cultivation Permit within the City. The following information will be required with the initial Permit application and subsequent Permit extensions:

1. Adequate proof that the permit holder is 21 years of age or older;
2. Notarized signature from the owner of the property consenting to the cultivation of marijuana at the premises on a form acceptable to the City;
3. The name of each person owning, leasing, occupying or having charge of any legal parcel or premises where marijuana will be cultivated;
4. The physical site address of where marijuana will be cultivated;
5. A signed consent form, acceptable to the City, authorizing enforcement officers to conduct an inspection of the detached accessory structure used for marijuana cultivation upon 24 hours' notice;

B. The Permit shall be valid for no more than one (1) year and may be extended in increments of two (2) years.

C. The enforcement officer may, in his or her discretion, deny any application for a Marijuana Cultivation Permit, or extension thereof, where he or she finds, based on articulated facts, that the issuance of such Permit, or extension thereof, would be

detrimental to the public health, safety, or welfare. The enforcement officer shall deny an application for a Marijuana Cultivation Permit, or extension thereof, which does not demonstrate satisfaction of the minimum requirements of this Chapter. The denial of any Permit application or extension shall be subject to appeal by the City Council.

D. The City Council may establish a fee or fees required to be paid upon filing of an application for a Marijuana Cultivation Permit, as provided by this Chapter, which fees shall not exceed the reasonable costs of administering this Chapter.

#### **5.34.060 – Revocation of Marijuana Cultivation Permit**

A. Any Marijuana Cultivation Permit granted by the City shall become null and void if the City receives and substantiates two (2) complaints of noxious odors resulting from indoor marijuana cultivation within a twelve (12) month period. These complaints must originate from at least two (2) separate individuals and two (2) separate properties adjoining, or within proximity to, the property engaging in marijuana cultivation.

B. Upon revocation of a Marijuana Cultivation Permit, the property owner, tenant, or Permittee shall remove all marijuana plants from the premises within 30 days of official notice from any enforcement officer.

#### **5.34.070 – Appeals**

Any person aggrieved by the requirements of this Chapter may file an appeal pursuant to the requirements of Chapter 5.04 of the Banning Municipal Code.

#### **5.34.080 – Prohibited Activities Declared a Public Nuisance**

A. It is unlawful and a public nuisance for any person owning, leasing, renting, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the City to cause or allow such parcel or premises to be used for the outdoor cultivation of marijuana plants.

B. It is unlawful and a public nuisance for any person to cultivate marijuana inside any residential building or structure without a marijuana cultivation permit issued by the City.

C. It is unlawful and a public nuisance for any person to engage in Commercial Cannabis Activity in any area of the City.

D. It is unlawful and a public nuisance for any person to use gas products, such as CO<sub>2</sub>, butane, propane, and natural gas, for the cultivation, extraction, or processing of marijuana.

E. It is unlawful and a public nuisance for any person to use generators for marijuana cultivation activities.



F. In addition to the foregoing, any use or condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is hereby declared a public nuisance and may be abated by the City or subject to any available legal remedies, including but not limited to, civil injunctions. The prohibitions outlined in this Chapter shall be imposed regardless of the number of qualified patients or primary caregivers residing at the premises or participating directly or indirectly in the cultivation. Further, this prohibition shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.

**Section 2.** Section 8.48.330 ("Cultivation, manufacture, or sales of drugs") of Chapter 8.48 (Nuisances), of Title 8 (Health and Safety) of the Banning Municipal Code is hereby amended to read as follows:

**8.48.330 - Cultivation, ~~m~~Manufacture, or sales of drugs.**

Any real or personal property utilized in the manufacture, ~~cultivation~~, sales, or storage of any drug which is illegal under any state or federal law, ~~including marijuana~~, is declared a nuisance.

**Section 3. Urgency Findings.** On November 8, 2016, the voters of the State of California passed the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA). Upon its passage, certain provisions of the AUMA took effect as of November 9, 2016. These provisions include the legalization of use of nonmedical marijuana by persons 21 years of age or older, and the personal cultivation of up to six (6) marijuana plants. Specifically, the AUMA makes it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without any compensation, 28.5 grams of un-concentrated marijuana or 8 grams of concentrated marijuana; and (3) possess, plant, cultivate, harvest, dry or process up to six (6) living marijuana plants for personal use. The exterior cultivation of marijuana requires large amounts of space and may result in a large quantity of plants being cultivated on a single parcel of land. As these "crops" begin to flower, they produce a strong odor that is detectable far beyond the property boundaries. Not only is the odor of flowering marijuana plants offensive, it also alerts persons to the location of these valuable plants and creates an increased risk of nuisance activity, including crime. The cultivation and processing of medical cannabis has also resulted in damages to buildings containing indoor medical cannabis cultivation facilities; such damages include improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the frequency of home-invasion robberies and similar crimes. The City

anticipates that the cultivation of non-medical marijuana exposes itself to the same inherent risks. This urgency ordinance would confirm that marijuana cultivated for personal use is restricted to six (6) living plants and that marijuana must be grown indoors, in compliance with fire, health and building codes. There exists a current and immediate threat to public health and safety in the absence of the City adopting an ordinance expressly prohibiting establishment, operation or use of commercial marijuana activities, and regulating the personal cultivation of marijuana. The City desires to enact this urgency ordinance to expressly make clear that cultivation for personal use is only permitted in the City's residential zones and subject to reasonable regulations. Cultivation of marijuana for personal use can adversely affect the health, safety and welfare of City residents. The prohibitions outlined in this Urgency Ordinance are necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards which may result from personal cultivation of marijuana. This ordinance must be adopted immediately to comply with state law and clarify that personal use and cultivation of marijuana must be conducted safely and subject to reasonable regulations in order to prevent the negative and dangerous secondary effects associated with these uses.

**Section 4. Effective Date.** This is an urgency ordinance adopted pursuant to Government Code Section 36937 and shall take effect immediately upon adoption.

**Section 5. Certification.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Banning's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**PASSED, APPROVED and ADOPTED** this 12th day of December 2016.

VOTE: AYES:  
NOES:  
ABSTAIN:  
ABSENT:

City of Banning \_\_\_\_\_, Mayor

**ATTEST:**

Marie A. Calderon, City Clerk  
City of Banning

APPROVED AS TO FORM AND  
LEGAL CONTENT:

**John C. Cotti, Interim City Attorney**  
**Jenkins & Hogen, LLC**

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**ATTACHMENT 2**  
Ordinance 1506



## **ORDINANCE NO. 1506**

**AN ORDINANCE OF THE CITY OF BANNING AMENDING SECTION 8.48.330 ("CULTIVATION, MANUFACTURE, OR SALES OF DRUGS") TO CONFORM TO STATE LAW; ADDING CHAPTER 5.34 ("MARIJUANA CULTIVATION") TO TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE BANNING MUNICIPAL CODE TO REGULATE THE CULTIVATION OF MARIJUANA FOR PERSONAL USE BY CREATING A MARIJUANA CULTIVATION PERMIT; AND REPEALING CHAPTER 8.68 ("MEDICAL MARIJUANA PROHIBITED") OF TITLE 8 (HEALTH AND SAFETY) OF THE BANNING MUNICIPAL CODE IN ITS ENTIRETY TO PROMOTE CONSISTENCY WITH PROPOSED CHAPTER 5.34 AND EFFICIENCY OF REGULATION.**

The City Council of the City of Banning does hereby ordain as follows:

**Section 1.** A new Chapter 5.34, entitled "Marijuana Cultivation" is added to Title 5 (Business Licenses and Regulations) of the Banning Municipal Code to read as follows:

### **Chapter 5.34 MARIJUANA CULTIVATION**

#### **Sections:**

- 5.34.010 – Purpose**
- 5.34.020 – Definitions**
- 5.34.030 – Site Location, Operation, and Development Standards**
- 5.34.040 – Other Applicable Regulations**
- 5.34.050 – Marijuana Cultivation Permit**
- 5.34.060 – Revocation of Marijuana Cultivation Permit**
- 5.34.070 – Appeals**
- 5.34.080 – Prohibited Activities Declared a Public Nuisance**

#### **5.34.010 – Purpose**

A. The purpose of this Chapter is to prevent community-wide adverse impacts including, but not limited to, increased criminal activity, fire and chemical hazards, objectionable odors, late night traffic, and the general deterioration of neighborhoods associated with marijuana cultivation.

B. Marijuana cultivation in the City can adversely affect the health, safety and well-being of City residents. Therefore, reasonable regulation of marijuana cultivation is

proper and necessary to avoid the concentration of substantial amounts of marijuana in one place and to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation.

#### **5.34.020 – Definitions**

For the purposes of this Chapter, the following definition shall apply:

"Childcare Center" shall mean any licensed childcare center, daycare center, childcare home, or any preschool.

"Church" shall mean any structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

"Commercial Cannabis Activity" shall mean the possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, dispensing, mobile dispensing, mobile delivery, or sale of more than 28.5 grams of un-concentrated marijuana or more than eight (8) grams of concentrated marijuana.

"Community Center" shall mean any facility open to the public at which classes, social activities, recreational activities, educational activities, support and public information are offered for all residents of the community.

"Detached accessory structure" shall mean a building completely detached from a residence that complies with the California Building Code and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Exterior walls must be constructed with nontransparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Enforcement Officer" shall mean the chief of police, building official, code enforcement official, environmental health department director, public health officer, agricultural commissioner, fire chief, clerk of the board of supervisors, or their designees.

"Indoors" shall mean within a fully enclosed and secure building.

"Marijuana Cultivation" or "Marijuana Cultivation Activities" shall mean the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof.

"Marijuana Cultivation Permit" shall mean a permit issued by the City to a person over the age of 21 for the purposes of engaging in marijuana cultivation activities pursuant to this Chapter.

"Marijuana Cultivation Permit Holder" shall mean the applicant named on the application for a Marijuana Cultivation Permit.

"Marijuana Plant" shall mean any mature or immature marijuana plant, or any marijuana seedling.

"Park" shall mean any public playground, public recreation center or area, and other public areas created, established, designed, maintained, provided, or set aside by the county, and city or any other public entity or agency, for the purposes of public rest, play, recreation, enjoyment or assembly, and all buildings and structures located thereon or therein.

"Premises" shall mean a single parcel of property. Where contiguous parcels are under common ownership or control, such contiguous parcels shall be counted as a single "premises" for purposes of this Chapter.

"Primary Caregiver" shall have the same meaning as set forth in Health and Safety Code sections 11362.5 and 11362.7, et seq.

"Qualified Patient" shall have the same meaning as set forth in Health and Safety Code sections 11326.5 and 11362.7, et seq.

"Rear Yard" shall mean the rear open space portion of any premises, whether fenced or unfenced.

"Residential Unit" means any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation on a premises or legal parcel located within a residential or agricultural-residential zoning district.

"Responsible Party" shall mean: (1) each person committing the violation or causing a condition on a premises located within the jurisdiction of the City which violates this Chapter; (2) each person who has an ownership interest in that premises; or (3) each person who, although not an owner, nevertheless occupies or has a legal right or a legal obligation to exercise possession or control over that premises. In the event a person who commits the violation or causes the violation is a minor, then the minor's parents or legal guardian shall be deemed the responsible party.

"School" shall mean any institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education; excluding home school, vocational or professional institution of higher education, including a community college, junior college, college or university.

#### **5.34.030 – Site Location, Operation, and Development Standards**

Non-commercial cultivation of small amounts of marijuana for personal use is only permitted in the Ranch Agriculture (R/A), Ranch Agriculture – Hillside (R/A/H), Rural Residential (RR), Rural Residential – Hillside (RR/H), Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR) zones when all of the following conditions and standards are met:

##### **A. Generally.**

1. Marijuana cultivation is permitted only on parcels with residential units where the Marijuana Cultivation Permit Holder resides full-time. Marijuana Cultivation Permit Holders shall not participate in marijuana cultivation in more than one location within the City. Marijuana cultivation activities may only occur within a residential unit, garage or self-contained accessory structure that is secured, locked and fully enclosed.
2. From the public right-of-way, there shall be no exterior evidence of marijuana cultivation.
3. Prior to the commencement of any marijuana cultivation, the person responsible for the marijuana cultivation shall provide the City with adequate proof of a City Marijuana Cultivation Permit.
4. The marijuana cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, excessive light, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to the use of storage of materials, processes, products or waste.

5. Cultivation shall not exceed six (6) marijuana plants of any size per Marijuana Cultivation Permit holder. The maximum number of plants shall be limited regardless of the number of qualified patients or primary caregivers residing on the property.
6. Marijuana cultivation activities shall not be upon any property or parcel containing a childcare center, school or church. Furthermore, the marijuana cultivation activities do not take place within 1,000 feet of any school, childcare center, public park, government building, or church. The 1,000 feet shall be measured from the closest property line of the school, childcare center, public park, government building or church, to the closest property line of the cultivation parcel.
7. Indoor grow lights shall not exceed 1,200 watts and shall comply with the California Building, Electrical and Fire Codes as adopted by the City.
8. Any location used for marijuana cultivation must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and shall comply with California Building Code section 402.3 (Mechanical Ventilation). The ventilation and filtration system must be approved by the enforcement officer and installed prior to the commencement of marijuana cultivation activities.
9. Marijuana cultivation activities shall not be accessible to persons under 18 years of age.

B. *Marijuana cultivation within residential units, specifically.* In addition to those requirements listed in Subsection A of this section, marijuana cultivation activities within a residential unit shall also comply with the following requirements:

1. The residential unit shall, at all times, maintain a kitchen, bathroom and primary bedroom(s) for their intended purpose, and shall not be used for marijuana cultivation.
2. Any marijuana cultivation activities shall not create humidity, mold, or other nuisance condition.

C. *Marijuana cultivation within detached accessory structures, specifically.* In addition to those requirements listed in Subsection A of this section, marijuana cultivation activities within a detached accessory structure shall also comply with the following requirements:

1. The structure shall be no smaller than 120 square feet in size.
2. The structure shall be located within the rear yard area of any legal parcel or premises.
3. The structure shall maintain a minimum setback of 10-feet from any property line.



4. The structure shall be fully-enclosed and the area surrounding the structure must be enclosed by a solid fence at least six (6) feet in height. The fence must be adequately secure to prevent unauthorized entry. Bushes, hedgerows, plastic sheeting, tarps or cloth material shall not constitute an adequate fence under this subsection.
5. The structure shall maintain adequate mechanical or electronic security systems, approved by the enforcement officer, and shall install such systems prior to the commencement of cultivation.
6. Any accessory structure used for marijuana cultivation must have a valid building permit issued by the City building official. The building official shall consult with the planning director and enforcement officers in consideration of any building permit application seeking a building permit for the construction or alteration of any detached accessory structure to be used for marijuana cultivation.

#### **5.34.040 – Other Applicable Regulations**

- A. There shall be no variances or deviations permitted to any standards or requirements within this Chapter.
- B. Nothing in this Chapter is intended to authorize the cultivation, possession, or use of marijuana in violation of state or federal law.

#### **5.34.050 – Marijuana Cultivation Permit**

- A. Prior to commencing any marijuana cultivation, the person(s) owning, leasing, renting, occupying, or having charge or possession of any legal parcel or premises where marijuana cultivation is proposed to occur must apply for a Marijuana Cultivation Permit within the City. The following information will be required with the initial Permit application and subsequent Permit extensions:
  1. Adequate proof that the permit holder is 21 years of age or older;
  2. Notarized signature from the owner of the property consenting to the cultivation of marijuana at the premises on a form acceptable to the City;
  3. The name of each person owning, leasing, occupying or having charge of any legal parcel or premises where marijuana will be cultivated;
  4. The physical site address of where marijuana will be cultivated;
  5. A signed consent form, acceptable to the City, authorizing enforcement officers to conduct an inspection of the detached accessory structure used for marijuana cultivation upon 24 hours' notice;
- B. The Permit shall be valid for no more than one (1) year and may be extended in increments of two (2) years.

C. The enforcement officer may, in his or her discretion, deny any application for a Marijuana Cultivation Permit, or extension thereof, where he or she finds, based on articulated facts, that the issuance of such Permit, or extension thereof, would be detrimental to the public health, safety, or welfare. The enforcement officer shall deny an application for a Marijuana Cultivation Permit, or extension thereof, which does not demonstrate satisfaction of the minimum requirements of this Chapter. The denial of any Permit application or extension shall be subject to appeal by the City Council.

D. The City Council may establish a fee or fees required to be paid upon filing of an application for a Marijuana Cultivation Permit, as provided by this Chapter, which fees shall not exceed the reasonable costs of administering this Chapter.

#### **5.34.060 – Revocation of Marijuana Cultivation Permit**

A. Any Marijuana Cultivation Permit granted by the City shall become null and void if the City receives and substantiates two (2) complaints of noxious odors resulting from indoor marijuana cultivation within a twelve (12) month period. These complaints must originate from at least two (2) separate individuals and two (2) separate properties adjoining, or within proximity to, the property engaging in marijuana cultivation.

B. Upon revocation of a Marijuana Cultivation Permit, the property owner, tenant, or Permittee shall remove all marijuana plants from the premises within 30 days of official notice from any enforcement officer.

#### **5.34.070 – Appeals**

Any person aggrieved by the requirements of this Chapter may file an appeal pursuant to the requirements of Chapter 5.04 of the Banning Municipal Code.

#### **5.34.080 – Prohibited Activities Declared a Public Nuisance**

A. It is unlawful and a public nuisance for any person owning, leasing, renting, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the City to cause or allow such parcel or premises to be used for the outdoor cultivation of marijuana plants.

B. It is unlawful and a public nuisance for any person to cultivate marijuana inside any residential building or structure without a marijuana cultivation permit issued by the City.

C. It is unlawful and a public nuisance for any person to engage in Commercial Cannabis Activity in any area of the City.

D. It is unlawful and a public nuisance for any person to use gas products, such as CO<sub>2</sub>, butane, propane, and natural gas, for the cultivation, extraction, or processing of marijuana.

E. It is unlawful and a public nuisance for any person to use generators for marijuana cultivation activities.

F. In addition to the foregoing, any use or condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is hereby declared a public nuisance and may be abated by the City or subject to any available legal remedies, including but not limited to, civil injunctions. The prohibitions outlined in this Chapter shall be imposed regardless of the number of qualified patients or primary caregivers residing at the premises or participating directly or indirectly in the cultivation. Further, this prohibition shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.

**Section 2.** Section 8.48.330 ("Cultivation, manufacture, or sales of drugs") of Chapter 8.48 (Nuisances), of Title 8 (Health and Safety) of the Banning Municipal Code is hereby amended to read as follows:

**8.48.330 - ~~Cultivation, m~~Manufacture, or sales of drugs.**

Any real or personal property utilized in the manufacture, ~~cultivation~~, sales, or storage of any drug which is illegal under any state or federal law, ~~including marijuana~~, is declared a nuisance.

**Section 3.** Chapter 8.68 (Medical Marijuana Prohibited) of Title 8 (Health and Safety) of the Banning Municipal Code is hereby repealed in its entirety.

**Section 4. Effective Date.** This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

**Section 5. Certification.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Banning's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**PASSED, APPROVED and ADOPTED** this 12th day of December 2016.

VOTE:      AYES:  
              NOES:  
              ABSTAIN:  
              ABSENT:

\_\_\_\_\_, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, City Clerk  
City of Banning

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

\_\_\_\_\_  
John C. Cotti, Interim City Attorney  
Jenkins & Hogin, LLC

**ATTACHMENT 3**  
PC Resolution 2017-01



## RESOLUTION 2017-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING RECOMMENDING THAT THE CITY COUNCIL AMEND TITLE 17 OF THE BANNING MUNICIPAL CODE BY AMENDING SECTIONS 17.04.040, 17.08.020, 17.12.020, 17.16.020, AND 17.20.020 OF THE ZONING CODE IN ORDER TO EXPRESSLY PERMIT PERSONAL CULTIVATION SOLELY WITHIN THE CITY'S RESIDENTIAL ZONES AND TO EXPRESSLY PROHIBIT THE DELIVERY, DISPENSING, AND NON-PERSONAL COMMERCIAL CULTIVATION OF MARIJUANA WITHIN THE CITY.

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

**Section 1.** The City of Banning initiated amendments to the Zoning Ordinance, Article 17 of the Municipal Code to regulate cultivation of marijuana for personal use, and to expressly prohibit deliveries, dispensaries, mobile dispensaries, and the commercial cultivation of marijuana within the City.

**Section 2.** A public hearing was duly noticed for the Planning Commission meeting of \_\_\_\_\_, 2017 by publication in \_\_\_\_\_.

**Section 3.** The zone text changes are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**Section 4.** The Planning Commission does hereby find and declare as follows:

A. On October 9, 2015, Governor Brown signed three bills into law – Assembly Bills 266 and 243, and Senate Bill 643 – collectively referred to as the Medical Marijuana Regulation and Safety Act (MMRSA). The MMRSA became effective on January 1, 2016 and contains provisions that govern the cultivating, processing, transporting, testing, and distributing of medical marijuana to qualified patients. The MMRSA states that if a city or county has not adopted land use regulations to either regulate or ban cultivation of marijuana for medicinal purposes, the State will be the sole authority that issues cultivation licenses in that jurisdiction, meaning no local license will be required.

B. On November 8, 2016, the voters of the State of California passed the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA). Upon its passage, certain provisions of the AUMA took effect as of November 9, 2016.

These provisions include the legalization of the use of nonmedical marijuana by persons 21 years of age or older, and the personal cultivation of up to six (6) marijuana plants. Specifically, the AUMA makes it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without any compensation, 28.5 grams of un-concentrated marijuana or 8 grams of concentrated marijuana; and (3) possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use.

C. Commercial medical marijuana activities can adversely affect the health, safety and well-being of City residents. The cultivation and processing of medical cannabis has resulted in damages to buildings containing indoor medical cannabis cultivation facilities; such damages include improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the frequency of home-invasion robberies and similar crimes. The City anticipates that the cultivation of non-medical marijuana exposes itself to the same inherent risks. Marijuana cultivation or other concentration of marijuana in any location or premises without adequate regulations increases the risk that surrounding homes or businesses may be negatively impacted.

D. The Banning Municipal Code (BMC) does not currently expressly and separately prohibit the delivery or mobile dispensing of marijuana within the City. Furthermore, the BMC currently bans personal cultivation of marijuana in contravention to the AUMA.

E. The Zoning Ordinance text amendments are consistent with the goals, policies and objectives of the General Plan because it is in the public interest and there are community benefits resulting from the regulation of marijuana, such as preventing crime associated with marijuana activities, while still allowing for responsible and lawful access to marijuana in the City.

**Section 5.** Based on the foregoing, the Planning Commission of the City of Banning hereby recommends approval to the City Council of Zoning Text Amendment Title 17, which is attached hereto as Attachment A.

PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2017.

VOTE:       AYES:  
              NOES:  
              ABSTAIN:  
              ABSENT:

\_\_\_\_\_  
Joe Shaw, Chairman  
Banning Planning Commission

ATTEST:

\_\_\_\_\_  
Sandra Calderon, Recording Secretary  
City of Banning

APPROVED AS TO FORM AND  
LEGAL CONTENT:

\_\_\_\_\_  
John C. Cotti, Interim City Attorney  
Jenkins & Hogin, LLC

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section 1094.6.

## ATTACHMENT A

Amend Title 17(Zoning) of the Banning Municipal Code as follows:

1. The alphabetized list of definitions provided for in Section 17.04.070 (Definitions) of Chapter 17.04 (Basic Provisions) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following definitions:

"Marijuana" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It includes marijuana infused in foodstuff. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant that are incapable of germination.

"Marijuana Cultivation" shall mean the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof. Marijuana Cultivation shall not exceed six (6) marijuana plants of any size per Marijuana Cultivation Permit holder. See Chapter 5.34 for provisions.

"Marijuana Dispensary" shall mean any association, cooperative, club, co-op, delivery service, mobile dispensary, dispensary, collective, and any other similar use that manufactures, laboratory tests, labels, distributes, delivers, dispenses, sells or makes marijuana available in the City.

2. Table 17.08.020 of Section 17.08.020 (Permitted, conditional and prohibited uses) of Chapter 17.08 (Residential Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR	MHP
Residential Uses									
<u>Marijuana Cultivation</u> <sup>6</sup>	P	P	P	P	P	P	P	P	P
<u>Marijuana</u>									

<u>Dispensary</u>	X	X	X	X	X	X	X	X	X
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<sup>6</sup> Marijuana Cultivation requires a Marijuana Cultivation License. See Chapter 5.34 for provisions.

**3.** Table 17.12.020 of Section 17.12.020 (Permitted, conditional and prohibited commercial and industrial uses) of Chapter 17.12 (Commercial and Industrial Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	DC	GC	HSC	PO	I	AI	BP	IMR
Resource and Open Space Uses								
<u>Marijuana Cultivation</u>	X	X	X	X	X	X	X	X
<u>Marijuana Dispensary</u>	X	X	X	X	X	X	X	X

**4.** Table 17.16.020 of Section 17.16.020 (Permitted, conditional and prohibited public facilities uses) of Chapter 17.16 (Public Facilities Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	PF-A	PF-G	PF-F	PF-S	PF-H
<u>Marijuana Cultivation</u>	X	X	X	X	X
<u>Marijuana Dispensary</u>	X	X	X	X	X

**5.** Table 17.20.020 of Section 17.20.020 (Permitted, conditional and prohibited open space uses) of Chapter 17.20 (Open Space Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	OS-R	OS-PA	OS-PU	OS-H
<u>Marijuana Cultivation</u>	X	X	X	X
<u>Marijuana Dispensary</u>	X	X	X	X



## Attachment 4

City Council Staff Report, February 28, 2017 Meeting



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Michael Rock, City Manager

**PREPARED BY:** Natalie C. Karpeles, Interim Deputy City Attorney  
Patty Nevins, Senior Planner

**MEETING DATE:** February 28, 2017

**SUBJECT:** Discuss and Consider Municipal Code amendments to regulate the cultivation of marijuana for personal use and to expressly prohibit all commercial marijuana land uses throughout the City

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**RECOMMENDATION:**

1. Approve Ordinance 1506 and introduce on first reading Ordinance 1506 amending Section 8.48.330 (Cultivation, Manufacture, or Sale of Drugs) and adding Chapter 5.34 ("Marijuana Cultivation") to regulate the cultivation of marijuana for personal use by creating a Marijuana Cultivation Permit; amending Chapter 8.68 (Medical Marijuana Prohibited) to conform to state law;
2. Approve Ordinance 1507 and introduce on first reading Ordinance 1507 approving Zoning Text Amendment ZTA 16-97502 amending various sections of the Zoning Ordinance (Title 17 of the Banning Municipal Code) related to the delivery, dispensing, and cultivation of marijuana.
3. Approve Resolution 2017-17 establishing a fee for the issuance of a Marijuana Cultivation Permit.
4. Approve Resolution 2017-24 repealing and replacing Resolution 2003-77 in order to add a fine for violations of Chapter 5.34 ("Marijuana Cultivation") to the City's Administrative Citation Schedule of Fines.
5. Direct staff to schedule the second reading and adoption of Ordinance 1506 and Ordinance 1507 for the March 14, 2017, regular City Council meeting.

## **COMMITTEE RECOMMENDATION:**

### City Council Ad-hoc Committee

The City Council-appointed ad-hoc committee provided an oral report at the December 12, 2016 City Council meeting. At that meeting, the City Council voted 5-0 to approve the interim urgency ordinance 1505 (Attachment 4).

### Planning Commission

On January 4, 2017, the Planning Commission held a noticed public hearing on the Chapter 17 (Zoning Text) Amendments, at which time interested persons had an opportunity to testify in support of, or in opposition to, the Chapter 17 amendments. At that meeting, the Planning Commission voted 5-0 to adopt Resolution 2017-01 recommending that the City Council approve the Zoning Text Amendments.

## **JUSTIFICATION:**

The City Council previously adopted an urgency ordinance for amendments to Chapter 5 and 8 of the Banning Municipal Code related to marijuana cultivation based on findings that the recent legalization of use of nonmedical marijuana by persons 21 years of age or older and personal cultivation of marijuana plants has the potential to create an increased risk of nuisance activity, including crime, as well as damages to buildings. At the time that the urgency ordinance was adopted, staff was also directed to return with supporting amendments to Municipal Code Chapter 17 (Zoning Code).

## **BACKGROUND:**

### City Council Action

On December 12, 2016, the City Council adopted Urgency Ordinance 1505 (Attachment 4) amending Section 8.48.330 (Cultivation, Manufacture, or Sale of Drugs) and adding Chapter 5.34 ("Marijuana Cultivation") to regulate the cultivation of marijuana for personal use by creating a Marijuana Cultivation Permit and amending Chapter 8.68 (Medical Marijuana Prohibited) to conform to state law (see Attachment 4 for Urgency Ordinance 1505). The City Council further directed staff to have the Planning Commission review and consider changes to the Zoning Ordinance.

### Recent Changes to State Law

As noted in the December 12, 2016 City Council report for Urgency Ordinance 1505, on November 8, 2016, the voters of the State of California passed the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA). Upon its passage, certain provisions of

the AUMA took effect as of November 9, 2016. These provisions include the legalization of the use of nonmedical marijuana by persons 21 years of age or older, and the personal cultivation of up to six (6) marijuana plants. Specifically, the AUMA makes it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without any compensation, 28.5 grams of un-concentrated marijuana or 8 grams of concentrated marijuana; and (3) possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use. Until recently, it was unnecessary for the City's land use regulations to address the recreational use of marijuana because it was not legal pursuant to federal, state or local law<sup>1</sup>.

Commercial marijuana activities can adversely affect the health, safety and well-being of City residents. For instance, the exterior cultivation of marijuana requires large amounts of space and may result in a large quantity of plants being cultivated on a single parcel of land. As these "crops" begin to flower, they produce a strong odor that is detectable far beyond the property boundaries. Not only is the odor of flowering marijuana plants offensive, it also alerts persons to the location of these valuable plants and creates an increased risk of nuisance activity, including crime. Furthermore, the indoor cultivation and processing of marijuana has also resulted in damages to buildings; such damages include improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the frequency of home-invasion robberies and similar crimes. The City anticipates that the cultivation of non-medical marijuana exposes itself to the same inherent risks. Marijuana cultivation or other concentration of marijuana in any location or premises without adequate regulations increases the risk that surrounding homes or businesses may be negatively impacted.

On October 9, 2015, Governor Brown signed three bills into law – Assembly Bills 266 and 243, and Senate Bill 643 – collectively referred to as the Medical Marijuana Regulation and Safety Act (MMRSA). The MMRSA became effective on January 1, 2016 and contains provisions that govern the cultivating, processing, transporting, testing, and distributing of medical marijuana to qualified patients. The MMRSA states that if a city or county has not adopted land use regulations to either regulate or ban delivery of marijuana for medicinal purposes, the State will be the sole authority that issues licenses for such purposes in that jurisdiction, meaning no local license will be required.

Within the Counties of Los Angeles and Orange, mobile dispensaries have been the targets of armed robbers seeking cash and drugs. As a result, many drivers reportedly carry weapons or have armed guards as protection. For instance, in June of 2011, a marijuana delivery from a Los Angeles mobile dispensary turned deadly in Orange County when four individuals reportedly ambushed the mobile dispensary driver and his

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<sup>1</sup> Division II of Title 17 of the Banning Municipal Code ("BMC") does not currently expressly and separately prohibit the cultivation or delivery of marijuana within the City. While Chapter 8.68 prohibits medical marijuana dispensaries and Section 8.48.330 prohibits the cultivation of marijuana within the City, the City's Zoning Code is silent as to these uses.

armed security guard and tried to rob them. One of the suspects approached the delivery vehicle and confronted the driver; a struggle ensued. A second suspect, armed with a handgun, approached the security guard, who fired at the suspect shooting him multiple times.

A number of cities within Riverside County have taken various actions in the wake of Proposition 64's passage. For instance, the Cities of Calimesa, Blythe, Canyon Lake, Eastvale, Hemet, and Moreno Valley have each adopted interim urgency ordinances which place a moratorium on various non-medical marijuana activities, in order to provide the City with enough time to consider more permanent marijuana regulations. Alternatively, the City of Palm Desert has opted to consider more permanent marijuana regulations without the benefit of an urgency ordinance; Palm Desert has established a Cannabis Committee to consider and implement amendments to the City's current zoning code. Other Cities, such as Coachella, Desert Hot Springs, Cathedral City and Palm Springs are less restrictive when it comes to marijuana use and have even set up mechanisms by which to tax such use and garner revenue for the City. While the City of Rancho Mirage has enacted an ordinance amending its current marijuana provisions to regulate indoor marijuana cultivation, these provisions do not regulate indoor cultivation in the same detail as Banning's proposed ordinance would.

#### Other Considerations

Prior to the November 2016 statewide election, Proposition 64 underwent significant change whereby various versions of the initiative were circulated in an attempt to clean up vague and ambiguous language related to the preservation of local authority in the area of marijuana regulation. For instance, as amended by Proposition 64 (now known as the 2016 Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA)) Health and Safety Code section 11362.2(b)(1) provides that a city may enact and enforce reasonable regulations regarding the possession, planting, cultivation, harvesting, drying or processing of marijuana plants and the marijuana produced by the plants. See also Health and Safety Code section 11362.1(a)(3). Furthermore, section 26200(a) of the Business and Professions Code now states, "Nothing in this division shall be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction."

While these changes were incorporated in the *operative language* of the AUMA, it seems as though the Findings and Declaration section did not benefit from additional review. Located within Paragraph (E) of the Findings and Declaration the AUMA is the following language: "The Adult Use of Marijuana Act... safeguards local control, allowing local governments to... ban marijuana businesses by a vote of the people within a locality." However, this "voting requirement" is not repeated anywhere within the operative language of the AUMA.



### **PROPOSED AMENDMENTS:**

Following the passage of the AUMA, the City Council adopted Urgency Ordinance 1505 limiting marijuana cultivation within the City of Banning to cultivation for personal use only and restricting the number of plants that may be cultivated per residence. Ordinance 1506 duplicates the language of Urgency Ordinance 1505 with some minor verbiage changes refining the language previously adopted under the urgency ordinance. Ordinance 1507 generally amends the zoning ordinance to identify the zones in which such personal cultivation can be conducted (residential zones only) and specifies that marijuana dispensaries are a prohibited use in all zones. Resolution 2017-17 establishes a fee of \$170.00 for Marijuana Cultivation Permits, and Resolution 2017-24 adds a fine for violations of Chapter 5.34 ("Marijuana Cultivation") to the City's Administrative Citation Schedule of Fines.

### **ENVIRONMENTAL DETERMINATION FOR ZONING TEXT AMENDMENT:**

#### **California Environmental Quality Act (CEQA)**

In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zoning Text Amendment 16-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zoning Text Amendment 16-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

#### **Multiple Species Habitat Conservation Plan (MSHCP)**

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP.

### **REQUIRED FINDINGS OF APPROVAL FOR ZONING TEXT AMENDMENT 16-97502:**

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zoning Text Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the Zoning Text Amendment 16-97502.

## **REQUIRED FINDINGS FOR ZONING TEXT AMENDMENT ZTA 16-97502**

Section 17.116.050 of the City of Banning Zoning Ordinance requires that Zoning Text Amendment applications meet certain findings prior to the approval by the City Council.

***Finding No. 1:*** The proposed Amendment is consistent with the goals and policies of the General Plan.

**Findings of Fact:** The Zoning Ordinance text amendments are consistent with the goals, policies and objectives of the General Plan because it is in the public interest and there are community benefits resulting from the regulation of marijuana, such as preventing crime associated with marijuana activities, while still allowing for responsible and lawful access to marijuana in the City.

***Finding No. 2:*** The proposed Amendment is internally consistent with the Zoning Ordinance.

**Findings of Fact:** Proposed Zoning Text Amendment 16-97502 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of all lands within the city to protect the public health, safety, and welfare. The proposed amendments will protect the public health, safety, and welfare of the residents of the City by reasonably regulating marijuana cultivation so as to avoid the concentration of substantial amounts of marijuana in one place, and to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards.

***Finding No. 3:*** That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

**Findings of Fact:** In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zoning Text Amendment 16-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. *Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA.* The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zoning Text Amendment 16-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**FISCAL IMPACT:**

The cost of processing the Marijuana Cultivation Permit would be offset by fees collected for permit issuance. The recommended amount of the fee is \$170.00, which was arrived at utilizing the City's minimum business license fee of \$50.00 combined with the rate for one hour of code compliance inspection at \$60.00 as required by Ordinance 1506, plus one hour of follow-up code compliance inspection at \$60.00.

**OPTIONS:**

1. Approve Staffs' recommendations and adopt Ordinance 1506 and Ordinance 1507 regulating the cultivation of marijuana for personal use and approve Resolution 2017-17 establishing a fee for the issuance of a Marijuana Cultivation Permit and Resolution 2017-24 adding a fine for violations of Chapter 5.34 ("Marijuana Cultivation") to the City's Administrative Citation Schedule of Fines.
2. Do not approve Staffs' recommendations and provide staff with alternative direction.

**STRATEGIC PLAN OBJECTIVE:**

Enactment of these regulations will contribute to the City's Quality of Life goal which seeks to build and maintain a high standard of community appearance, character and livability.

**ATTACHMENTS:**

1. Ordinance 1506
2. Ordinance 1507
3. Resolution 2017-17
4. Resolution 2017-24
5. Urgency Ordinance 1505
6. Planning Commission Resolution 2017-01
7. Public Hearing Notice

Approved by:



Michael Rock  
City Manager

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# Attachment 1

Ordinance 1506



ORDINANCE NO. 1506

AN ORDINANCE OF THE CITY OF BANNING AMENDING SECTION 8.48.330 ("CULTIVATION, MANUFACTURE, OR SALES OF DRUGS") TO CONFORM TO STATE LAW; ADDING CHAPTER 5.34 ("MARIJUANA CULTIVATION") TO TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE BANNING MUNICIPAL CODE TO REGULATE THE CULTIVATION OF MARIJUANA FOR PERSONAL USE BY CREATING A MARIJUANA CULTIVATION PERMIT; REPEALING CHAPTER 8.68 ("MEDICAL MARIJUANA PROHIBITED") OF TITLE 8 (HEALTH AND SAFETY) OF THE BANNING MUNICIPAL CODE IN ITS ENTIRETY TO PROMOTE CONSISTENCY WITH PROPOSED CHAPTER 5.34 AND EFFICIENCY OF REGULATION; AND AMENDING THE DEFINITION OF "SMOKING" IN SECTION 8.56.020 TO PROHIBIT MARIJUANA SMOKE IN THOSE PLACES WHERE TOBACCO SMOKE IS PROHIBITED IN THE CITY.

The City Council of the City of Banning does hereby ordain as follows:

**Section 1.** A new Chapter 5.34, entitled "Marijuana Cultivation" is added to Title 5 (Business Licenses and Regulations) of the Banning Municipal Code to read as follows:

**Chapter 5.34  
MARIJUANA CULTIVATION**

**Sections:**

- 5.34.010 – Purpose**
- 5.34.020 – Definitions**
- 5.34.030 – Site Location, Operation, and Development Standards**
- 5.34.040 – Other Applicable Regulations**
- 5.34.050 – Marijuana Cultivation Permit**
- 5.34.060 – Revocation of Marijuana Cultivation Permit**
- 5.34.070 – Appeals**
- 5.34.080 – Prohibited Activities Declared a Public Nuisance**
- 5.34.090 – Enforcement, Violations and Penalties**

**5.34.010 – Purpose**

A. The purpose of this Chapter is to prevent community-wide adverse impacts including, but not limited to, increased criminal activity, fire and chemical hazards,

objectionable odors, late night traffic, and the general deterioration of neighborhoods associated with marijuana cultivation.

B. Marijuana cultivation in the City can adversely affect the health, safety and well-being of City residents. Therefore, reasonable regulation of marijuana cultivation is proper and necessary to avoid the concentration of substantial amounts of marijuana in one place and to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation.

#### **5.34.020 – Definitions**

For the purposes of this Chapter, the following definition shall apply:

"Childcare Center" shall mean any licensed childcare center, daycare center, childcare home, or any preschool."

"Church" shall mean any structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

"Commercial Cannabis Activity" shall mean the possession, processing, transporting, obtaining, purchasing or giving away, storing, cultivation, or manufacture of marijuana for compensation or sale. "Commercial Cannabis Activity" shall also mean the laboratory testing, distribution, delivery, dispensing, mobile dispensing, or mobile delivery of marijuana.

"Community Center" shall mean any facility open to the public at which classes, social activities, recreational activities, educational activities, support and public information are offered for all residents of the community.

"Detached accessory structure" shall mean a building completely detached from a residence that complies with the California Building Code and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Exterior walls must be constructed with nontransparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Enforcement Officer" shall mean the chief of police, building official, code enforcement official, environmental health department director, public health officer, agricultural commissioner, fire chief, clerk of the board of supervisors, or their designees.

"Indoors" shall mean within a fully enclosed and secure building.

"Marijuana" means all parts of the plant *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It includes *marijuana* infused in foodstuff. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant that are incapable of germination.

"Marijuana Cultivation" or "Marijuana Cultivation Activities" shall mean the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof.

"Marijuana Cultivation Permit" shall mean a permit issued by the City to a person over the age of 21 for the purposes of engaging in marijuana cultivation activities pursuant to this Chapter.

"Marijuana Cultivation Permit Holder" shall mean the applicant named on the application for a Marijuana Cultivation Permit.

"Marijuana Plant" shall mean any mature or immature marijuana plant, or any marijuana seedling.

"Park" shall mean any public playground, public recreation center or area, and other public areas created, established, designed, maintained, provided, or set aside by the county, and city or any other public entity or agency, for the purposes of public rest, play, recreation, enjoyment or assembly, and all buildings and structures located thereon or therein.

"Premises" shall mean a single parcel of property. Where contiguous parcels are under common ownership or control, such contiguous parcels shall be counted as a single "premises" for purposes of this Chapter.

"Primary Caregiver" shall have the same meaning as set forth in Health and Safety Code sections 11362.5 and 11362.7, et seq.

"Qualified Patient" shall have the same meaning as set forth in Health and Safety Code sections 11326.5 and 11362.7, et seq.

"Rear Yard" shall mean the rear open space portion of any premises, whether fenced or unfenced.

"Residential Unit" means any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation on a premises or legal parcel located within a residential or agricultural-residential zoning district.

"Responsible Party" shall mean: (1) each person committing the violation or causing a condition on a premises located within the jurisdiction of the City which violates this Chapter; (2) each person who has an ownership interest in that premises; or (3) each person who, although not an owner, nevertheless occupies or has a legal right or a legal obligation to exercise possession or control over that premises. In the event a person who commits the violation or causes the violation is a minor, then the minor's parents or legal guardian shall be deemed the responsible party.

"School" shall mean any institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education; excluding home school, vocational or professional institution of higher education, including a community college, junior college, college or university.

#### **5.34.030 – Site Location, Operation, and Development Standards**

Non-commercial cultivation of small amounts of marijuana for personal use is only permitted in the Ranch Agriculture (R/A), Ranch Agriculture –Hillside (R/A/H), Rural Residential (RR), Rural Residential – Hillside (RR/H), Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR) zones when all of the following conditions and standards are met:

*A. Generally.*

1. Marijuana cultivation is permitted only on parcels with residential units where the Marijuana Cultivation Permit Holder resides full-time. Marijuana

Cultivation Permit Holders shall not participate in marijuana cultivation in more than one location within the City. Marijuana cultivation activities may only occur within a residential unit, garage or self-contained accessory structure that is secured, locked and fully enclosed.

2. From the public right-of-way, there shall be no exterior evidence of marijuana cultivation.

3. Prior to the commencement of any marijuana cultivation, the party responsible for the marijuana cultivation shall provide the City with adequate proof of a City Marijuana Cultivation Permit.

4. The marijuana cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, excessive light, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to the use of storage of materials, processes, products or waste.

5. Cultivation shall not exceed six (6) marijuana plants of any size per residential unit, and subject to the issuance of Marijuana Cultivation Permit. The maximum number of plants shall be limited regardless of the number of qualified patients or primary caregivers residing on the property.

6. Marijuana cultivation activities shall not be upon any property or parcel containing a childcare center, school or church. Furthermore, the marijuana cultivation activities do not take place within 1,000 feet of any school, childcare center, public park, government building, or church. The 1,000 feet shall be measured from the closest property line of the school, childcare center, public park, government building or church, to the closest property line of the cultivation parcel.

7. Indoor grow lights shall not exceed 1,200 watts and shall comply with the California Building, Electrical and Fire Codes as adopted by the City.

8. Any location used for marijuana cultivation must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and shall comply with California Building Code section 402.3 (Mechanical Ventilation). The ventilation and filtration system must be approved by the enforcement officer and installed prior to the commencement of marijuana cultivation activities.

9. Marijuana cultivation activities shall not be accessible to persons under 18 years of age.

B. *Marijuana cultivation within residential units, specifically.* In addition to those requirements listed in Subsection A of this section, marijuana cultivation activities within a residential unit shall also comply with the following requirements:



1. The residential unit shall, at all times, maintain a kitchen, bathroom, and primary bedroom(s) for their intended purpose, and shall not be used for marijuana cultivation.
2. Any marijuana cultivation activities shall not create humidity, mold, or other nuisance condition.

C. *Marijuana cultivation within detached accessory structures, specifically.* In addition to those requirements listed in Subsection A of this section, marijuana cultivation activities within a detached accessory structure shall also comply with the following requirements:

1. The structure shall be no smaller than 120 square feet in size.
2. The structure shall be located within the rear yard area of any legal parcel or premises.
3. The structure shall maintain a minimum setback of 10-feet from any property line.
4. The structure shall be fully-enclosed and the area surrounding the structure must be enclosed by a solid fence at least six (6) feet in height. The fence must be adequately secure to prevent unauthorized entry. Bushes, hedgerows, plastic sheeting, tarps or cloth material shall not constitute an adequate fence under this subsection.
5. The structure shall maintain adequate mechanical or electronic security systems, approved by the enforcement officer, and shall install such systems prior to the commencement of cultivation.
6. Any accessory structure used for marijuana cultivation must have a valid building permit issued by the City building official. The building official shall consult with the planning director and enforcement officers in consideration of any building permit application seeking a building permit for the construction or alteration of any detached accessory structure to be used for marijuana cultivation.

#### **5.34.040 – Other Applicable Regulations**

A. There shall be no variances or deviations permitted to any standards or requirements within this Chapter.

B. Nothing in this Chapter is intended to authorize the cultivation, possession, or use of marijuana in violation of state law.

#### **5.34.050 – Marijuana Cultivation Permit**

A. Prior to commencing any marijuana cultivation, the person(s) owning, leasing, renting, occupying, or having charge or possession of any legal parcel or premises where marijuana cultivation is proposed to occur must apply for a Marijuana Cultivation Permit within the City. The following information will be required with the initial Permit application and subsequent Permit extensions:

1. Adequate proof that the permit holder is 21 years of age or older;
2. Notarized signature from the owner of the property consenting to the cultivation of marijuana at the premises on a form acceptable to the City;
3. The name of each person owning, leasing, occupying or having charge of any legal parcel or premises where marijuana will be cultivated;
4. The physical site address of where marijuana will be cultivated;
5. A signed consent form, acceptable to the City, authorizing enforcement officers to conduct an inspection of the detached accessory structure used for marijuana cultivation upon 24 hours' notice;

B. The Permit shall be valid for no more than one (1) year and may be extended in increments of two (2) years.

C. The enforcement officer may, in his or her discretion, deny any application for a Marijuana Cultivation Permit, or extension thereof, where he or she finds, based on articulated facts, that the issuance of such Permit, or extension thereof, would be detrimental to the public health, safety, or welfare. The enforcement officer shall deny an application for a Marijuana Cultivation Permit, or extension thereof, which does not demonstrate satisfaction of the minimum requirements of this Chapter. The denial of any Permit application or extension shall be subject to appeal by the City Council.

D. The City Council may establish a fee or fees required to be paid upon filing of an application for a Marijuana Cultivation Permit, as provided by this Chapter, which fees shall not exceed the reasonable costs of administering this Chapter.

#### **5.34.060 – Revocation of Marijuana Cultivation Permit**

A. Any Marijuana Cultivation Permit granted by the City shall become null and void if the City receives and substantiates two (2) complaints of noxious odors resulting from indoor marijuana cultivation within a twelve (12) month period. These complaints must originate from at least two (2) separate individuals and two (2) separate properties adjoining, or within proximity to, the property engaging in marijuana cultivation.

B. Upon revocation of a Marijuana Cultivation Permit, the Responsible Party, property owner, tenant, or Permittee shall remove all marijuana plants from the premises within 30 days of official notice from any enforcement officer.

#### **5.34.070 – Appeals**

Any person aggrieved by the requirements of this Chapter may file an appeal pursuant to the requirements of Chapter 5.04 of the Banning Municipal Code.

#### **5.34.080 – Prohibited Activities Declared a Public Nuisance**

A. It is unlawful and a public nuisance for any person owning, leasing, renting, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the City to cause or allow such parcel or premises to be used for the outdoor cultivation of marijuana plants.

B. It is unlawful and a public nuisance for any person to cultivate marijuana inside any residential building or structure without a marijuana cultivation permit issued by the City.

C. It is unlawful and a public nuisance for any person to engage in Commercial Cannabis Activity in any area of the City.

D. It is unlawful and a public nuisance for any person to use gas products, such as CO<sub>2</sub>, butane, propane, and natural gas, for the cultivation, extraction, or processing of marijuana.

E. It is unlawful and a public nuisance for any person to use generators for marijuana cultivation activities.

F. In addition to the foregoing, any use or condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is hereby declared a public nuisance and may be abated by the City or subject to any available legal remedies, including but not limited to, civil injunctions. The prohibitions outlined in this Chapter shall be imposed regardless of the number of qualified patients or primary caregivers residing at the premises or participating directly or indirectly in the cultivation. Further, this prohibition shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.

#### **5.34.090 – Enforcement, Violations and Penalties.**

In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Banning Municipal Code Chapter 1.20. Each such violation shall be deemed a separate offense. This section provides a civil penalty remedy that is in addition to all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this chapter.

**Section 2.** Section 8.48.330 ("Cultivation, manufacture, or sales of drugs") of Chapter 8.48 (Nuisances), of Title 8 (Health and Safety) of the Banning Municipal Code is hereby amended to read as follows:

**8.48.330 - Manufacture or sales of drugs.**

Any real or personal property utilized in the manufacture, sales, or storage of any drug which is illegal under any state or federal law is declared a nuisance. This section shall not apply to the manufacture, sale or storage of marijuana permitted under Chapter 5.34 of this Code.

**Section 3.** Chapter 8.68 (Medical Marijuana Prohibited) of Title 8 (Health and Safety) of the Banning Municipal Code is hereby repealed in its entirety.

**Section 4.** The definition of the word "smoking" in Section 8.56.020 (Definitions) of Chapter 8.56 (Smoking) of Title 8 (Health and Safety) of the Banning Municipal Code is hereby amended to read as follows:

"Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, or any plant product intended for human inhalation.

**Section 5. Effective Date.** This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

**Section 6. Certification.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Banning's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**PASSED, APPROVED and ADOPTED** this 28th day of February, 2017.

VOTE:       AYES:  
              NOES:  
              ABSTAIN:  
              ABSENT:

---

George Moyer, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, City Clerk  
City of Banning

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

\_\_\_\_\_  
John C. Cotti  
Interim City Attorney

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1506 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 28th day of February, 2017, and was duly adopted at a regular meeting of said City Council on the 28th day of February, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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



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## Attachment 2

Ordinance 1507

ORDINANCE 1507

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A CATEGORICAL EXEMPTION AND APPROVING ZONE TEXT AMENDMENT 16-97502 AMENDING THE ZONING ORDINANCE (TITLE 17 ZONING OF THE BANNING MUNICIPAL CODE)

**WHEREAS**, the City Council has authority per Chapter 17.116 (Zoning Ordinance Amendments) of the City of Banning Municipal Code to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

**WHEREAS**, the City of Banning initiated amendments to the Zoning Ordinance, Article 17 of the Municipal Code, to regulate cultivation of marijuana for personal use, and to expressly prohibit deliveries, dispensaries, mobile dispensaries, and the commercial cultivation of marijuana within the City; and

**WHEREAS**, on January 4, 2017, during a duly advertised public hearing, the Planning Commission adopted Resolution 2017-01 recommending that the City Council adopt of Ordinance 1507 approving the Categorical Exemption and Zone Text Amendment No. 16-97502; and

**WHEREAS**, on the 3rd day of February, 2017, the City gave public notice as required under Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of the holding of a public hearing at which the Categorical Exemption and Zone Text Amendment would be considered; and

**WHEREAS**, on the 14th day of February, 2017, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendments, and at which time the City Council considered the Categorical Exemption and Zone Text Amendment No. 16-97502; and

**WHEREAS**, at this public hearing on the 14th day of February, 2017, the City Council considered and heard public comments on the proposed Categorical Exemption and Zone Text Amendment; and

**WHEREAS**, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the 14th day of February, 2017;

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

**SECTION 1. ENVIRONMENTAL.**

California Environmental Quality Act (CEQA)

In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97502 and has determined that the zone text changes are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Multiple Species Habitat Conservation Plan (MSHCP)

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

**SECTION 2. REQUIRED FINDINGS**

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zone Text Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the Zone Text Amendment No. 16-97502.

***Finding No. 1:***      *Proposed Zone Text Amendment No. 16-97502 is consistent with the goals and policies of the General Plan.*

**Findings of Fact:** Proposed Zone Text Amendment No. 16-97502 is consistent with the goals and policies of the General Plan. Commercial marijuana activities can adversely affect the health, safety and well-being of City residents. The cultivation and processing of medical cannabis has resulted in damages to buildings containing indoor medical cannabis cultivation facilities; such damages include improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the frequency of home-invasion robberies and similar crimes. The City anticipates that the cultivation of non-medical marijuana exposes itself to the same inherent risks. Marijuana cultivation or other

concentration of marijuana in any location or premises without adequate regulations increases the risk that surrounding homes or businesses may be negatively impacted. The Banning Municipal Code (BMC) does not currently expressly and separately prohibit the delivery or mobile dispensing of marijuana within the City. Furthermore, the BMC currently bans personal cultivation of marijuana in contravention to the Control, Regulate, and Tax Adult Use of Marijuana Act. It is in the public interest and there are community benefits resulting from the regulation of marijuana, while still allowing for responsible and lawful access to marijuana in the City.

**Finding No. 2:** *Proposed Zone Text Amendment No. 16-97502 is internally consistent with the Zoning Ordinance.*

**Findings of Fact:** Proposed Zone Text Amendment No. 16-97502 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of uses and lands within the city to protect the public health, safety, and welfare. The proposed amendments will protect the public health, safety, and welfare of the residents of the City by reasonably regulating marijuana cultivation so as to avoid the concentration of substantial amounts of marijuana in one place, and to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards.

**Finding No. 3:** *The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.*

**Findings of Fact:** In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. *Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA.* The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 16-97502 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt



from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

### **SECTION 3. CITY COUNCIL ACTION.**

The City Council hereby takes the following actions:

1. **Adoption of Categorical Exemption.** In accordance with Public Resources Code Section 21006 and CEQA Guidelines Section 15061 the City Council hereby adopts the Categorical Exemption prepared pursuant to CEQA Guidelines Section 15061(b)(3) for Zone Text Amendment No. 16-97502.

2. **Approve Zone Text Amendment No. 16-97502 as follows:**

Amend Title 17(Zoning) of the Banning Municipal Code as follows:

1. The alphabetized list of definitions provided for in Section 17.04.070 (Definitions) of Chapter 17.04 (Basic Provisions) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following definitions:

"Marijuana" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It includes marijuana infused in foodstuff. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant that are incapable of germination.

"Marijuana Cultivation" shall mean the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof. Marijuana Cultivation shall not exceed six (6) marijuana plants of any size per Marijuana Cultivation Permit holder. See Chapter 5.34 for provisions.

"Marijuana Dispensary" shall mean any association, cooperative, club, co-op, delivery service, mobile dispensary, dispensary, collective, and any other similar use that manufactures, laboratory tests, labels, distributes, delivers, dispenses, sells or makes marijuana available in the City.

2. Table 17.08.020 of Section 17.08.020 (Permitted, conditional and prohibited uses) of Chapter 17.08 (Residential Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR	MHP
Residential Uses									
Marijuana Cultivation <sup>6</sup>	P	P	P	P	P	P	P	P	P
Marijuana Dispensary	X	X	X	X	X	X	X	X	X

<sup>6</sup> Marijuana Cultivation requires a Marijuana Cultivation License. See Chapter 5.34 for provisions.

**3.** Table 17.12.020 of Section 17.12.020 (Permitted, conditional and prohibited commercial and industrial uses) of Chapter 17.12 (Commercial and Industrial Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	DC	GC	HSC	PO	I	AI	BP	IMR
Resource and Open Space Uses								
Marijuana Cultivation	X	X	X	X	X	X	X	X
Marijuana Dispensary	X	X	X	X	X	X	X	X

**4.** Table 17.16.020 of Section 17.16.020 (Permitted, conditional and prohibited public facilities uses) of Chapter 17.16 (Public Facilities Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	PF-A	PF-G	PF-F	PF-S	PF-H
Marijuana Cultivation	X	X	X	X	X
Marijuana Dispensary	X	X	X	X	X

**5.** Table 17.20.020 of Section 17.20.020 (Permitted, conditional and prohibited open space uses) of Chapter 17.20 (Open Space Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	OS-R	OS-PA	OS-PU	OS-H
Marijuana Cultivation	X	X	X	X
Marijuana Dispensary	X	X	X	X

#### **SECTION 4. SEVERABILITY.**

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

#### **SECTION 5. PUBLICATION; EFFECTIVE DATE.**

The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.

**PASSED, APPROVED, AND ADOPTED** this 28th day of February, 2017.

\_\_\_\_\_  
George Moyer, Mayor  
City of Banning

**ATTEST:**

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

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

\_\_\_\_\_  
John C. Cotti, Interim City Attorney  
Jenkins & Hugin, LLC

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance 1507 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 28th day of February, 2017, and was duly adopted at a regular meeting of said City Council on the 28th day of February, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

## Attachment 3

Resolution 2017-17



## **RESOLUTION 2017-17**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, REVISING THE SCHEDULE OF FEES TO ESTABLISH A FEE FOR A MARIJUANA CULTIVATION PERMIT PURSUANT TO CHAPTER 5.34 OF THE BANNING MUNICIPAL CODE**

**WHEREAS**, on February 28, 2017 the City Council adopted Ordinance 1506 adding Chapter 5.34 entitled "Marijuana Cultivation" to Title 5 (Business License Regulations) of the Banning Municipal Code.

**WHEREAS**, Chapter 5.34 establishes a permit requirement for the personal cultivation of marijuana subject to certain additional requirements and provides for the establishment of a fee or fees required to be paid upon filing of an application for a Marijuana Cultivation Permit, which fees shall not exceed the reasonable costs of administering Chapter 5.34.

**WHEREAS**, it is the policy of the City of Banning (the "City") to charge for the full cost of services provided by City Staff when such services benefit individual users, rather than members of the community as a whole.

**WHEREAS**, the City Council finds as follows:

- A. The fees collected pursuant to this resolution shall be used to pay for the costs of administering the Marijuana Cultivation Permit and enforcing the associated permit requirements, including inspections.
- B. The City Council approves the cost estimates and finds them reasonable as the basis for calculating and imposing the permit fee.

**NOW THEREFORE**, the City Council of the City of Banning does Resolve, Determine, Finds and Orders as follows:

#### **SECTION 1. FINDING.**

The City Council hereby finds, that the fee amount for a Marijuana Cultivation Permit does not exceed the reasonable cost to the City of administering the permit and enforcing the permit requirements as it was established utilizing the amount of the City's minimum business license fee of \$50.00 combined with the rate for one hour of code

compliance inspection at \$60.00 and one additional hour of followup code compliance inspection at \$60.00.

## **SECTION 2. REVISION OF SERVICE FEE AMOUNTS**

Pursuant to Chapter 29 of the Banning Municipal Code the fee amount for regulatory products and service specified in Exhibit "A" is hereby adopted and implemented.

## **SECTION 3. CITY COUNCIL ACTION**

Pursuant to Chapter 5.34 of the Banning Municipal Code, the City Council hereby establishes a fee for a Marijuana Cultivation Permit and adopts the amendment to the schedule of fee amounts as specified in Exhibit "A" which is hereby adopted and implemented.

## **SECTION 4. EFFECTIVE DATE.**

The Permit Fee that is the subject of this Resolution shall be effective 60 days following adoption of the Resolution, which is February 28, 2017.

**PASSED, APPROVED AND ADOPTED** this 28<sup>th</sup> day of February, 2017.

---

George Moyer, Mayor  
City of Banning, California

**ATTEST:**

---

Marie A. Calderon, City Clerk  
City of Banning

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

\_\_\_\_\_  
John C. Cotti, Interim City Attorney  
Jenkins & Hugin, LLC

**CERTIFICATION:**

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-17 was duly adopted at a regular meeting of the City Council of the City of Banning held on the 28th day of February, 2017 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Marie Calderon, City Clerk  
City of Banning, California

**EXHIBIT "A"**  
(City Council Resolution 2017-17)

**CITY OF BANNING  
SCHEDULE OF FEES**

DESCRIPTION OF FEE	Current Fee	Unit	Resolution/ Ordinance #	Effective Date
<u>Marijuana Cultivation Permit</u>	<u>\$ 170.00</u>		<u>Reso. 2017-17</u>	<u>April 29, 2017</u>

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## Attachment 4

Resolution 2017-24

## RESOLUTION 2017-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, REPEALING AND REPLACING RESOLUTION 2003-77 SETTING FORTH THE ADMINISTRATIVE CITATION SCHEDULE OF FINES FOR CERTAIN VIOLATIONS OF THE BANNING ORDINANCE CODE IN ORDER TO ADD A FINE FOR VIOLATIONS OF CHAPTER 5.34. OF THE BANNING MUNICIPAL CODE.

BE IT RESOLVED by the City Council of the City of Banning, California:

### SECTION 1.

On July 22, 2003, the City adopted Resolution 2003-77, which set forth the administrative citation schedule of fines for certain violations of the Banning Municipal Code. Based on recent amendments to the City's Municipal Code related to the regulation of marijuana for personal use, the City must amend its administrative citation schedule in order to assign appropriate fine amounts for violations of these amendments.

### SECTION 2.

The City Council of the City of Banning does hereby adopt an amendment to the Schedule of Fines for application in its Administrative Citation program as follows:

#### Schedule of Fines

The Administrative Citation Fine amounts set forth below are hereby established for violation (s) of the Banning Ordinance Code Sections listed below:

Section Fine	Offense	
12-4(a)/12-29	Bus. License Tax Cert. Required	\$100
12-4(a)/12-29	Operating a Bus. Without Cert. of Occupancy	\$100
12-25(c)	Right of Entry to Demand Exhibit Certificate	\$25
12-253	Failing to file Application to Solicit	\$100
12-39(6)	Permit Required for Garage, Patio Yard Types Sales	\$25
30-2(a)	Motion Picture & TV Production Film Permit	\$75
CUP; UUP; etc.	Violation of land use condition	\$75 each violation
11-17(a)	Owner Responsible to Provide Service	\$50
11-16	Store container out of public view	\$25

11-16	Container Specifications	\$25
11-18	Improper Container Storage/hours on street	\$25
11-24	Using Container without Permission	\$25
11-25	Collecting Refuse w/o City Contract	\$100
PRC 41950*	Removing Recyclable Material Prohibited	\$50
11-2(a)/11-44 et seq.	Trash in parkway or street	\$25
11c-2(A)	Duty to Abate Public Nuisance	\$50-\$100
P.C. 374.4**	Littering Prohibited in Private/Public Places	\$100
11-24	Illegal Depositing in Trash Receptors	\$100
P.C. 374.3**	Depositing Litter in Gutter, Streets, etc.	\$100
P.C. 374.4**	Throwing Litter from Vehicles	\$100
P.C. 374.4**	Littering in Parks	\$100
9104; 9104.20; 914.50; 9104.60	Certain Parking/Storage and Repair of Vehicles in Residential Districts Prohibited	\$38
8-94	Smoking Prohibited Except in Designated Areas	\$25
8-93	Smoking Totally Prohibited	\$25
8-95	Failing to Post No Smoking Signs	\$25
9113.8	Illegal garage conversion	\$100
9113.8(B)	Paved Parking Required	\$50
9113.8(K)	Illegal vehicle storage	\$50
9104.53(6)	General Conditions for RV Storage	\$50
11D-09	Noise Control-Violation of Sound Level Limits	\$50
11D-09	Distributing, Excessive, Offensive Noise	\$50
11c-19	Violation of Property Maintenance	\$50
11C-09(e)	Violation of Construction Hours	\$50
11-18	Violation of Refuse Collection Hours	\$50
32-9	Possession of aerosol cans and wide blade markers by minors	\$50
32-8	Storage and Display of Aerosol Paint Containers and Marking Pens	\$100
32-3	Graffiti Prohibited	\$100
	Commercial Vehicle using Private Driveways	\$38
13-22(check specific violation)	No Parking in Median, Island, Red Curb, Intersection or Parking Creating Hazard	\$41
	Display of Vehicles for Sale in Public Street	\$41
13-24	Repairing or Greasing Vehicle in Public Street	\$38
13-24	Washing or Polishing Vehicle in Public Street	\$38
13-22	No Parking adjacent to Schools where Posted	\$38
13-22	No Parking on Narrow Street where Posted	\$38
13-27(a)	Peddler/Vendor limited to 10 min. Street Parking	\$38
13-27(b)	Peddler/Vendor Permit Required to Park in Street	\$100
Amend 18-7.1	Parade Permit Required	\$100

15-25; 15-29(f); 15-27; 15-40 et seq.	Camping, Fires, Alcoholic Bev. And Dogs Prohibited in Parks	\$25
15-7(c)/15-28	Outdoor Gathering Permit for Parks	\$50
21-4; 34-7(B)	Water and Other Material Running in Streets	\$100
5-29; 5-30	Skateboarding, Roller Skating Prohibited in Commercial and Office Professional Districts	\$35
6-05.01; 11c-7; UBC 103**/6-02-01/6-13.02	Demolition Permit Required	\$100
21-19	Building Address Required	\$35
8-16 standard 43-6	Automatic Sprinkler System Required	\$100
8-19	Above Ground Tank for Flammable or Combustible Liquids Prohibited	\$100
8-21	Storage of Liquefied Gases Prohibited	\$100
9103.6; 8-16/8-25	Storage of Explosive and Blasting Agents Prohibited	\$100
UBC 3104.4**/6-02-01/6-13.02	Bars, Gates or other Obstruction Prohibited Over Windows of Any Sleeping Room	\$100
6-08.06; 6-08.11	Fire Alarm Permits Required	\$100
8-81	Obstruction of Fire Lanes Prohibited	\$54
11c-28.1	Water Supply Required/Electricity Required	\$100
8-16, Standard 43-6	Automatic Fire Alarm System Required for Apartments, Hotels, Motels and Dwellings	\$100
11c-29	Right of Entry to Inspect	\$100
6-05.01	Building Permit Required	\$100
	Roofs to be Fire Retardant	\$100
6-02.01	Plumbing Permit Required	\$100
6-02.01	Mechanical Permit Required	\$100
6-10.05	Swimming Pool Permit Required	\$100
	Electrical Permit Required	\$100
Call AQMD	PM 10 (Fugitive Dust)	\$100
	Other Sections	\$41
	A re-inspection fee of up to \$55.00 per hour may be imposed by the Administrative Office under Chapter _____	
Ch. 5.34	Marijuana Cultivation	\$100

\*California Public Resources Code

\*\*Penal Code

\*\*\*1997 Uniform Building Code

### **SECTION 3.**

Except as otherwise specifically set forth in Section 1 above, the fine amount for a second violation of the same Municipal Code section by the same person within a thirty-six (36) month period shall be equal to one hundred twenty-five percent (125%) of the fine amount listed in this Resolution, at the time of the second violation.

### **SECTION 4.**

Except as otherwise specifically set forth in Section 1 above, the fine amount for a third and subsequent violations of the same Ordinance Code section by the same person within a thirty-six (36) month period shall be equal to one hundred fifty percent (150%) of the fine amount listed in this Resolution, at the time of the third or, as applicable, subsequent violation of that Ordinance Code Section.

### **SECTION 5.**

Any fine amount imposed pursuant to Chapter 1 Article IV Division II (section 1.29.01 et seq.) of the Banning Ordinance Code and this Resolution shall be deemed delinquent if it is not paid in accordance with the terms and conditions of Chapter 1 Article IV Division II (section 1.29.01 et seq.). Any person who fails to pay to the City the amount of any fine imposed pursuant to the provisions of Chapter 1 Article IV Division II (section 1.29.01 et seq.) of the Banning Ordinance Code and this Resolution on or before the date that fine amount is due shall be liable for the payment of an additional delinquency penalty. The delinquency penalty is equal to ten percent (10%) of the amount of the fine due to the City, or ten percent (10%) of the amount of the fine remaining unpaid to the City if a portion of the fine amount was timely paid. Interest shall accrue on all delinquent fine amounts, exclusive of delinquency penalties, at the rate of one half of one percent per month, pro rata, of the total delinquent fine amount, from the date the fine amount becomes delinquent until the date that all delinquent fine amounts are paid to the City.

### **SECTION 6.**

Resolution No. 2003-77 is hereby repealed.

### **SECTION 7.**

This Resolution shall go into full force and effect immediately and will remain effective unless repealed or superseded by a subsequent resolution.

**PASSED, APPROVED AND ADOPTED** this 28<sup>th</sup> day of February, 2017.



\_\_\_\_\_  
George Moyer, Mayor  
City of Banning, California

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, City Clerk  
City of Banning

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

\_\_\_\_\_  
John C. Cotti, Interim City Attorney  
Jenkins & Hugin, LLC

**CERTIFICATION:**

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-17 was duly adopted at a regular meeting of the City Council of the City of Banning held on the 28th day of February, 2017 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Marie Calderon, City Clerk  
City of Banning, California

## Attachment 5

Urgency Ordinance 1505

ORDINANCE NO. 1505

AN URGENCY ORDINANCE OF THE CITY OF BANNING  
AMENDING SECTION 8.48.330 ("CULTIVATION,  
MANUFACTURE, OR SALES OF DRUGS") AND ADDING  
CHAPTER 5.34 ("MARIJUANA CULTIVATION") TO TITLE  
5 (BUSINESS LICENSES AND REGULATIONS) OF THE  
BANNING MUNICIPAL CODE TO REGULATE THE  
CULTIVATION OF MARIJUANA FOR PERSONAL USE  
BY CREATING A MARIJUANA CULTIVATION PERMIT;  
AND DECLARING THE URGENCY THEREOF.

The City Council of the City of Banning does hereby ordain as follows:

**Section 1.** A new Chapter 5.34, entitled "Marijuana Cultivation" is added to Title 5 (Business Licenses and Regulations) of the Banning Municipal Code to read as follows:

**Chapter 5.34  
MARIJUANA CULTIVATION**

**Sections:**

- 5.34.010 – Purpose**
- 5.34.020 – Definitions**
- 5.34.030 – Site Location, Operation, and Development Standards**
- 5.34.040 – Other Applicable Regulations**
- 5.34.050 – Marijuana Cultivation Permit**
- 5.34.060 – Revocation of Marijuana Cultivation Permit**
- 5.34.070 – Appeals**
- 5.34.080 – Prohibited Activities Declared a Public Nuisance**

**5.34.010 – Purpose**

A. The purpose of this Chapter is to prevent community-wide adverse impacts including, but not limited to, increased criminal activity, fire and chemical hazards, objectionable odors, late night traffic, and the general deterioration of neighborhoods associated with marijuana cultivation.

B. Marijuana cultivation in the City can adversely affect the health, safety and well-being of City residents. Therefore, reasonable regulation of marijuana cultivation is proper and necessary to avoid the concentration of substantial amounts of marijuana in one place and to avoid the risks of criminal activity, degradation of the natural

environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation.

#### **5.34.020 – Definitions**

For the purposes of this Chapter, the following definition shall apply:

"Childcare Center" shall mean any licensed childcare center, daycare center, childcare home, or any preschool."

"Church" shall mean any structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

"Commercial Cannabis Activity" shall mean the possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, dispensing, mobile dispensing, mobile delivery, or sale of more than 28.5 grams of un-concentrated marijuana or more than eight (8) grams of concentrated marijuana.

"Community Center" shall mean any facility open to the public at which classes, social activities, recreational activities, educational activities, support and public information are offered for all residents of the community.

"Detached accessory structure" shall mean a building completely detached from a residence that complies with the California Building Code which is secure against unauthorized entry, and is accessible only through one or more lockable doors, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof; and a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Exterior walls must be constructed with nontransparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Enforcement Officer" shall mean the chief of police, building official, code enforcement official, environmental health department director, public health officer, agricultural commissioner, fire chief, clerk of the board of supervisors, or their designees.

"Indoors" shall mean within a fully enclosed and secure building.

"Marijuana Cultivation" or "Marijuana Cultivation Activities" shall mean the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof.

"Marijuana Cultivation Permit" shall mean a permit issued by the City to a person over the age of 21 for the purposes of engaging in marijuana cultivation activities pursuant to this Chapter.

"Marijuana Cultivation Permit Holder" shall mean the applicant named on the application for a Marijuana Cultivation Permit.

"Marijuana Plant" shall mean any mature or immature marijuana plant, or any marijuana seedling.

"Park" shall mean any public playground, public recreation center or area, and other public areas created, established, designed, maintained, provided, or set aside by the county, and city or any other public entity or agency, for the purposes of public rest, play, recreation, enjoyment or assembly, and all buildings and structures located thereon or therein.

"Person" shall mean an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

"Premises" shall mean a single parcel of property. Where contiguous parcels are under common ownership or control, such contiguous parcels shall be counted as a single "premises" for purposes of this Chapter.

"Primary Caregiver" shall have the same meaning as set forth in Health and Safety Code sections 11362.5 and 11362.7, et seq.

"Qualified Patient" shall have the same meaning as set forth in Health and Safety Code sections 11326.5 and 11362.7, et seq.

"Rear Yard" shall mean the rear open space portion of any premises, whether fenced or unfenced.

"Residential Unit" means any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation



on a premises or legal parcel located within a residential or agricultural-residential zoning district.

"School" shall mean any institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education; excluding home school, vocational or professional institution of higher education, including a community college, junior college, college or university.

#### **5.34.030 – Site Location, Operation, and Development Standards**

Non-commercial cultivation of small amounts of marijuana for personal use is only permitted in the Ranch Agriculture (R/A), Ranch Agriculture –Hillside (R/A/H), Rural Residential (RR), Rural Residential – Hillside (RR/H), Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR) zones when all of the following applicable conditions and standards are met:

##### **A. Generally.**

1. Marijuana cultivation is permitted only on parcels with residential units where the Marijuana Cultivation Permit Holder resides full-time. Marijuana Cultivation Permit Holders shall not participate in marijuana cultivation in more than one location within the City. Marijuana cultivation activities may only occur indoors within a residential unit, garage or Detached Accessory Structure.
2. From the public right-of-way, there shall be no exterior evidence of marijuana cultivation.
3. No person shall commence any marijuana cultivation activities unless and until they have obtained a valid Marijuana Cultivation Permit from the City.
4. Any area set aside for the cultivation of marijuana for personal use shall not adversely affect the health or safety of the nearby residents by creating dust, glare, excessive light, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to the use or storage of materials, processes, products or waste.
5. Cultivation of marijuana for personal use shall not exceed six (6) marijuana plants of any size per Marijuana Cultivation Permit holder. The maximum number of plants shall be limited regardless of the number of qualified patients or primary caregivers residing on the property. Not more

than six (6) living marijuana plants may be cultivated on the Premises at one time.

6. Marijuana cultivation activities shall not be upon any property or parcel containing a childcare center, school or church. Furthermore, marijuana cultivation activities shall not take place within 1,000 feet of any school, childcare center, public park, government building, or church. The 1,000 feet shall be measured from the closest property line of the school, childcare center, public park, government building or church, to the closest property line of the cultivation parcel.

7. Indoor grow lights shall not exceed 1,200 watts and shall comply with the California Building, Electrical and Fire Codes as adopted by the City.

8. Any location used for marijuana cultivation must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and shall comply with California Building Code section 402.3 (Mechanical Ventilation). The ventilation and filtration system must be approved by the enforcement officer and installed prior to the commencement of any marijuana cultivation activities.

9. Marijuana cultivation activities shall not be accessible to persons under 18 years of age.

*B. Marijuana cultivation within residential units, specifically.* In addition to those requirements listed in Subsection A of this section, marijuana cultivation activities within a residential unit shall also comply with the following requirements:

1. The residential unit shall, at all times, maintain a kitchen, bathroom and primary bedroom(s) for their intended purpose, and shall not be used for marijuana cultivation.
2. Any marijuana cultivation activities shall not create humidity, mold, or other nuisance condition.

*C. Marijuana cultivation within detached accessory structures, specifically.* In addition to those requirements listed in Subsection A of this section, marijuana cultivation activities within a detached accessory structure shall also comply with the following requirements:

1. The structure shall be no smaller than 120 square feet in size.
2. The structure shall be located within the rear yard area of any legal parcel or premises.
3. The structure shall maintain a minimum setback of 10-feet from any property line.
4. The structure shall be fully-enclosed and the area surrounding the structure must be enclosed by a solid fence at least six (6) feet in height.

The fence must be adequately secure to prevent unauthorized entry. Bushes, hedgerows, plastic sheeting, tarps or cloth material shall not constitute an adequate fence under this subsection.

5. The structure shall maintain adequate mechanical or electronic security systems, approved by the enforcement officer, and shall install such systems prior to the commencement of cultivation.

6. Any accessory structure used for marijuana cultivation must have a valid building permit issued by the City building official. The building official shall consult with the planning director and enforcement officers in consideration of any building permit application seeking a building permit for the construction or alteration of any detached accessory structure to be used for marijuana cultivation.

#### **5.34.040 – Other Applicable Regulations**

A. There shall be no variances or deviations permitted to any standards or requirements within this Chapter.

B. Nothing in this Chapter is intended to authorize the cultivation, possession, or use of marijuana in violation of state or federal law.

#### **5.34.050 – Marijuana Cultivation Permit**

A. No person shall commence any marijuana cultivation activities unless and until they have obtained a valid Marijuana Cultivation Permit from the City. The following information will be required with the initial Permit application and subsequent Permit extensions:

1. Adequate proof that the permit holder is 21 years of age or older;
2. Notarized signature from the owner of the property consenting to the cultivation of marijuana at the premises on a form acceptable to the City;
3. The name of each person owning, leasing, occupying or having charge of any legal parcel or premises where marijuana will be cultivated;
4. The physical site address of where marijuana will be cultivated;
5. A signed consent form, acceptable to the City, authorizing enforcement officers to conduct an inspection of the detached accessory structure used for marijuana cultivation upon 24 hours' notice;

B. The Permit shall be valid for no more than one (1) year and may be extended in increments of two (2) years.

C. The enforcement officer may, in his or her discretion, deny any application for a Marijuana Cultivation Permit, or extension thereof, where he or she finds, based on articulated facts, that the issuance of such Permit, or extension thereof, would be

detrimental to the public health, safety, or welfare. The enforcement officer shall deny an application for a Marijuana Cultivation Permit, or extension thereof, which does not demonstrate satisfaction of the minimum requirements of this Chapter. The denial of any Permit application or extension shall be subject to appeal by the City Council.

D. The City Council may establish a fee or fees required to be paid upon filing of an application for a Marijuana Cultivation Permit, as provided by this Chapter, which fees shall not exceed the reasonable costs of administering this Chapter.

#### **5.34.060 – Revocation of Marijuana Cultivation Permit**

A. Any Marijuana Cultivation Permit granted by the City shall become null and void if the City receives and substantiates two (2) complaints of noxious odors resulting from indoor marijuana cultivation within a twelve (12) month period. These complaints must originate from at least two (2) separate individuals and two (2) separate properties adjoining, or within proximity to, the property engaging in marijuana cultivation.

B. Upon revocation of a Marijuana Cultivation Permit, the property owner, tenant, or Permittee shall remove all marijuana plants from the premises within 30 days of official notice from any enforcement officer.

#### **5.34.070 – Appeals**

Any person aggrieved by the requirements of this Chapter may file an appeal pursuant to the requirements of Chapter 5.04 of the Banning Municipal Code.

#### **5.34.080 – Prohibited Activities Declared a Public Nuisance**

A. It is unlawful and a public nuisance for any person owning, leasing, renting, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the City to cause or allow such parcel or premises to be used for the outdoor cultivation of marijuana plants.

B. It is unlawful and a public nuisance for any person to cultivate marijuana inside any residential building or structure without a marijuana cultivation permit issued by the City.

C. It is unlawful and a public nuisance for any person to engage in Commercial Cannabis Activity in any area of the City.

D. It is unlawful and a public nuisance for any person to use gas products, such as CO<sub>2</sub>, butane, propane, and natural gas, for the cultivation, extraction, or processing of marijuana.

E. It is unlawful and a public nuisance for any person to use generators for marijuana cultivation activities.



F. In addition to the foregoing, any use or condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is hereby declared a public nuisance and may be abated by the City or subject to any available legal remedies, including but not limited to, civil injunctions. The prohibitions outlined in this Chapter shall be imposed regardless of the number of qualified patients or primary caregivers residing at the premises or participating directly or indirectly in the cultivation. Further, this prohibition shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.

**Section 2.** Section 8.48.330 ("Cultivation, manufacture, or sales of drugs") of Chapter 8.48 (Nuisances), of Title 8 (Health and Safety) of the Banning Municipal Code is hereby amended to read as follows:

**8.48.330 – Manufacture or sales of drugs.**

Any real or personal property utilized in the manufacture, sales, or storage of any drug which is illegal under any state or federal law, is declared a nuisance.

**Section 3. Urgency Findings.** On November 8, 2016, the voters of the State of California passed the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA"). Upon its passage, certain provisions of the AUMA took effect as of November 9, 2016. These provisions include the legalization of use of nonmedical marijuana by persons 21 years of age or older, and the personal cultivation of up to six (6) marijuana plants. Specifically, the AUMA makes it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without any compensation, 28.5 grams of un-concentrated marijuana or 8 grams of concentrated marijuana; and (3) possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use. The exterior cultivation of marijuana requires large amounts of space and may result in a large quantity of plants being cultivated on a single parcel of land. As these "crops" begin to flower, they produce a strong odor that is detectable far beyond the property boundaries. Not only is the odor of flowering marijuana plants offensive, it also alerts persons to the location of these valuable plants and creates an increased risk of nuisance activity, including crime. The cultivation and processing of cannabis has also resulted in damages to buildings containing indoor cannabis cultivation facilities; such damages include improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the frequency of home-invasion robberies and similar crimes. There exists a current and immediate threat to public health and safety in the absence of the City adopting an

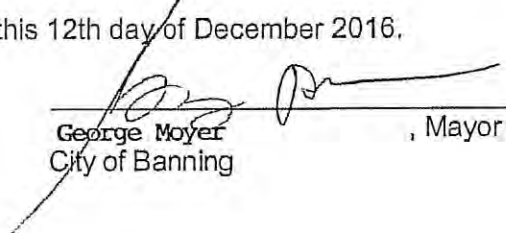


ordinance regulating the personal cultivation of marijuana. The City desires to enact this urgency ordinance to expressly make clear that cultivation for personal use is only permitted in the City's residential zones and subject to reasonable regulations. This urgency ordinance would confirm that marijuana cultivated for personal use is restricted to six (6) living plants and that marijuana must be grown indoors, in compliance with fire, health and building codes. The prohibitions outlined in this Urgency Ordinance are necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards which may result from personal cultivation of marijuana. This ordinance must be adopted immediately to comply with state law and clarify that personal use and cultivation of marijuana must be conducted safely and subject to reasonable regulations in order to prevent the negative and dangerous secondary effects associated with these uses.

**Section 5. Effective Date.** This is an urgency ordinance adopted pursuant to Government Code Section 36937 and shall take effect immediately upon adoption.


**Section 6. Certification.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Banning's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED and ADOPTED this 12th day of December 2016.

  
George Moyer  
City of Banning

, Mayor

ATTEST:

  
Marie A. Calderon, City Clerk  
City of Banning

APPROVED AS TO FORM AND  
LEGAL CONTENT:

  
John C. Cotti, Interim City Attorney  
Jenkins & Hogin, LLC

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Urgency Ordinance No. 1505 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 12<sup>th</sup> day of December, 2016, and was duly adopted at a regular meeting of said City Council on the 12<sup>th</sup> day of December, 2016, by the following vote, to wit:

AYES: Councilmembers Andrade, Franklin, Peterson, Welch, Mayor Moyer

NOES: None

ABSENT: None

ABSTAIN: None



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

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INTENTIONALLY***

## Attachment 6

Planning Commission Resolution 2017-01

RESOLUTION NO. 2017-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING RECOMMENDING THAT THE CITY COUNCIL AMEND TITLE 17 OF THE BANNING MUNICIPAL CODE BY AMENDING SECTIONS 17.04.040, 17.08.020, 17.12.020, 17.16.020, AND 17.20.020 OF THE ZONING CODE IN ORDER TO EXPRESSLY PERMIT PERSONAL CULTIVATION SOLELY WITHIN THE CITY'S RESIDENTIAL ZONES AND TO EXPRESSLY PROHIBIT THE DELIVERY, DISPENSING, AND NON-PERSONAL COMMERCIAL CULTIVATION OF MARIJUANA WITHIN THE CITY.

**WHEREAS**, the City of Banning initiated amendments to the Zoning Ordinance, Article 17 of the Municipal Code to regulate cultivation of marijuana for personal use, and to expressly prohibit deliveries, dispensaries, mobile dispensaries, and the commercial cultivation of marijuana within the City.

**WHEREAS**, the Planning Commission has authority per Chapter 17.116 (Zoning Ordinance Amendments) of the City of Banning Municipal Code to make recommendations to the City Council to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

**WHEREAS**, on the 23rd day of December, 2016, the City gave public notice as required under Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of the holding of a public hearing at which the Categorical Exemption and Zone Text Amendment would be considered; and

**WHEREAS**, on the 4<sup>th</sup> day of January, 2017, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the proposed amendments, and at which time the Planning Commission considered the Categorical Exemption and Zone Text Amendment No. 16-97502; and

**WHEREAS**, at this public hearing on the 4<sup>th</sup> day of January, 2017, the Planning Commission considered and heard public comments on the proposed Categorical Exemption and Zone Text Amendment; and

**WHEREAS**, the Planning Commission has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the 4<sup>th</sup> day of January, 2017;



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

**SECTION 1. ENVIRONMENTAL FINDINGS.**

The following environmental findings are made and supported by substantial evidence on the record before the Planning Commission, including and incorporating all evidence in the staff report and attendant attachments thereto:

**California Environmental Quality Act (CEQA)**

In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed proposed Zone Text Amendment No. 16-97502 and has determined that the zone text changes are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**Multiple Species Habitat Conservation Plan (MSHCP)**

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

**SECTION 2. REQUIRED FINDINGS FOR ZONE TEXT AMENDMENT NO. 16-97502.**

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zone Text Amendments meet certain findings prior to recommendation of approval by the Planning Commission and approval by the City Council. The Planning Commission hereby makes the following findings, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of the recommendation for approval of the Zone Text Amendment No. 16-97502:

***Finding No. 1:***      *Proposed Zone Text Amendment No. 16-97502 is consistent with the goals and policies of the General Plan.*

**Findings of Fact:** Proposed Zone Text Amendment No. 16-97502 is consistent with the goals and policies of the General Plan. Commercial marijuana activities can adversely affect the health, safety and well-being of City residents. The cultivation and processing of medical cannabis has resulted in damages to buildings containing indoor medical cannabis cultivation facilities; such damages include improper and

dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the frequency of home-invasion robberies and similar crimes. The City anticipates that the cultivation of non-medical marijuana exposes itself to the same inherent risks. Marijuana cultivation or other concentration of marijuana in any location or premises without adequate regulations increases the risk that surrounding homes or businesses may be negatively impacted. The Banning Municipal Code (BMC) does not currently expressly and separately prohibit the delivery or mobile dispensing of marijuana within the City. Furthermore, the BMC currently bans personal cultivation of marijuana in contravention to the Control, Regulate, and Tax Adult Use of Marijuana Act. It is in the public interest and there are community benefits resulting from the regulation of marijuana, while still allowing for responsible and lawful access to marijuana in the City.

**Finding No. 2:** *Proposed Zone Text Amendment No. 16-97502 is internally consistent with the Zoning Ordinance.*

**Findings of Fact:** Proposed Zone Text Amendment No. 16-97502 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of uses and lands within the city to protect the public health, safety, and welfare. The proposed amendments will protect the public health, safety, and welfare of the residents of the City.

**Finding No. 3:** *The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.*

**Findings of Fact:** In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zone Text Amendment No. 16-97502 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. *Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA.* The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zone Text Amendment No. 16-97502 may have a significant adverse effect on the environment, and thus

the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**SECTION 3. PLANNING COMMISSION ACTION.**

The Planning Commission hereby takes the following action:


Adopts Planning Commission Resolution No. 2017-01:

1. Recommending to the City Council the adoption of a Categorical Exemption for Zone Text Amendment No. 16-97502; and
2. Recommending to the City Council the adoption of Ordinance No. 1507 approving Zone Text Amendment No. 16-97502.

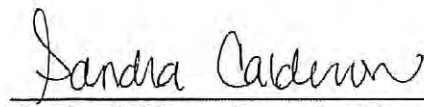
**PASSED, APPROVED and ADOPTED** this 4th day of January, 2017.

  
Eric Shaw, Chairman  
Banning Planning Commission

APPROVED AS TO FORM  
AND LEGAL CONTENT:

  
Gregg W. Kettles  
Interim Assistant City Attorney  
Jenkins & Hogin, LLC

**ATTEST:**

  
Sandra Calderon, Recording Secretary  
City of Banning

**CERTIFICATION:**

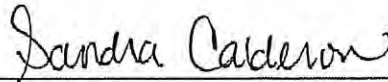
I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2017-01, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 4th day of January 2017, by the following vote, to wit:

AYES: Shaw, Krick, Price, Briant, Wallace

NOES: None

ABSENT: None

ABSTAIN: None

A handwritten signature in cursive script that reads "Sandra Calderon". The signature is written in dark ink and is positioned above a horizontal line.

Sandra Calderon, Recording Secretary  
City of Banning, California

## Attachment 7

Public Hearing Notice



Record Gazette  
218 N. Murray St.  
**Proof of Publication**  
(2015.5 C.C.P.)

140852 PHN\_CC\_ MARIJUANA FINAL

State of California )  
County of Riverside ) ss.

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

February 10, 2017

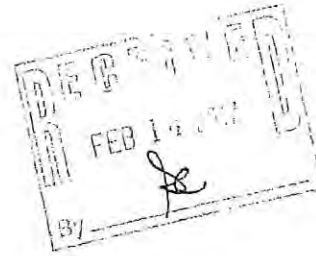
Executed on: 02/10/2017

At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature



**RESCHEDULED HEARING**

NOTICE OF INTENT TO CONSIDER MUNICIPAL CODE AMENDMENTS TO REGULATE PERSONAL CULTIVATION OF MARIJUANA, TO PROHIBIT ALL COMMERCIAL MARIJUANA LAND USES THROUGHOUT THE CITY, AND TO ADOPT A CATEGORICAL EXEMPTION FOR THE AMENDMENTS

NOTICE IS HEREBY GIVEN of a rescheduled public hearing before the City of Banning City Council to be held on Tuesday, February 28, 2017, at 5:00 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider proposed amendments to the Banning Municipal Code. The proposed amendments include the addition of Chapter 5.34 Marijuana Cultivation; amendment of Section 8.48.330 to conform to state law so as not to prohibit the cultivation of marijuana for personal use; repeal of Chapter 8.68 (Medical Marijuana Prohibited) and Zoning Text Amendment (ZTA) No. 16-97502 to amend Title 17 of the Banning Municipal Code by amending Sections 17.04.040, 17.08.020, 17.12.020, 17.16.020, and 17.20.020 of the Zoning Code in order to expressly permit personal cultivation solely within the City's residential zones and to expressly prohibit the delivery, dispensing, and non-personal commercial cultivation of marijuana within the City.

Information regarding the Municipal Code Amendments, Zoning Text Amendments, and Categorical Exemption and all relevant materials can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting the City Hall located at 99 East Ramsey Street, Banning during regular business hours. You may also go to the City of Banning website at <http://www.ci.banning.ca.us/>. All parties interested in speaking either in support of or in opposition of this item are invited to

attend said hearing, or to send their written comments to the Community Development Department, City of Banning at P.O. Box 999, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the City Clerk at, or prior to, the time the Planning Commission makes its decision on the proposal; or, that you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Brian Gullot  
Community Development Director

Dated: February 7, 2017

Published: February 10, 2017

Published in

The Record Gazette

No. 140852

02/10/2017



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Rochelle Clayton, Deputy City Manager

**MEETING DATE:** June 27, 2017

**SUBJECT:** Clearing of Oleander Bushes from Caltrans Right of Way

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### **RECOMMENDATION:**

This is informational only; receive and file report.

### **JUSTIFICATION:**

Information was requested by Council at its April 25 and May 9, 2017 meetings regarding the cost of equipment used by City staff to clear overgrown oleander bushes from the Cal Trans Right of Way located on the Interstate 10 freeway. Information was emailed to Council in response on May 19, 2017 and was subsequently requested by Council to also report the contents of the email at the next Council meeting.

### **BACKGROUND:**

The costs to the City for the Caltrans Right-of-Way Clearing Project for Diamond Hills Chevrolet Buick GMC (Diamond Hills) were presented to Council at its April 25<sup>th</sup> meeting and further detail at its May 9<sup>th</sup> meeting.

The additional information requested on May 9, 2017 was emailed to Council on May 19, 2017. At the Council meeting on May 23, 2017, Don Peterson requested that the information emailed to Council be brought back to the next Council meeting.

However, Caltrans requested a meeting with City staff regarding this project for June 20, 2017. Therefore staff opted to wait until that meeting occurred. At the meeting between the Public Works Director and Caltrans, they notified the City that there is another program administered by Caltrans to assist local businesses in clearing vegetation to improve the visibility of their business, called Visibility Improvement

Requests (VIR) for future similar projects in the City. Information regarding the VIR process has been forwarded to Diamond Hills for future reference.

Caltrans also stated that they would keep an eye on the vegetation to make sure that it is growing back or that the City will be responsible for replanting this area, and they requested that the fee exemption available to local agencies be used only for City projects and not for project that provide a direct benefit to a business owner.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

- A. Email to Council from Rochelle Clayton on Caltrans Equipment Costs
- B. City Equipment (Models, Years, and Rates Charged)
- C. Caltrans Equipment Rental Rates for FY 2017-18
- D. United and BlueLine Equipment Rental Rates

Approved by:



---

Alejandro Diaz  
Acting City Manager

# ATTACHMENT A

**From:** [Rochelle Clayton](#)  
**To:** ["GEORGE MOYER"](#); ["Debbie Franklin"](#); ["Don Peterson"](#); ["danielaandrade@yahoo.com"](#); ["Art L. Welch"](#)  
**Cc:** [Michael Rock](#); ["John C. Cotti"](#); [Arturo Vela](#)  
**Subject:** Equipment Costs for Caltrans Project  
**Date:** Friday, May 19, 2017 5:37:00 PM  
**Attachments:** [EQUIPMENT.pdf](#)  
[CalTrans Equipment Rental Rates 2017-18.pdf](#)  
[EQUIPMENT RENTAL RATES.pdf](#)

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Please find the attached list of equipment and the costs from Caltrans, which is what the City based its rates off of, and costs from United and Blueline for similar vehicles. Please note that on the Caltrans rate book, I've highlighted the rates on pages 4, 17, 32, and 34 of their rate book that applies.

Let me know if you have any questions.

Thank you,

Rochelle Clayton  
Deputy City Manager  
Administrative Services Director  
City of Banning  
Ph: 951-922-3148  
Cell: 951-809-4727



# **ATTACHMENT B**

[illegible]

# ATTACHMENT C

# Labor Surcharge and Equipment Rental Rates

(Cost of Equipment Ownership)



Effective April 1, 2017 through March 31, 2018

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FOR DOUBLE-SIDED PRINTING



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**USER'S GUIDE  
FOR LABOR SURCHARGE AND EQUIPMENT RENTAL RATES  
April 1, 2017 - March 31, 2018**

Equipment Rental Rates are available on the Internet at:

**<http://www.dot.ca.gov/hq/construc/equipmnt.html>**

Miscellaneous Equipment Rental Rates are available on the Internet at:

**<http://www.dot.ca.gov/hq/construc/misceqrr/index.htm>**

The miscellaneous listing is updated daily.

## **Changes**

**Books are no longer available in hard copy and should be downloaded from the internet and printed.**

Changes to the equipment rates in the April 1, 2017 book are the result of: 1) fuel costs decreased; 2) interest rates decreased; 3) Producers' Price Index increased; 4) no change in sales tax; and 5) no change in freight (F.O.B.) rates.

## **Labor Surcharge**

The labor surcharge compensates the contractor for statutory payroll items stipulated by various governmental agencies. The six items included are worker's compensation, social security, Medicare, Federal unemployment insurance, State unemployment insurance, and State training taxes. The general rate is an average of the job classifications common to Caltrans projects. The labor surcharges in the April 1, 2017 book are the result of decreases in worker's compensation rates. The rates were derived from using the pure premium rate approved by the Insurance Commissioner effective January 1, 2017 and increasing it by the historical statewide average expense. In the calculation of the labor surcharge for overtime work, the worker's compensation is not included on the premium portion of overtime, as provided by worker's compensation regulations.

The surcharge percentage to be applied to the actual wages paid as provided in Section 9-1.04B [9-1.03A(1b)] of the *Standard Specifications* will be **11 percent for regular time (RT) and 11 percent for overtime (OT).**

Exceptions to the general rate are listed below. These classifications were chosen because of high worker's compensation insurance costs. Forward questions, regarding worker's compensation rating and proper labor surcharge usage, to the rental rate personnel in the Division of Construction.

## EXCEPTIONS

<u>Type of Work Performed</u>	<u>Labor Surcharge Percent</u>	
	RT	OT
Concrete Construction - Bridge .....	11	11
Drilling .....	14	13
Fence & Guardrail Construction .....	13	12
Erection of structural metal for metal bridges, excluding sign bridge .....	14	13
Landscape Gardener .....	12	11
Mobil Crane & Hoist Service .....	15	14
Painting Steel Structures or Bridges .....	15	14
Pile Driving, not including drilled, cast-in-place concrete piles .....	16	15
Sign Erection or Repair .....	17	15
Wrecking & Demolition .....	13	12

An appropriate labor surcharge will be established by the Division of Construction for work that is determined by the resident engineer to be covered by Longshoreman and Harbor Worker's Act.

## Background

By the authority described in Section 9-1.04 [9-1.03A] of the *Standard Specifications*, compensation for work paid by force account is determined to be the total of the direct equipment costs (rental rate) plus a 15 percent markup for all overhead not included as direct costs. The direct costs include fuel, oil, lubrication, supplies, small tools, necessary attachments, repairs and maintenance, depreciation, storage, cost of facilities capital, overhaul and all incidentals. The labor costs required to provide the above listed items are also included. The operator cost is not included in the equipment rate.

The calculated rate represents the cost of owning and operating the equipment, which is likely to be lower than the rate charged by a rental yard. The rental yard rate may include additional overhead and profit as well as a premium for short-term rentals. In certain situations, factors are applied to the calculated rates to provide ownership-only rates for delay situations or operating-only rates for overtime situations. The rates are calculated using factors for the direct cost items described above. The factors represent an average and are applied to all makes and models of equipment within the class. **All rates are hourly, unless stated otherwise.**

## Overtime and Multiple Shifts

Certain equipment costs are fixed on an annual basis, no matter how many hours are worked. Once an estimate of the costs and hours of use is made, a rate can be determined. When more than the estimated number of hours are worked (Overtime or Multiple Shift), a duplication of payment occurs on the fixed cost portion of the equipment rate.

In order to avoid this duplication, Caltrans uses a reduced rate for the Overtime or Multiple Shift situations. The definition of Overtime or Multiple Shift periods is:

**Overtime hours occur after the equipment has worked at force account, eight hours per day (or after the daily equivalent of forty hours per week for special work schedules - 4/10 or 9/80). Multiple shift hours will be paid at the same rate as overtime hours.**

The hours shown on the Daily Extra Work Bill will determine when the Overtime and Multiple Shift is to be used. **When the hours worked on force account are eight or less, straight time rates will be used.** When the hours worked on force account are more than eight, Overtime and Multiple Shifts rates will be used. Saturday, Sunday or holiday work will be paid at the overtime rate except in those cases where these days are considered working days in the special provisions.

Be advised the computed overtime rates are no longer rounded and now equal the product of the straight time rate and overtime factor. The Overtime and Multiple Shift Factors are recalculated annually to reflect changes in the operating costs.



## Delays

As described in Section 8-1.07C [8-1.09] of the *Standard Specifications*, the Delay Factor may be applied to the equipment rental rate. The Delay Factor may be the basis for compensation for idle equipment time on an excusable delay. The factor has been calculated to include the ownership costs without including operating costs. The Delay Factor recovers all the contractor's non-operating costs in an eight hour day. If payment is made for equipment on an excusable delay, it is limited to eight hours per day or forty hours per week maximum.

The NONOP class for non-operated items and the TRAFIC class for traffic safety devices have been separated from traditional "rolling stock" equipment when calculating the Delay Factor. These classes are comprised of items whose depreciable lives are related to the number of uses per year, rather than the number of hours per year. Accordingly, the reasonable compensation for the contractor's actual loss has been estimated to equal the cost of facilities capital. **It should be recognized that these items must be out of service before the Delay Factor is applied. For example, if work behind K-rail is delayed, the K-rail should be paid straight time until it is no longer controlling traffic.**

Any use of this factor must have the prior approval of the resident engineer. The Delay Factor is recalculated annually to reflect changes in the operating costs.

## Use of Daily Extra Work Bill

Identification codes and rates are intended to be used with the Department's Internet change order billing system. The class is abbreviated using a 5 digit alpha-code, the make (manufacturer), a 4 digit alpha-code, and the code a 7 digit alpha-numeric code. All three codes must be used to define the equipment when using the automated pay system. Since the majority of items are described by per hour rates, each line has an entry for hours with an allowable maximum of 24. Special items with other than hourly rates should be appropriately checked and then entered in the Regular Hours column. For example, 50 Traffic Cones used 3 days (converts to 1.5, 100-cone-days) requires 1.5 be entered in the Regular Hours column. Note that any entry in the Delay Factor column will automatically apply the Delay Factor to every equipment entry on the current report.

Whenever an identification code cannot be found or the rate for a particular date of work performed is not available, updated information should be requested from the resident engineer. It is the resident engineer's responsibility to establish rates for equipment not found in the *Labor Surcharge and Equipment Rental Rates* publication. Support for this determination is available from both District and Headquarters Construction Offices. **Rates are regularly superseded during contract periods, so avoid the use of old publications or expired rates.**

The equipment is presented with a standard configuration capable of performing work commonly encountered on Caltrans projects. Special attachments or accessories are described under the classification heading in the *Labor Surcharge and Equipment Rental Rates* publication. Attachments other than those described by these remarks will be paid only upon direction of the resident engineer.

## EQUIPMENT RENTAL RATE

NOTE--THE FOLLOWING RATES ARE IN EFFECT FROM APRIL 1, 2017 THROUGH MARCH 31, 2018

### ATTACHMENTS

TRACTOR ATTACHMENTS -including power control units and accessories necessary to provide a functional attachment. Dozer blades are included in the standard configuration for both crawler and heavy, rubber tire tractors.

Rippers are listed from R1 to R8 and Winches for logging or towing are listed from S1 to S5. Equipment model groups are as follows:

1. Case 300 Thru 800 Series, Cat D-2 thru D-4, Deere 400 & 450, Dresser TD-7, TD-8 and TD-9, Fiat-Allis FD-5 Thru FD-7, Komatsu D21E Thru D37P, Liebherr PR711 & PR721.
2. Case 1150, Cat D-5, Deere 750, Dresser TD-12, Fiat-Allis FD9 & 10, Komatsu D58P, Liebherr PR731.
3. Case 1450 and 1550, Cat D-6, Deere 850, Dresser TD-15, Komatsu D63PE Thru D68P, Liebherr PR741.
4. Cat D-7 & 814, Dresser TD-20, Fiat-Allis 14 & FD14, Komatsu D83P, Terex 82-30
5. Cat D-8 & 824, Dresser TD-25, Fiat-Allis FD20 Komatsu D135A, Terex 82-40 Michigan 280, Raygo CHD 17 & CD-500.
6. Cat D-9 & 834, Fiat-Allis FD30, Raygo CHD 24 & CD 800.
7. Cat D-10, Dresser TD-40, Fiat-Allis FD40, Komatsu 375, Michigan 380, Raygo CDH 30.
8. Cat D-11, Fiat-Allis FD50, Komatsu 475

Model	Code	Rate
Clam action bucket 1 CY & Less	C1	\$4.09
Clam action Over 1 CY to 2 CY	C2	\$7.20
Clam action Over 2 CY to 3.5 CY	C3	\$10.42
Clam action Over 3.5 CY to 5 CY	C4	\$14.86
Clam action bucket Over 5 CY	C5	\$20.54
Ripper on No. 1 models	R1	\$2.46
Ripper on No. 2 models	R2	\$3.22
Ripper on No. 3 models	R3	\$5.37
Ripper on No. 4 models	R4	\$6.08
Ripper on No. 5 models	R5	\$9.98
Ripper on No. 6 models	R6	\$15.78
Ripper on No. 7 models	R7	\$18.30
Ripper on No. 8 models	R8	\$30.47
Winch on No. 1 models	S1	\$2.92
Winch on No. 2 models	S2	\$4.35
Winch on No. 3 models	S3	\$5.77
Winch on No. 4 models	S4	\$7.40
Winch on No. 5 models	S5	\$12.96
Lift gate	TG	\$0.84
Pump, water truck only	TP	\$5.78
Winch, truck	TW	\$0.31
Gas welding hose per 15.2 m (50 ft)	WH	\$0.02
Elec welding lead per 30.5 m (100 ft)	WL	\$0.18

### AIR COMPRESSOR

[ AIRCP ]

**DELAY FACTOR = 0.17**

**OVERTIME FACTOR = 0.85**

All types of self contained units, regardless of power (gas, diesel and lpg) or type of compression (reciprocating, screw and vane). The listed rates include 15.2 meters (50 lineal feet) of hose, all hose whips, fittings, couplings and any compressor attachments. Listed in accordance with mfr's rated capacity in liters per second (cubic feet per minute) at 7 bar (100 psi).

#### PORTABLE

[ PORT ]

OVER	TO	Code	Rate
0	19 (40)	000-004	\$3.75
19 (40)	76 (160)	004-016	\$13.98
76 (160)	118 (250)	016-025	\$15.48
118 (250)	212 (450)	025-045	\$27.71
212 (450)	354 (750)	045-075	\$45.06
354 (750)	566 (1200)	075-120	\$67.23
566 (1200)	708 (1500)	120-150	\$86.90

### AIR DRILLS, CRAWLER

[ AIRDL ]

**DELAY FACTOR = 0.48**

**OVERTIME FACTOR = 0.56**

All types, pneumatically propelled, including attachments. Expendable carbon drill steel, bits and shanks shall be paid by separate invoice. Rated in accordance with the cylinder bore diameter in millimeters(inches).

#### CRAWLER DRILLS

[ CLR ]

OVER	TO	Code	Rate
0	100 (4)	0-4	\$25.28
100 (4)	& Over	5	\$25.87

### AIR TOOLS

[ AIRTO ]

**DELAY FACTOR = 0.61**

**OVERTIME FACTOR = 0.42**

All types including paving breakers, clay spades and diggers, sinker rock drills, trench diggers, sheeting/spike drivers, backfill tampers and hand held grinding tools. Expendable drill steel, bits and breakers points, grinding wheels and shanks shall be paid by separate invoice. Rated by tool weight in kilograms (pounds), determined in accordance with the mfr's specifications.

#### AIR TOOLS

[ ATOL ]

OVER	TO	Code	Rate
0	4.5 (10)	0-10	\$0.42
4.5 (10)	9.1 (20)	10-20	\$0.46
9.1 (20)	13.6 (30)	20-30	\$0.83
13.6 (30)	18.1 (40)	30-40	\$0.97
18.1 (40)	27.2 (60)	40-60	\$1.05
27.2 (60)	& Over	60	\$1.48

**ASPHALT DIKE & SHOULDER PAVERS [ ASDSP ]****DELAY FACTOR = 0.13      OVERTIME FACTOR = 0.90**

Includes all attachments, accessories and automatic grade and line control.

**A.C. DIKE COMPANY [ ACDC ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
No. 1	4050	\$62.40
No. 2	4052	\$53.62
Nos. 43, 44	4054	\$74.37

**ASPHALT PAVING COMPANY [ APCO ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
E-1	4000	\$88.85
E-2, E3	4002	\$158.45

**BLAW-KNOX [ B-K ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
RW-35 / 38	4075	\$63.07
RW-85	4077	\$31.13
RW-95	4079	\$49.98
RW-100	4081	\$91.61
RW-195D	4083	\$125.22

**DELTA [ DLT A ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
DC-1	4095	\$127.15

**ASPHALT PAVERS [ ASPAV ]****DELAY FACTOR = 0.19      OVERTIME FACTOR = 0.85**

Includes all attachments, accessories and automatic grade and line control.

**BARBER-GREENE [ B-G ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
BG 220	0805	\$81.09
BG 225	0810	\$88.57
BG 240	0815	\$95.15
BG 245	0820	\$104.95
BG 260	0825	\$120.66
BG 260B	0826	\$159.30
BG 265	0830	\$138.08
RT 435, 4wd	0905	\$102.15
RT 445, 4wd	0925	\$100.53
RT 455, 4wd	0945	\$98.59
RT 455, 4wd, 10-20' screed	0955	\$102.35
RT 465, 4wd	0965	\$128.50
SA 125	1419E	\$77.16
SB 131	1420	\$95.68
SB 140	1425	\$117.15
SA 141	1430	\$80.06
SA 145	1432	\$102.65
SA 150	1435	\$128.74

SB 170 1440 \$128.76

**BLAW-KNOX****[ B-K ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
PF-22	1490	\$36.07
PF-35	1550	\$63.74
PF-115	1750	\$105.57
PF-120H	2010	\$94.71
PF-171	2090	\$146.23
PF-180	2100	\$60.10
PF-180H	2204	\$153.14
PF-200	2250	\$150.57
PF-200, 18' screed	2252	\$153.47
PF-220	2300	\$151.92
PF-400A	2350	\$134.28
PF-500	2404	\$165.12
PF-500, 18' screed	2406	\$168.23
PF-510, 18' screed	2407	\$175.85
PF-3172, 18' screed	2408	\$146.42
PF-3200	2410	\$194.60
PF-5510	2415	\$203.91

**CATERPILLAR****[ CAT ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
AP-200	2420	\$38.38
AP-800	2430	\$102.92
AP-1050	2431	\$162.14
AP-1000	2435	\$159.01
AP-1000 4wd	2436	\$165.04
AP-1055B	2438	\$206.32
AP-1055D	2438D	\$257.24
AP-1200	2440	\$129.79

**CEDAR RAPIDS****[ CEDR ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
BSF-2H	2550	\$83.21
BSF-3R	2600	\$89.74
CR-351	2668A	\$135.07
CR-351 4wd	2668B	\$139.87
CR-361R (RUBBER TRACK)	2668R	\$169.20
CR-431	2669	\$113.18
CR-551	2670	\$182.39
CR-461	2672	\$180.25
CR-561	2674	\$192.40

**LAYTON****[ LYTN ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
F-525	2680	\$20.07
D-550	2682	\$22.57
H-500B	2684	\$7.18

**ASPHALT WINDROW PICKUP MACHINE [ ASPWP ]****DELAY FACTOR = 0.09****OVERTIME FACTOR = 0.93**

Includes all attachments and accessories.

<b>ATHEY [ ATHY ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
7-11	5000	\$77.08
<b>BARBER-GREENE [ B-G ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
BG-610H	5100	\$56.53
<b>CATERPILLAR [ CAT ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
WE-601B	5200	\$61.31
<b>CLARK'S WELDING COMPANY [ CLAR ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
500	5300	\$46.64
601	5304	\$41.14
Lincoln 660	5305	\$84.46
<b>C.M.I. [ CMI ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
851	5405	\$77.37

**AUGERS, CRAWLER MOUNTED [ AUGCL ]****DELAY FACTOR = 0.31****OVERTIME FACTOR = 0.72**

Includes carrier, attachments and accessories with up to 6.1 meters(20 feet) of auger flights. Consumable bits or tips to be paid by separate invoice.

<b>BAYSHORE [ BYSH ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
8400 TD limited access	1500	\$105.93
<b>TEXOMA [ TXMA ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
TAURUS	2010	\$220.19
700CL	2100	\$126.27
<b>WATSON [ WATS ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
2000CM	2500	\$95.55
2500CM	2505	\$148.47
3000CM	2510	\$168.42
3100CM	2515	\$175.49

**AUGERS, HORIZONTAL [ AUGHZ ]****DELAY FACTOR = 0.30****OVERTIME FACTOR = 0.73**

Includes all attachments and accessories with up to 9.1 meters(30 feet) of auger flight, track and/or pipe pusher. Consumable bits or tips shall be paid by separate invoice. Power unit is included.

<b>AKKERMAN [ AKMN ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
360	5000	\$105.45
420 series 1250	5002	\$108.34
<b>AMERICAN AUGER [ AMAU ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
36-350	5014	\$25.74
<b>BORZALL [ BORZ ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
2300-10	5040	\$8.36
4265-10	5042	\$11.56
<b>DITCH WITCH [ D-W ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
2510	5040	\$41.84

**AUGERS, TRUCK MOUNTED [ AUGTK ]****DELAY FACTOR = 0.24****OVERTIME FACTOR = 0.78**

Includes truck/carrier, all attachments and accessories with up to 6.1 meters(20 feet) of auger flight. Consumable bits or tips shall be paid by separate invoice.

<b>ATLANTIC [ ATLNL ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
LDH-80	5000	\$167.69
LDH-100	5005	\$138.84
LLDH-80	5010	\$175.26
LLDH-120	5015	\$188.26
<b>CALWELD [ CALW ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
150-A	5050	\$75.60
200	5052	\$97.75
4500LH	5054	\$165.37
<b>HUGHES [ HUGH ]</b>		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
EZ 112	5070	\$57.08
EZ 120	5071	\$64.39
LDH-100	5072	\$107.78
LDH-80	5074	\$106.25
LLDH-120	5076	\$157.00
LLDH-80	5078	\$144.40



<b>P.D.E.</b>	<b>[ PDE ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
M-100	<b>5084</b>	\$34.63
M-400 with hammer	<b>5085</b>	\$30.34

<b>TEXOMA</b>	<b>[ TXMA ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
Economatic 115	<b>5087</b>	\$76.42
Super Economatic	<b>5089</b>	\$75.74
80	<b>5090</b>	\$123.29
270	<b>5093</b>	\$78.61
330	<b>5095</b>	\$81.79
330 with hammer	<b>5095B</b>	\$94.72
500 with hammer	<b>5096B</b>	\$96.56
600	<b>5097</b>	\$103.09
700	<b>5099</b>	\$165.50

<b>WATSON</b>	<b>[ WATS ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
1000	<b>6010</b>	\$61.69
2000	<b>6012</b>	\$130.66
3000	<b>6014</b>	\$166.84

### **BITUMINOUS DISTRIBUTORS [ BITDT ]**

**DELAY FACTOR = 0.16      OVERTIME FACTOR = 0.86**  
Includes all equipment for handling bituminous materials under pressure. Includes pumps, spray bars and other attachments and accessories.

<b>TRAILER MOUNTED</b>	<b>[ TLMD ]</b>	
Does not include towing unit. Capacity rated in liters (U.S. gallons).		
<u>OVER</u>	<u>TO</u>	<u>Code</u> <u>Rate</u>
0	1136 (300)	<b>0-300</b> \$6.03

<b>TRUCK MOUNTED</b>	<b>[ TRMD ]</b>	
Including truck. Capacity rated in liters (U.S. gallons).		
<u>OVER</u>	<u>TO</u>	<u>Code</u> <u>Rate</u>
0	3028 (800)	<b>00-08</b> \$52.89
3028 (800)	5299 (1400)	<b>08-14</b> \$68.03
5299 (1400)	6831 (1800)	<b>14-18</b> \$70.42
6831 (1800)	11355 (3000)	<b>18-30</b> \$72.22
11355 (3000)	15140 (4000)	<b>30-40</b> \$76.02

### **BROOMS & SWEEPING EQUIPMENT [ BRMSW ]**

**DELAY FACTOR = 0.17      OVERTIME FACTOR = 0.84**  
Includes all attachments and accessories with brooms of any type. Includes broom wear.

<b>BROOMS - MOUNTED &amp; TOWED</b>	<b>[ MTTD ]</b>	
Includes traction, PTO or engine driven.		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
ALL	<b>ALL</b>	\$24.75

<b>BROOMS - SELF PROPELLED</b>	<b>[ SFPR ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
ALL	<b>ALL</b>	\$36.49

### **SWEEPERS - SELF PROPELLED, [ SWSP ]**

<b>PICK UP</b>		
Rated in accordance with hopper size in cubic meters (cubic yards).		
<u>OVER</u>	<u>TO</u>	<u>Code</u> <u>Rate</u>
0	2.3 (3.0)	<b>0-3</b> \$84.73
2.3 (3.0)	4.6 (6.0)	<b>3-6</b> \$113.60
4.6 (6.0)	6.9 (9.0)	<b>6-9</b> \$131.08

### **BRUSH CHIPPING & SHREDDING MACHINES [ BRUCP ]**

**DELAY FACTOR = 0.09      OVERTIME FACTOR = 0.92**  
Includes all attachments, accessories and power unit. Rated in accordance with the cutter head width in millimeters(inches)

<b>BRUSH CHIP &amp; SHRED</b>	<b>[ BCSM ]</b>	
<u>OVER</u>	<u>TO</u>	<u>Code</u> <u>Rate</u>
0	230 (9)	<b>00-09</b> \$24.59
230 (9)	300 (12)	<b>09-12</b> \$37.85
300 (12)	405 (16)	<b>12-16</b> \$37.53

### **COMPACTORS, HAND GUIDED [ COMHG ]**

**DELAY FACTOR = 0.22      OVERTIME FACTOR = 0.80**  
Includes pan, vibrating plate, rammer and jumping jack type compactors(gas or diesel). Includes all attachments and accessories. Listed in accordance with the weight in kilograms(pounds)

<b>COMPACTORS</b>	<b>[ COMP ]</b>	
<u>OVER</u>	<u>TO</u>	<u>Code</u> <u>Rate</u>
0	113 (250)	<b>0-250</b> \$3.28
113 (250)	& Higher	<b>250</b> \$8.26

### **CONCRETE MIXERS [ CONMX ]**

**DELAY FACTOR = 0.14      OVERTIME FACTOR = 0.88**

<b>STATIONARY OR PORTABLE</b>	<b>[ SORP ]</b>	
Rated by Mfr's capacity in cubic meters (sacks or cubic feet).		
<u>OVER</u>	<u>TO</u>	<u>Code</u> <u>Rate</u>
0	0.10 (3.5)	<b>0-3.5</b> \$1.72
0.10 (3.5)	0.17 (6.0)	<b>03.5-6</b> \$2.55
0.17 (6.0)	0.31 (11)	<b>06-11</b> \$3.29
0.31 (11)	0.45 (16)	<b>11-16</b> \$4.69

<b>TRANSIT MIX</b>	<b>[ TRMX ]</b>	
PTO type, including carrier. Rated by Mfr's capacity in cubic meters (cubic yards).		
<u>OVER</u>	<u>TO</u>	<u>Code</u> <u>Rate</u>
6.4 (9)	7.6 (10)	<b>09-10</b> \$124.34
7.6 (10)	9.2 (12)	<b>10-12</b> \$122.43



**CONCRETE PUMPS**

[ CONPM ]

**DELAY FACTOR = 0.19****OVERTIME FACTOR = 0.83**

Includes truck/carrier or self powered trailer mounted units. Including attachments, accessories and hoses.

[ ELBA ]		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
K-8020	1000	\$77.87

[ MACO ]		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
C-30HD	1020	\$14.21
LST-30/60S	1024	\$24.49

[ SHWG ]		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
BPA-1000	1050	\$30.58
WP-1000X	1052	\$40.25
WP-1250X	1054	\$51.87
900-1200 w/28 m boom	1055	\$83.59
900-1200 w/32 m boom	1057	\$90.29
BPL 1200 w/36 m boom	1058	\$100.12

[ THOM ]		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
A-3.75 w/ mixer	1070	\$19.05
A-7	1072	\$16.35
11 pump w/28 m boom	1078	\$95.77
12 pump w/32 m boom	1082	\$103.06
14 pump w/36 m boom	1084	\$150.83

**CONCRETE SLIPFORM PAVERS**

[ CONSF ]

**DELAY FACTOR = 0.21****OVERTIME FACTOR = 0.83**

Includes all attachments and accessories. Detached, independently powered finished bridges or spray/tyne machines are not included.

[ CMI ]		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
SF-250	2002	\$142.71
SF-350 series 2	2004	\$235.87
SF-550	2006	\$309.30

[ GOMA ]		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
GP-2000	2020	\$144.04
GP-2500	2022	\$159.75
GP-3500	2024	\$230.63

**CONCRETE VIBRATORS**

[ CONVB ]

**DELAY FACTOR = 0.37****OVERTIME FACTOR = 0.65**

Includes all attachments and accessories. Includes vibrator motor but independent power, whether air or electric, shall be paid as a separate item.

[ CVIB ]		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
Each Vibrating Head	EVHD	\$0.90

**CURB EXTRUSION MACHINES**

[ CRBEX ]

**DELAY FACTOR = 0.24****OVERTIME FACTOR = 0.80**

Self propelled for asphalt or concrete curb and gutter section. Includes attachments, accessories and molds. Rated by Mfr's maximum width recommendations in millimeters (inches).

CURB EXTRUSION MACHINE		[ CEM ]	
<u>OVER</u>	<u>TO</u>	<u>Code</u>	<u>Rate</u>
0	460 (18)	0-18	\$29.26
460 (18)	& Over	18 PLUS	\$84.34

**CONCRETE BARRIER SLIPFORM PAVERS**

[ CRBSF ]

**DELAY FACTOR = 0.22****OVERTIME FACTOR = 0.83**

Includes all attachments, accessories and barrier or curb molds.

[ CMI ]		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
SF-175	3000	\$106.58

[ CURB ]		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
CMT-800	3020	\$67.46

[ GOMA ]		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
GT-6000-(78&90)	3040	\$74.68
COMMANDER II	3045	\$86.41
COMMANDER III	3050	\$118.32

[ MILL ]		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
M-7500	3063	\$87.36
M-8100	3065	\$123.54
M-8800	3067	\$159.03

## ELECTRIC GENERATORS & LIGHT PLANTS [ ELGEN ]

**DELAY FACTOR = 0.15      OVERTIME FACTOR = 0.86**

Rates are for gas or diesel power and alternating or direct current.

### GENERATOR [ GEN ]

Rated in accordance with Mfr's output in kilowatts.

OVER	TO	Code	Rate
0	1	000-001	\$0.65
1	3	001-003	\$1.48
3	7.5	003-008	\$3.08
7.5	15	008-015	\$6.92
15	25	015-025	\$10.81
25	50	025-050	\$11.10
50	100	050-100	\$19.54
100	200	100-200	\$38.79
200	300	200-300	\$65.03
300	400	300-400	\$89.20
400	500	400-500	\$112.09

### LIGHTS [ LITE ]

Includes trailer, pole and generator.

Model	Code	Rate
2 Light Set	2 LIGHT	\$3.40
4 Light Set	4 LIGHT	\$7.20

## ELECTRIC POWERED HAND TOOLS [ ELTOL ]

**DELAY FACTOR = 0.61      OVERTIME FACTOR = 0.42**

Includes electric powered, hand held tools not listed elsewhere in this book. Expendable bits, blades, discs, wheels, etc. shall be paid by separate invoice. Rated in accordance with Mfr's suggested retail price.

### TOOLS [ TOOL ]

OVER	TO	Code	Rate
450	600	045-060	\$0.30
600	800	060-080	\$0.40
800	1000	080-100	\$0.50

## FORK LIFT TRUCKS [ FKLFT ]

**DELAY FACTOR = 0.25      OVERTIME FACTOR = 0.77**

Includes attachments and accessories. Listed in accordance with the Mfr's maximum rated capacity in kilograms(pounds).

### FORK LIFT TRUCKS [ FLT ]

OVER	TO	Code	Rate
454 (1000)	1814 (4000)	010-040	\$24.61
1814 (4000)	2722 (6000)	040-060	\$32.73
2722 (6000)	3629 (8000)	060-080	\$37.00
3629 (8000)	5443 (12000)	080-120	\$50.74
5443 (12000)	7258 (16000)	120-160	\$54.04
7258 (16000)	9072 (20000)	160-200	\$63.52
9072 (20000)	11340 (25000)	200-250	\$63.46

11340 (25000)	13608 (30000)	250-300	\$69.67
13608 (30000)	18144 (40000)	300-400	\$89.91
18144 (40000)	22680 (50000)	400-500	\$109.54
22680 (50000)	34020 (75000)	500-750	\$150.47

## GRADERS [ GRADR ]

**DELAY FACTOR = 0.14      OVERTIME FACTOR = 0.88**

Includes ripper and scarifier attachments and all accessories. Electronic blade control and specialty cutting tools shall be paid separately.

### BLADE-MOR [ BMOR ]

Model	Code	Rate
727	2173	\$20.72
747	2178	\$30.18

### CATERPILLAR [ CAT ]

Model	Code	Rate
120G 87V serial	2685	\$58.99
130G 74V serial	2695	\$65.65
12E 99E serial	2710	\$39.17
12F 73G serial	2768	\$59.27
12F 13K serial	2826	\$46.65
12F 89H serial	2884	\$47.14
12G 61M serial	2890	\$67.41
12H	2895	\$73.46
14E 72G serial	3174	\$61.50
14G	3180	\$100.56
14H	3185	\$111.44
140 14U serial	3250	\$62.53
140G 72V serial	3260	\$72.57
140H	3265	\$78.54
143H	3267	\$88.03
16 49G serial	3290	\$80.59
16 49G800 serial	3348	\$117.86
16 G93U serial	3360	\$140.19
16H	3380	\$150.02
160H	3385	\$92.04
163H	3390	\$97.66

### JOHN DEERE [ DEER ]

Model	Code	Rate
JD-570A	3890	\$38.64
JD-570B	3892	\$45.65
JD-670	3900	\$48.88
JD-670A	3905	\$54.89
JD-670CH	3907	\$73.36
JD-770	3910	\$55.57
JD-770A, 770A-H	3915	\$66.17
JD-770B	3916	\$73.43
JD-772CH	3930	\$89.24

<b>GALION</b>	<b>[ GALN ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
A-400E	4940	\$53.52
T-400A	4980	\$50.88
T-500C	5150	\$59.00
T-500L	5204	\$57.58
T-500M	5210	\$60.66

<b>KOMATSU</b>	<b>[ KOMA ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
GD 505A-2	8980	\$55.98
GD 515A-1	8986	\$59.00
GD 605A-2	9000	\$61.65
GD 615A-1	9005	\$68.86
GD 625A-1C	9007	\$91.26
GD 655A-2	9010	\$68.16

### **HAMMERS, DEMOLITION & PILE [ HAMMR ]**

**DELAY FACTOR = 0.25      OVERTIME FACTOR = 0.78**  
Includes attachments, accessories and power unit. Does not include carrier.

<b>ABI</b>	<b>[ ABI ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
HVR-60	0100	\$32.11

<b>AMERICAN PILE DRIVING EQUIPMENT</b>	<b>[ APE ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
150	0010	\$138.58
180	0050	\$186.65
200/500	0060	\$210.92
300 VIBRO	0075	\$231.46
400B VIBRO	0085	\$372.32

<b>ALLIED STEEL &amp; TRACTOR</b>	<b>[ AS&amp;T ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
800	0300	\$54.16
HYRAM 720	0310	\$5.88
HYRAM 725	0320	\$11.05
HYRAM 730	0330	\$13.47
HYRAM 740	0340	\$19.20
HYRAM 750	0350	\$21.33
HYRAM 77	0360	\$8.89
HYRAM 770	0370	\$21.68
HYRAM 780	0380	\$35.23
HYRAM 790	0390	\$46.23
HYRAM 88	0400	\$15.19

<b>DELMAG</b>	<b>[ DELM ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
D-12	0500	\$22.93
D-16	0510	\$32.30
D-22	0520	\$51.35
D-30	0530	\$37.81
D-30-32	0540	\$57.45
D-36-32	0560	\$74.92
D46-32	0570	\$87.77
D62-22	0580	\$144.24
D100-13	0590	\$226.33

<b>FOSTER</b>	<b>[ FOST ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
1700	0600	\$113.53
4030	0630	\$159.75
FNV-1800	0660	\$98.77
FNV-4150	0693	\$205.14

<b>HYDRAULIC POWER SYS</b>	<b>[ HPSI ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
150	0420	\$81.52
260	0430	\$128.88
300	0440	\$154.90

<b>I.C.E.</b>	<b>[ ICE ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
44-50	0450	\$195.42
216	0460	\$70.72
416L	0470	\$116.86
812	0480	\$181.26

<b>KENT</b>	<b>[ KENT ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
KHB10G	0700	\$18.15
KHB 15G	0710	\$26.12
KHB 30G	0750	\$29.61
KHB 40G	0760	\$46.92

<b>NPK</b>	<b>[ NPK ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
4XE	0795	\$14.50
6XA	0800	\$12.88
H-10XB	0810	\$31.55
H-12X	0815	\$33.74
H-16X	0820	\$31.14
H-20X	0840	\$35.28
H4X,HXA	0860	\$10.80
H7X	0880	\$13.98

**OKADA**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
UB-5	0900	\$7.63
UB-8	0950	\$14.83

**RAMMER**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
S-84	1000	\$31.23
S-86	1050	\$33.64

**STANLEY**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
MB250	1100	\$5.80
MB2900	1120	\$23.34
MB4900	1140	\$41.49
MB550	1160	\$9.18
MB800	1180	\$13.68

**TELEDYNE**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
950X	1190	\$31.20
TB1025	1195	\$34.16
TB1425X	1200	\$33.93
TB2225X	1220	\$63.42
TB425	1240	\$13.45
TB825X	1260	\$23.30

**TRAMAC**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
BRH1100	1300	\$35.84
BRH125	1310	\$10.98
BRH250	1320	\$12.59
BRH400	1330	\$11.87
BRH620	1340	\$23.50
BRH750	1350	\$21.70
BRV950	1360	\$22.89

**TUNKER**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
40.01	1400	\$154.98
40.05	1450	\$154.98
60.05	1460	\$129.73

**VULCAN**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
1	1500	\$25.92
010	1520	\$37.03
100C	1540	\$38.62
2300	1560	\$123.78
80C	1580	\$29.74

**[ OKAD ]****[ RAMR ]****[ STAN ]****[ TELD ]****[ TRMC ]****[ TUNK ]****[ VULC ]**

<b>HYDRAULIC CRANES &amp; EXCAVATORS, CRAWLER MOUNTED</b>	<b>[ HCECL ]</b>
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**DELAY FACTOR = 0.21****OVERTIME FACTOR = 0.82**Includes all attachments and accessories required for lifting or digging.  
Pavement breaker or compactor attachments are not included.**BANTAM**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
C 266	0680	\$71.99
C 366	0690	\$83.66
C 744	1075	\$55.44

**CASE**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
9030B	0100B	\$72.77
9040	0110	\$84.32
9060B	0120B	\$169.32
40E E-Boom	1600	\$66.09
40E Y-Boom	1601	\$66.48
50E	1602	\$83.52
125B	1602H	\$68.94
170C	1602N	\$95.08
220B	1602R	\$123.14
880B Y-Boom	1609	\$46.98
980B	1615	\$72.97
1080	1615E	\$63.41
1080B	1615J	\$64.99
1280	1616	\$87.30
1280B	1616E	\$81.50

**CATERPILLAR**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
304 CR	0200	\$26.50
305C CR	0250	\$35.17
312	0300	\$43.88
312C	0300C	\$48.26
312CL	0300CL	\$49.17
314CL CR	0302CLR	\$55.37
315L	0305	\$53.30
320	0310	\$70.33
320BL	0312	\$74.56
320C	0312C	\$72.49
320CL	0312CL	\$81.08
320L	0315	\$71.74
321C LCR	0320R	\$101.14
322L	0325	\$88.25
325	0330	\$92.88
325BL	0335	\$102.67
325L	0340	\$97.44
328D LCR	0343DR	\$122.88
330BL	0345	\$128.44

**[ BANT ]****[ CASE ]****[ CAT ]**

330CL	0345CL	\$140.37	690E LC	1697ELC	\$69.97
330D L	0345DL	\$170.07	790	1698	\$71.84
330L	0350	\$122.36	790D	1698D	\$77.17
345BL	0355	\$173.05	790E LC	1698ELC	\$85.84
350L	0360	\$174.25	792	1699	\$85.22
375L	0365	\$280.05	890	1700	\$114.72
205	1617	\$30.33	890A	1705	\$105.98
211	1617E	\$43.99	892D LC	1708	\$98.53
213	1617H	\$48.50	990	1720	\$125.69
215	1618	\$50.12	992D LC	1722	\$144.03
215B LC	1619E	\$55.95	30	1725	\$17.06
215C	1619F	\$61.67	50	1730	\$27.14
215D	1619G	\$68.60	70	1735	\$25.22
225	1620	\$71.02	200LC	1745	\$78.03
225LC	1621	\$71.53	<b>DROTT</b>	[ DROT ]	
225D LC	1622	\$89.99	<u>Model</u>	<u>Code</u>	<u>Rate</u>
227	1623	\$74.50	35D E boom	1835	\$50.33
229	1625	\$96.53	35D Y boom	1845	\$50.74
231D	1630	\$110.60	40D E boom	1930	\$62.53
231DLC	1635	\$112.13	40D Y boom	1965	\$67.53
235	1640	\$114.81	50D	2005	\$81.15
235B	1642	\$127.83	<b>FIAT-ALLIS</b>	[ F-A ]	
235 Front Shovel	1645	\$124.33	<u>Model</u>	<u>Code</u>	<u>Rate</u>
235B Front Shovel	1647	\$138.61	FE 18	9000	\$46.10
235C	1648	\$145.19	FE 20 HD	9010	\$58.45
235DLC	1649	\$150.89	FE 20 LC	9020	\$54.71
245	1650	\$193.60	FE 28	9030	\$76.67
245B	1650B	\$213.32	FE 40 L	9040	\$132.71
245 Front Shovel	1652	\$205.06	<b>GRADALL</b>	[ GRAD ]	
245B Front Shovel	1652B	\$228.34	<u>Model</u>	<u>Code</u>	<u>Rate</u>
E 180	1653	\$59.41	G 660	0150	\$62.51
EL 180	1654	\$60.52	G 660B	0160	\$78.55
EL 200B	1654E	\$65.17	G 660C	0170	\$79.27
E 240	1655	\$76.63	G 880B	0210	\$85.20
EL 240	1656	\$78.06	G 880C	0215	\$82.18
E 300	1657	\$96.05	G 1000	0230	\$132.37
E 300B	1657B	\$106.61	XL4200	0260	\$79.60
EL 300	1658	\$97.91	XL5200	0280	\$95.64
EL 300B	1658B	\$108.61	<b>HITACHI</b>	[ HIT ]	
<b>JOHN DEERE</b>	[ DEER ]		<u>Model</u>	<u>Code</u>	<u>Rate</u>
<u>Model</u>	<u>Code</u>	<u>Rate</u>	UH 07LC	2630	\$60.12
225D LC	1575D	\$91.41	UH 062	2660	\$62.72
330C LC	1600C	\$131.88	UH 172	2695	\$116.97
450LC	1645	\$167.19	UH 122	2750	\$77.88
490	1660	\$36.31	EX 150	2797	\$55.64
490E	1660E	\$46.77	EX 200 LC	2800	\$67.88
690A	1685	\$48.91	EX 270 LC	2806	\$101.08
690B	1695	\$62.03	EX 300LC-2	2807	\$117.64
690C	1697	\$56.91			
690D	1697D	\$59.94			



EX 300LC-3	2807A	\$121.04	<b>KOEHRING</b>	<b>[ KOEH ]</b>	
EX 330LC-5	2807B	\$134.82	<u>Model</u>	<u>Code</u>	<u>Rate</u>
EX 370-5	2807F	\$140.39	366 post 1980	4752	\$98.18
EX 400 LC	2808	\$155.84	466E	4990	\$113.12
EX 450LC-5	2808K	\$185.08	566	5160	\$124.53
EX 550LC	2809	\$229.64	666, 666E	5225	\$157.41
EX 700	2810	\$276.22	866, 866E	5235	\$186.35
EX 750-5	2815	\$288.47	6611	6000	\$37.05
EX 1100	2880	\$356.28	6614	6005	\$45.55
			6612	6010	\$44.34
<b>HYUNDAI</b>	<b>[ HYUN ]</b>		6620	6015	\$63.24
<u>Model</u>	<u>Code</u>	<u>Rate</u>	6625	6020	\$77.15
200LC	2950	\$67.05	6633	6029	\$108.74
210LC-3	2952C	\$69.91	6644	6040	\$145.27
280LC	2960	\$98.97			
290LC	2970	\$103.45	<b>KOMATSU</b>	<b>[ KOMA ]</b>	
450LC	3010	\$156.63	<u>Model</u>	<u>Code</u>	<u>Rate</u>
<b>INTERNATIONAL</b>	<b>[ INTL ]</b>		PC 120-5	9485	\$48.16
<u>Model</u>	<u>Code</u>	<u>Rate</u>	PC 150-1	9490	\$42.57
630	4250	\$46.91	PC 150-3	9495	\$52.82
640 HD	4260	\$62.57	PC 200 LC-2	9500	\$53.27
650 HD	4280	\$72.02	PC 200-5	9504	\$69.86
<b>KATO</b>	<b>[ KATO ]</b>		PC 200 LC-3	9505	\$64.86
<u>Model</u>	<u>Code</u>	<u>Rate</u>	PC 200 LC-5	9506	\$71.22
HD450 VII	3050	\$45.20	PC 220 LC-2	9510	\$68.68
HD700 VII LC	3060	\$65.61	PC 220 LC-3	9515	\$80.32
HD1250 VII LC	3080	\$109.68	PC 220 LC-5	9516	\$86.90
<b>KOBELCO</b>	<b>[ KOBL ]</b>		PC 220 LC-6	9516F	\$93.65
<u>Model</u>	<u>Code</u>	<u>Rate</u>	PC 220 LC-7	9516G	\$98.12
SK200LC MARK III	4687	\$70.24	PC 280 LC-3	9517	\$90.72
K 903B	4688	\$32.00	PC 300 LC-1, LC-2	9520	\$88.36
K 904D	4693	\$35.00	PC 300 LC-3	9525	\$106.59
K 904E	4694	\$36.92	PC 300 LC-5	9526	\$122.13
K 904 Mark II	4694A	\$36.96	PC 300 LC-6	9526A	\$133.96
K 905	4695	\$39.61	PC 360 LC-3	9527	\$122.51
K 905A LC	4697	\$42.91	PC 400 LC-1	9530	\$120.70
K 907C	4700	\$57.68	PC 400 LC-3	9535	\$142.03
K 907D	4702	\$62.10	PC 400 LC-5	9536	\$160.47
K 907 LC	4704	\$62.82	PC 400 LC-6	9537	\$176.19
K 909A	4710	\$80.26	PC 600 LC-6	9539	\$251.13
K 909 LC	4711	\$82.74	PC 650-1	9540	\$222.05
K 912A	4712	\$94.99	PC 650-1 Front Shovel	9550	\$236.43
K 914	4715	\$114.50	PC 650-3	9552	\$237.86
K 916	4717	\$127.89	PC 750-6	9555	\$288.07
SK270LC MARK IV	4720	\$100.92	PC 1000-1	9560	\$367.00
SK400LC MARK IV	4725	\$168.88	PC 1000 LC-1	9565	\$379.23
			PC 1100 LC-6	9575LC	\$440.30

**LINK-BELT**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
LS 1600	5390	\$27.82
LS 2650	5395	\$38.74
LS 2700C II	5398	\$53.53
2700 QUANTUM	5399	\$56.24
LS 2800	5400	\$45.44
LS 2800A	5402	\$53.57
LS 2800A PL	5404	\$45.98
LS 2800 PL	5405	\$43.21
LS 2800B	5410	\$58.01
LS 3400	5475	\$77.34
LS 3400C II	5477	\$82.82
LS 4300	5660	\$97.77
LS 4300C II	5662	\$107.54
LS 4800	5750	\$113.11
LS 4800 PL	5755	\$99.96
LS 5400	5805	\$129.99
LS 5800	5810	\$136.10
LS 5800A	5812	\$143.91
LS 5800C II	5814	\$151.01
LS 6400	5820	\$201.81
LS 7400	5830	\$196.50
LS 7400A	5840	\$245.01

**MASSEY FERGUSON**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
MF 450D	6245	\$37.49
MF 450S	6250	\$39.81

**MITSUBISHI**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
MS 090	6290	\$27.18
MS 180-3	6295	\$51.73
MS 180 LC-8	6296	\$58.36
MS 230 LC-3	6300	\$67.39
MS 240 LC-8	6305	\$72.84
MS 280-2	6310	\$82.41
MS 380-2	6320	\$116.11
MS 450-8	6330	\$132.63

**NORTHWEST**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
35 DH	6335	\$101.75
45 DH	6340	\$112.80
55 DH	6345	\$120.54
55 DH Series II	6360	\$200.71

**[ L-B ]****P&H**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
H 750	6628	\$49.28
H 1250	6630	\$81.68
H 1750	6635	\$103.72
H 2500	6645	\$132.34
HS 2500	6650	\$137.03

**TAKEUCHI**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
TB 15	7686	\$11.46
TB 025	7686A	\$19.04
TB 045	7686E	\$31.52
TB 070	7686H	\$31.55
TB 10S	7688	\$9.04
TB 35S	7690	\$17.65
TB 68S	7692	\$26.29
TB 800	7695	\$12.61

**[ TAKU ]**

<b>HYDRAULIC CRANES &amp; EXCAVATORS, SELF PROPELLED.</b>
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**DELAY FACTOR = 0.16****OVERTIME FACTOR = 0.86**

Includes all attachments and accessories required for lifting or digging.  
Pavement breaker or compactor attachments are not included.

**BUCYRUS-ERIE**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
300C/SP	1670	\$58.43
320C	1672	\$58.61
360C	1678	\$58.94

**BADGER**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
4425/30	1565	\$79.81
4435	1570	\$88.25
4435B	1573	\$89.51
4435C	1573C	\$100.49
4445	1574	\$126.28
4450	1575	\$94.90
4450B	1577	\$101.37
4455	1579	\$127.00

**CASE**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
40E E-Boom, Cruz Air	1685	\$50.95
40E Y-Boom, Cruz Air	1687	\$51.16
40F E-Boom, Cruz Air	1687H	\$53.17
40F Y-Boom, Cruz Air	1687K	\$53.99
45 E-Boom, Cruz Air	1688	\$65.71
45 Y-Boom, Cruz Air	1689	\$70.42
45B E-Boom, Cruz Air	1689H	\$69.74
45B Y-Boom, Cruz Air	1689K	\$70.47

**[ M-F ]****[ MITS ]****[ NW ]****[ P&H ]****[ TAKU ]****[ HCESP ]****[ B-E ]****[ BAGR ]****[ CASE ]**

880R E-Boom	1690	\$45.32	RT-635	4640	\$76.74
880R Y-Boom	1695	\$45.44	RT-65 S	4700	\$80.67
1085 E-Boom, Cruz Air	1696E	\$53.04	RT-740	4710	\$91.67
1085 Y-Boom, Cruz Air	1696Y	\$53.34	RT-745	4715	\$119.52
1085B Y-Boom, Cruz Air	1696Z	\$59.51	RT-75 S	4720	\$86.61
1285 E-Boom, Cruz Air	1697E	\$66.08	RT-755	4725	\$99.72
1285 Y-Boom, Cruz Air	1697Y	\$66.22	RT-760	4727	\$147.58
3330 Low Profile	1698E	\$27.28	RT-865	4730	\$123.55
3330B	1698H	\$27.52	RT-865B	4732	\$171.65
<b>CATERPILLAR</b>	[ CAT ]		RT-875	4735	\$152.62
<u>Model</u>	<u>Code</u>	<u>Rate</u>	RT-980	4750	\$148.30
206	1699	\$37.46	RT-990	4760	\$173.33
212	1699E	\$47.71	RT-9100	4790	\$226.95
214	1699H	\$51.52	<b>KOMATSU</b>	[ KOMA ]	
224	1699J	\$63.54	<u>Model</u>	<u>Code</u>	<u>Rate</u>
<b>GRADALL</b>	[ GRAD ]		PW 210-1	9580	\$86.97
<u>Model</u>	<u>Code</u>	<u>Rate</u>	<b>LINK-BELT</b>	[ L-B ]	
G 3WD, 4x4	0110	\$76.32	<u>Model</u>	<u>Code</u>	<u>Rate</u>
<b>GROVE</b>	[ GROV ]		HSP 15	5500	\$56.71
<u>Model</u>	<u>Code</u>	<u>Rate</u>	HSP 18	5505	\$56.71
24	3820	\$28.77	HSP 20	5510	\$62.66
36	3830	\$46.52	HSP 22	5530	\$64.06
68	3850	\$55.01	HSP 25	5535	\$68.86
1012	3870	\$67.24	HSP 8015	5538	\$67.79
2535	3880	\$87.86	HSP 8018	5538E	\$67.79
RT-48	4030	\$49.25	HSP 8018XL	5538G	\$81.94
RT-49	4115	\$49.53	HSP 8018C	5538H	\$62.93
RT-58	4285	\$50.75	HSP 8025	5538P	\$70.85
RT-418	4354	\$66.13	HSP 8025 S	5538PF	\$72.38
RT-420	4356	\$66.13	HSP 8030	5538Q	\$81.50
RT-422	4358	\$66.13	HSP 8035	5538R	\$119.95
RT-500D	4359	\$91.28	HSP 8040	5538S	\$120.09
RT-525	4360	\$59.72	HSP 8050	5538T	\$122.22
RT-525B	4362	\$62.58	HSP 8055	5538V	\$108.41
RT-525C	4363	\$78.98	HSP 8060	5539	\$135.76
RT-527.5	4365	\$60.56	<b>LORAIN</b>	[ LORN ]	
RT-528B	4370	\$62.58	<u>Model</u>	<u>Code</u>	<u>Rate</u>
RT-528C	4372	\$79.47	LRT 15H	5730	\$57.79
RT-60	4520	\$59.18	LRT 15U	5735	\$59.05
RT-60S	4540	\$61.09	LRT 18U	5740	\$59.51
RT-515	4606	\$59.57	LRT 35U	5745	\$87.37
RT-518	4607	\$61.48	LRT 40U	5750	\$88.14
RT-520	4608	\$62.99	LRT 150	5755	\$57.40
RT-522	4609	\$62.24	LRT 150D	5756	\$73.18
RT-522C	4609G	\$77.64	LRT 180	5760	\$57.36
RT-625	4630	\$68.30	LRT 180D	5760D	\$73.18
RT-630	4635	\$68.30	LRT 200	5765	\$57.19
RT-630B	4637	\$74.24	LRT 200D	5765D	\$73.35

LRT 220	5767	\$59.62
LRT 230	5768	\$64.91
LRT 230D	5768D	\$73.37
LRT 250	5769	\$64.93
LRT 250D	5769D	\$73.37
LRT 275	5770	\$64.93
LRT 275D	5770D	\$73.37
LRT 330	5772	\$82.12
LRT 400	5773	\$94.89
LRT 450	5774	\$98.03
LRT 500	5775	\$101.05
LRT 550	5790	\$106.29

#### P&H

#### [ P&H ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
OMEGA 14	5790	\$54.63
OMEGA 15	5792	\$54.63
OMEGA 18	5794	\$55.06
OMEGA 25	5795	\$74.43
OMEGA 20	5796	\$55.73
OMEGA 23	5796E	\$58.47
OMEGA 30	5796J	\$76.84
OMEGA 35	5796P	\$77.80
OMEGA 40	5797	\$105.35
OMEGA 45	5797E	\$107.07
OMEGA 50	5797J	\$108.45
OMEGA 60	5798	\$109.67
OMEGA 65	5799	\$132.45
OMEGA 114	5799C	\$63.13
OMEGA 114D	5799G	\$61.18
OMEGA 118	5799Q	\$64.63
OMEGA 118D	5799S	\$61.33
OMEGA 120	5799U	\$66.27
OMEGA 120D	5799W	\$62.03
OMEGA 122	5799X	\$67.25
OMEGA 122D	5799Y	\$62.61
OMEGA 125	5799Z	\$67.62
OMEGA 128	5799ZA	\$66.11
R 150	5890	\$45.87
R 150-1	5910	\$45.38
R 180	5975	\$46.20
R 200	6060	\$46.52
OMEGA S-15	6062	\$76.97
OMEGA S-18	6063	\$76.97
OMEGA S-20	6064	\$79.52
S-35	6064E	\$107.30

#### PETTIBONE

#### [ PET ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
16 MK P Series	6500	\$50.68
20 MK P Series	6580	\$51.31
25	6740	\$47.10
25 MK P Series	6750	\$52.09
29 MK P Series	6880	\$53.12
30	6900	\$47.10
30 MK P Series	6903	\$54.11
30 SC, 30 SC P Series	6910	\$73.37
60 SC	6990	\$79.87
60 SC P Series	6995	\$85.86
70	7100	\$85.06
70 SC	7165	\$84.77
70 SC P Series	7170	\$90.77
80 MK P Series	7250	\$84.87
80 SC P Series	7260	\$86.26

#### R.O. PRODUCTS

#### [ ROP ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
MC 5A	8005	\$28.89
MC 50B	8175	\$46.30
MC 50C	8260	\$47.63

#### HYDRAULIC CRANES & EXCAVATORS, [ HCETD ] TRUCK MTD. W/ CARRIER

DELAY FACTOR = 0.15

OVERTIME FACTOR = 0.87

Includes truck/carrier. Includes all attachment and accessories required for lifting or digging. Pavement breaker or compactor attachments are not included.

#### BUCYRUS-ERIE

#### [ B-E ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
25 XC	1360	\$74.09
30 XC	1370	\$74.73
40 C	1475	\$65.79
60 XC	1590	\$121.27
65 C	1592	\$104.38
90 XC	1600	\$132.63

#### BADGER

#### [ BAGR ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
300 Hydro-Scopic	0550	\$51.31
460 Hydro-Scopic	0555	\$63.21
666 Hydro-Scopic	0560	\$91.01
888 Hydro-Scopic	0600	\$96.63

#### BANTAM

#### [ BANT ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
T 744 Teleskoop	1285	\$59.69
T 888	1310	\$84.44
T 888B	1315	\$97.70

**DEVAULT**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
TK 15-10	1900	\$36.44

**GRADALL**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
G 3W	0120	\$60.93
G 660	0170	\$59.64
G 660B	0180	\$76.72
G 660C	0190	\$75.22
G 800	0210	\$50.35
G 880B	0220	\$84.97
G 880C	0230	\$82.98
G 1000	0240	\$93.37

**GROVE**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
TD 520	2221	\$89.17
TD 522	2223	\$89.17
TD 525	2224	\$90.07
TMS 250	2850	\$84.70
TMS 250A	2860	\$85.19
TMS 250B	2870	\$85.19
TMS 250C	2875	\$119.42
TMS 300	2922	\$101.45
TMS 300B	2923	\$118.55
TMS 760	3180	\$181.91
TMS 865	3378	\$135.96
TM 875	3380	\$158.94
TMS 875	3385	\$159.81
TM 890	3387	\$179.72
TM 1075	3390	\$145.11

**HIAB**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
100 AW	3850	\$31.89
1165	3852	\$28.78
170 thru 174	3854	\$27.31
175 thru 177	3855	\$27.45
550, 5501	3857	\$30.28
650	3859	\$31.18

**KOEHRING**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
4460 Teleskoop	4400	\$59.36
4465 Teleskoop	4405	\$60.57
4470 Teleskoop	4410	\$70.68
4475 Teleskoop	4415	\$71.87

**[ DVUT ]****[ GRAD ]****[ GROV ]****[ HIAB ]****[ KOEH ]****LINK-BELT**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
HTC 14	4505	\$82.29
HTC 25	4507	\$82.29
HTC 35	4509	\$92.05
HTC 50	4510	\$120.64
HTC 50W	4520	\$115.77
HTC 814	4530	\$110.08
HTC 814XL	4531	\$115.04
HTC 822 S	4532	\$101.39
HTC 825	4535	\$93.69
HTC 825 S	4536	\$102.44
HTC 830	4537	\$112.00
HTC 835	4539	\$118.08
HTC 835XL	4539C	\$133.76
HTC 840	4539E	\$137.20
HTC 850	4539G	\$142.28
HTC 855	4539H	\$122.48
HTC 860	4539J	\$144.99
HTC 1040	4540	\$134.35
HTC 1050	4545	\$137.14
HTC 1055	4550	\$126.14
HTC 1060	4555	\$141.75
HTC 11100	4600	\$246.97

**LORAIN**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
MCH 140	4942	\$96.02
MCH 150	4946	\$88.80
MCH 180	4947	\$88.80
MCH 300	4953	\$104.91
MCH 350	4955	\$85.78
MCH 400	4957	\$115.16
MCH 500	4960	\$94.88

**MANITEX**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
1161	4980	\$35.05
1770	4985	\$63.11
2284	4990	\$65.84
2592	4995	\$67.76

**NATIONAL**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
Ser 4/400, 11.3 m (37') boom	4983	\$31.57
Ser 4/400, 14.0 m (46') boom	4984	\$31.77
Ser 4/400, 16.8 m (55') boom	4985	\$31.94
Ser 5/500A/B, 14.3 m (47') boom	4986	\$36.89
Ser 5/500A/B, 17.1 m (56') boom	4987	\$37.50
Ser 6/600, 14.3 m (47') boom	4989	\$36.43
Ser 6/600, 17.1 m (56') boom	4990	\$36.79

**[ L-B ]****[ LORN ]****[ MANX ]****[ NATL ]**



856	4995	\$37.29
856B	4996	\$36.46
875	4997	\$38.02
875B	4998	\$39.44
Series 85	4999	\$33.26

#### P&H

#### [ P&H ]

Model	Code	Rate
ALPHA 100 ton	5000	\$233.36
CN T-280	5005	\$120.34
T-150	5290	\$86.05
T-180	5380	\$86.49
T-200	5470	\$87.01
T-250	5560	\$101.96
CN T-250	5561	\$122.68
OMEGA T-250	5570	\$98.17
OMEGA T-300	5580	\$101.41
OMEGA T-350	5585	\$102.62
T-300A	5665	\$96.84
OMEGA T-400	5666M	\$121.80
OMEGA T-450	5669	\$123.50
T-600 XL	5670	\$139.29
OMEGA T-500	5680	\$123.49
OMEGA T-650	5745	\$164.22
T-750	5780	\$119.12

#### PITMAN

#### [ PIT ]

Model	Code	Rate
Hydralift HL 40 thru 95	6670	\$27.70
Hydralift HL 100 thru 170	6675	\$31.08
HL 857	6685	\$36.02
HL 1200, 1545-T2 or 1580	6695	\$38.36
POLECAT	6697	\$42.45
PELICAN	6699	\$45.29

#### R.O. PRODUCTS

#### [ ROP ]

Model	Code	Rate
TC-40	6860	\$28.65
TC-50	6862	\$30.21
TC-70	6864	\$31.57
TC-80	6866	\$31.64
TC-85	6868	\$31.16
TC-110	6870	\$35.32
TC-120	6872	\$35.92
TC-125	6874	\$35.57
TC-145	6876	\$38.50
TC-150	6878	\$36.89

### HYDRAULIC CRANES & EXCAVATORS, [ HCETG ] TRUCK MTD. LESS CARRIER.

DELAY FACTOR = 0.12

OVERTIME FACTOR = 0.90

Includes all lifting and digging attachments and accessories. Truck/carrier to be paid separately. Pavement breaker or compactor attachments are not included.

#### BUCYRUS-ERIE

#### [ B-E ]

Model	Code	Rate
H-3 series two	1000	\$35.20
H-5 series two	1300	\$42.22

#### GALION

#### [ GALN ]

Model	Code	Rate
125 P	1970	\$41.63
150 P	1980	\$50.51

#### GROVE

#### [ GROV ]

Model	Code	Rate
TM 100C	2020	\$58.42
TM 200C	2040	\$50.15

### HYDRAULIC PERSONNEL LIFTS & [ HYLFT ] AERIAL WORK PLATFORMS

DELAY FACTOR = 0.24

OVERTIME FACTOR = 0.78

Includes self propelled and power take off (PTO) units whether gas, diesel or electric. Rates for any truck or carrier mounted units shall pay for the truck separately. Reach is rated by Mfr's maximum extension in meters(feet).

#### BOOM TYPE

#### [ BOOM ]

OVER	TO	Code	Rate
0	7.6 (25)	00-24	\$13.08
7.6 (25)	15.2 (50)	25-49	\$31.99
15.2 (50)	22.9 (75)	50-74	\$46.31

#### SCISSOR TYPE

#### [ SCIS ]

OVER	TO	Code	Rate
0	6.1 (20)	00-20	\$14.38
6.4 (21)	9.1 (30)	21-30	\$17.61
9.4 (31)	15.2 (50)	31-50	\$26.27

**LOADERS, CRAWLER****[ LDRCL ]****DELAY FACTOR = 0.14****OVERTIME FACTOR = 0.88**

Includes all attachments and accessories excluding clam-action buckets and backhoe(see attachment class).

**CASE****[ CASE ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
350B	2370	\$28.63
450B	2610	\$26.85
455B	2620	\$28.61
455C	2620A	\$31.49
1155D	3555	\$54.75
1155E	3556	\$59.01
1450	3560	\$59.44
1450B	3565	\$66.28
1455B	3568	\$67.17

**CATERPILLAR****[ CAT ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
931B	3735	\$29.72
931C	3735C	\$31.76
931 LGP	3740	\$27.94
931B LGP	3745	\$30.81
935B	3845	\$35.60
935C	3845C	\$37.96
939C	3900	\$49.98
943	4130	\$47.46
943 LGP	4135	\$44.33
951C 86J 1992 serial	4200	\$39.97
951C 86J 2598 serial	4210	\$45.32
951C LGP 86J 2598 ser	4215	\$46.15
953	4220	\$63.82
953 LGP	4230	\$58.91
955L 85J 6247 serial	4675	\$57.03
955L 85J 13X10129 ser	4680	\$62.86
955L LGP 85J 13X10129	4685	\$63.20
963	4690	\$88.27
963 LGP	4693	\$78.83
973	4695	\$132.05
973 LGP	4698	\$111.10
977K	5014	\$64.46
977K 11K serial	5092	\$68.69
977L 11K 3919 serial	5170	\$80.85
977L 11K 5083 serial	5180	\$89.99
977L 14X serial	5185	\$94.42
977L LGP	5190	\$94.09
983	5248	\$127.01
983B	5265	\$138.70

**JOHN DEERE**Model

JD 350C
JD 450C (4 speed PS)
JD 455D
JD 455E
JD 455G
JD 555
JD 555A
JD 555B
JD 555G
JD 655
JD 655B
JD 755
JD 755A
JD 755B
JD 855

**DRESSER**Model

100E (PS)
100G
125E (PS)
125G
175C (PS)
200
250C (PS)
250E (PS)

**KOMATSU**Model

D 53S-16
D 53S-17
D 55S-2
D 55S-3
D 57S-1
D 65S-6
D 66S-1
D 75S-2
D 75S-3
D 75S-5
D 155S-1

**[ DEER ]**CodeRate

5420	\$30.16
5805	\$30.66
5807	\$32.41
5809	\$32.65
5809A	\$38.21
5810	\$34.77
5812	\$38.55
5814	\$37.78
5814A	\$49.02
5815	\$55.41
5817	\$64.49
5820	\$51.49
5822	\$64.88
5824	\$74.27
5830	\$97.87

**[ DRES ]**CodeRate

9000	\$32.00
9005	\$37.51
9010	\$39.68
9015	\$45.83
9020	\$78.01
9025	\$92.95
9030	\$92.57
9035	\$107.03

**[ KOMA ]**CodeRate

7878	\$52.39
7878A	\$65.01
7900	\$52.51
7978	\$52.51
8000	\$74.45
8017	\$69.46
8020	\$102.72
8056	\$75.23
8060	\$95.58
8061	\$136.69
8080	\$190.78

**LOADERS, RUBBER TIRE****[ LDRRT ]****DELAY FACTOR = 0.14****OVERTIME FACTOR = 0.87**

Includes all attachments and accessories. Clam-action buckets, 4WD and backhoes are excluded unless otherwise noted.

**ALLIS-CHALMERS****[ A-C ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
710C	0747	\$28.85
714B	0750	\$27.96
714C w/ backhoe	0752	\$30.43
715B w/ backhoe	0765	\$29.85
715C w/ backhoe	0767	\$30.69

**CASE****[ CASE ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
W-11	1365	\$27.58
W-11B	1368	\$33.41
W-18	1444	\$45.60
W-18 9213140 serial	1450	\$49.05
W-18B	1460	\$53.05
W-20	1472	\$49.17
W-20B	1480	\$49.93
W-20C	1482	\$53.83
W-30	1565	\$73.54
480B	1636	\$22.50
480B w/ backhoe	1640	\$23.78
480C	1650	\$29.21
480C w/ backhoe	1660	\$30.74
480D	1662	\$32.92
480D w/ backhoe	1664	\$34.82
480E w/ backhoe	1666	\$28.61
480E LL	1667	\$27.42
480F w/ backhoe	1668	\$29.89
480F LL	1669	\$28.16
480LL	1677	\$32.96
570L XT 4WD	1690	\$32.58
580B w/ backhoe	1705	\$29.81
580C	1710	\$23.92
580C w/ backhoe	1715	\$25.78
580D	1717	\$25.24
580D w/ backhoe	1720	\$27.69
580 Super D	1725	\$27.55
580 Super D w/ backhoe	1727	\$30.05
580 Super E	1731	\$28.20
580 Super E w/ backhoe	1735	\$30.89
580K w/ backhoe	1739	\$31.17
580K 4WD w/ backhoe	1740	\$32.24
580 Super K w/ backhoe	1742	\$34.41
580L w/ backhoe	1743	\$34.66
580 Super L 4WD w/ backhoe	1744	\$40.39

590 Turbo w/ backhoe	1745	\$42.01
590 Super L 4WD w/ backhoe	1746	\$44.38
621	1750	\$56.70
721	1752	\$68.97
821	1754	\$84.49
680E w/ backhoe	1840	\$39.53
680G w/ backhoe	1850	\$38.23
680H w/ backhoe	1852	\$41.06
680K w/ backhoe	1854	\$44.55
680L w/ backhoe	1856	\$45.26
680L 4WD w/ backhoe	1857	\$46.05
780 w/ backhoe	1864	\$50.16
780B w/ backhoe	1866	\$54.25
780C w/ backhoe	1867	\$55.30
780D w/ backhoe	1868	\$56.05
780D 4WD w/ backhoe	1869	\$57.41

**CATERPILLAR****[ CAT ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
416 w/ backhoe	1860	\$31.24
416 Series II w/ backhoe	1860A	\$31.47
416B 4WD w/ extend-a-hoe	1861A	\$38.98
416C 4WD w/ backhoe	1861C	\$40.57
416D w/ backhoe	1861D	\$35.81
416D 4WD w/ backhoe	1861D4	\$36.89
420D w/ backhoe	1861M	\$40.07
420D 4WD w/ backhoe	1861M4	\$41.15
426 w/ backhoe	1862	\$35.32
426 Series II w/ backhoe	1862A	\$35.55
426C w/ backhoe	1862C	\$44.46
426C 4WD w/ backhoe	1862C4	\$45.86
428 w/ backhoe	1864	\$35.30
428 Series II w/ backhoe	1864A	\$35.52
430D	1865D	\$49.07
430E	1865E	\$51.97
436 w/ backhoe	1866	\$38.41
436 Series II w/ backhoe	1866A	\$38.60
446 w/ backhoe	1868	\$50.16
446B w/ backhoe	1868B	\$55.72
446D	1868D	\$58.30
450E	1869E	\$70.09
910	1870	\$33.42
910E	1870E	\$39.48
916	1885	\$44.72
920	1894	\$40.71
926	2065	\$51.94
926E	2067	\$56.52
928G	2070G	\$68.33
930 41K serial	2088	\$49.69
930G	2088G	\$80.96
936	2100	\$63.24

936E	2110	\$69.06	<b>JOHN DEERE</b>	<b>[ DEER ]</b>
936F	2120	\$71.78	<u>Model</u>	<u>Code</u> <u>Rate</u>
938F	2130	\$73.57	JD-210C	2485 \$25.79
938G	2130G	\$83.01	JD-210C w/ backhoe	2490 \$26.10
950 90A serial	2228	\$51.73	JD-210LE	2495 \$34.17
950 31K & 81J serial	2270	\$64.04	JD-310A w/ backhoe	2504 \$27.34
950B	2272	\$79.22	JD-310B w/ backhoe	2506 \$28.03
950E	2300	\$84.71	JD-310C w/ backhoe	2507 \$30.77
950F	2301	\$89.07	JD-310D w/ backhoe	2507D \$34.94
950F Series II	2303	\$92.75	JD-310E w/ backhoe	2507E \$35.82
950G	2310	\$99.90	JD-310SE w/ backhoe	2507F \$40.07
950H	2310H	\$116.93	310G	2507G \$36.75
962G	2320G	\$109.01	JD-315SE w/ backhoe	2507H \$40.70
966C	2340	\$95.41	JD-410 w/ backhoe	2508 \$30.02
966D	2350	\$104.24	JD-410B w/ backhoe	2508B \$30.71
966E	2360	\$115.53	JD-410C w/ backhoe	2508C \$35.86
966F	2361	\$118.14	JD-410D w/ backhoe	2508D \$43.08
966G	2362	\$133.81	JD-410E w/ backhoe	2508E \$45.16
966H	2362H	\$156.84	410G	2508G \$46.14
970F	2370	\$139.53	410J 4WD	2508J \$53.92
972G	2372G	\$148.96	410K	2508K \$57.08
980B	2376	\$117.36	JD-444	2510 \$39.68
980C	2378	\$147.66	JD-444C	2515 \$41.68
980F	2381	\$152.50	JD-444D	2520 \$42.72
980G	2382	\$168.39	JD-444E	2521 \$46.64
980H	2382H	\$185.19	JD-500C w/ backhoe	2592 \$39.02
988 87A6868 serial	2398	\$142.86	JD-510 w/ backhoe	2620 \$35.61
988B 50W serial	2436	\$212.86	JD-510B w/ backhoe	2625 \$34.99
992B 25K serial	2460	\$257.29	JD-510C w/ backhoe	2630 \$41.04
992C	2470	\$409.03	JD-510D w/ backhoe	2630D \$49.10
IT 12	2472	\$34.18	JD-544B	2660B \$49.22
IT 12B	2472B	\$39.88	JD-544C	2660C \$50.83
IT 14F	2473	\$46.40	JD-544D	2660D \$49.74
IT 18	2474	\$43.48	JD-544E	2660E \$55.12
IT 18B	2475	\$49.28	JD-544G	2660G \$61.39
IT 28	2476	\$52.42	544J	2660J \$81.03
IT 28B	2477	\$57.24	544K	2660K \$90.32
IT 28F	2477G	\$66.53	JD-610B w/ backhoe	2690 \$40.02
IT 28G	2478	\$69.72	JD-610C w/ backhoe	2691 \$45.25
IT 38G	2480	\$80.21	JD-624E	2700 \$66.26
IT 62G	2482	\$110.28	JD-624G	2700G \$75.73
<b>CLARK</b>	<b>[ CLRK ]</b>		JD-624H	2700H \$82.81
<u>Model</u>	<u>Code</u>	<u>Rate</u>	JD-644B	2710 \$68.06
35C	2484	\$41.25	JD-644C	2715 \$70.98
45C	2486	\$48.24	JD-644D	2717 \$72.86
55C	2488	\$58.12	JD-644E	2719 \$79.51
75C	2491	\$76.26	JD-644G	2719B \$91.47
125B	2492	\$97.12	JD-644H	2719H \$98.20
275B	2496	\$169.05	644J	2719J \$110.35
275C	2497	\$187.59	JD-710B w/ backhoe	2720 \$50.94

JD-710C w/ backhoe	2721	\$56.74
JD-710D w/ backhoe	2722	\$62.71
JD-710D 4WD w/ backhoe	2722D	\$64.65
710G	2722G	\$66.90
JD-744H	2723	\$134.10
744J	2723J	\$159.95
JD-844	2725	\$126.66

#### DRESSER

#### [ DRES ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
510B	2310	\$38.88
510C	2310C	\$52.28
515B	3517	\$50.40
515C	3517C	\$62.00
520B	3519	\$58.40
520C	3519C	\$73.98
530	3520	\$82.12
530C	3520C	\$90.84
540	3530	\$114.86
550	3540	\$114.54

#### FIAT-ALLIS

#### [ F-A ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
545B	3042	\$47.35
745C	3046	\$92.75
FR 10	3049H	\$50.29
FR 10B	3049I	\$55.11
FR 20	3050	\$106.15
FR 30	3051	\$139.29
FR 20B	3051B	\$118.94
FR 35	3052	\$186.48

#### FORD

#### [ FORD ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
545C	3054	\$27.86
650 w/ backhoe	3056	\$30.52
655A w/ backhoe	3056F	\$34.81
655C w/ backhoe	3056G	\$38.56
750 w/ backhoe	3057	\$40.29
755 w/ backhoe	3061	\$43.43
755B w/ backhoe	3063	\$49.53
755A w/ backhoe	3065	\$48.14
A-62	3114	\$42.38
A-64	3116	\$51.41
A-66	3118	\$67.30

#### FURUKAWA

#### [ FURU ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
FL 320A	3120M	\$94.47
FL 330	3120S	\$103.13

#### HOUGH

#### [ HOUG ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
H65C	3578	\$64.94
H-90E	3884	\$113.84
H-100C	3954	\$133.05

#### INTERNATIONAL

#### [ INTL ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
260A	2260	\$29.47
260A w/ backhoe	2270	\$31.13
270A w/ backhoe	2280	\$34.31
280A w/ backhoe	2285	\$42.55

#### J C B

#### [ JCB ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
214S w/ backhoe	4430	\$41.85
215S w/ backhoe	4435	\$46.10
217S w/ backhoe	4440	\$49.41
3C 1550 2WD w/ hoe	4448	\$29.77
3D 1700 4WD w/ hoe	4450	\$40.01
1400B w/ backhoe	4455	\$33.74
1550B w/ backhoe	4457	\$38.65
1600B w/ backhoe	4458	\$44.58
1700B w/ backhoe	4459	\$45.64

#### KAWASAKI

#### [ KAWA ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
60Z IV	4300	\$58.22
65Z IV	4310	\$65.10
KSS 80Z II	4330	\$82.67
80Z III	4335	\$97.34
80Z IV	4340	\$99.41
85Z IV	4345	\$124.40
90Z III	4350	\$137.40
90Z IV	4355	\$141.49
95Z IV-2	4360	\$182.77

#### KOMATSU

#### [ KOMA ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
W 120-3	4520	\$96.01
W 180-1	4525	\$136.37
WA 200-1	4536	\$54.68
WA 250-1	4537	\$75.21
WA 300-1	4538	\$71.19
WA 320-1	4539	\$88.25
WA 350-1	4540	\$84.57
WA 380-1	4541	\$105.30
WA 380-3	4541C	\$105.93
WA 400-1	4542	\$100.62
WA 420-3	4543C	\$121.96
WA 450-1	4544	\$125.73



WA 450-2	4544B	\$141.87
WA 450-3	4544C	\$144.79
WA 470-1	4545	\$138.16
WA 500-1	4546	\$169.02
WA 600-1	4550	\$248.67
WB 140-2 4WD	4700	\$44.31
WB 150-2 4WD	4710	\$51.17

#### MASSEY FERGUSON

[ M-F ]

Model	Code	Rate
MF 44C	5143	\$50.73
MF 50H Series S	5150	\$29.99
MF 50H Series S, 4WD	5152	\$30.68
MF 50HX Series S	5154	\$32.28
MF 50HX Series S, 4WD	5156	\$33.15
MF 55C	5170	\$65.22
MF 60 w/ backhoe	5171	\$32.07
MF 60H Series S w/ hoe	5172	\$34.54
MF 66C	5174	\$83.66
MF 80 w/ backhoe	5182	\$45.53
MF 88	5184	\$132.81
640	6000	\$30.27
650	6010	\$32.42

#### NEW HOLLAND

[ NHND ]

Model	Code	Rate
545D	0100	\$29.13
575E w/ backhoe	0110	\$41.35
655D w/ backhoe	0120	\$37.32
655E w/ backhoe	0130	\$44.74
675D 4WD w/ backhoe	0140	\$43.15
675E 4WD w/ backhoe	0150	\$51.23

#### TEREX

[ TERX ]

Model	Code	Rate
70C	7938	\$120.07
72-61	8036	\$147.09
72-71B	8055	\$192.97
72-81	8080	\$230.41

#### VOLVO-MICHIGAN-EUCLID

[ VME ]

Model	Code	Rate
175B	6186	\$119.06
175C	6186C	\$139.64
275B	6330	\$152.18
275C	6330C	\$187.59
L-70C	9570C	\$63.22
L-90	9575	\$75.89
L-120	9595	\$98.35
L-120C	9595C	\$101.55
L-150C	9598C	\$126.93
L-160	9600	\$132.50

L-180C	9602C	\$143.33
L-190	9605	\$154.28

#### LEADS, PILE DRIVING

[ LEADS ]

DELAY FACTOR = 0.46

OVERTIME FACTOR = 0.59

#### FIXED

[ FIXD ]

Includes headblock, taper top, tip sled and connector, foot yoke, foot yoke sheave, intermediate flights, and all attachments and accessories. Rated in accordance with height of the lead measured in meters ( linear feet)

OVER	TO	Code	Rate
0	16.8 (55) (w/o spotter)	0100	\$19.41
16.8 (55)	32.0 (105) (w/o spotter)	0200	\$24.75
over	32.0 (105) (w/o spotter)	0300	\$31.00
0	16.8 (55) (w/ spotter)	1100	\$32.80
16.8 (55)	32.0 (105) (w/ spotter)	1200	\$39.15
over	32.0 (105) (w/ spotter)	1300	\$46.42

#### SWINGING

[ SWNG ]

Includes headblock, taper top, tip sled and connector, foot yoke, foot yoke sheave, intermediate flights, and all attachments and accessories. Rated in accordance with the height of the lead measured in meters (linear feet).

OVER	TO	Code	Rate
0	16.8 (55) (w/o spotter)	0400	\$12.86
16.8 (55)	32.0 (105) (w/o spotter)	0500	\$17.92
over	32.0 (105) (w/o spotter)	0600	\$24.17
0	16.8 (55) (w/ spotter)	1400	\$26.26
16.8 (55)	32.0 (105) (w/ spotter)	1500	\$32.32
over	32.0 (105) (w/ spotter)	1600	\$39.59

#### NON-OPERATED EQUIPMENT (DAILY RATES)

[ NONOP ]

DELAY FACTOR = 0.55

OVERTIME FACTOR = 1.00

Note various units for different items. The following allowance is entered on the extra work bill by using the (unit listed x number of days) in the hours worked column. The following list is limited to items with long estimated lives. Additional traffic related items such as cones and barricades, are still listed under TRAFIC in this publication. Other non-operated items with short estimated lives should be treated as materials and should not be "rented". Non rented items are 1) intended to be job specific (amortized over the life of the project) and 2) have an estimated life measured by number of uses rather than a length of time.

#### MISCELLANEOUS

[ MISC ]

Model	Code	Rate
Casing, 450 mm dia, per 0.3 m (Casing, 18" dia, per lf)	0120	\$0.03
Casing, 650 mm dia, per 0.3 m (Casing, 26" dia, per lf)	0130	\$0.06
Casing, 900 mm dia, per 0.3 m (Casing, 36" dia, per lf)	0140	\$0.08
Casing, 1800 mm dia, per 0.3 m (Casing, 72" dia, per lf)	0150	\$0.20
Casing, 2400 mm dia, per 0.3 m (Casing, 96" dia, per lf)	0160	\$0.24

Casing, 2700 mm dia, per 0.3 m (Casing, 108" dia, per lf)	0170	\$0.28	Shoring, 2.1 m deep x 2235 mm wide, per section (Shoring, 7' deepx88" wide trench, per section)	0540	\$1.31
Casing, 3000 mm dia, per 0.3 m (Casing, 120" dia, per lf)	0180	\$0.37	Shoring, 2.4 m deep x 4.6 m wide, per 3.0 m (Shoring, 8' deepx15' wide trench box, per 10')	0550	\$9.03
Pile, all depths "H" pile, per 45.0 kg (Pile, all depths "H" pile, per hundred-weight)	0190	\$0.04	Shoring, 2.4 m deep x 2.4 m max width, per 7.3 m(8' deep x 8' max width trench box, per 24')	0560	\$17.77
Pipe, 250-300 mm dia, per 0.3 m (Pipe, 10-12" dia, per lf)	0200	\$0.02	Shoring, 3.0 m deep x 2.4 m max box, per 4.9 m (Shoring, 10' deepx8' max trench box, per 16')	0570	\$15.96
Plate, 22 mm thick, per 9.3 sm (Plate, 7/8" thick, per 100 sf)	0210	\$1.18	Shoring, 3.0 m deep x 2.4 m max box, per 7.3 m (Shoring, 10' deepx8' max trench box, per 24')	0580	\$22.19
Plate, 25 mm thick, per 9.3 sm (Plate, 1" thick, per 100 sf)	0220	\$1.35	Wood, 50 mm x255 mm, per 30.5 m (Wood, 2"x10", per 100 lf)	0605	\$0.15
Plate, 38 mm thick, per 9.3 sm (Plate, 1.5" thick, per 100 sf)	0230	\$2.02	Wood, 50 mm x305 mm, per 30.5 m (Wood, 2"x12", per 100 lf)	0610	\$0.19
<b>SCAFFOLDING, SHORING, [ SSFW ]</b>			Wood, 100mm x100mm, per 30.5 m (Wood, 4"x4", per 100 lf)	0615	\$0.13
<b>FALSEWORK</b>			Wood, 100 mm x150 mm, per 30.5 m (Wood, 4"x6", per 100 lf)	0620	\$0.18
<u>Model</u>	<u>Code</u>	<u>Rate</u>	Wood, 100 mm x205 mm, per 30.5 m (Wood, 4"x8", per 100 lf)	0625	\$0.26
Metal form, 1.8 m x3.0 m, per 14.6 m (Metal form, 6x10 box culvert, per 48 lf)	0310	\$41.24	Wood, 100 mm x305 mm, per 30.5 m (Wood, 4"x12", per 100 lf)	0630	\$0.39
Metal form, 2.4 m x3.7 m, per 15.2 m (Metal form, 8x12 box culvert, per 50 lf)	0320	\$45.70	Wood, 150 mm x305 mm, per 30.5 m (Wood, 6"x12", per 100 lf)	0635	\$0.65
Metal form, 2.1 m x4.3 m, per 15.2 m (Metal form, 7x14 box culvert, per 50 lf)	0330	\$50.23	Wood, 150 mm x455 mm, per 30.5 m (Wood, 6"x18", per 100 lf)	0640	\$1.04
Metal form, type 25 barrier, per 3.0 m (Metal form, type 25 barrier, per 10 lf)	0340	\$2.51	Wood, 205 mm x405 mm, per 30.5 m (Wood, 8"x16", per 100 lf)	0645	\$1.28
Metal form, type 26 barrier, per 3.0 m (Metal form, type 26 barrier, per 10 lf)	0350	\$2.66	Wood, 305 mm x455 mm, per 30.5 m (Wood, 8"x18", per 100 lf)	0650	\$1.44
Metal form, type 27 barrier, per 3.0 m (Metal form, type 27 barrier, per 10 lf)	0360	\$2.29	Wood, 305 mm x305 mm, per 30.5 m (Wood, 12"x12", per 100 lf)	0655	\$1.24
Metal form, type 50 barrier, per 3.0 m (Metal form, type 50 barrier, per 10 lf)	0370	\$2.48	Wood form, type 27 barrier, per 2.4 m (Wood form, type 27 barrier, per 8 lf)	0660	\$0.27
Metal form, 1.8 m x 3.7 m girder panel, per 0.1 sm ( 6x12 girder panel, per sf)	0380	\$0.17	Wide flange beam, all depths, per 45 kg (Wide flange beam, all depths, per hundred wt.)	0670	\$0.03
Metal form, all heights paving, per 3.0 m (Metal form, all heights paving, per 10 lf)	0390	\$0.04	<b>TANK [ TANK ]</b>		
Scaffolding, 1.5 m section, per section (Scaffolding, 5' section, per section)	0410	\$0.52	<u>Model</u>	<u>Code</u>	<u>Rate</u>
Scaffolding, 3.0 m section, per section (Scaffolding, 10' section, per section)	0420	\$1.15	Tank, metal, 0-2270 liters (0-600 gallons)	0710	\$0.70
Scaffolding, 4.6 m section, per section (Scaffolding, 15' section, per section)	0430	\$1.52	Tank, metal, 2270-4540 liters (600-1200 gal)	0720	\$0.96
Scaffolding, bottom/top section, per 1.5 m section (per 5 ft section)	0440	\$0.72	Tank, metal, 4540-9840 liters (1200-2600 gal)	0730	\$2.38
Scaffolding, 2.1 m high, rolling (Scaffolding, 7' high, rolling)	0450	\$1.08	Tank, metal, 22 710 liters (6000 gallons)	0740	\$4.78
Scaffolding, spider staging, plus air compressor	0460	\$22.92	Tank, metal, 28 390 liters (7500 gallons)	0750	\$6.00
Shoring, 1.1 m deep x 2235 mm wide, per section (Shoring, 3.5' deep x 88" wide trench, per section)	0510	\$1.18	Tank, metal, 30 280 liters ( 8000 gallons)	0760	\$6.35
Shoring, 1.2 m deep x 3.7 m wide box, per 7.3 m (Shoring, 4' deepx12' wide trench box, per 24')	0515	\$10.93	Tank, metal, 37 850 liters (10000 gallons)	0770	\$7.04
Shoring, 1.5 m deep x 2235 mm wide, per section (Shoring, 5' deep x 88" wide trench, per section)	0520	\$1.24			
Shoring, 2.1 m deep x 1397 mm wide, per section (Shoring, 7' deep x 55" wide trench, per section)	0530	\$1.09			

TRAFFIC SAFETY [ TRAF ]		
Model	Code	Rate
Crash cushion barrel, filled, each	0810	\$1.19
K-rail, temporary concrete barrier, per 6.1 m (20 lf)	0820	\$0.46

### PAVEMENT GRINDERS, DIAMOND BLADES [ PGDIA ]

DELAY FACTOR = 0.10 OVERTIME FACTOR = 0.91

Includes water (but not water truck or trailer), coolant, cutting compounds and all attachments and accessories. Replacement blades are included in the rates listed below.

CONCUT [ CCUT ]		
Model	Code	Rate
BC-38 (136 blades)	0500	\$162.05
BC-244 (187 blades)	0505	\$202.52
BC-1268 (48 blades)	0510	\$63.82

CUSHION CUT [ CUCT ]		
Model	Code	Rate
HG-130A (127 blades)	0600	\$159.08
PC-390 (171 blades)	0610	\$244.59

PENHALL [ PENH ]		
Model	Code	Rate
G-38 (172 blades)	0800	\$310.06

TARGET [ TARG ]		
Model	Code	Rate
CG-65 (41 blades)	0900	\$100.64
PRM-3804 (170 blades)	0905	\$340.85

### PAVEMENT GRINDERS, TUNGSTEN-CARBIDE BITS [ PGT-C ]

DELAY FACTOR = 0.14 OVERTIME FACTOR = 0.88

Includes water (but not water truck or trailer), coolant, cutting compounds and all attachments and accessories. Replacement bits or tips are included in the rates listed below.

BARBER-GREENE [ B-G ]		
Model	Code	Rate
RX-20	0100	\$157.88
RX-30	0105	\$250.23
RX-40B	0110	\$287.00
RX-50	0115	\$337.74
RX-80B	0120	\$555.40

CATERPILLAR [ CAT ]		
Model	Code	Rate
PM-800	0200	\$437.44
PR-105	0201	\$78.84
PR-275	0205	\$213.31
PR-450	0210	\$306.85
PR-750	0215	\$440.54

PR-750B	0216	\$465.16
PR-1000	0220	\$607.60

C.M.I. [ CMI ]		
Model	Code	Rate
PR-275 RT	0150	\$201.64
PR-375	0155	\$254.17
PR-450	0160	\$291.38
PR-525	0165	\$308.77
PR-500FL	0170	\$342.49
PR-750	0175	\$423.31
PR-800-7	0177	\$464.42
PR-1000	0180	\$521.45

INGERSOLL-RAND [ I-R ]		
Model	Code	Rate
MW-175	0280	\$88.20
MW-250	0285	\$96.19
MW-250C	0286	\$116.53
MT-6520 (crawler)	0300	\$284.63
MW-6520	0305	\$206.98
MW-6520HC	0310	\$260.77
MT-7000	0315	\$358.30

WIRTGEN [ WIRT ]		
Model	Code	Rate
300VC	0380	\$34.96
1000VC	0390	\$134.70
1900DC	0395	\$306.15
2000VC	0400	\$296.47
2100VC	0402	\$383.01
2200VC	0405	\$492.42
3500VC	0410	\$504.92
4200VC	0420	\$522.51

### PUMPS, WATER HOSE [ PUMWA ]

DELAY FACTOR = 0.37 OVERTIME FACTOR = 0.66

Centrifugal and diaphragm types (including submersibles). Rate includes power (gas, diesel or electric generator), 7.6 meters (25 lineal feet) of suction hose, 15.2 meters (50 lineal feet) of discharge hose, foot valve and all fittings, attachments and accessories.

A PUMP [ APMP ]			
Listed by Mfr's rated capacity measured in thousands of liters per minute (thousands of gallons per hour) at 3.0 meters (10 feet) of suction head.			
OVER	TO	Code	Rate
0	0.6 (10)	000-010	\$2.91
0.6 (10)	1.3 (20)	010-020	\$4.31
1.3 (20)	1.9 (30)	020-030	\$5.37
1.9 (30)	3.2 (50)	030-050	\$18.44
3.2 (50)	7.9 (125)	050-125	\$22.46
7.9 (125)	15.8 (250)	125-250	\$26.90

**INLET-SUCTION HOSE [ INHS ]**

Additional 7.6 meter (25 foot) lengths of suction hose shall be paid based on the inside hose diameter in millimeters (inches).

<u>OVER</u>	<u>TO</u>	<u>Code</u>	<u>Rate</u>
0	60 (2.5)	<b>0-2.5</b>	\$0.07
60 (2.5)	80 (3)	<b>2.5-3.5</b>	\$0.12
80 (3)	100 (4)	<b>3.5-4</b>	\$0.17
100 (4)	150 (6)	<b>4-6</b>	\$0.27

**OUTLET-DISCHARGE HOSE [ OUHS ]**

Additional 15.2 meter (50 foot) lengths of discharge hose shall be paid based on the inside hose diameter in millimeters (inches).

<u>OVER</u>	<u>TO</u>	<u>Code</u>	<u>Rate</u>
0	60 (2.5)	<b>0-2.5</b>	\$0.05
60 (2.5)	90 (3.5)	<b>2.5-3.5</b>	\$0.09
90 (3.5)	100 (4)	<b>3.5-4</b>	\$0.14
100 (4)	150 (6)	<b>4-6</b>	\$0.19

**ROLLERS, TANDEM STEEL WHEELS [ ROL-2 ]**

**DELAY FACTOR = 0.13**

**OVERTIME FACTOR = 0.88**

Includes all attachments and accessories.

**BOMAG [ BMAG ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
BW-4AS	<b>1150</b>	\$20.25
BW-6AS	<b>1155</b>	\$21.86
BW-10AS	<b>1160</b>	\$36.79
BW-12AS	<b>1165</b>	\$37.56

**DRESSER [ DRES ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
S3-5B	<b>2500</b>	\$26.16
S8-12A	<b>2520</b>	\$34.90
S10-14A	<b>2525</b>	\$35.66

**FERGUSON [ FERG ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
3-5 ton	<b>4048</b>	\$15.60
3-5A	<b>4048A</b>	\$16.82
4-6A	<b>4142A</b>	\$16.96
5-8 ton	<b>4236</b>	\$37.24
5-8A	<b>4240</b>	\$29.44
8-12 ton	<b>4424</b>	\$30.29
8-12B	<b>4424B</b>	\$32.87
8-12A	<b>4430</b>	\$30.42
10-14 ton	<b>4450</b>	\$31.18
10-14A	<b>4455</b>	\$30.93
10-14B	<b>4455B</b>	\$33.43

**GALION [ GALN ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
4-6 ton roll-o-static	<b>4650</b>	\$24.32
S4-6A, S4-6B	<b>4670</b>	\$26.86

5-8 ton roll-o-static	<b>4800</b>	\$28.45
S5-8A	<b>4820</b>	\$31.54
8-10.5 ton roll-o-static	<b>4988</b>	\$29.10
S8-10.5A	<b>5000</b>	\$32.24
8-12 ton roll-o-static	<b>5176</b>	\$29.40
S8-12A	<b>5190</b>	\$32.88

**HYSTER****[ HYST ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
C 330A 3-5 ton	<b>6520</b>	\$26.62
C 330B 3-5 ton (Hypac)	<b>6520B</b>	\$21.69
C 330A 4-6 ton	<b>6525</b>	\$27.96
C 330B 4-6 ton (Hypac)	<b>6526</b>	\$23.80
C 340A 5-8 ton	<b>6530</b>	\$31.90
C 340A 8-10 ton	<b>6540</b>	\$32.45
C 340B 5-8 ton	<b>6545</b>	\$29.68
C 340C 5-8 ton (Hypac)	<b>6546</b>	\$32.55
C 340B 8-10 ton	<b>6548</b>	\$30.38
C 340C 8-10 ton (Hypac)	<b>6549</b>	\$33.02
C 350B 8-12 ton	<b>6710</b>	\$33.33
C 350B 10-14 ton	<b>6740</b>	\$33.82
C 350C 8-12 ton	<b>6750</b>	\$31.65
C 350C 10-14 ton	<b>6755</b>	\$32.35
C 350D 8-12 ton	<b>6757</b>	\$33.10

**INGRAM****[ INGM ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
4-6 ton FB	<b>6900</b>	\$20.45
5-6.5 ton FB	<b>6965</b>	\$21.98
8-12 ton HB	<b>7175</b>	\$30.58
10-14 ton HB	<b>7275</b>	\$31.19

**REXNORD****[ RXND ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
3-5 ton	<b>8566</b>	\$19.00
4-6 ton	<b>8572</b>	\$19.57
5-8 ton	<b>8578</b>	\$42.39
7-10 ton	<b>8584</b>	\$42.58
8-12 ton	<b>8590</b>	\$42.93
10-14 ton	<b>8596</b>	\$43.27



**ROLLERS, RUBBER TIRE, SELF  
PROPELLED****[ ROLRT ]****DELAY FACTOR = 0.19      OVERTIME FACTOR = 0.83**  
Includes all attachments and accessories.**BUFFALO-BOMAG****[ B-B ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
BW 20R	2624	\$31.75

**CATERPILLAR****[ CAT ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
PS 110	3460	\$35.19
PS 130	3465	\$34.60
PS 180	3470	\$36.80
PS 200B	3480	\$46.19

**DYNAPAC****[ DYPC ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
CP 15	3500	\$33.63
CP 21	3510	\$42.92
CP 27	3520	\$54.74

**GALION****[ GALN ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
3500	4310	\$32.60
P 3000	4315	\$31.03
P 3500A	4320	\$33.78

**HYSTER****[ HYST ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
C 530A	5401	\$34.12
C 550A	5494	\$37.77

**ROLLER-TAMPING, SEGMENTED,  
SHEEPSFOOT, SELF PROPELLED****[ ROTAM ]****DELAY FACTOR = 0.12      OVERTIME FACTOR = 0.90**  
Includes all attachments and accessories.**BUFFALO-BOMAG****[ B-B ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
K 300	1630	\$64.49
K 301	1635	\$74.52
K 401	1638	\$90.55

**CATERPILLAR****[ CAT ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
815	2300	\$78.37
815B	2310	\$119.91
815F	2320	\$131.48
825B	2500	\$130.17
825C	2510	\$177.71
835	2700	\$163.77

**RAYGO****[ RAGO ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
30	6490	\$63.78
45	6500	\$97.64
RAM PAK 45	6505	\$105.38

**REXNORD****[ RXND ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
3-30	7120	\$77.34
3-35 PACTOR	7127	\$98.74
3-45 PACTOR	7130	\$124.59
3-50, 3-50A PACTOR	7140	\$134.69
3-55, 3-55B PACTOR	7150	\$168.51

**ROLLERS-TAMPING, SEGMENTED,  
SHEEPSFOOT, TOWED****[ ROTAT ]****DELAY FACTOR = 0.43      OVERTIME FACTOR = 0.62**

Includes all attachments and accessories. Listed by drum dimensions in millimeters (feet) in either direction. The first digit is the diameter and the second digit is the length of each drum.

**SINGLE DRUM UNIT****[ ADRU ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
1220 mm x1220 mm (4'X4') & under	4X4	\$1.82
over 1220 mm (4') - not over 1520 mm (5')	4X5	\$2.06
over 1520 mm (5')	5	\$3.74

**DOUBLE DRUM UNIT****[ DDRU ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
1220 mm x1220 mm (4'X4') & under, each	4X4	\$4.41
over 1220 mm (4') - not over 1520 mm (5'), each	4X5	\$13.34
over 1520 mm (5'), each	5	\$24.56

**ROLLERS, VIBRATORY, SELF  
PROPELLED****[ ROVIB ]****DELAY FACTOR = 0.20      OVERTIME FACTOR = 0.83**

Includes all attachments and accessories.

**BUFFALO-BOMAG****[ B-B ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
BW 210	2060	\$50.55
BW 210A	2070	\$52.54
BW 213	2080	\$51.65
BW 214	2090	\$53.38

**BOMAG****[ BMAG ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
BW 35	0700	\$5.98
BW 60, 60S	0800	\$8.87
BW 65, 65S	0900	\$6.27
BW 75, 75S	1000	\$9.91
BW 85T	1200	\$17.72
BW 90	1300	\$11.29



BW 100AD-3	1325C	\$28.52	CB 534C	8067C	\$72.44
BW 120AD	1350	\$28.69	CB 534D OR XW	8067D	\$92.21
BW 142PD	1359	\$34.77	CS 551	8070	\$76.70
BW 151AD	1365	\$50.26	CP 553 padfoot drum	8075	\$81.45
BW 170AD, D	1380	\$42.88	CS 553 smooth drum	8080	\$77.92
BW 172AD, D	1385	\$43.64	CP 563 padfoot drum	8082	\$85.01
BW 202AD	1400	\$68.68	CS 563 smooth drum	8083	\$81.19
<b>BROS</b>	<b>[ BROS ]</b>		CS 563C	8083C	\$87.30
<u>Model</u>	<u>Code</u>	<u>Rate</u>	CB 614	8085	\$87.61
VM 255	2023	\$43.82	CB 634	8095	\$87.20
VM 268, VM 268H	2024	\$54.11	CB 634C	8095C	\$89.14
VM 278	2025	\$80.41	<b>DYNAPAC</b>	<b>[ DYPC ]</b>	
<b>CASE</b>	<b>[ CASE ]</b>		<u>Model</u>	<u>Code</u>	<u>Rate</u>
<u>Model</u>	<u>Code</u>	<u>Rate</u>	LR 90	2401	\$12.16
50B	2228	\$6.17	A 36V, A 36D	2405	\$29.74
W 251	2400	\$20.49	CA 12	2409A	\$38.02
252, W 252	2405	\$25.87	CA 12D	2409B	\$33.68
752, W 752	2450	\$47.04	CA 12PD	2409E	\$34.17
1102, W 1102	2500	\$60.61	CA 12PDB strikeoff blade	2409H	\$32.88
1102D, W 1102D	2505	\$63.07	CA 15	2410	\$51.57
602D	2510	\$41.84	CA 15A	2420	\$46.82
752B	2520	\$50.03	CA 15D	2421	\$55.03
<b>CATERPILLAR</b>	<b>[ CAT ]</b>		CA 20D	2422	\$46.06
<u>Model</u>	<u>Code</u>	<u>Rate</u>	CA 15PD	2425	\$47.68
CB 54	7000	\$85.70	CA 25	2430	\$66.42
CS 56	7020	\$94.10	CA 25S	2440	\$64.48
CB 64	7400	\$101.00	CA 25A, CA 25D	2450	\$69.42
CB 214	8025	\$25.07	CA 25PD	2455	\$72.14
CB 214B	8026	\$26.28	CA 25T	2460	\$58.33
CB 224	8030	\$26.17	CA 30	2462	\$70.44
CB 224B	8031	\$28.13	CA 30D	2464	\$74.92
CB 224C	8031C	\$28.92	CA 51S, CA 51D	2466	\$87.98
CB 224E	8031E	\$32.02	CA 55D	2468	\$90.85
CB 314	8035	\$27.88	CA 151PDB	2469	\$66.27
CP 323 padfoot drum	8040	\$46.25	CC 10, CC 10 series II	2470	\$26.18
CS 323 smooth drum	8042	\$44.55	CC 10A	2472	\$22.24
CB 414	8045	\$44.86	CC 102	2472C	\$28.65
CS 431	8050	\$41.11	CC 12	2472E	\$28.74
CS 431B	8051	\$55.53	CC 14	2473	\$41.38
CP 433 padfoot drum	8055	\$47.52	CC 21	2474	\$44.17
CP 433B padfoot drum	8056	\$61.80	CC 21 II	2474B	\$47.29
CP 433E	8056E	\$77.35	CC 211	2474C	\$55.37
CS 433 smooth drum	8060	\$46.87	CC 42 II Dynatronic	2475	\$70.19
CS 433B smooth drum	8061	\$58.87	CC 42A	2476	\$69.13
CB 434	8062	\$52.03	CC 50	2482	\$73.97
CB 434D	8062D	\$65.19	CC 50A	2488	\$85.92
CB 514	8065	\$56.73	CC 50PD	2488E	\$135.13
CB 534	8067	\$72.11	CC 50S	2489	\$126.98
			DD 18	2498	\$10.18
			300V	2499E	\$13.27

2100V	2499H	\$12.80	SPF 48	3890	\$53.71
<b>ESSICK</b>	[ <b>ESIK</b> ]		SPF 48B	3892	\$54.93
<u>Model</u>	<u>Code</u>	<u>Rate</u>	SP 54	4000	\$50.01
VR 30RE	2700	\$7.98	SP 54DD	4005	\$52.02
VR 42RE	2820	\$20.38	SPA 54	4010	\$50.90
V 30WR, V 30W2-R	2902	\$8.54	SPF 54	4020	\$55.78
<b>HYSTER</b>	[ <b>HYST</b> ]		SP 56	4030	\$59.47
<u>Model</u>	<u>Code</u>	<u>Rate</u>	SP 56DD	4035	\$62.35
C 612B	3450	\$48.31	SP 56DH	4037	\$83.01
C 610A	3500	\$34.54	SPF 56	4040	\$64.15
C 610B	3540	\$46.55	SPF 56B	4050	\$67.06
C 615B	3562	\$48.67	SPF 56DH	4080	\$84.50
C 617B	3563	\$49.17	SPF 56DHB	4090	\$88.38
C 620B	3566	\$48.06	SP 60	4100	\$102.76
C 625B	3570	\$49.77	SP 84	4105	\$87.78
C 627B	3572	\$50.44	SP 60DD	4110	\$125.90
C 727A	3572E	\$69.39	SPF 60	4120	\$130.57
C 748A (Hypac/Hyster)	3572F	\$30.38	SPF 60B	4130	\$138.53
C 766A	3572G	\$62.82	SPF 60C	4132	\$119.92
C 766B (Hypac/Hyster)	3572H	\$75.29	SPF 84	4133	\$89.49
C 850A	3572J	\$72.93	SPF 84B	4134	\$93.93
C 850B (Hypac/Hyster)	3572K	\$87.44	SD 40D	4138	\$46.66
C 852A	3572N	\$78.43	SD 40F w/ blade	4138FB	\$48.17
C 852B (Hypac/Hyster)	3572P	\$90.93	SD 70	4139	\$53.01
C 860A	3572S	\$77.13	SD 100	4140	\$69.61
C 860B (Hypac/Hyster)	3572T	\$85.62	SD 100D	4140D	\$83.24
<b>INGERSOLL-RAND</b>	[ <b>I-R</b> ]		SD 100F	4140F	\$83.79
<u>Model</u>	<u>Code</u>	<u>Rate</u>	SD 115D	4141D	\$101.23
DD 22	3565	\$33.34	SD 150D	4143D	\$109.31
DD 23	3570	\$24.80	<b>KOEHRING-BOMAG</b>	[ <b>KOBO</b> ]	
DD 24	3572	\$33.00	<u>Model</u>	<u>Code</u>	<u>Rate</u>
DA 30	3573	\$26.16	BW 120AC	4168E	\$28.33
DD 35	3573C	\$27.64	BW 120AD	4169	\$28.66
DA 40	3573E	\$48.00	BW 121AD	4193	\$25.65
DA 41	3573G	\$50.34	BW 130AD	4193E	\$30.48
DD 34HF	3573HF	\$41.45	BW 140AD	4194	\$47.52
DA 48	3573M	\$66.01	BW 141AC	4194B	\$48.68
DA 50	3574	\$67.48	BW 141AD	4194E	\$43.24
DD 65	3574A	\$54.03	BW 142D	4194H	\$33.58
DF 84	3574B	\$109.37	BW 172	4212	\$40.78
DS 84	3574C	\$106.12	BW 172D	4212E	\$43.42
DD 90	3574D	\$73.95	BW 213D	4237	\$67.86
DD 110	3574F	\$81.64	BW 214D	4238	\$83.75
DD 130	3574H	\$107.68	BW 215D	4240	\$81.56
DD 145	3574J	\$91.78	BW 217D	4242	\$102.89
SPA 56	3810	\$52.63	BW 220D	4250	\$75.81
SP 48	3880	\$49.82			
SP 48DD	3885	\$51.42			

<b>MIKASA</b>	<b>[ MIKA ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
MDR 7DW	4404	\$7.08
MDR 9G	4405	\$10.41
MDR T38S	4407	\$7.22
MRV 10GA	4409	\$11.93

<b>RAYGO</b>	<b>[ RAGO ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
1-36 REBEL	4805	\$11.74
2-36 ROMPER	4810	\$25.63
2-66 RANGER	4820	\$68.54
2-84 RANGER	4830	\$93.76
220A RASCAL	4840	\$40.03
320A RASCAL	4876	\$48.72
320S RASCAL	4890	\$46.00
400A RASCAL	5010	\$47.80
404B RUSTLER	5110	\$53.14
410A RASCAL	5150	\$51.37
600A RASCAL	5220	\$64.34
4000 RASCAL	5235	\$68.98
4200 RASCAL	5236	\$74.94
4404 RUSTLER	5236E	\$27.61

<b>RAMMAX</b>	<b>[ RAMX ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
P 33/24	4605	\$16.45
P 33/24 w/ remote	4606	\$15.75
P 51	4625	\$62.87
S 51	4630	\$31.40
P 47	5290	\$31.29

<b>SAKAI</b>	<b>[ SAKI ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
SV 70	8025	\$48.76
SV 70D	8026	\$51.10
SV 91	8050	\$72.05
SV 91D	8051	\$74.02
SV 200D	8060	\$37.53

<b>TAMPO</b>	<b>[ TAMP ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
RP 16D (HD)	5990	\$46.55
RP 28D	5995	\$61.85
RP 48D	6110	\$77.96
RP 58D	6115	\$73.39
RS 16 (HD)	6170	\$43.68
RS16A (HD)	6180	\$45.64
RS 16D (HD)	6185	\$46.14
RS 28C	6315	\$57.74
RS 28D	6320	\$58.96

RS 58D	6327	\$71.93
RS 156A	6340	\$49.12
RS 166A	6350	\$63.99
RS 188A	6370	\$80.48
RS 210	6400	\$63.31

<b>WACKER</b>	<b>[ WACK ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
R 900	7850	\$17.26
R 1000	7855	\$28.00
W 55T	7860	\$9.36
W 74L, W 74T	7880	\$9.24
W 74	7890	\$8.90
W 75	7900	\$8.97
WDH 84	7910	\$13.07
WDH 86-110	7912	\$16.65
WHK 90, WHK 90L	7915	\$15.83

### SHOVELS & CRANES CRAWLER [ S&CCL ]

**DELAY FACTOR = 0.21** **OVERTIME FACTOR = 0.82**

Includes all attachments and accessories when used as a crane, clamshell, dragline or for pile driving (not including leads or driving equipment).

<b>LINK-BELT</b>	<b>[ L-B ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
LS 78	4702	\$59.72
LS 78 pipeliner	4724	\$61.72
LS 98	4826	\$66.10
LS 98 pipeliner	4852	\$72.11
LS 98A	4924	\$67.17
LS 108B	4980	\$76.41
LS 108D	4981	\$102.70
LS 118	4998	\$108.21
LS 218H	5010	\$184.36
LS 318	5012	\$108.62
LS 338	5020	\$119.80
LS 518	5124	\$177.13

<b>MANITOWOC</b>	<b>[ MTWC ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
222EX (WEST)	5600	\$218.68
2900 WC	5764	\$94.17
3000 W	5812	\$111.99
3900B (100 ton)	6036	\$155.75
3900 W VICON series 2	6132	\$214.85
4000 W VICON	6180	\$191.62
4100 W VICON series 1	6196	\$298.34
4100 W VICON series 2	6198	\$307.63
4600 VICON series 1	6328	\$454.75
4600 VICON series 3	6332	\$498.42

<b>P&amp;H</b>	<b>[ P&amp;H ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
535	7716	\$92.50
550	7748	\$98.52
670 WLC	7892	\$117.42

#### **SHOVELS & CRANES, TRUCK MOUNTED [ S&CTK ]**

**DELAY FACTOR = 0.24      OVERTIME FACTOR = 0.79**  
Includes truck/carrier. Includes all attachments and accessories when used as a crane, clamshell, dragline or for pile driving (leads and driving equipment not included).

<b>AMERICAN HOIST &amp; DERRICK</b>	<b>[ AMHD ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
5470	1015	\$101.43
5530	1080	\$180.91
7450	1130	\$90.78
7460	1140	\$135.92
7530	1170	\$151.76
8460	1178	\$195.45
8470	1179	\$319.09

<b>LINK-BELT</b>	<b>[ L-B ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
HC 48A	4332	\$58.68
HC 108B	4960	\$67.45
HC 108C	4970	\$107.86
HC 138	4992	\$77.36
HC 138A	4995	\$170.53
HC 218	5050	\$99.49
HC 218A	5051	\$169.77
HC 228H	5054	\$214.48
HC 238A, 238B	5065	\$176.63

<b>P&amp;H</b>	<b>[ P&amp;H ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
440 TC	7240	\$75.89
650A TC	7720	\$106.35
670 TC	7790	\$109.93
790 TC	7880	\$99.34
8115A TC	7950	\$137.42

#### **SANBLASTING EQUIPMENT [ SANBL ]**

**DELAY FACTOR = 0.51      OVERTIME FACTOR = 0.52**  
Includes helmets, gauntlets, 30.5 meters (100 feet) of hose, pot, all control valves, nozzles and other attachments and accessories. Rated in accordance with the capacity of the pot measured in kilograms (pounds) of sand.

REMOTE CONTROL ONLY		[ REMC ]	
<u>OVER</u>	<u>TO</u>	<u>Code</u>	<u>Rate</u>
45 (100)	159 (350)	010-035	\$1.57
159 (350)	272 (600)	035-060	\$2.08
272 (600)	454 (1000)	060-100	\$2.10
454 (1000)	680 (1500)	100-150	\$2.64
680 (1500)	907 (2000)	150-200	\$2.94

#### **SAWS, CHAIN AND EARTH AUGER ATTACHMENT [ SAWCH ]**

**DELAY FACTOR = 0.15      OVERTIME FACTOR = 0.86**  
Hand held type, one or two man, gas, air or electric powered including all attachments and accessories. Blades, chains and tips shall be paid separately. Saws which cost less than \$500 are considered minor tools and are no longer listed. Rated in accordance with Mfr's kilowatts (horsepower).

<b>SAWS</b>	<b>[ SAW ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
>3.7 (5)      30 amps @ 120V	5-HP	\$2.10

#### **SAWS, CONCRETE AND MASONRY [ SAWCO ]**

**DELAY FACTOR = 0.18      OVERTIME FACTOR = 0.83**  
Self powered gas, air or electric powered. Includes water ( but not water truck or trailer), coolant, cutting compounds and all attachments and accessories. Saw blades or abrasive discs shall be paid in accordance with the following sawkerf codes.

SINGLE & MULTI-BLADE		[ ABOP ]	
OPERATION			
Listed in accordance with Mfr's rated kilowatts (horsepower).			
OVER	TO	Code	Rate
0	7.5 (10)	0-10	\$2.68
7.5 (10)	14.9 (20)	10-20	\$5.91
14.9 (20)	24.6 (33)	20-33	\$11.72
24.6 (33)	33.6 (45)	33-45	\$13.51
33.6 (45)	48.5 (65)	45-65	\$16.57

BLADE SAWKERF		[ ABSK ]
The following allowance is entered on the extra work bill by using the length x depth per blade.		
<u>UNITS</u>	<u>Code</u>	<u>Rate</u>
Rate /blade/ 30.5 m (100 lin ft) / 25 mm (inch) depth	100'/IN	\$18.00
Rate /blade/ 0.3 m (lin ft) / 25 mm (inch) depth	LF-INDE	\$0.18

**SCRAPERS, SELF PROPELLED****[ SCRSP ]****DELAY FACTOR = 0.16****OVERTIME FACTOR = 0.85**

Includes all attachments and accessories.

**CATERPILLAR****[ CAT ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
613	1395	\$54.22
613B	1400	\$62.42
613C	1402	\$79.30
615	1415	\$108.59
615C	1416	\$119.39
621B cushion hitch	1680	\$137.01
623B	1700	\$142.23
623E	1702	\$171.01
623F	1703	\$180.69
627B push pull	1770	\$180.35
627E non push-pull	1772	\$195.43
627E push-pull	1773	\$199.98
631C 67M5012 serial	2170	\$153.06
631D	2180	\$195.20
631E	2185	\$218.06
633C non cushion hitch	2305	\$148.00
633C cushion hitch	2315	\$147.81
633C 66M693 serial	2320	\$158.29
633D	2330	\$204.72
637 cushion, non-push-pull	2375	\$223.37
637 non-cushion, push-pull	2410	\$225.53
637D non push-pull	2460	\$280.06
637D push-pull	2470	\$283.86
639D	2475	\$293.21
637E	2476	\$311.98
637E push-pull	2477	\$317.18
641B non cushion hitch	2620	\$187.70
641B cushion hitch	2655	\$229.40
651B non cushion hitch	2935	\$234.82
651B cushion hitch	2970	\$237.18
651E	2975	\$304.10
657B non cushion, non p-p	3360	\$364.99
657B cushion, push-pull	3370	\$371.21
657E non push-pull	3375	\$446.30
657E push-pull	3380	\$464.49
660B	3470	\$214.19
666B	3600	\$334.76

**JOHN DEERE****[ DEER ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
JD 760A	3845	\$53.64
JD 762	3860	\$67.53
JD 762A	3865	\$71.58
JD 762B	3866	\$86.08

JD 860A	3920	\$79.58
JD 860B	3930	\$83.69
JD 862	3940	\$100.76
JD 862B	3942	\$126.70

**INTERNATIONAL****[ INTL ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
412B	5631	\$69.09
431B	5637	\$134.86
433B	5643	\$193.61

**TEREX****[ TERX ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
S 11EB	8245	\$54.45
S 23E 33TOT-H-93SH, elev	8250	\$130.88
S 24 49LOT-76SH serial	8260	\$164.94
S 24B 023-024 serial	8270	\$203.51
S 24C	8275	\$224.33

**WABCO****[ WAB ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
101F	8570	\$61.34
101G	8575	\$63.73
111A	8640	\$59.21
222G	8700	\$116.53
222H	8704	\$133.35

**TRACTORS, CRAWLER****[ TRACC ]****DELAY FACTOR = 0.17****OVERTIME FACTOR = 0.84**

Includes all attachments and accessories such as dozer blade and power control blocks when needed, but does not include backhoe, winch or ripper units listed elsewhere in this schedule.

**CASE****[ CASE ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
350	1820	\$24.30
350B	1825	\$26.28
450	1868	\$21.52
450B	1869	\$25.03
450C	1869E	\$27.88
475	1870	\$36.06
550	2000	\$29.05
650	2100	\$34.21
850	2128	\$28.71
850B	2130	\$31.36
850C	2135	\$34.78
850D	2140	\$36.81
1150B	2250	\$43.34
1150C	2255	\$48.69
1150D	2257	\$49.97
1150E	2258	\$51.86



**CATERPILLAR****[ CAT ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
D-3	2340	\$24.98
D-3B	2345	\$28.01
D-3 LGP	2350	\$25.59
D-3B LGP	2355	\$29.21
D-3B SA	2370	\$31.00
D-3C	2380	\$29.93
D4C Series III	2450	\$38.83
D-4D	2655	\$30.10
D-4E direct drive	2660	\$32.05
D-4E power shift	2665	\$33.29
D-4H	2670	\$41.96
D-4H LGP	2675	\$42.33
D-4H Series II	2680	\$43.12
D-4E SA	2772	\$38.09
D-4E LGP power shift	2780	\$33.47
D-4E LGP direct drive	2782	\$33.47
D-4G XL	2790XL	\$39.69
D-5	3194	\$43.56
D-5B power shift	3206	\$46.72
D-5B SA	3325	\$50.33
D-5B LGP	3345	\$49.28
D-5C	3346	\$41.93
D-5H	3347	\$56.36
D-5H Series II	3348	\$60.18
D-5H LGP	3350	\$59.27
D-6C direct drive	3645	\$56.09
D-6C power shift	3688	\$56.70
D-6C LGP	3710	\$59.11
D-6D	3720	\$67.01
D-6D SA	3725	\$74.45
D-6D LGP	3730	\$67.44
D-6H	3732	\$75.61
D-6H Series II	3733	\$80.03
D-6H LGP	3735	\$79.98
D-6M LGP	3745	\$75.70
D-6N XL	3755	\$78.12
D-6R DS	3800	\$85.81
D-6R XL	3815	\$89.93
D-7G	4180	\$102.01
D-7G LGP	4200	\$97.99
D-7G SA	4210	\$104.66
D-7H	4215	\$104.53
D-7H Series II	4216	\$113.58
D-7H LGP	4220	\$110.74
D-8K	4858	\$131.77
D-8L	4862	\$160.92
D-8L SA	4863	\$170.29
D-8N	4864	\$146.04

D-8R	4870	\$161.55
D-9H	5160	\$174.38
D-9L	5165	\$211.92
D-9N	5170	\$183.73
D-9R	5175	\$217.46
D-10	5220	\$325.48
D-10N	5225	\$267.32
D-10R	5227	\$299.51
D-11N	5230	\$420.62

**JOHN DEERE****[ DEER ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
JD 350C	5360	\$27.26
JD 350D	5365	\$30.39
JD 400G	5405	\$26.36
JD 450C	5474	\$28.04
JD 450D	5476	\$29.16
JD 450E	5478	\$29.41
JD 450G	5479	\$32.45
JD 450J LT/LGP	5479J	\$40.53
JD 550	5480	\$31.78
JD 550A	5481	\$34.45
JD 550B	5483	\$33.23
JD 550G	5484	\$38.00
JD 650G	5484A	\$42.48
JD 650H LGP	5484H	\$46.25
JD 750	5485	\$49.98
JD 750B	5486	\$54.89
JD 750 LGP	5487	\$52.81
JD 750B LGP	5488	\$67.28
JD 850	5490	\$65.25
JD 850B	5491	\$75.39
JD 850 LGP	5492	\$69.82
JD 850B LGP	5495	\$82.32

**DRESSER****[ DRES ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
TD 7E	9100	\$29.01
TD 7G	9102	\$32.46
TD 8E	9105	\$35.51
TD 8G	9107	\$38.56
TD 12	9110	\$51.32
TD 12 LGP	9115	\$58.68
TD 15C	9120	\$73.80
TD 15E	9122	\$89.32
TD 15C LGP	9125	\$71.04
TD 20E	9130	\$96.78
TD 20G	9135	\$120.44
TD 20G LGP	9137	\$127.80
TD 25E	9139	\$136.79
TD 25G	9140	\$175.47

**FIAT-ALLIS**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
10C	6043	\$56.92
10C LGP	6044	\$57.78
14C	6048	\$71.65
FD 20	6056	\$102.42
21C	6060	\$117.25
FD 30	6060E	\$139.05
31	6061	\$187.10
FD 40	6061E	\$216.72

**KOMATSU**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
D 21P-6	7965	\$30.07
D 31A-16	7970	\$26.39
D 31A-17	7972	\$29.30
D 31E-17	7976	\$30.41
D 31E-18	7977	\$32.72
D 31P-16	7980	\$26.77
D 31P-17	7981	\$30.01
D 31P-17B	7981E	\$31.40
D 58E-1	8003	\$59.64
D 58P-1	8003H	\$67.30
D 65E-6	8070	\$68.36
D 65E-7, E-8	8072	\$77.00
D 65P-6	8080	\$71.00
D 65P-7 / D 65P-8	8082	\$80.35
D 68P-1	8083	\$88.75
D 68E-1	8085	\$83.74
D 83E-1	8087	\$103.74
D 83P-1	8088	\$105.08
D 85P-18	8090	\$111.98
D 85A-18	8114	\$95.25
D 85E-12	8120	\$82.82
D 85E-18	8140	\$105.22
D 135A-1	8150	\$135.07
D 155A-1	8160	\$157.08
D 155A-2	8161	\$156.68
D 375A-1	8175	\$249.46
D 375A-2	8176	\$281.13
D 455A-1	8180	\$306.30
D 475A-2	8186	\$444.80

[ F-A ]

[ KOMA ]

**TRACTORS, HEAVY**

[ TRACH ]

**DELAY FACTOR = 0.17****OVERTIME FACTOR = 0.84**

Includes all attachments and accessories such as dozer blade, power control units and push blocks, when needed, but does not include backhoe, winch or ripper units listed elsewhere in this schedule.

**CATERPILLAR**

[ CAT ]

<u>Model</u>	<u>Code</u>	<u>Rate</u>
814	1400	\$92.91
814B	1410	\$140.63
824B	1720	\$148.00
824C	1730	\$186.74
834B	2010	\$283.71

**TRACTORS, RUBBER TIRE,  
INDUSTRIAL, FARM & SKID STEER**

[ TRACS ]

**DELAY FACTOR = 0.14****OVERTIME FACTOR = 0.87****37.3 kW (50 HP) OR LESS**

[ &lt;50 ]

Including, but not limited to the following:

Bobcat-- 440B, 443B, 450, 453, 542B, 543B, 553, 742B, 743B, 753, 763, 773, 1840, 7753

Case-- 1818, 1825, 1835C, 1838

Deere-- 3375, 4475, 5200, 5575, 6675, 7775

Ford-- L250, L454, L455, L553, L555, L781

Gehl-- SL3310, SL3410, SL3725, SL3825, SL4525, SL4625

Hydra-Mac-- 1300, 1600, 1700D

JCB-- 165Robot, 165Robot Ser II

Massey-Ferguson-- MF30E

Mahto-- LS70, LS75, L933

Mustang-- 920, 920E, 921, 930A, 930AE, 940, 940E, 910, 911, 2040

New Holland-- 1220, 1320, 1620, 1920, 2120, 3415, 3930, L250, L255, L465, LX465, LX485, L565, LX565, LX665

Ramrod-- 230B, 300B, 584B, 784B, 550, 750, 1350, 1550

Thomas-- T-82, T-83, T-83S, T-103, T-132, T-133, T-133S

Trak-- 1300HD, 1300C, 1300CX, 1500C

<u>Model</u>	<u>Code</u>	<u>Rate</u>
with loader or dozer	A	\$21.70
auger, w/ or w/o loader or dozer	B	\$22.12
backhoe, w/ or w/o loader or dozer	C	\$23.65

**OVER 37.3 kW (50 HP) [ >50 ]**

Including, but not limited to the following:

Bobcat-- 853, 863, 873, 943, 953, 980

Case-- 1845C

Deere-- 5300, 5400, 6200, 6300, 6400, 8875

Ford-- L783, L785, 250C, 260C

Gehl-- SL5625, SL6625, SL6635

Hydra-Mac-- 1850, 2650, 2650D

JCB-- 185Robot

Massey-Ferguson-- MF40E, MF50EX

Mustang-- 960, 2060

New Holland-- 4630, 5030, 5640, 6640, 7740, 7840, 8240, 8340,

L865, LX865, LX885, 345D, 545D

Ramrod-- 1750, 1950

Thomas-- T-173HL, T-173HLS, T173HLS II, T-203HD, T-233HD

Trak-- 1700HD, 1700C, 1700CX, 1700XHP

<u>Model</u>	<u>Code</u>	<u>Rate</u>
with loader or dozer	A	\$29.46
auger, w/ or w/o loader or dozer	B	\$29.99
backhoe, w/ or w/o loader or dozer	C	\$31.59

**TRAFFIC CONTROL & SAFETY DEVICES [ TRAF A ]  
(HOURLY RATES)****DELAY FACTOR = 0.37 OVERTIME FACTOR = 0.68****CHANGEABLE MESSAGE SIGN [ CMSN ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
Generator	GEN1	\$13.18
Generator w/ cell remote	GEN2	\$14.46
Solar	SOL1	\$9.89
Solar w/ cell remote	SOL2	\$11.17

**FLASHING ARROW SIGN [ FLAS ]**

Including supplies, replacements and servicing.

<u>Model</u>	<u>Code</u>	<u>Rate</u>
Roof mounted	RM	\$0.87
Trailer mounted	TM	\$2.85

**TRAFFIC CONTROL & SAFETY DEVICES [ TRAF C ]  
(DAILY RATES)****DELAY FACTOR = 0.72 OVERTIME FACTOR = 1.00**

Includes supplies and servicing. The following allowance is entered on the extra work by using days instead of hours worked. Crash cushion barrels and K-rail sections are now listed with Non-Operated items[NONOP].

**(1) BARRICADES [ 1BAR ]**

(A) 750 mm to 900 mm high &amp; 600 mm to 900 mm wide (30 to 36 inches high &amp; 24 to 36 inches wide)

(B) 1500 mm high by 1200 mm wide min. (60" high by 48" wide min.)

<u>Model</u>	<u>Code</u>	<u>Rate</u>
each with flasher	A1	\$0.47
each without flasher	A2	\$0.24
each	B3	\$1.06

**(2) TRAFFIC CONES [ 2TC ]**

Lost or destroyed are no longer paid on invoice.

<u>Model</u>	<u>Code</u>	<u>Rate</u>
450 mm (18") high, per 100	A100	\$8.53
700 mm (28") high, per 100	B100	\$14.83
700 mm (28") high w/ refl sleeve, per 100	D100	\$22.92
1,050 mm (42") high w/ refl sleeve, per 100	E100	\$38.12

**(3) PORTABLE DELINEATOR [ 3DEL ]**

Lost or destroyed are no longer paid on invoice.

<u>Model</u>	<u>Code</u>	<u>Rate</u>
per 100	100	\$24.31

**(4) ILLUMINATED SIGNS [ 4SIG ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
incl 900 mm x900 mm (3'x3') sign & batteries	12V	\$5.92

**(5) FLASHING BEACON [ 5BEA ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
portable 12 volt	12V	\$6.04

**(6) FLAG/SIGN STAND [ 6FSS ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
incl sign, stand & 3 flags	EACH	\$2.73

**(7) DELINEATOR DRUM [ 7DDR ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
Del. drum w/ base per 100	100	\$60.36

**TRAILERS, EQUIPMENT, LOW BED [ TRAIL ]****DELAY FACTOR = 0.42 OVERTIME FACTOR = 0.64**

Includes all attachments and accessories related to hauling. The rates cover drop deck type with and without folding/removable gooseneck or oscillating trunion. Pilot vehicles are extra. Listed in accordance with number of axles and tires per axle. Includes jeeps, booster axles, and dollies. All loads shall be hauled legally or within Caltrans Permit Policy.

**LOW BED A [ LB-A ]**

2 axle		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
4 Tires per axle	100	\$14.57
8 Tires per axle	200	\$18.37

**LOW BED B [ LB-B ]**

3 axle		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
4 Tires per axle	300	\$19.55
8 Tires per axle	400	\$22.66

**LOW BED C [ LB-C ]**

4 axle		
<u>Model</u>	<u>Code</u>	<u>Rate</u>
4 Tires per axle	500	\$31.39
8 Tires per axle	600	\$38.96

**LOW BED D****[ LB-D ]**

6 axle

<u>Model</u>	<u>Code</u>	<u>Rate</u>
8 Tires per axle	700	\$62.39

**TRAILERS, EQUIPMENT, TILT BED [ TRAIT ]****DELAY FACTOR = 0.42****OVERTIME FACTOR = 0.64**

Includes all attachments and accessories related to hauling. Pilot vehicles are extra. Listed in accordance with the Mfr's rated capacity in tonnes(tons).

**TILT BED 1 AXLE****[ TB-1 ]**

<u>OVER</u>	<u>TO</u>	<u>Code</u>	<u>Rate</u>
0	1.8 (2)	00-02	\$0.78
1.8 (2)	3.6 (4)	02-04	\$0.83

**TILT BED 2 AXLES****[ TB-2 ]**

<u>OVER</u>	<u>TO</u>	<u>Code</u>	<u>Rate</u>
3.6 (4)	5.4 (6)	04-06	\$1.38
7.3 (8)	9.1 (10)	08-10	\$4.27
9.1 (10)	10.9 (12)	10-12	\$4.92
10.9 (12)	12.7 (14)	12-14	\$5.54
12.7 (14)	14.5 (16)	14-16	\$6.16
14.5 (16)	16.3 (18)	16-18	\$5.95
16.3 (18)	18.1 (20)	18-20	\$5.75
18.1 (20)	20.0 (22)	20-22	\$6.59
20.0 (22)	22.7 (25)	22-25	\$6.41

**TRENCHING MACHINES [ TRENC ]****DELAY FACTOR = 0.14****OVERTIME FACTOR = 0.88**

Includes all attachments and accessories. When used, tungsten carbide tips shall be replaced by separate invoice.

**BOBCAT****[ BCAT ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
T 116	2000	\$10.48
T 135	2010	\$24.32
T 136	2020	\$24.64
T 208	2030	\$5.47
3022	2040	\$25.10

**CASE****[ CASE ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
TL 70	9051	\$4.38
TL 100	9053	\$6.32
TL 120	9055	\$7.63
TL 200	9070	\$7.80
16+4	9120	\$11.51
25+4	9170	\$15.96
25 + 4 XP	9171	\$20.23
30+4 standard	9224	\$22.72
DH 4	9255	\$30.18
DH 4B	9256	\$33.14

DH 5

9257 \$29.83

DH 5 QUAD

9259 \$31.14

DH 7

9261 \$35.21

360

9263 \$24.83

ROAD RUNNER 380

9277 \$32.57

TF 300

9374 \$15.64

TF 700

9398 \$20.23

TF 800

9405 \$26.34

TF 1000

9460 \$31.60

760

9465 \$33.05

**DITCH WITCH****[ D-W ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
R 30	5390	\$20.44
R 36D	5400	\$25.02
R 40	5432	\$26.80
R 65	5556	\$27.42
R 100	5565	\$70.83
V 30	5618	\$19.28
1410	5620	\$7.96
1420	5625	\$8.62
1500	5630	\$5.90
1620	5635	\$11.21
1810	5640	\$11.57
2020	5645	\$14.81
2200	5650	\$13.86
2300	5660	\$20.80
2310	5662	\$21.79
3210	5670	\$23.98
3210 Combo	5675	\$24.85
3500	5676	\$28.32
4010	5677	\$35.69
4010 Combo	5678	\$28.59
5010	5679	\$28.22
6510	5680	\$34.09
6510 Combo	5685	\$37.19

**MIDMARK****[ MDMK ]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
300 A	7945	\$20.26
321	7950	\$21.53
400 A	7955	\$26.08
440	7960	\$33.19

<b>VERMEER</b>	<b>[ VERM ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
CC-135	8350	\$76.72
M 220	8380	\$13.50
M 455 / M455A	8480	\$33.58
M 475	8570	\$35.80
M 475A	8571	\$40.03
M 485	8580	\$39.91
M 495	8585	\$63.14
T 300B, T 300A	8718	\$21.23
T 400C, T 400B, T 400A	8781	\$48.33
T 600D, C, B, A	8842	\$70.03
T 650	8843	\$119.32
T 800B, T 800A, T800	8870	\$112.74
T 800C	8871	\$122.77
T 850	8875	\$219.13
V 430	8950	\$24.38
V 430A	8951	\$27.54
V 434 / M 434	9000	\$23.50
V 440	9015	\$26.55
V 450	9017	\$32.08
V 454	9020	\$27.41
V 1550	9025	\$12.71

<b>TRUCK, TRUCK TRAILERS, EXCL. DUMP TRUCKS &amp; EQPT TRAIL</b>	<b>[ TRUCK ]</b>
--	------------------

**DELAY FACTOR = 0.18      OVERTIME FACTOR = 0.84**

Includes all attachments and accessories related to hauling, with and without trailers as needed. Includes water trucks, freight trucks and passenger vehicles, including 4wd option. Listed by Mfr's Gross Vehicle Weight in Kilograms(pounds). For tractor-trailer units, the gross vehicle weight of the cargo carrying unit or units will control. In the case of water trucks, the tank capacity expressed in kilograms (pounds) of water plus 20%, will determine the gross vehicle weight. For attachment allowance, see attachment class.

TRUCKS		[ T&TT ]	
<u>OVER</u>	<u>TO</u>	<u>Code</u>	<u>Rate</u>
CARS , LIGHT TRUCKS		00-06	\$16.34
3175 (7000)	5443 (12000) No small pickups	06-12	\$20.29
5443 (12000)	9072 (20000)	12-20	\$25.30
9072 (20000)	12701(28000)	20-28	\$27.77
12701 (28000)	16330 (36000)	28-36	\$36.46
16330 (36000)	21773 (48000)	36-48	\$42.54
21773 (48000)	27216 (60000)	48-60	\$51.63
27216(60000) & Over		60	\$65.21

<b>TRUCKS, OFF-HIGHWAY</b>	<b>[ TRUOF ]</b>
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**DELAY FACTOR = 0.24      OVERTIME FACTOR = 0.78**

Includes all attachments and accessories. Includes end dump, belly dump and earthmover types. Listed in accordance with Mfr's rated capacity in tonnes (tons). In the case of earthmover types, rated by Mfr's volumetric capacity, a factor of 1.4 tonnes per cubic meter (1-1/2 tons per cubic yard) of struck capacity shall be used.

TRUCK OFF-HIGHWAY		[ TRU ]	
<u>OVER</u>	<u>TO</u>	<u>Code</u>	<u>Rate</u>
9.1 (10)	13.6 (15)	10-15	\$40.28
16.3 (18)	20.0 (22)	18-22	\$72.63
20.0 (22)	24.5 (27)	22-27	\$90.38
24.5 (27)	29.0 (32)	27-32	\$103.55
29.0 (32)	36.3 (40)	32-40	\$139.88
36.3 (40)	49.9 (55)	40-55	\$205.30
49.9 (55)	60.8 (67)	55-67	\$231.02

<b>TRUCKS, DUMP, ON-HIGHWAY</b>	<b>[ TRUON ]</b>
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**DELAY FACTOR = 0.21      OVERTIME FACTOR = 0.81**

Includes all end dump, side dump and belly dump types; including all attachments and accessories.

<b>TRUCK ON-HIGHWAY</b>	<b>[ TRUN ]</b>	
<u>Model</u>	<u>Code</u>	<u>Rate</u>
2 axles	2AXL	\$42.84
3 axles	3AXL	\$57.70
4 axles	4AXL	\$66.21
5 axles	5AXL	\$72.78

<b>WELDING EQUIPMENT</b>	<b>[ WELD ]</b>
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**DELAY FACTOR = 0.22      OVERTIME FACTOR = 0.81**

<b>ARC WELDING MACHINES</b>	<b>[ AWM ]</b>
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Diesel, gas or electric powered. Includes helmets, holders, cable and all attachments and accessories. Rate capacity in amps.

<u>OVER</u>	<u>TO</u>	<u>Code</u>	<u>Rate</u>
0	250	0-250	\$4.36
250	500	250-500	\$8.33
over	500	500	\$8.94

<b>GAS WELDING OUTFIT</b>	<b>[ GWO ]</b>
---------------------------	----------------

Includes regulator, 7.6 meters (25 feet) of hose, torch, goggles, lighter and attachments and accessories. Gas and rod shall be paid separately.

<u>Model</u>	<u>Code</u>	<u>Rate</u>
ALL	ALL	\$0.27



# ATTACHMENT D



ENTER ZIP OR CITY

Banning, CA 92220



EQUIPMENT

Lawn &amp; Landscape



EQUIPMENT TYPE

Chippers &amp; Stumpers



CAT CLASS CODE 290-4325

## Brush Chipper, 6"

- Accommodates branches 6" in diameter or under
- Portable and easily towable
- Innovative self-feeding system improves productivity

### Quick Overview

Brush Chippers provide power and performance. They are built to withstand rugged environments, featuring an innovative self-feed system that increases efficiency. These units are great for chopping brush and limbs into small chips that can be used as mulch or composted.



ENTER ZIP OR CITY

Banning, CA 92220



EQUIPMENT

Trucks & Trailers



EQUIPMENT TYPE

Trucks



CAT CLASS CODE 952-7050

## Dump Truck, 5 Yard, Class C

- Hydraulic or air brakes
- Gas or diesel engine
- GVW up to 56,000
- Up to 350 hp engine

Daily: \$374

Weekly: \$1,048

Monthly: \$2,238



ENTER ZIP OR CITY

Banning, CA 92220



EQUIPMENT

Earthmoving Equipment



EQUIPMENT TYPE

Skid Steers &amp; Track Loaders



CAT CLASS CODE 903-0071

## Skid Steer Loader, 1700-1899 lbs.

- Convenient high/low speed control options
- Quick-change attachment system
- Compact, with great maneuverability

### Quick Overview

Skid Steer Loaders provide optimal power and performance on small-to-medium jobs where space is a consideration. These units are excellent for digging, grading, and leveling. With a variety of attachments, such as tires or tracks, you can travel on soft and sandy surfaces, through rough terrain and on wet or muddy areas.



ENTER ZIP OR CITY

Banning, CA 92220

EQUIPMENT

Trucks & Trailers

EQUIPMENT TYPE

Trucks



CAT CLASS CODE 950-0906

# Suv Greater Than 7000 lbs. Gvw 4x4

- Towing capacity up to 1500 lbs
- Up to 21 mpg city driving, 28 highway
- Cargo volume up to 115.2 cubic feet
- Up to 28-gallon fuel tank

Daily: \$206

Weekly: \$618

Monthly: \$1,236





Description

The 8' street sweeper cleans off multiple surfaces with an ability to sweep at angles of 30 degrees. The operator can drive the unit with absolute comfort. Wafer or Polypropylene (poly/wire combination) brushes are available for various surfaces on the job. The water tank attached to the unit helps reduce debris and dust in the air while sweeping. This unit can be used to clean tough dirt, grime, grease, and even debris filled areas. It travels at a top speed of 2.8 miles per hour with a brush rotation speed of 95 RPM.

Quick Specs

- 8' sweeper
- Driveable

Ideal Projects

- Cleaning roads
- Cleaning shops with dirt, dirt, and grease
- Water tank allows work on dusty areas
- Cleaning off a concrete slab
- Cleaning a large parking lot

My Location: 0266 - PERRIS, CA

Find a Location

Use My Current Location

My Location

0266 - PERRIS, CA

0266 - PERRIS, CA

350 Maple Road

Perris, CA 92570

(951) 443-1917

See Location Prices    Unset My Store  
Local Prices for 0266 - PERRIS, CA (USD)

1 Day

\$308

1 Week

\$907

4 Week

\$2,708

Start Date

End Date

Quantity

Rent Now    Add to Favorites



ENTER ZIP OR CITY

Banning, CA 92220



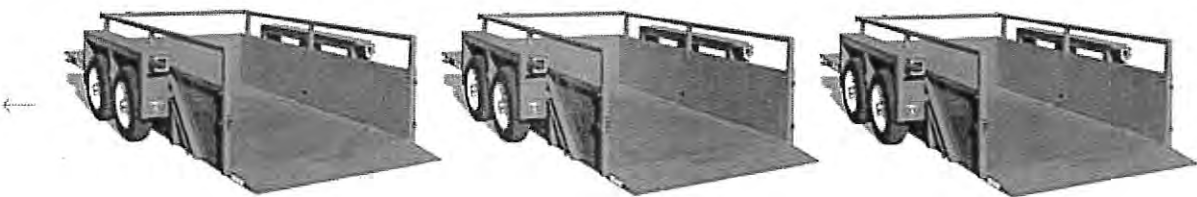
EQUIPMENT

Trucks & Trailers



EQUIPMENT TYPE

Trailers



CAT CLASS CODE 920-3030

# Trailer Equipment Double Axle Special

- Low floor entry for convenient loading and unloading
- Durable, heavy-duty construction

Daily: \$74  
Weekly: \$251  
Monthly: \$742

1

Add to Cart



**CITY OF BANNING  
BANNING UTILITY AUTHORITY REPORT**

**TO:** BANNING UTILITY AUTHORITY

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Art Vela, Public Works Director  
Luis Cardenas, Senior Civil Engineer

**MEETING DATE:** June 27, 2017

**SUBJECT:** Notice of Completion for Project 2016-01W, Repairs to Wells and Booster Pump

---

**RECOMMENDED ACTION:**

Consider accepting Project 2016-01W, Repairs to Wells and Booster Pump, as complete, authorize the Acting City Manager to sign the Notice of Completion and direct the City Clerk to record the Notice of Completion.

**BACKGROUND:**

On April 12, 2016 the City Council adopted Resolution No. 2016-05 UA awarding an Agreement to Tri County Pump Company of San Bernardino, CA in the amount of \$175,000 for the completion of Project No. 2016-01W, "Repairs to Wells and Booster Pump" and establishing a 15% contingency in the amount of \$26,250 to cover unforeseen conditions.

The scope of work included the repair of Wells 11, 12, and M-11 and C2 Booster Pump #2.

**ISSUES/ANALYSIS:**

The mechanical equipment at Wells 11, 12, and M-11 and at the C2 Booster Pump Station was installed in the late 1980s and over time had experienced normal wear and tear that required maintenance. The wells were experiencing a drop in production that

put in jeopardy the City's ability to meet peak summer demands. C2 Booster Pump #2 was experiencing a leak that put it out of operation.

During the course of the project, additional damage was identified at Well M-11 due to a lightning strike and the necessary repairs were paid for out of the approved contingency.

**FISCAL IMPACT:**

The final contract amount for this project is \$183,021.82, 9.6% over the original contract amount and within the 15% contingency. The project was funded by the Water Capital Facility Fund, Account No. 661-6300-471.95-08 (Wells/Pumping Equipment).

**ALTERNATIVE:**

City Council may elect to not accept the project as complete, which would keep the project open and prevent the release of retention funds.

**ATTACHMENTS:**

1. Notice of Completion

Approved by:

A handwritten signature in blue ink, appearing to read 'Alejandro Diaz', is written over a horizontal line.

Alejandro Diaz  
Acting City Manager

# ***ATTACHMENT 1***

(Notice of Completion)



1 WHEN RECORDED MAIL TO:

2  
3 Office of the City Clerk  
4 City of Banning  
5 P.O. Box 998  
6 Banning, California 92220  
7

8 FREE RECORDING:  
9 Exempt Pursuant to  
10 Government Code §6103  
11

---

12  
13 NOTICE OF COMPLETION

14 PROJECT NO. 2016-01W, "REPAIRS TO WELLS AND BOOSTER PUMP"

15  
16 THIS NOTICE OF COMPLETION IS HEREBY GIVEN by the OWNER, the City  
17 of Banning, a municipal corporation, pursuant to the provisions of Section 3093 of the Civil  
18 Code of the State of California, and is hereby accepted by the City of Banning, pursuant to  
19 authority conferred by the City Council this June 27, 2017, and the grantees consent to  
20 recordation thereof by its duly authorized agent.  
21

22 That the OWNER, the City of Banning, and Tri County Pump Company of San Bernardino,  
23 California, the vendee, entered into an agreement dated April 13, 2016, for Project No.  
24 2016-01W, "Repairs to Wells and Booster Pump".  
25

26 The principal items of work included the repair of three (3) wells and one (1) booster pump  
27 in the City of Banning, CA 92220.  
28

29 That the work of improvement was completed on May 4, 2017, for Project No. 2016-01W  
30 "Repairs to Wells and Booster Pump":

31 (1) The Nature of Interest was maintenance and repair completed on May 4,  
32 2017 for Project No. 2016-01W, "Repairs to Wells and Booster Pump".

33 (2) That the City of Banning, a municipal corporation, whose address is  
34 Banning City Hall, 99 E. Ramsey Street, Banning, California 92220, is completing work  
35 of improvement.

1 (3) That said work of improvement was performed at various locations in  
2 Banning, California 92220.

3 (4) That the original contractor for said improvement was Tri County Pump  
4 Company, State Contractor's License No.744742.

5 (5) That Performance and Payment bonds were required for this project.

6 (6) The nature of interest is in fee.  
7

8 Dated: June 27, 2017

9 CITY OF BANNING  
10 A Municipal Corporation  
11  
12  
13

14 By \_\_\_\_\_  
15 Alejandro Diaz  
16 Acting City Manager  
17  
18

19 APPROVED AS TO FORM:  
20  
21  
22

23 \_\_\_\_\_  
24 John Cotti, Interim City Attorney  
25 Jenkins & Hogin, LLP  
26  
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A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Subscribed and sworn to (or affirmed) before me on this 27th day of June, 2017 by \_\_\_\_\_ proved to me on this basis of satisfactory evidence to be the person(s) who appeared before me.

Notary Public in and for said County  
and State

MARIE A. CALDERON, being duly sworn, deposes and says:

Executed on \_\_\_\_\_, 2017 at Banning, California.

756



**CITY OF BANNING  
BANNING UTILITY AUTHORITY REPORT**

**TO:** BANNING UTILITY AUTHORITY

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Art Vela, Director of Public Works

**MEETING DATE:** June 27, 2017

**SUBJECT:** Resolution 2017-09 UA, Approving the Renewal of the Professional Services Agreement with Stoel Rives, LLP, Attorneys at Law in the Amount of \$110,000 for Legal Counsel Services

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**RECOMMENDED ACTION:**

Consider adopting Resolution 2017- 09 UA:

1. Approving the renewal of the Professional Services Agreement with Stoel Rives, LLP, Attorneys at Law of Sacramento, CA in the amount of \$110,000 for legal counsel services.
2. Authorizing the Acting City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement for legal counsel services.
3. Authorizing the Acting City Manager to execute the Professional Services Agreement with Stoel Rives, LLP of Sacramento, CA for legal counsel services.

**BACKGROUND:**

On March 22, 2016, the Banning Utility Authority awarded a Professional Services Agreement to Stoel Rives, LLP in the amount of \$110,000 for legal counsel services under Resolution 2016-03 UA. Since the contract award, Stoel Rives, LLP has provided legal expertise and assistance regarding Federal Land Use, Water Law, Federal/State policies and Land Rights as it relates to the Flume project. Stoel Rives, LLP also continues to counsel the City during the transitioning process of water rights, interests

and responsibilities of the flume to the City and Banning Heights Mutual Water Company (BHMWC); secure long-term special use, right-of-way or other applicable permit and authorizations from the US Forest Service (USFS); assisted the City during the preparation of the applicable California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) documents; assisted in the compliance with the regulations of several state and federal agencies.

As part of the agreement, Stoel Rives, LLP advised the City during negotiations with other water agencies in relation to California's 2014 Sustainable Groundwater Management Act (SGMA). On March 28, 2017, the Memorandum of Agreement to form a Groundwater Sustainability Agency for a portion of the San Geronio Pass Sub-Basin and to coordinate with other Groundwater Sustainability Agencies was approved by the City Council under Resolution 2017-35. It is necessary to continue this portion of the agreement with Stoel Rives in order to obtain counsel to the City specifically for SGMA.

### **ISSUES/ANALYSIS:**

The need for legal services from a qualified firm specializing in Federal Land Use, Water Law, Federal/State policies and Land Rights is essential in assisting the City to navigate through the legal complications of the project. Based on the previous performance, staff recommends the renewal of the agreement with Stoel Rives, LLP, Attorneys at Law.

The previous contract budget was for an amount of \$110,000. This included a retainer of \$6,500/month for a total of \$78,000. It also included an allowance of \$32,000 for services, billed at an hourly rate of \$360/hour, for services related to SGMA.

Stoel Rives has requested that the City consider a possible increase to the retainer from \$6,500/month to \$8,000/month which represents an increase of \$18,000 over the course of 12 months. The reason for the request considers that the average hourly rate for the previous agreement term is approximately \$204, which is below their actual billing rate of \$360/hr. It should be noted that Stoel Rives is not demanding an increase, but request that it be considered by the City.

Staff is recommending the same budget amount of \$110,000 for the renewed contract. If the retainer is increased, the allowance for SGMA would be reduced to cover the increase.

### **FISCAL IMPACT:**

The cost of the agreement renewal is for the amount of \$110,000 which will be funded by Fiscal Year 16/17 BUA Water Capital Fund. Account No. 663-6300-471.96-35 (Flume Restoration Project). Currently the account balance is approximately \$150,000.



**ALTERNATIVE:**

Reject Resolution 2017-09 UA and provide alternative direction.

**ATTACHMENTS:**

1. Resolution 2017-09 UA
2. Resolution 2016-03 UA

Approved by:



---

Alejandro Diaz  
Acting City Manager

# ***ATTACHMENT 1***

(Resolution No. 2017-09 UA)

## **RESOLUTION 2017-09 UA**

### **A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF BANNING, CALIFORNIA, APPROVING THE RENEWAL OF THE PROFESSIONAL SERVICES AGREEMENT WITH STOEL RIVES, LLP, ATTORNEYS AT LAW IN THE AMOUNT OF \$100,000 FOR LEGAL COUNSEL SERVICES RELATED TO THE FLUME**

**WHEREAS**, on March 22, 2016, the Banning Utility Authority awarded a Professional Services Agreement to Stoel Rives, LLP in the amount of \$110,000 for legal counsel services under Resolution 2016-03 UA; and

**WHEREAS**, since the contract award, Stoel Rives, LLP has provided legal expertise and assistance regarding Federal Land Use, Water Law, Federal/State policies and Land Rights as it relates to the Flume project and has advised the City during negotiations with other water agencies in relation to California's 2014 Sustainable Groundwater Management Act (SGMA)

**WHEREAS**, legal services from a qualified firm specializing in Federal Land Use, Water Law, Federal/State policies and Land Rights is essential in assisting the City to navigate through the legal complications of the project and based on the previous performance, staff recommends the renewal of the agreement with Stoel Rives, LLP, Attorneys at Law; and

**WHEREAS**, the cost of the contract renewal is \$110,000 and shall be funded by BUA Water Capital Fund, Account No. 663-6300-471.96-35 (Flume Restoration Project) which currently has an approximate balance of \$150,000.

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

**SECTION 1.** The Banning Utility Authority adopts Resolution No. 2017-09 UA approving the Renewal to the Professional Services Agreement with Stoel Rives, LLP of Sacramento, CA in the amount of \$110,000 for Legal Counsel Services.

**SECTION 2.** The Acting City Manager is authorized to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement.

**SECTION 3.** The Interim City Manager is authorized to execute the Professional Services Agreement with Stoel Rives, LLP of Sacramento, CA for legal counsel services.

**PASSED, APPROVED, AND ADOPTED** this 27th day of June, 2017.

---

George Moyer, Chairman  
Banning Utility Authority

**ATTEST:**

---

Marie A. Calderon, Secretary

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

---

John C. Cotti, Interim Authority Counsel  
Jenkins & Hogin, LLP

**CERTIFICATION:**

I, Marie A. Calderon, Secretary of the Banning Utility Authority of Banning, California, do hereby certify that the foregoing Resolution 2017-09 UA was duly adopted by the Banning Utility Authority of the City of Banning, California, at a Regular Meeting thereof held on the 27th day of June, 2017, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Marie A. Calderon, Secretary  
Banning Utility Authority



# ***ATTACHMENT 2***

(Resolution No. 2016-03 UA)

**RESOLUTION NO. 2016-03 UA**

**A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF BANNING, CALIFORNIA, AWARDING A PROFESSIONAL SERVICES AGREEMENT TO STOEL RIVES, LLP, ATTORNEYS AT LAW FOR LEGAL COUNSEL SERVICES**

**WHEREAS**, the City of Banning continues to work with the Participating Entities (Banning Heights Mutual Water Company, San Geronio Pass Water Agency and Southern California Edison) and the United States Forest Service and Federal Energy Regulatory Commission on the flume project in order to retain and restore the flume to ensure the flume continues to deliver water to the Banning Water Canyon; and

**WHEREAS**, it has been determined that legal representation from a firm specializing in Federal Land Use, Water Law, Federal/State policies and Land Rights is essential in assisting the City navigate through the legal complications of the project; and

**WHEREAS**, legal counsel is needed to advise the City during the negotiations with other water agencies within the San Geronio Sub-Basin related to California's 2014 Sustainable Groundwater Management Act; and

**WHEREAS**, Public Works staff solicited proposals from qualified firms on February 2, which resulted in the department receiving three (3) proposals from Stoel Rives, LLP Attorneys at Law of Sacramento; Downey Brand of Sacramento and Greshman/Savage Attorneys at Law of San Bernardino, CA; and

**WHEREAS**, A committee consisting of three (3) members was assembled to evaluate the proposals based on team qualifications, experience/capabilities, project understanding and responsiveness to the RFP and Stoel Rives, LLP received the highest score; and

**WHEREAS**, under this resolution staff recommends the contract be awarded to Stoel Rives, LLP, Attorneys at Law for a twelve (12) month term in the amount of \$110,000.00 with the option to renew for two (2) additional years upon satisfactory annual review of provided services with future contract renewals being brought forth to City Council for final approval; and

**WHEREAS**, the Professional Services Agreement with Stoel Rives, LLP, Attorneys at Law will be funded by the BUA Water Capital Project Fund (663), Account No. 663-6300-471.96-35 (Flume Restoration Project).

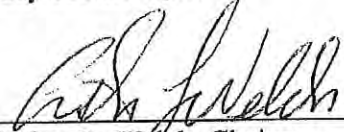
**NOW, THEREFORE, BE IT RESOLVED** by the Banning Utility Authority of the City of Banning as follows:

**SECTION 1.** The Banning Utility Authority adopts Resolution No. 2016-03 UA approving the Professional Services Agreement with Stoel Rives, LLP of Sacramento, CA in the amount of \$110,000.00 for the term of 12 months for Legal Counsel Services.

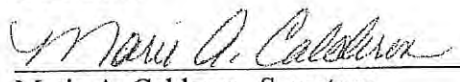
SECTION 2. The Administrative Services Director is authorized to make necessary budget adjustments and transfers related to Professional Services Agreement for Legal Counsel Services.

SECTION 3. The City Manager is authorized to execute the Professional Services Agreement with Stoel Rives, LLP for the term of 12 months for Legal Counsel Services.

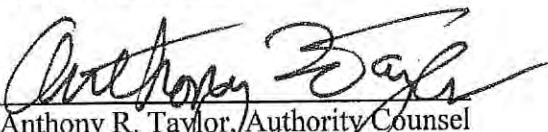
**PASSED, APPROVED AND ADOPTED** this 22<sup>nd</sup> day of March, 2016.

  
Arthur L. Welch, Chairman  
Banning Utility Authority

**ATTEST:**

  
Marie A. Calderon, Secretary  
Banning Utility Authority


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

  
Anthony R. Taylor, Authority Counsel  
Alehsire & Wynder, LLP

**CERTIFICATION:**

I, Marie A. Calderon, Secretary of the Banning Utility Authority of Banning, California, do hereby certify that the foregoing Resolution No. 2016-03 UA was duly adopted by the Banning Utility Authority of the City of Banning, California, at a scheduled meeting thereof held on the 22<sup>nd</sup> day of March, 2016, by the following vote, to wit:

AYES: Boardmembers Franklin, Moyer, Peterson, Chairman Welch  
NOES: None  
ABSTAIN: Boardmember Miller  
ABSENT: None

  
Marie A. Calderon, Secretary  
Banning Utility Authority  
Banning, California



**CITY OF BANNING  
BANNING UTILITY AUTHORITY REPORT**

**TO:** BANNING UTILITY AUTHORITY

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Art Vela, Public Works Director  
Luis Cardenas, Senior Civil Engineer

**MEETING DATE:** June 27, 2017

**SUBJECT:** Resolution 2017-10 UA, Awarding a Construction Agreement  
for Wastewater Treatment Plant Fencing

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**RECOMMENDED ACTION:**

Consider adopting Resolution 2017-10 UA, approving a Construction Agreement for Wastewater Treatment Plant Fencing with Moore Fence Company of Perris, California, in the amount of \$82,915 and a 10% contingency in the amount of \$8,291 for a total project budget of \$91,206 and reject all other bids.

**BACKGROUND:**

Existing perimeter fencing at the Wastewater Treatment Plant has deteriorated over time and is in need of replacement to keep the site secure and discourage vandalism. In preparation for the project, staff cleared overgrown vegetation and assessed the condition of existing fencing to determine which sections were most in need of replacement or repair.

Public Works and Purchasing staff advertised a Notice Inviting Bids (NIB) on April 21, 2017 in the Press Enterprise, Record Gazette and on the City's website. In response to these efforts, the City received four (4) bids from the following companies:

<b><u>Companies</u></b>	<b><u>Price</u></b>
1) Moore Fence Company	\$82,914.73
2) Alcorn Fence company	\$95,378.30
3) AB Fence Company	\$104,444.00
4) ACE Fence Company	\$156,667.00

The lowest responsive bidder was Moore Fence Company of Perris, California.

At the time of bid opening, the lowest bidder did not include acknowledgement of Addendum No. 1. However, Addendum No. 1 consisted of small clarifications to the scope and did not significantly impact the scope or nature of the work. The low bidder was given the opportunity to review the addendum and submit written acknowledgement after bid opening, with no change to the bid price. Staff recommends waiving this irregularity and awarding the contract to the low bidder.

### **ISSUES/ANALYSIS:**

It is essential for the City to secure critical facilities such as the Wastewater Treatment Plant, both for the safety of residents and to prevent vandalism that could result in costly repairs to equipment and other infrastructure.

Staff evaluated existing perimeter fencing and identified sections most in need of repair or replacement. Additionally, sections of fencing that are likely to be replaced or removed as part of the future Wastewater Treatment Plant Upgrade project were not selected for replacement.

### **FISCAL IMPACT:**

The Construction Agreement for Wastewater Treatment Plant Fencing will be funded by the Wastewater Fund, Account No. 680-8000-454.90-22 (Fencing Improvements) in the amount of \$82,914.73, with a 10% contingency for a total not-to-exceed amount of \$91,206. The adopted 2-year budget had allocated \$75,000 for this project, therefore an appropriation in the amount of \$16,206 from the Wastewater Fund is necessary.

### **ALTERNATIVES:**

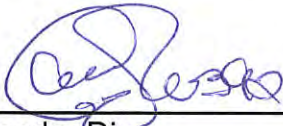
1. Reject the recommendation. If rejected, the City does not have the resources to perform these tasks in-house and the existing fencing will not provide adequate site security to a critical facility.
2. Negotiate the scope of work to stay within the \$75,000 allocated budget amount.

### **ATTACHMENTS:**

1. Resolution 2017-10 UA
2. Photographs of Existing Conditions
3. Acknowledgement of Addendum No. 1 by Low Bidder



Approved by:

A handwritten signature in blue ink, appearing to read 'Alejandro Diaz', is written over a horizontal line.

Alejandro Diaz  
Acting City Manager

# ***ATTACHMENT 1***

(Resolution 2017-10 UA)

## **RESOLUTION 2017-10 UA**

**A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF BANNING, CALIFORNIA, APPROVING A CONSTRUCTION AGREEMENT WITH MOORE FENCE COMPANY OF PERRIS, CALIFORNIA FOR WASTEWATER TREATMENT PLANT FENCING IN THE AMOUNT OF \$82,915, AND ESTABLISHING A TOTAL PROJECT BUDGET OF \$91,206 AND REJECTING ALL OTHER BIDS**

**WHEREAS**, the City of Banning owns its own Wastewater Treatment Plant; and

**WHEREAS**, the existing fencing is in need of repairs to provide adequate site security; and

**WHEREAS**, on April 21, 2017 the Public Works Department and Purchasing staff advertised a Notice Inviting Bids from qualified fencing contractors and received four responsive bids; and

**WHEREAS**, Moore Fence Company of Perris, California was the lowest responsive bidder; and

**WHEREAS**, the Construction Agreement for Wastewater Treatment Plant Fencing will be funded by the Wastewater Fund, Account No. 680-8000-454.90-22 in the amount of \$82,915, and a 10% contingency will be added for a total project budget amount of \$91,206.

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

**SECTION 1.** The Banning Utility Authority adopts Resolution No. 2017-10UA approving the Construction Agreement with Moore Fence Company of Perris, CA in the amount of \$82,915 for Wastewater Treatment Plant Fencing and a 10% contingency in the amount of \$8,291 for a total project budget of \$91,206 and rejecting all other bids.

**SECTION 2.** The Acting City Manager or his designee is authorized to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement for Wastewater Treatment Plant Fencing and to approve change orders within the 10% contingency.

**SECTION 3.** The Acting City Manager is authorized to execute the Construction Agreement with Moore Fence Company of Perris, CA for Wastewater Treatment Plant Fencing.

**PASSED, APPROVED, AND ADOPTED** this 27<sup>th</sup> day of June, 2017.

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George Moyer, Chairman  
Banning Utility Authority

**ATTEST:**

---

Marie A. Calderon, Secretary  
Banning Utility Authority

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

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John C. Cotti, Interim Authority Counsel  
Jenkins & Hogin, LLP

**CERTIFICATION:**

I, Marie Calderon, Secretary of the Banning Utility Authority of Banning, California, do hereby certify that the foregoing Resolution 2017-10 UA was duly adopted by the Banning Utility Authority of the City of Banning, California, at a Regular Meeting thereof held on the 27<sup>th</sup> day of June, 2017, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Marie A. Calderon, Secretary  
Banning Utility Authority



# ***ATTACHMENT 2***

**(Photographs of Existing Conditions)**

## Attachment 2

### Photographs of Existing Conditions



Santa Ana winds regularly blow large numbers of tumbleweeds into the WWTP. A proposed 6-foot fence east of pumping equipment and clarifiers will help keep this nuisance under control to prevent equipment failures.



Some sections of existing fence are damaged and in need of repair.



The eastern segment of the existing perimeter fence consists mostly of cattle fence that can be easily breached. New 6-foot fencing with barbed wire will help secure the site.



An existing pipe gate at the northeast corner of the WWTP property is proposed to be replaced with a more secure chainlink gate.

# ***ATTACHMENT 3***

**(Acknowledgement of Addendum 1 by Low Bidder)**



**ADDENDUM NO. 1**  
**INVITATION FOR BIDS**

**FOR**

**IFB 17-019 – Project No. 2017-09WW, “WWTP Fencing”**

**PUBLIC WORKS DEPARTMENT**  
**CITY OF BANNING**

**Released on May 12, 2017**

**The referenced document has been modified as per the attached Addendum No. 1**

**Please sign this Addendum where designated and return the executed copy with submission of your bid. This addendum is hereby made part of the referenced invitation for bids as though fully set forth therein.**

**Any questions regarding this addendum should be addressed to:**

**Jennifer McCoy**

**Telephone: (951) 922-3121**

**Email: [jmccoy@ci.banning.ca.us](mailto:jmccoy@ci.banning.ca.us)**



**Addendum No. 1****Pre-Bid Meeting Notes and Scope of Work Clarifications**

During the pre-bid meeting, several potential bidders noted that there was a grade separation from one side to the other of Section D' existing fencing. The question of whether the contractor would be required to grade this section was asked. Bidders shall assume that after the Contractor removes existing fencing along Section D', City staff and equipment will be used to adjust the grades. Contractor shall assume that new fencing along Section D will be installed on level grade.

Existing fence along Segment B was observed to be without a top rail bar. Bid item 4 will be modified in the Scope of Work Clarifications below to include the procurement and installation of a new top rail.

Additionally, it was noted that bid item number 5 was located in a section of fencing that would be replaced as part of Segment A, therefore the re-attaching of existing top rails would no longer be necessary. However, there were some small holes in the fence fabric that became visible after the recent brush clearing activities performed by the City. Bid item 5 will be re-purposed for the repair of these holes as specified in the Scope of Work Clarifications below.

**Scope of Work Clarifications****SECTION I – PROCEDURAL DOCUMENTS – Page I-10****BID SCHEDULE**

Item No. 5 description and quantity shall be revised as follows:

Original description and quantity (~~stricken out~~)

5.	<del>Re-attach existing top rails at one location</del>	EA	4	ACK	ACK
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Revised description and quantity

5.	Repair small hole in fence fabric	EA	3	<del>\$0</del>	<del>\$0</del>
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**SECTION IV - SPECIAL PROVISIONS – Page IV-1**

Scope of Work

Replace item 4 in its entirety:

**4. Segment B – replace barbed wire on existing fence**

Existing fence shall remain, with only the barbed wire and mounting arms to be removed and property disposed of at the Contractor's expense. A new top rail shall be provided and mounted on to the existing fence, with any necessary mounting hardware provided at the Contractor's expense. New barbed wire shall consist of 3 wires, mounted on a 45-degree outward-facing angle.



Replace item 5 in its entirety:

**5. Repair small hole in fence fabric**

Contractor shall provide the necessary material and labor to repair small holes in the fence fabric. The holes identified are vertical and approximately 4 feet in length. All materials used shall be corrosion-resistant, either galvanized or stainless steel.

**APPENDIX "B"**

Bid Item 5 Photograph shall be deleted from the bid specifications.

Additional Questions Received:

- 1. Is there drawings for this project that I can review or do we need to go look at site ourselves and measure?**

The bid documents include site exhibits (refer to Appendix "A") showing the approximate alignment of various sections of fencing to be replaced. Additionally, the Bid Schedule shows estimated lengths of individual segments, to be used for the purposes of pricing out the work. A mandatory pre-bid meeting was held at the site on May 4, 2017 at 9:00 a.m. during which contractors had the opportunity to verify measurements.


- 2. I would to ask for the engineer's estimated value, the design team working on this project, a copy of the Plan Holder's List and any Addendum released for the above-stated project.**

There is no Engineer's estimate provided for this project. The work consists primarily of replacing existing fence and therefore does not require a design team. Addendum No. 1 is included herein.

- 3. Is a licensed General Engineering firm is approved to bid this project? (The ad I have found on ebidboard states C-13 only.) If we list a C-13 as a sub, does that qualify us to bid the job?**  
Class A General Engineering Contractors are approved to bid the project. The prime bidder must perform at least 50% of the contract value.

*All other provisions of the invitation for bids shall remain in their entirety.*

*Vendors hereby acknowledge receipt and understanding of the above Addendum. Complete and submit this Addendum with your bid.*

  
 Signature \_\_\_\_\_ Date 5-31-17  
Scott Moore  
 Typed Name and Title

MOORE FENCE Co.  
 Company Name  
280 E 1st  
 Address  
PERRIS CA 92570  
 City State Zip

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## CITY OF BANNING BANNING UTILITY AUTHORITY REPORT

**TO:** BANNING UTILITY AUTHORITY

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Art Vela, Public Works Director  
Luis Cardenas, Senior Civil Engineer

**MEETING DATE:** June 27, 2017

**SUBJECT:** Resolution 2017-11 UA, Awarding a Maintenance Agreement for Tank Inspections and Cleaning

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### **RECOMMENDED ACTION:**

Consider adopting Resolution 2017-11 UA, approving a Maintenance Agreement for Tank Inspections and Cleaning with Inland Potable Services, Inc. of Centennial, Colorado, in the amount of \$44,129 and a 10% contingency in the amount of \$4,413 to cover unforeseen conditions for a total project budget of \$48,542 and reject all other bids.

### **BACKGROUND:**

The regular inspection and cleaning of potable water storage reservoirs is both a good practice as well as a specific requirement identified in the latest sanitary survey performed by the Division of Drinking Water (DDW). An industry standard is to have reservoirs inspected every three years. The last time the City of Banning reservoirs were inspected and cleaned was in January 2010.

Public Works and Purchasing staff advertised a Notice Inviting Bids (NIB) on April 21, 2017 in the Press Enterprise, Record Gazette and on the City's website. In response to these efforts, the City received two (2) bids from the following companies:

<b><u>Companies</u></b>	<b><u>Price</u></b>
1) Inland Potable Services, Inc.	\$44,129.00
2) Paso Robles Tank, Inc.	\$93,840.00

The lowest responsive bidder was Inland Potable Services, Inc. of Centennial, Colorado.

### **ISSUES/ANALYSIS:**

Although the City of Banning well water is very clean, there is some sediment that accumulates at the bottom of storage reservoirs over time. City operators perform visual inspections from the hatch opening at the top of reservoirs on a monthly basis, but a more thorough inspection by a commercial diver is necessary to document levels of corrosion and track changes in the rate of sediment accumulation. A total of 9 tanks will be inspected and cleaned.

The inspection and cleaning of potable water reservoirs is a specialized trade and the City does not have the staff, equipment, and training necessary to perform the work. It is also important to have an impartial third party identify potential deficiencies. Some deficiencies identified the last time the tanks were inspected include small areas of corrosion, detached wires on level indicators, and areas with deteriorated coating. Several of these deficiencies will be addressed as part of the Small Repairs task, as outlined in Attachment 2, Scope of Work.

### **FISCAL IMPACT:**

The Maintenance Agreement for Tank Inspections and Cleaning will be funded by the Water Fund, Account No. 660-6300-471.45-07 (Reservoir Expenses) in the amount of \$44,129, with a 10% contingency for a total not-to-exceed amount of \$48,542.

### **ALTERNATIVE:**

1. Reject the recommendation. If rejected, the City will be out of compliance with the State Water Resources Control Board Division of Drinking Water permit requirements.

### **ATTACHMENTS:**

1. Resolution No. 2017-11 UA
2. Scope of Work

Approved by:



---

Alejandro Diaz  
Acting City Manager

# ***ATTACHMENT 1***

(Resolution 2017-11 UA)



## **RESOLUTION 2017-11 UA**

**A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF BANNING, CALIFORNIA, APPROVING A MAINTENANCE AGREEMENT WITH INLAND POTABLE SERVICES OF CENTENNIAL, COLORADO FOR TANK INSPECTIONS AND CLEANING IN THE AMOUNT OF \$44,129 AND ESTABLISHING A TOTAL PROJECT BUDGET OF \$48,542 AND REJECTING ALL OTHER BIDS**

**WHEREAS**, the City of Banning owns and operates its own Municipal Water System; and

**WHEREAS**, the California Water Resources Control Board Division of Drinking Water (DDW) oversees the City of Banning Water System and requires the regular inspection and cleaning of water storage tanks; and

**WHEREAS**, on April 21, 2017 the Public Works Department and Purchasing staff advertised a Notice Inviting Bids from qualified firms and received two responsive bids; and

**WHEREAS**, Inland Potable Services, Inc. of Centennial, Colorado was the lowest responsive bidder; and

**WHEREAS**, the Maintenance Agreement for Tank Inspections and Cleaning will be funded by the Water Fund, Account No. 660-6300-471.45-07 in the amount of \$44,129, and a 10% contingency will be added for a total project budget of \$48,542.

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

**SECTION 1.** The Banning Utility Authority adopts Resolution No. 2017-11UA approving the Maintenance Agreement with Inland Potable Services, Inc. of Centennial, CO in the amount of \$44,129 for Tank Inspections and Cleaning, and a 10% contingency for a total project budget of \$48,542.

**SECTION 2.** The Acting City Manager or his designee is authorized to make necessary budget adjustments, appropriations and transfers related to the Maintenance Agreement for Tank Inspections and Cleaning, and to approve change orders within the 10% contingency.

**SECTION 3.** The Acting City Manager is authorized to execute the Maintenance Agreement with Inland Potable Services, Inc. of Centennial, CO for Tank Inspections and Cleaning.

**PASSED, APPROVED, AND ADOPTED** this 27<sup>th</sup> day of June, 2017.

---

George Moyer, Chairman  
Banning Utility Authority

**ATTEST:**

---

Marie A. Calderon, Secretary

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

---

John C. Cotti, Interim Authority Counsel  
Jenkins & Hogin, LLP

**CERTIFICATION:**

I, Marie Calderon, Secretary of the Banning Utility Authority of Banning, California, do hereby certify that the foregoing Resolution No. 2017-11 UA was duly adopted by the Banning Utility Authority of the City of Banning, California, at a Regular Meeting thereof held on the 27<sup>th</sup> day of June, 2017, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Marie A. Calderon, Secretary  
Banning Utility Authority

# ***ATTACHMENT 2***

(Scope of Work)

#### 4.1 Scope of Work

The scope of work under this project includes inspection of nine (9) City of Banning Tanks, cleaning of sediment in nine (9) City of Banning Tanks, and small repairs as required and detailed below. The bid shall include all costs for furnishing all labor, materials, tools, equipment and necessary incidentals to perform work including but not limited to mobilization, participation in safety meetings and clean up. Every effort will be made to keep reservoirs at or near their full operational capacity for ease of inspection and cleaning. Dive technicians and in-tank equipment shall be disinfected according to AWWA Standard C652-92.

##### A. Tank Inspections

The tank inspections shall include at a minimum the following:

1. Visual inspection of the reservoir interior and exterior.
2. An informal report given verbally to the City's representative summarizing the general condition of the tank and recommended small repairs that can be performed immediately following the inspection if given approval by the City.
3. A formal report to include:
  - a. Nameplate information
  - b. Condition of peripheral components (cathodic system, vents, hatches, plumbing, sensor penetrations of tank wall or roof, etc.)
  - c. Assessment of corrosion damage, with photographs
  - d. Color video illustrating general condition of interior and coating failures
  - e. Coating failure analysis and probable cause
  - f. Pit depth and metal loss based on ASTM G 46-94
  - g. Sample technical specification for repair of interior and external coatings that are not repaired as part of this project
  - h. Approximate quantity and type of sediment, including a small representative sample in a clear bottle for each tank.
  - i. If particulates found suspended in water, a small sample shall be collected and submitted in a clear bottle.
  - j. Two (2) hard copies and two (2) digital copies of the report on USB flash drives (no CDs) shall be turned in within 30 days after completion of field work.

##### B. Tank Cleaning

1. Tank cleaning shall mean the removal of sediment from tank floors while keeping tanks in service. Dimensions for all tanks have been provided in Appendix A. Brinton Reservoir is a buried concrete reservoir with a tapered bottom and select pages from the as-built drawings are provided as Appendix C for reference. The sloped sections of the Brinton Reservoir floor are expected to have minimal sediment, but should be assumed by bidders as requiring



cleaning of a thin layer of fine silt. For the purpose of standardizing bids, bidders shall assume up to a 1" layer of sediment on all tank floors, excluding the sloped sections of the Brinton Reservoir bottom. Removal of additional sediment, if any, will be paid by inch per square foot and bidders shall provide a cost for this additional service on their rate sheet. Contractors shall assume that sediment found in the tanks is mostly sand and silt and can be disposed of onsite in a location within 100 feet of the tank. Contractor shall dechlorinate water before discharge and include these costs in their bid.

### **C. Small Repairs**

The following small repairs have been identified for each tank:

- San Gorgonio 1
  - Reattach loose wires for Water Float Assembly.
- San Gorgonio 3
  - Reattach loose wires for Water Float Assembly.
- Sunset East
  - Replace bar on floor for float assembly and reattach wires.
  - Remove and repair with epoxy a 2'x2' floor area where existing tar coating is failing in quadrant #4.
- Sunset West
  - Reattach loose wires for Water Float Assembly
- High Valley
  - Remove corrosion on approximately 20% of floor bolts and recoat with epoxy.
  - Replace existing 18" circular hatch with a 2'x2' hatch.
  - Install internal ladder: galvanized steel, bolted
  - Repair a small leak between courses 1 and 2 at approximately the 11:00 o'clock position in Quadrant 4.

Additionally, based on the results of the inspection for each tank, the Contractor shall make recommendations for small repairs not previously identified. No new repairs other than the ones listed above shall be performed without verbal authorization from a City representative for each tank. Payment will be for actual work performed and any additional repairs shall be negotiated on a time and materials basis based on the rate sheet provided as part of the bid. Pictures documenting the before and after conditions shall be incorporated into the inspection report. Repair materials shall be NSF 60 & 61 certified.

## **4.2 Time of Completion**

As set forth in the contract agreement, the Contractor shall begin work on the date as per NOTICE TO PROCEED and shall diligently prosecute the same to completion by **Thirty (30)** working days after date in said notice.

#### 4.3 Payment

The Contractor shall include in his bid all costs for the above requirements. Full compensation for the project shall be considered as included in the Bid Item Nos. 1-10 and no additional allowance will be made unless mutually agreed upon in writing.



**CITY OF BANNING  
BANNING UTILITY AUTHORITY REPORT**

**TO:** BANNING UTILITY AUTHORITY

**FROM:** Alejandro Diaz, Acting City Manager

**PREPARED BY:** Art Vela, Director of Public Works

**MEETING DATE:** June 27, 2017

**SUBJECT:** Resolution No. 2017-12 UA, Approving a Professional Services Agreement for the Continued Implementation of a Stream Flow Monitoring Program Related to the Flume

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**RECOMMENDED ACTION:**

Consider Adopting Resolution 2017-12 UA:

1. Approving a Professional Services Agreement with U.S. Geological Survey for the continued implementation of a stream flow monitoring program related to the Flume.
2. Authorizing the Acting City Manager to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement.
3. Authorizing the Acting City Manager to execute the Professional Services Agreement with U.S. Geological Survey.

**BACKGROUND:**

The City continues working with Banning Heights Mutual Water Company and the San Geronio Pass Water Agency, commonly referred to as the Participating Entities (PE), as they have for several years, to secure control of the Flume once SCE's Surrender Application has been accepted by the Federal Energy Regulatory Commission (FERC).

Because a portion of the Flume is located on federal lands, once SCE's Surrender Application is accepted by FERC, the PE's must obtain approval of a Special Use Permit (SUP), from the Forest Service. As part of the SUP approval process, the SUP

applicant, in this case the City of Banning, must conduct and provide to the Forest Service several studies and analysis to comply with National Environmental Policy Act (NEPA) requirements including water diversion volumes.

On May 26, 2015 the City Council approved Resolution 2015-49, "Approving a Professional Services Agreement with the U.S. Geological Survey for the Implementation of a Stream Flow Monitoring Program" to provide real-time flow data.

### **ISSUES/ANALYSIS:**

Approval of Resolution 2017-12 UA would allow for continuation of the stream monitoring program put in place in 2015 at the request of the Forest Service in order to provide supporting data that will be incorporated into the technical studies submitted to the Forest Service.

The request to collect water diversion data by the Forest Service is in line with Senate Bill (SB) 88, signed by Governor Brown on June 24, 2015 and approved by the Office of Administrative Law on March 21, 2016. SB 88 puts forth measurement and reporting requirements for all water right holders that divert more than 10 acre-feet of water per year. Additionally, SB 88 requires that systems that divert over 1,000 acre-ft. per year must have hourly reading of the water being diverted. The Flume system diverts, on average, 2,000 acre-feet per year. Approval of Resolution 2017-12 UA would provide the required diversion data to comply with SB 88.

Additionally, the stream flow monitoring program will provide real-time data which provides staff the opportunity to detect obstructions in the conveyance system allowing staff to be dispatched to make the necessary repairs in a timely manner.

### **FISCAL IMPACT:**

If approved, the Professional Service Agreement in the amount of \$121,848, will be funded by BUA Water Capital Account No. 663-6300-471.96-35 (Flume Consultant Costs). \$300,000 has been budgeted in said account as part of the Fiscal Year 2017/2018 approved budget.

One monitoring location in the scope of work has been included at the request of SCE. SCE shall be responsible for the cost of the work to operate the equipment at Burnt Canyon Creek above Diversion Dam. The cost of this scope is equal to \$33,400 and no work at this location will commence until payment is received by SCE.

**ALTERNATIVE:**

Reject Resolution 2017-12 UA. Rejection of staff's recommendation will make it difficult to comply with SB88 and may not provide sufficient data to support technical studies.

**ATTACHMENTS:**

1. Resolution 2017-12 UA
2. U.S. Geological Survey Agreement

Approved by:



---

Alejandro Diaz  
Acting City Manager



# ***ATTACHMENT 1***

(Resolution 2017-12 UA)

## **RESOLUTION 2017-12 UA**

### **A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF BANNING, CALIFORNIA, APPROVING THE PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$121,848 WITH U.S. GEOLOGICAL SURVEY FOR THE CONTINUED IMPLEMENTATION OF A STREAM FLOW MONITORING PROGRAM RELATED TO THE FLUME**

**WHEREAS**, the City of Banning along with the Banning Heights Mutual Water Company ("Banning Heights") and the San Geronio Pass Water Agency, collectively known as the Participating Entities (PE) have been working together with the United States Forest Service ("Forest Service") to facilitate the transfer of the San Geronio Whitewater River Water Conveyance System ("Flume") pending Southern California Edison (SCE) surrender application before the Federal Energy Regulatory Commission (FERC) for its hydropower project known as the San Geronio Hydroelectric Project No. 344; and

**WHEREAS**, a Forest Service issued Special Use Permit (SUP) must be obtained for those parts of the Flume that are not covered by an existing right-of-way originally dedicated for the operation of the Flume and which lay on Forest Service lands; and

**WHEREAS**, the Forest Service must follow a National Environmental Policy Act (NEPA) process prior to the issuance of an SUP which includes the preparation of several environmental studies necessary to support the Forest Service's NEPA determination. The cost for the preparation of said studies is burdened on the applicant, which in this case is the City of Banning; and

**WHEREAS**, the Forest Service has requested that flow diversion data be collected; and

**WHEREAS**, on May 26, 2015 the City Council approved Resolution 2015-49, "Approving a Professional Services Agreement with the U.S. Geological Survey for the Implementation of a Stream Flow Monitoring Program" to provide real-time flow data", but the agreement has expired; and

**WHEREAS**, Senate Bill 88 puts forth measurement and reporting requirements for all water right holders that divert more than 10 acre-feet of water per year. Additionally, SB 88 requires that systems that divert over 1,000 acre-ft. per year must have hourly reading of the water being diverted. The Flume system diverts, on average, 2,000 acre-feet per year; and

**WHEREAS**, the Professional Service Agreement in the amount of \$121,848, will be funded by BUA Water Capital Account No. 663-6300-471.96-35 (Flume Consultant Costs).

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

SECTION 1. The Banning Utility Authority adopts Resolution No. 2017-12 UA approving the Professional Services Agreement with Aspen Environmental Group of Agoura Hills, CA the U.S. Geological Survey in the amount of \$121,848.

SECTION 2. The Acting City Manager or his designee is authorized to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement.

SECTION 3. The Acting City Manager is authorized to execute the Professional Services Agreement with the U.S. Geological Survey for the continued implementation of a stream flow monitoring program related to the Flume.

**PASSED, APPROVED AND ADOPTED** this 27<sup>th</sup> day of June, 2017.

\_\_\_\_\_  
George Moyer, Chairman  
Banning Utility Authority

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, Secretary

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

\_\_\_\_\_  
John C. Cotti, Interim Authority Counsel  
Jenkins & Hugin, LLP

**CERTIFICATION:**

I, Marie A. Calderon, Secretary of the Banning Utility Authority of Banning, California, do hereby certify that the foregoing Resolution 2017-12 UA was duly adopted by the Banning Utility Authority of the City of Banning, California, at a scheduled meeting thereof held on the 27<sup>th</sup> day of June, 2017, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Marie A. Calderon, Secretary  
Banning Utility Authority  
Banning, California

# ***ATTACHMENT 2***

(U.S. Geological Survey Agreement)



Form 9-1366  
(April 2015)

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U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations

Agreement#: 17WSCA60416600  
Customer#: 6000004166  
Project #: ZG009J5  
TIN #: 95-6000674  
USGS DUNS #: 1761-38857

Fixed Cost Agreement YES[ X ] NO[ ]

THIS AGREEMENT is entered into as of the November 1, 2016, by the U.S. GEOLOGICAL SURVEY, California Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the CITY OF BANNING party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation for cooperative water resources investigations in the City of Banning area, herein called the program. The USGS legal authority is 43 USC 36C, 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$0.00 by the party of the first part during the period  
November 1, 2016 to October 31, 2017
- (b) \$121,848.00 by the party of the second part during the period  
November 1, 2016 to October 31, 2017
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of : \$0.00

Description of the USGS regional/national program:  
*Not Applicable*

- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request; be furnished by the party of the first part; at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties.

9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered quarterly. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983.).

Form 9-1366  
(April 2015)

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U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations

Agreement#: 17WSCA60416600  
Customer#: 6000004166  
Project #: ZG009J5  
TIN #: 95-6000674  
USGS DUNS #: 1761-38857

**USGS Technical Point of Contact**

Name: Al Caldwell  
Deputy Associate Director for Data  
Address: 4165 Spruance Road, Suite 200  
San Diego, CA 92101-0812  
Telephone: (916) 225-6103  
Fax:  
Email: lacald@usgs.gov

**Customer Technical Point of Contact**

Name: Perry Gerdes  
Water/Wastewater Superintendent  
Address: P.O. Box 998  
Banning, CA 92220  
Telephone: (951) 849-3273  
Fax:  
Email: pgerdes@ci.banning.ca.us

**USGS Billing Point of Contact**

Name: Tamara Seubert  
Budget Analyst  
Address: Placer Hall 6000 J Street  
Sacramento, CA 95819  
Telephone: (916) 278-3040  
Fax: (916) 278-3070  
Email: tseubert@usgs.gov

**Customer Billing Point of Contact**

Name:  
Address:  
Telephone:  
Fax:  
Email:

U.S. Geological Survey  
United States  
Department of Interior

CITY OF BANNING

Signature

By  Date: 5/11/2017  
Name: Eric G. Reichard  
Title: Director, USGS California Water Science  
Center

Signatures

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

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

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