

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

September 8, 2009
6:30 p.m.

Banning Civic Center
Council Chambers
99 E. Ramsey St.

The following information comprises the agenda for a regular meeting of the City Council and a Joint Meeting of the Community Redevelopment Agency and City Council.

Per City Council Resolution No. 1997-33 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.

I. CALL TO ORDER

- Invocation
- Pledge of Allegiance
- Roll Call – Council Members Franklin, Hanna, Machisic, Robinson, Mayor Botts

**II. PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS
ANNOUNCEMENTS/**

Report by City Attorney

Report by City Manager

PUBLIC COMMENTS – *On Items Not on the Agenda*

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

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

ANNOUNCEMENTS/COUNCIL REPORTS: *(Upcoming Events/Other Items and Report if any)*

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

III. A. CONSENT ITEMS

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

**Motion: That the City Council approve Consent Item 1 through 5
Items to be pulled _____, _____, _____, _____ for discussion.**

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

1. Report of Investments for July 2009. 1
2. Accept the Right-of-Way Dedication from Habitat for Humanity for Street Improvements at Assessor's Parcel No. 541-094-019 – 443 N. Hathaway 14
3. Accept the Right-of-Way Dedication from Habitat for Humanity for Street Improvements at Assessor's Parcel No. 541-094-022 – 1563 E. Nicolet. 19
4. Sole Source Purchase from Applied Research Associates, Inc. for the Pointman Ground Vehicle Reconnaissance Robot in the amount of \$31,528.16. . 24
5. Formation of Census Complete Count Ad Hoc Committee 28

- Open for Public Comments
- Make Motion

IV. RECESS CITY COUNCIL MEETING TO A JOINT MEETING OF THE COMMUNITY REDEVELOPMENT AGENCY AND THE CITY COUNCIL

Call to Order Joint Meeting

A. JOINT PUBLIC HEARING

- A-1. CRA Resolution No. 2009-20, Approving the Sale of Real Property (APN: 541-146-003) to the State of California for the Development of the Mid-County Justice Center 31
- Recommendation: That the Community Redevelopment Agency adopt CRA Resolution No. 2009-20, Approving the Sale of Real Property (APN 541-146-003) to the State of California for an amount of \$1,009,380.00 and recognize the Public Summary Report findings Required by Health and Safety Code Section 33433.**

Adjourn Joint Meeting of Community Redevelopment Agency and City Council

RECONVENE REGULAR MEETING OF THE CITY COUNCIL

V. PUBLIC HEARINGS

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

1. Resolution No. 2009-69, Approving the Proposed Electric Rate Schedules 50
Recommendation: **That the City Council adopt Resolution No. 2009-69,
Approving the Amended Electric Rate Schedules attached as Exhibit A.**

VI. REPORTS OF OFFICERS

1. Repealing of Ordinance No. 1371 and Introduction of Ordinance No.
1411 Concerning the Economic Development Committee 76
Recommendation: **That the City Council repeal Ordinance No. 1371 and
introduce the first reading of Ordinance No. 1411 with regard to the City's
Economic Development Committee.**

Mayor asks the City Clerk to read the title of Ordinance No. 1411:

*"An Ordinance of the City Council of the City of Banning, California,
Amending Chapter 2.36 of the Banning Municipal Code Regarding
Establishment of the Banning Economic Development Committee."*

Motion: I move to waive further reading of Ordinance No. 1411.

(Requires a majority vote of Council)

Motion: I move that Ordinance No. 1411 pass it first reading.

(A minimum of three votes required)

VII. ITEMS FOR FUTURE AGENDAS

New Items –

Pending Items –

1. Service Club Signage on Ramsey Street, Gateway project (ETA 10/13/09)
2. Local Economic Stimulus Program (ETA 10/27/09)
3. Golf Cart Lane Policy for City of Banning (ETA 10/13/09) Pending Beaumont Policy
Development
4. Schedule Meetings with Our State and County Elected Officials
5. Set New Date for Joint Meeting with Banning School Board (Date to be determined)
6. Policy for Naming of Street and also Parks – Policy and Procedures (ETA 9/22/09)
7. Update on the Sunset Grade Separation and the Highland Springs Interchange.
(ETA 9/22/09)

VIII. CLOSED SESSION

1. Pursuant to Government Code Section 54957.6 Conference with Labor
Negotiators and Employee organization: BPOA
Agency Designated Representatives: San Racadio, David Aleshire,
Bonnie Johnson and Hoyl Belt

2. Pursuant to Government Code Section 54957 with regard to City Attorney evaluation.

- A. Opportunity for Public to Address Closed Session Items.
- B. Convene Closed Session

IX. ADJOURNMENT

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

NOTICE: Any member of the public may address this meeting of the Mayor and Council on any item appearing on the agenda by approaching the microphone in the Council Chambers and asking to be recognized, either before the item about which the member desires to speak is called, or at any time during consideration of the item. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor and Council. 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 three-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor and Council. A thirty-minute time limit is placed on this section. No member of the public shall be permitted to “share” his/her three 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 (909) 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 COUNCIL AGENDA
CONSENT ITEM**

Date: September 8, 2009
TO: City Council
FROM: Bonnie J. Johnson, Finance Director
SUBJECT: Report of Investments for July 2009

RECOMMENDATION: "The City Council receive and place these required monthly *Reports of Investments* on file."

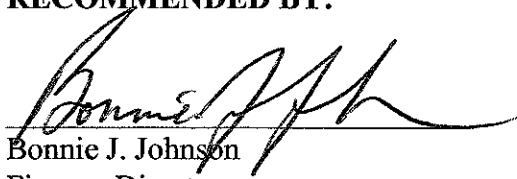
JUSTIFICATION: State law requires that a monthly report of investments be submitted to the Chief Executive Officer and the Legislative Body.

BACKGROUND: This report includes investments on hand at the end of July 2009. As of July 31, 2009, the City's operating funds totaled \$72,580,917. Included in operating funds is \$3,671,812 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Treasurer's Report. As of July 31, 2009 approximately 38% of the City's unrestricted cash balances were invested in investments other than LAIF.

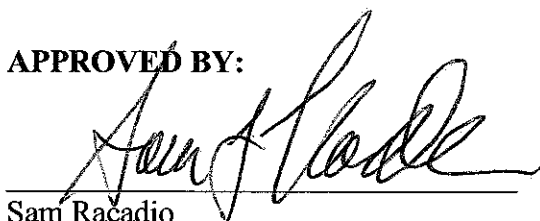
Presented are three months of Investment Reports. June is a first issue, while May and June are included to provide multiple months of statements for comparison.

FISCAL DATA: The latest reports from the State indicate that the average interest achieved by the Local Agency Investment Fund (LAIF) decreased to 1.035 % in July. The average rate for all investments in July was 1.352%.

RECOMMENDED BY:


Bonnie J. Johnson
Finance Director

APPROVED BY:


Sam Racadio
Interim City Manager

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

Amount

2,305

Bank Accounts

Interest

Rate

Amount

Wells Fargo Bank

0.000%

147,572

Wells Fargo Bank-Investment Account

0.100%

1,100,769

Bank of America-Airport

0.300%

15,853

Bank of America-Parking Citations

0.300%

5,035

Bank of America-CNG Station

0.300%

4,646

Money Market and Bank Account Sub-Total

1,273,874

Government Pools

Local Agency Investment Fund: Account #1

1.035%

31,126,213

Account #2 Operating Amount

10,600,394

Account #2 CRA Bond Cash Bal

3,671,812

Local Agency Investment Fund: Account #2

1.035%

14,272,206

Government Pool Sub-Total

45,398,419

Operating Cash Balance**46,674,598**Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund

0.150%

1,070,146

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2

1.996%

24,836,173

Operating Funds Total**72,580,917****Fiscal Agent**

Amount

BNY Western Trust Company

538,762

US Bank

68,295,999

Fiscal Agent Total**68,834,761****Deferred Compensation**

City Employee Trust Accounts

4,161,637

Deferred Compensation Total**4,161,637**

City of Banning Investment Report

July 31, 2009

Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Cost	Discount or (Premium) Amortization	Market Value
<u>Bank Accounts</u>								
147,572	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	147,572	n/a	147,572
1,100,769	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	1,100,769	n/a	1,100,769
15,853	Bank of America-Airport	n/a	0.30%	daily	varies	15,853	n/a	15,853
5,035	Bank of America-Parking Citations	n/a	0.30%	daily	varies	5,035	n/a	5,035
4,646	Bank of America-Parking Citations	n/a	0.30%	daily	varies	4,646	n/a	4,646
Sub-total								1,273,874
<u>Government Pools</u>								
31,126,213	L.A.I.F. account #1	n/a	1.035%	daily	varies	31,126,213	n/a	31,126,213
14,272,206	L.A.I.F. account #2	n/a	1.035%	daily	varies	14,272,206	n/a	14,272,206
								45,398,419
<u>Investments-US Bank/Piper Jaffray</u>								
3,000,000	Federal Farm Credit Banks	n/a	2.000%	12/30/2010	12/30/2008	3,000,000	0	3,015,750
6,000,000	Federal Farm Credit Banks	n/a	2.120%	9/23/2011	3/24/2008	6,000,000	0	6,029,340
3,000,000	Fedl Natl Mtg Assn	n/a	2.040%	12/30/2011	12/23/2008	3,000,000	0	3,000,000
11,170,000	Federal Farm Credit Banks	n/a	2.000%	1/30/2012	6/12/2009	11,170,000	0	11,157,378
1,500,000	Federal Farm Credit Banks	n/a	1.550%	7/7/2011	7/7/2009	1,500,000	0	1,502,880
130,825	Money Market	n/a	0.000%	daily	varies	130,825	0	130,825
US Bank/Piper Jaffray Average Rate=								24,836,173

Average Rate All= 1.352%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on July 14, 2009. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 265 days and does not include Bond Reserve Fund Investments.

City of Banning Investment Report

July 31, 2009

Individual Investments with Fiscal Agent

Bond Issue Description	Bond Maturity Date	Investment Description	Current Yield	Bond Reserve Bond Maturity Date	Minimum Reserve Requirement	Interest Jul-09	7/31/2009 Market Value
TRUSTEE							
BNY WESTERN TRUST COMPANY							
1997 Admin Building COPs Refunding	2020	Republic Bank Investment Agreement Federated U.S. Treasury Money Mkt	6.270% 0.000%	11/1/2020 daily	522,375	*	522,562 16,200
US BANK							
1991 Wilson St. Assessment District	2012	AIM U.S. Treasury Money Market	0.470%	daily	265,580	0.00	265,731
		First Amer Treas Oblig Fd CL D	0.000%	daily			0
2005 Fair Oaks Ranch Estates	2035	First Amer Treas Oblig Fd CL D	0.330%	daily	190,323	53.47	216,904
2003 CRA Tax Allocation Bonds	2028	Forward Delivery Agreement - B of A	4.560%	daily	971,763	22,432.69	998,394
		First Amer Treas Oblig Fd CL D	0.300%	daily		*	680,630
		First Amer Treas Oblig Fd CL D	0.025%	daily			8
Surplus Fund							
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007							
Redevelop Fund	2037	First Amer Treas Oblig Fd CL D	0.300%	daily		145.28	11,832
	11/27/2009	Reliance Trust Company GIC # 9AMGGBE37	2.950%				3,336,669
	5/21/2009	Reliance Trust Company GIC # 9AMGGBEU8	0.750%				3,500,000
	11/19/2009	Reliance Trust Company GIC # 9AMGGBEV6	2.950%				8,000,000
Reserve Fund		First Amer Treas Oblig Fd CL D	0.300%	daily	1,880,751	462.49	1,876,127
Special Fund		First Amer Treas Oblig Fd CL D	0.300%	daily			866,031
Surplus Fund		First Amer Treas Oblig Fd CL D	0.320%	daily			9
BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES							
Bond Fund		First Amer Treas Oblig Fd CL D	0.300%	daily		0.54	2,206
Principal Account		First Amer Treas Oblig Fd CL D	0.300%	daily		112.78	457,501
		First Amer Treas Oblig Fd CL D	0.300%	daily		908.82	3,682,173
BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES							
Bond Fund		First Amer Treas Oblig Fd CL D	0.420%	daily			2
Principal Account		First Amer Treas Oblig Fd CL D	0.300%	daily		0.07	285
Reserve Fund		First Amer Treas Oblig Fd CL D	0.300%	daily		569.89	2,311,782
Project Fund		First Amer Treas Oblig Fd CL D	0.300%	daily		4,601.54	16,980,239
	5/7/2009	Federal Home Loan Banks	2.780%	daily			1,181,475

City of Banning Investment Report

July 31, 2009

Bond Issue Description	Bond Maturity Date	Investment Description	Current Yield	Bond Reserve		Minimum Reserve Requirement	Interest Jul-09	7/31/2009 Market Value
				Bond	Maturity Date			
BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES								
Acquisition & Construction	11/17/2011	Reliance Trust Company GIC # 9AMGGBEZ7	3.650%					3,016,509
		First Amer Treas Oblig Fd CL D	0.300%		daily			1,625,033
	11/27/2009	Reliance Tr Co Contract # 9AMGGBF29	2.950%					8,036,457
	5/21/2009	Reliance Trust Company GIC #9AMGGBEX2	0.750%					3,250,000
	11/19/2009	Reliance Trust Company GIC #9AMGGBEY0	2.950%					8,000,000
Total							29,287.57	68,834,761
*Paid Semi-Annually-Deposited into Money Mkt Account								

Deferred Compensation

	Balance		
	<u>7/1/2009</u>		<u>7/31/2009</u>
ICMA Retirement Corporation	1,032,256	Various Employee Selected Mutual Funds	863,008
CALPERS 457 Program	2,322,303	Various Employee Selected Mutual Funds	2,485,009
NATION WIDE-PEBS CO	793,405	Various Employee Selected Mutual Funds	813,619
	<u>4,147,963</u>		<u>4,161,637</u>

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

Amount

2,305

Bank Accounts

Interest

Rate

Amount

Wells Fargo Bank

0.000%

125,875

Wells Fargo Bank-Investment Account

0.100%

1,133,375

Bank of America-Airport

0.300%

8,518

Bank of America-Parking Citations

0.300%

4,689

Bank of America-CNG Station

0.300%

4,298

Money Market and Bank Account Sub-Total

1,276,754

Government Pools

Local Agency Investment Fund: Account #1

1.377%

31,009,664

Account #2 Operating Amount

16,521,544

Account #2 CRA Bond Cash Bal

4,080,830

Local Agency Investment Fund: Account #2

1.377%

20,602,374

Government Pool Sub-Total

51,612,038

Operating Cash Balance**52,891,097**Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund

0.240%

1,270,689

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2

1.902%

24,815,256

Operating Funds Total**78,977,042****Fiscal Agent**

Amount

BNY Western Trust Company

538,762

US Bank

66,725,985

*Fiscal Agent Total***67,264,747****Deferred Compensation**

City Employee Trust Accounts

4,147,963

*Deferred Compensation Total***4,147,963**

City of Banning Investment Report

June 30, 2009

Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Cost	Discount or (Premium) Amortization	Market Value
<u>Bank Accounts</u>								
125,875	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	125,875	n/a	125,875
1,133,375	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	1,133,375	n/a	1,133,375
8,518	Bank of America-Airport	n/a	0.30%	daily	varies	8,518	n/a	8,518
4,689	Bank of America-Parking Citations	n/a	0.30%	daily	varies	4,689	n/a	4,689
4,298	Bank of America-Parking Citations	n/a	0.30%	daily	varies	4,298	n/a	4,298
Sub-total								
								1,276,754
<u>Government Pools</u>								
31,009,664	L.A.I.F. account #1	n/a	1.377%	daily	varies	31,009,664	n/a	31,009,664
20,602,374	L.A.I.F. account #2	n/a	1.377%	daily	varies	20,602,374	n/a	20,602,374
Investments-US Bank/Piper Jaffray								
3,000,000	Federal Farm Credit Banks	n/a	2.000%	12/30/2010	12/30/2008	3,000,000	0	3,017,760
6,000,000	Federal Farm Credit Banks	n/a	2.120%	9/23/2011	3/24/2008	6,000,000	0	6,028,980
3,000,000	Fedl Natl Mtg Assn	n/a	2.040%	12/30/2011	12/23/2008	3,000,000	0	2,997,180
11,170,000	Federal Farm Credit Banks	n/a	2.000%	1/30/2012	6/12/2009	11,170,000	0	11,140,511
1,630,825	Money Market	n/a	0.000%	daily	varies	1,630,825	0	1,630,825
US Bank/Piper Jaffray Average Rate=								
			1.902%					24,815,256
Average Rate All= 1.524%								

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on July 8, 2008. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 253 days and does not include Bond Reserve Fund Investments.

City of Banning Investment Report

June 30, 2009

Individual Investments with Fiscal Agent

TRUSTEE		Bond Maturity Date	Investment Description	Current Yield	Bond Reserve	Bond Maturity Date	Minimum Reserve Requirement	Interest Jun-09	6/30/2009 Market Value
Bond Issue Description									
BNY WESTERN TRUST COMPANY									
1997 Admin Building COPs Refunding		2020	Republic Bank Investment Agreement Federated U.S. Treasury Money Mkt	6.270% 0.000%	11/1/2020 daily		522,375	*	522,562 16,200
US BANK									
1991 Wilson St. Assessment District		2012	AIM U.S. Treasury Money Market First Amer Treas Oblig Fd CL D	0.081% 0.000%	daily daily		265,580	20.87	265,731 0
2005 Fair Oaks Ranch Estates		2035	First Amer Treas Oblig Fd CL D	0.022%	daily		190,323	30.29	216,850
2003 CRA Tax Allocation Bonds		2028	Forward Delivery Agreement - B of A First Amer Treas Oblig Fd CL D First Amer Treas Oblig Fd CL D	4.560% 0.022% 0.025%	daily daily daily		971,763	*	973,482 5,839 8
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007									
Redevelop Fund		2037	First Amer Treas Oblig Fd CL D	0.022%	daily			72.35	11,687
		11/27/2009	Reliance Trust Company GIC # 9AMGGBF37	2.950%					3,336,669
		5/21/2009	Reliance Trust Company GIC # 9AMGGBEU8	0.750%					3,500,000
		11/19/2009	Reliance Trust Company GIC # 9AMGGBEV6	2.950%					8,000,000
Reserve Fund			First Amer Treas Oblig Fd CL D	0.022%	daily		1,880,751	262.05	1,875,665
Surplus Fund			First Amer Treas Oblig Fd CL D	0.021%	daily				9
BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES									
Bond Fund			First Amer Treas Oblig Fd CL D	0.022%	daily			0.31	2,206
Principal Account			First Amer Treas Oblig Fd CL D	0.022%	daily			63.90	457,388
			First Amer Treas Oblig Fd CL D	0.022%	daily			515.18	3,681,264
BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES									
Bond Fund			First Amer Treas Oblig Fd CL D	0.042%	daily				2
Principal Account			First Amer Treas Oblig Fd CL D	0.022%	daily			0.04	285
Reserve Fund			First Amer Treas Oblig Fd CL D	0.022%	daily			322.90	2,311,202
Project Fund			First Amer Treas Oblig Fd CL D	0.022%	daily			2,666.18	16,975,638
		5/7/2009	Federal Home Loan Banks	2.770%	daily				1,184,059

City of Banning Investment Report

June 30, 2009

TRUSTEE	Bond Issue Description	Bond Maturity Date	Investment Description	Current Yield	Bond Reserve		Interest Jun-09	6/30/2009 Market Value
					Bond Maturity Date	Reserve Requirement		
BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES								
Reserve Fund			First Amer Treas Oblig Fd CL D	0.000%	daily			0
			First Amer Treas Oblig Fd CL D	0.000%	daily			0
Acquisition & Construction	11/17/2011		Reliance Trust Company GIC # 9AMGGBEZ7	3.650%				3,016,509
			First Amer Treas Oblig Fd CL D	0.000%	daily		0.01	1,625,033
	11/27/2009		Reliance Tr Co Contract # 9AMGGBF29	2.950%				8,036,457
	5/21/2009		Reliance Trust Company GIC #9AMGGBEX2	0.750%				3,250,000
	11/19/2009		Reliance Trust Company GIC #9AMGGBEY0	2.950%				8,000,000
Total							3,954.90	67,264,747
*Paid Semi-Annually-Deposited into Money Mkt Account								

Deferred Compensation

Balance	04/01/09 to 6/30/2009 Quarterly Activity				6/30/2009
	4/1/2009	Contributions	Withdrawals	Gain/Loss	
ICMA Retirement Corporation	896,609	varies			1,032,256
CALPERS 457 Program	2,149,428	varies			2,322,303
NATION WIDE-PEBSO	766,763	varies			793,405
	<u>3,812,800</u>				<u>4,147,963</u>

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

Amount

2,305

Bank Accounts

Interest

Rate

Amount

Wells Fargo Bank

0.000%

80,405

Wells Fargo Bank-Investment Account

0.100%

842,322

Bank of America-Airport

0.300%

5,031

Bank of America-Parking Citations

0.300%

3,258

Bank of America-CNG Station

0.300%

3,232

Money Market and Bank Account Sub-Total

934,249

Government Pools

Local Agency Investment Fund: Account #1

1.530%

31,009,664

Account #2 Operating Amount

16,422,073

Account #2 CRA Bond Cash Bal

4,180,301

Local Agency Investment Fund: Account #2

1.530%

20,602,374

Government Pool Sub-Total

51,612,038

Operating Cash Balance

52,548,592

Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund

0.240%

1,254,221

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2

2.298%

24,691,773

Operating Funds Total

78,494,586

Fiscal Agent

Amount

BNY Western Trust Company

538,762

US Bank

71,408,287

Fiscal Agent Total

71,947,050

Deferred Compensation

City Employee Trust Accounts

4,130,512

Deferred Compensation Total

4,130,512

City of Banning Investment Report

May 31, 2009

Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Cost	Discount or (Premium) Amortization	Market Value
<u>Bank Accounts</u>								
80,405	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	80,405	n/a	80,405
842,322	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	842,322	n/a	842,322
5,031	Bank of America-Airport	n/a	0.30%	daily	varies	5,031	n/a	5,031
3,258	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,258	n/a	3,258
3,232	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,232	n/a	3,232
Sub-total								934,249
<u>Government Pools</u>								
31,009,664	L.A.I.F. account #1	n/a	1.530%	daily	varies	31,009,664	n/a	31,009,664
20,602,374	L.A.I.F. account #2	n/a	1.530%	daily	varies	20,602,374	n/a	20,602,374
								51,612,038
<u>Investments-US Bank/Piper Jaffray</u>								
6,000,000	Fedl Natl Mig Assn	n/a	3.750%	6/10/2011	9/11/2008	6,000,000	0	6,003,780
2,000,000	Fedl Home Loan Bank	n/a	3.280%	12/9/2010	6/9/2008	2,000,000	0	2,001,260
1,500,000	Fedl Natl Mig Assn	n/a	1.790%	6/24/2010	12/24/2008	1,500,000	0	1,500,465
3,000,000	Fedl Natl Mig Assn	n/a	2.000%	12/30/2010	12/30/2008	3,000,000	0	3,020,100
6,000,000	Federal Farm Credit Banks	n/a	2.120%	9/23/2011	3/24/2008	6,000,000	0	6,038,700
3,000,000	Federal Farm Credit Banks	n/a	2.040%	12/30/2011	12/23/2008	3,000,000	0	3,004,680
3,122,788	Money Market	n/a	0.000%	daily	varies	3,122,788	0	3,122,788
US Bank/Piper Jaffray Average Rate=								24,691,773
2.298%								

Average Rate All= 1.758%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on July 8, 2008. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 207 days and does not include Bond Reserve Fund Investments.

City of Banning Investment Report

May 31, 2009

Individual Investments with Fiscal Agent

Bond Issue Description	Bond Maturity Date	Investment Description	Current Yield	Bond Reserve Bond Maturity Date	Minimum Reserve Requirement	Interest May-09	5/31/2009 Market Value
TRUSTEE							
BNY WESTERN TRUST COMPANY							
1997 Admin Building COPs Refunding	2020	Republic Bank Investment Agreement Federated U.S. Treasury Money Mkt	6.270% 0.000%	11/1/2020 daily	522,375	*	522,562 16,200
US BANK							
1991 Wilson St. Assessment District	2012	AIM U.S. Treasury Money Market	0.150%	daily	265,580		265,710
		First Amer Treas Oblig Fd CL D	0.150%	daily			0
2005 Fair Oaks Ranch Estates	2035	First Amer Treas Oblig Fd CL D	0.030%	daily	190,323	3.07	216,820
2003 CRA Tax Allocation Bonds	2028	Forward Delivery Agreement - B of A	4.560%	daily	971,763	*	977,081
		First Amer Treas Oblig Fd CL D	0.030%	daily		0.08	5,839
Surplus Fund		First Amer Treas Oblig Fd CL D	0.025%	daily			8
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007							
Redevelop Fund	2037	First Amer Treas Oblig Fd CL D	0.030%	daily		13.30	733,521
	11/27/2009	Reliance Trust Company GIC # 9AMGGBF37	2.950%				3,336,669
	5/21/2009	Reliance Trust Company GIC # 9AMGGBEU8	0.750%				3,500,000
	11/19/2009	Reliance Trust Company GIC # 9AMGGBEV6	2.950%				8,000,000
Reserve Fund		First Amer Treas Oblig Fd CL D	0.030%	daily	1,880,751	26.52	1,875,403
Surplus Fund		First Amer Treas Oblig Fd CL D	0.032%	daily			9
BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES							
Bond Fund		First Amer Treas Oblig Fd CL D	0.030%	daily		0.35	2,206
Principal Account		First Amer Treas Oblig Fd CL D	0.030%	daily			457,324
		First Amer Treas Oblig Fd CL D	0.030%	daily		52.33	3,686,906
BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES							
Bond Fund		First Amer Treas Oblig Fd CL D	0.042%	daily		1.71	2
Principal Account		First Amer Treas Oblig Fd CL D	0.030%	daily			285
Reserve Fund		First Amer Treas Oblig Fd CL D	0.030%	daily		32.71	2,310,890
Project Fund		First Amer Treas Oblig Fd CL D	0.030%	daily			19,080,776
	5/7/2009	Federal Home Loan Banks	2.760%	daily		278.35	1,186,266

City of Banning Investment Report

May 31, 2009

TRUSTEE		Bond Maturity Date	Investment Description	Current Yield	Bond Reserve	Minimum Reserve Requirement	Interest May-09	5/31/2009 Market Value
Bond Issue Description					Maturity Date			
BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES								
Reserve Fund			First Amer Treas Oblig Fd CL D	0.000%	daily			1,840,192
			First Amer Treas Oblig Fd CL D	0.000%	daily			1,601
Acquisition & Construction	11/17/2011		Reliance Trust Company GIC # 9AMGGBEZ7	3.650%				3,016,509
			First Amer Treas Oblig Fd CL D	0.000%	daily		1.10	1,627,814
	11/27/2009		Reliance Tr Co Contract # 9AMGGBF29	2.950%				8,036,457
	5/21/2009		Reliance Trust Company GIC #9AMGGBEX2	0.750%				3,250,000
	11/19/2009		Reliance Trust Company GIC #9AMGGBEY0	2.950%				8,000,000
Total							409.52	71,947,050
*Paid Semi-Annually-Deposited into Money Mkt Account								

Deferred Compensation

Balance			
5/1/2009			5/31/2009
ICMA Retirement Corporation	954,462	Various Employee Selected Mutual Funds	1,023,692
CALPERS 457 Program	2,224,738	Various Employee Selected Mutual Funds	2,314,026
NATION WIDE-PEBS CO	786,085	Various Employee Selected Mutual Funds	792,794
	3,965,285		4,130,512

**CITY COUNCIL MEETING
CONSENT ITEM**

DATE: September 8, 2009

TO: Honorable Mayor and City Council

FROM: Kahono Oei, City Engineer

SUBJECT: Accept the Right-of-Way dedication from Habitat for Humanity Street Improvements at Assessor's Parcel Number 541-094-019

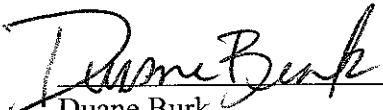
RECOMMENDATION: Accept the Right-of-Way dedication from Habitat for Humanity for Street Improvements at Assessor's Parcel Number 541-094-019, as described in Exhibit "A" and Exhibit "B", and direct the City Clerk to accept and record said dedication.

JUSTIFICATION: It is essential to obtain the right-of-way in order to construct the street improvements at their ultimate location.

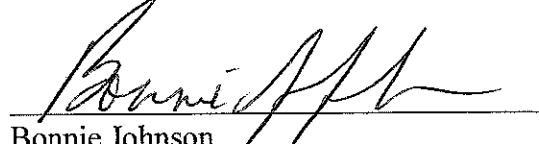
BACKGROUND: The property owner has submitted an application to build a new single family dwelling at Assessor's Parcel Number 541-094-019, also known as 443 N. Hathaway Street. As part of the Conditions of Approval, the owner is required to dedicate the necessary right-of-way fronting his property in order to be able to build the street improvements at the proper location, per the City's general plan

FISCAL DATA: Not applicable.

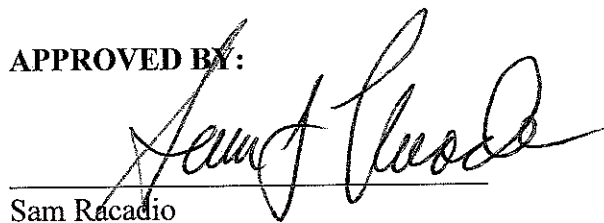
RECOMMENDED BY:


Duane Burk
Director of Public Works

REVIEWED BY:


Bonnie Johnson
Finance Director

APPROVED BY:


Sam Racadio
Interim City Manager

EXEMPT RECORDING
REQUESTED BY
City of Banning
PER GOV'T CODE 6103
AND WHEN RECORDED
MAIL TO:

City of Banning – City
Clerk
P.O. Box 998
Banning, CA 92220

MAIL TAX STATEMENTS
TO:

City of Banning – City
Clerk
P.O. Box 998
Banning, CA 92220

OFFER OF DEDICATION – ROAD PURPOSES

The undersigned, being the present title owner(s) of record of the herein described parcel of land, do hereby make an irrevocable offer of dedication to the City of Banning, a political subdivision of the State of California, and its successors or assigns, for public road, street, highway and utility purposes, the real property situated in the City of Banning, County of Riverside, State of California, described in Exhibit "A" (legal description) and shown on Exhibit "B" (plat map) attached hereto and incorporated herein by this reference as though set forth in full.

It is understood and agreed that the City of Banning and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the City Council, or of the local governing bodies or its successors or assigns.

The provisions hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS THEREOF, these presents have executed this instrument this 9th day of July, 2009.

Habitat for Humanity of the San Geronio Pass Area, Inc. a California non-profit corporation

Wendell D. Bainter Equal D. Jensen
President Vice President

State of California
County of Riverside

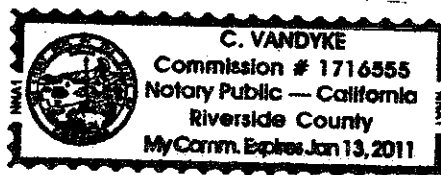
On 7-09-09 before me, C. Vandyke, notary public

personally appeared Wendell D. Bainter & Equal D. Jensen
who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons 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 C. Vandyke



ACCEPTANCE CERTIFICATE

The City of Banning hereby accepts the Offer of Dedication hereby attached and consents to the recordation of this document as set forth above by

_____, on behalf of the Grantee pursuant to the authority delegated to him by City Council Resolution No. _____, adopted on _____. Nothing herein is intended nor shall anything herein be construed as acceptance of the property until such dedication has been accepted by appropriate action of the City Council, as of the local governing bodies or its successors or assigns.

CITY OF BANNING

Bob Botts
Mayor

ATTEST:

Marie A. Calderon
City Clerk

APPROVED AS TO FORM:

City Attorney

**LEGAL DESCRIPTION FOR ADDITIONAL STREET DEDICATION
HATHAWAY STREET
IN THE CITY OF BANNING,
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

Exhibit "A"

THAT PORTION OF THE NORTH 82 FEET OF THE EASTERLY 132 FEET OF THE SOUTH HALF OF BLOCK 160, BANNING COLONY LANDS, AS SHOWN BY MAP ON FILE IN BOOK 5, PAGE 186 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH HALF OF SAID BLOCK 160;

THENCE SOUTH 00°11'30" EAST ALONG THE EAST LINE OF SAID BLOCK 160 A DISTANCE OF 82.00 FEET;

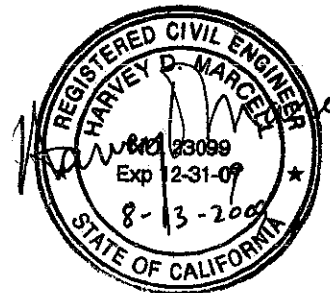
THENCE SOUTH 89°50'00" WEST A DISTANCE OF 25.00 FEET;

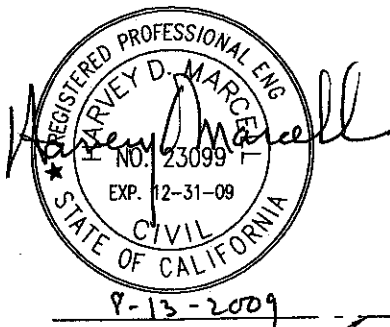
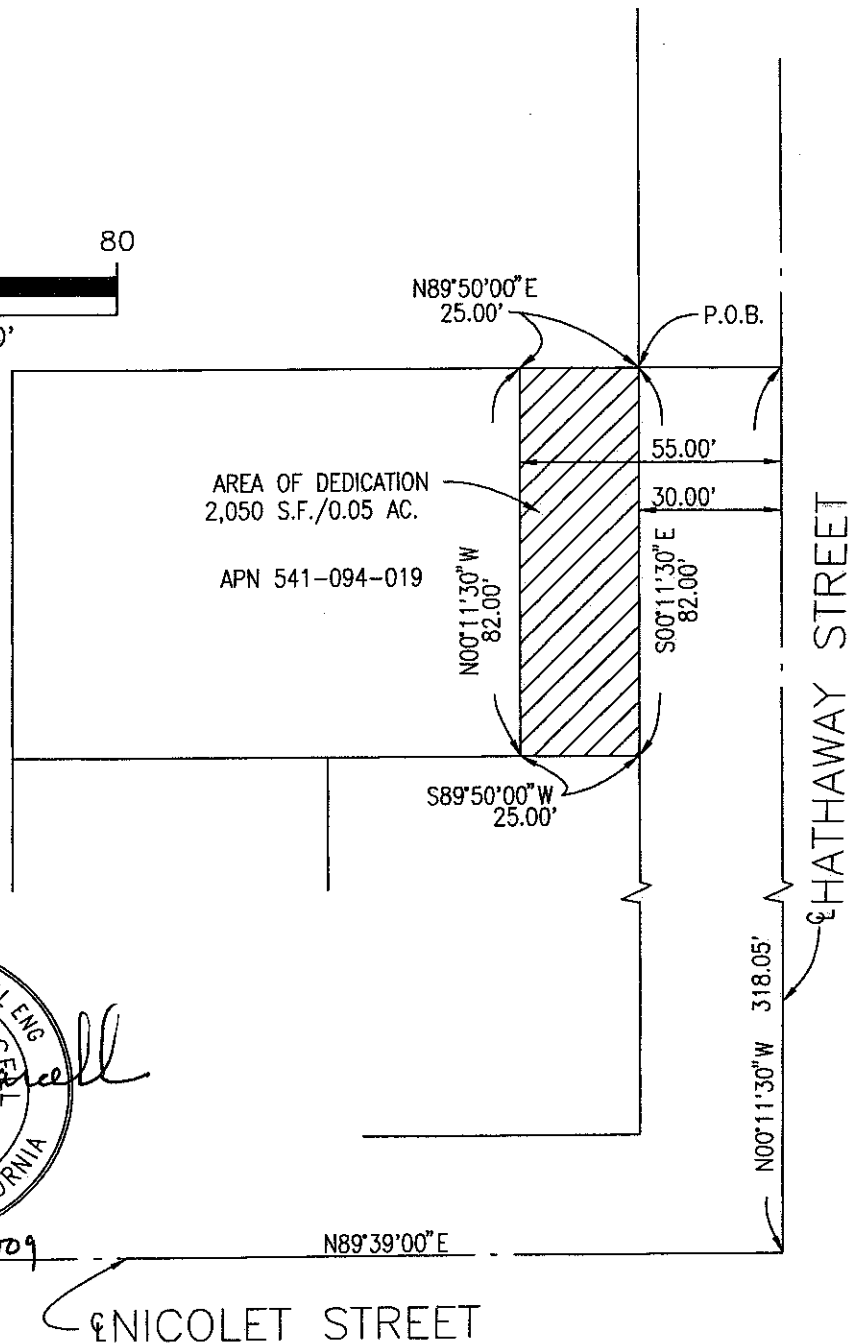
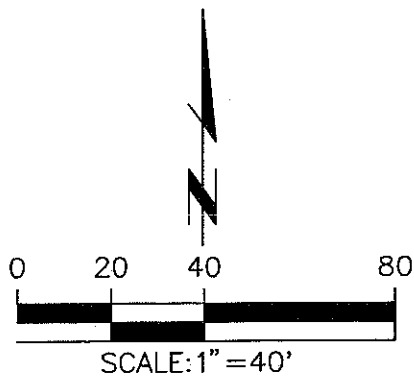
THENCE NORTH 00°11'30" WEST A DISTANCE OF 82.00 FEET;

THENCE NORTH 89°50'00" EAST A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

END OF DESCRIPTION

AREA OF DEDICATION= 2,050 S.F./ 0.05 AC.





BASIS OF BEARINGS IS CENTERLINE OF NICOLET ST PER RECORD MB 16/35
THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT.
IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

IN THE CITY OF BANNING

LEGAL DESCRIPTION PLAT
EXHIBIT "B"

MARCELL ASSOCIATES
P.O. Box 371
Banning, CA 92220
(951) 924-5425

HABITAT FOR HUMANITY OF THE
SAN GORGONIO PASS
P.O. BOX 269
BANNING, CA 92220

AUGUST 13, 2009

HH

JOB NO. 1465

SHT. 1
OF 1
18

**CITY COUNCIL MEETING
CONSENT ITEM**

DATE: September 8, 2009

TO: Honorable Mayor and City Council

FROM: Kahono Oei, City Engineer

SUBJECT: Accept the Right-of-Way dedication from Habitat for Humanity Street Improvements at Assessor's Parcel Number 541-094-022

RECOMMENDATION: Accept the Right-of-Way dedication from Habitat for Humanity for Street Improvements at Assessor's Parcel Number 541-094-022, as described in Exhibit "A" and Exhibit "B", and direct the City Clerk to accept and record said dedication.

JUSTIFICATION: It is essential to obtain the right-of-way in order to construct the street improvements at their ultimate location.

BACKGROUND: The property owner has submitted an application to build a new single family dwelling at Assessor's Parcel Number 541-094-022, also known as 1563 E. Nicolet Street. As part of the Conditions of Approval, the owner is required to dedicate the necessary right-of-way fronting his property in order to be able to build the street improvements at the proper location, per the City's general plan

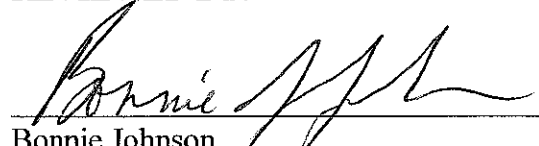
FISCAL DATA: Not applicable.

RECOMMENDED BY:



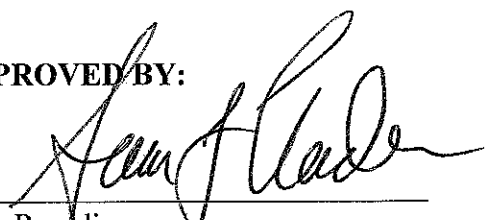
Duane Burk
Director of Public Works

REVIEWED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Sam Racadio
Interim City Manager

*EXEMPT RECORDING
REQUESTED BY
City of Banning
PER GOV'T CODE 6103
AND WHEN RECORDED
MAIL TO:

City of Banning – City
Clerk
P.O. Box 998
Banning, CA 92220

MAIL TAX STATEMENTS
TO:

City of Banning – City
Clerk
P.O. Box 998
Banning, CA 92220

OFFER OF DEDICATION – ROAD PURPOSES

The undersigned, being the present title owner(s) of record of the herein described parcel of land, do hereby make an irrevocable offer of dedication to the City of Banning, a political subdivision of the State of California, and its successors or assigns, for public road, street, highway and utility purposes, the real property situated in the City of Banning, County of Riverside, State of California, described in Exhibit "A" (legal description) and shown on Exhibit "B" (plat map) attached hereto and incorporated herein by this reference as though set forth in full.

It is understood and agreed that the City of Banning and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the City Council, or of the local governing bodies or its successors or assigns.

The provisions hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS THEREOF, these presents have executed this instrument this 9th day of July, 2009.

Habitat for Humanity of the San Geronio Pass Area, Inc. a California non-profit corporation

Wendell D. Bainter
President

Eual D. Jenson
Vice President

State of California
County of Riverside

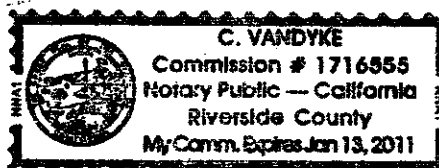
On 7-09-09 before me, C. Van Dyke, notary public

personally appeared Wendell D. Bainter & Eual D. Jenson
who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons 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 C. Van Dyke



ACCEPTANCE CERTIFICATE

The City of Banning hereby accepts the Offer of Dedication hereby attached and consents to the recordation of this document as set forth above by

_____, on behalf of the Grantee pursuant to the authority delegated to him by City Council Resolution No. _____, adopted on _____. Nothing herein is intended nor shall anything herein be construed as acceptance of the property until such dedication has been accepted by appropriate action of the City Council, as of the local governing bodies or its successors or assigns.

CITY OF BANNING

Bob Botts
Mayor

ATTEST:

Marie A. Calderon
City Clerk

APPROVED AS TO FORM:

City Attorney

**LEGAL DESCRIPTION FOR ADDITIONAL STREET DEDICATION
NICOLET STREET
IN THE CITY OF BANNING,
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

Exhibit "A"

THAT PORTION THE WESTERLY 66 FEET OF THE EASTERLY 132 FEET OF THE SOUTH HALF OF BLOCK 160, BANNING, BANNING COLONY LANDS, AS SHOWN BY MAP ON FILE IN BOOK 5, PAGE 186 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 160, SAID POINT BEING THE CENTERLINE OF NICOLET STREET AND 30 FEET WESTERLY OF THE CENTERLINE OF HATHAWAY STREET

THENCE SOUTH 89°39'00" WEST ALONG THE SOUTH LINE OF SAID BLOCK A DISTANCE OF 66.00 FEET;

THENCE NORTH 00°11'30" WEST PARALLEL WITH EAST LINE OF SAID BLOCK 160 A DISTANCE OF 25.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89°39'00" WEST A DISTANCE OF 66.00 FEET;

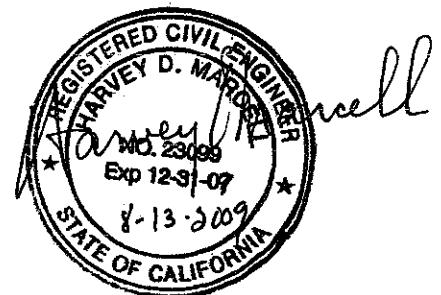
THENCE NORTH 00°11'30" WEST A DISTANCE OF 8.00 FEET;

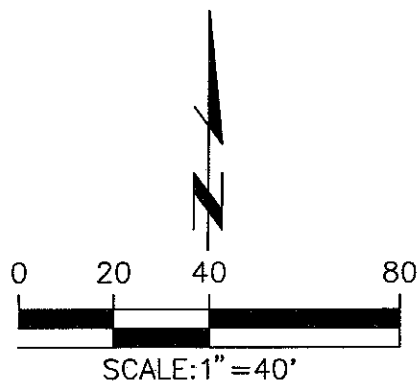
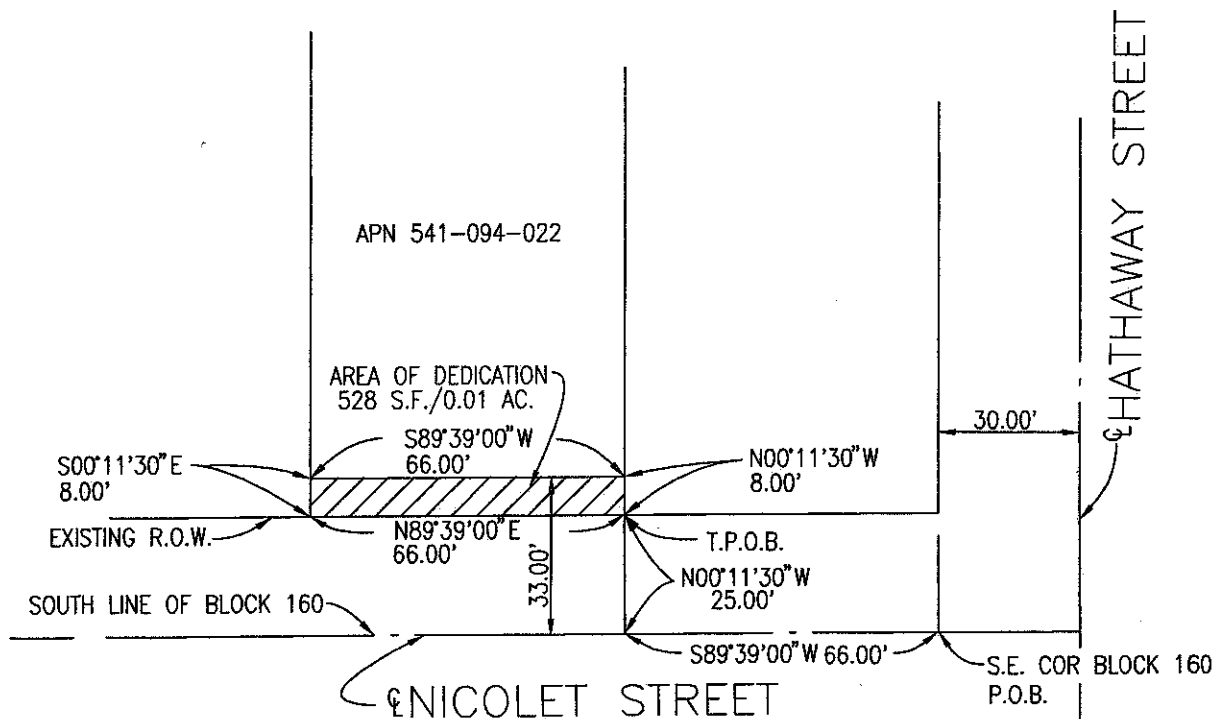
THENCE NORTH 89°39'00" EAST A DISTANCE OF 66.00 FEET;

THENCE SOUTH 00°11'30" EAST A DISTANCE OF 8.00 FEET TO THE TRUE POINT OF BEGINNING.

END OF DESCRIPTION

AREA OF DEDICATION= 528 S.F./ 0.01 AC.





8-13-2009

BASIS OF BEARINGS IS CENTERLINE OF NICOLET ST PER RECORD MB 16/35
THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT.
IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

IN THE CITY OF BANNING

LEGAL DESCRIPTION PLAT
EXHIBIT "B"

MARCELL ASSOCIATES
P.O. Box 371
Banning, CA 92220
(951) 924-5425

HABITAT FOR HUMANITY OF THE
SAN GORGONIO PASS
P.O. BOX 269
BANNING, CA 92220

AUGUST 13, 2009

HH

JOB NO. 1465

SHT. 1
OF 1
23

**CITY COUNCIL AGENDA
CONSENT ITEM**

Date: September 8, 2009

TO: City Council

FROM: Phil Holder, Lieutenant

SUBJECT: Sole Source purchase from Applied Research Associates, Inc. for the Pointman Ground Vehicle Reconnaissance Robot

RECOMMENDATION: "Review and approve the Police Department's request to waive the formal bidding process and award a contract to Applied Research Associates, Inc. to purchase the Pointman Ground Vehicle Reconnaissance Robot in the amount of \$31,528.16."

JUSTIFICATION: Purchase of the Pointman Ground Vehicle Reconnaissance Robot will afford officers of the Banning Police Department the ability to deploy a state-of-the-art robotic reconnaissance camera system that will provide visual dominance, involving IEDs and other hazardous situations, while maintaining safety through distance. The robotic camera system will afford a safe look into inaccessible or simply "unknown" areas where it might be otherwise fatal to enter prior to visual assessment. Searches involving vehicles, financial institutions, power facilities, and other critical infrastructure would be conducted far more efficiently and thoroughly.

BACKGROUND: On September 9, 2008, the Banning City Council approved Resolution 2008-102 accepting the FY08 State Homeland Security Grant in the amount of \$65,729 for the purchase of a state-of-the-art camera inspection and viewing kit. The Pointman Ground Vehicle Reconnaissance Robot represents one third of that kit.


Since September 2008, officers of the Banning Police Department have met with and interviewed multiple robotic camera vendors. Additionally, officers have tested and evaluated different robotic camera systems. After an evaluation period of approximately one year, the robotic camera system found to be most beneficial for use by members of the Banning Police Department is the Pointman Ground Vehicle Reconnaissance Robot. This particular robot can only be provided by Applied Research Associates, Inc. based on the information provided in the letter dated August 25, 2009 on the attached Addendum.

Section 18 A-13 (b) of the City's Purchasing Ordinance states in part, Competitive bidding procedures and requirements may be dispensed when the commodity is a Sole Source. Section 18 A-13 (f) of the Purchasing Ordinance further states, Competitive bidding procedures and requirements may be dispensed when the City Council determines, in accordance with applicable law, that a competitive market does not exist and that no competitive advantage will be gained by the public bidding process.

STRATEGIC PLAN INTEGRATION: Council approval of this recommendation will help facilitate the Police Department's goals of better serving the community with updated technology and equipment.

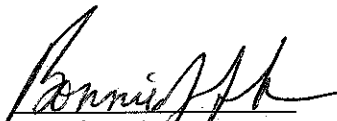
FISCAL DATA: Funding for the purchase of the Pointman Ground Vehicle Reconnaissance Robot will be provided through the FY08 State Homeland Security Grant, already accepted by the Banning City Council under resolution 2008-102. Subsequently, no general funds are required for this purchase. The Finance Department is authorized to make necessary budget adjustments related to these funds.

RECOMMENDED BY:



Leonard Purvis
Chief of Police

REVIEWED BY:



Bonnie Johnson
Finance Director

APPROVED BY:



Sam Racadio
Interim City Manager



August 25, 2009

Officer Joe Feola
Banning Police Department
P.O. Box 1177
Banning, CA 92220

Dear Officer Feola:

Thank you for your interest in our Pointman reconnaissance robot. In answer to the question you asked last week, the Pointman does have a number of unique features.

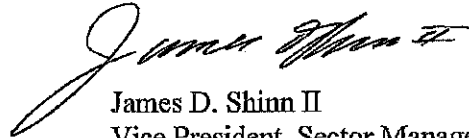
- The primary difference between Pointman and all other small robots, is its **patented** polymorphic locomotion; that is, the ability to traverse quickly across relatively flat surfaces (roads, floors, lawns, etc.) in a **wheeled mode** and the ability to use its **end-over-end clamshell motion** to negotiate a host of challenging terrains (rocks, rubble, clothing, curbs, household items, etc.) very effectively.
- The Pointman **does not have a top or bottom side**, and therefore **cannot get stuck on its back** like other small robots. Other users have dropped Pointman through a window and used the end-over-end motion to get the robot upright onto either side of the clamshells. This ability to move through a series of flipping motions also ensures that Pointman **will not get stuck ascending or descending stairs**. In fact during recent small robot testing at the National Institute of Standards & Technology's Intelligent Systems Division, the Pointman outperformed all seven of the other small robots tested in a variety of mobility tests.
- Unlike other robot platforms, the Pointman does not have any external antennas or arms that may become damaged from rough terrain or as a result of a fall. Pointman's **simple, robust design** means that the robot can be pulled out of the box and sent off **on its mission in less than a minute**.
- The Pointman camera boom, located between the two clamshells, lies flat reducing the overall height of the robot to less than 7" providing **under vehicle inspection capability** for passenger and commercial vehicles, as well as access to **confined spaces such as under beds and inside culverts**.

Officer Joe Feola
August 25, 2009
Page Two

In short, the Pointman is distinguished by its unmatched mobility, compact size, ease of use, and robust package. Please also note that Applied Research Associates, Inc. is the sole manufacturer of the Pointman robotic system. We do not have any authorized dealers or distributors in the United States.

Please do not hesitate to call or write if you have any questions or need additional information.

Sincerely,



James D. Shinn II
Vice President, Sector Manager
Automation & Geosciences Sector

**CITY COUNCIL AGENDA
CONSENT ITEM**

DATE: September 8, 2009

TO: Honorable Mayor and City Council

FROM: Sam Racadio, Interim City Manager

SUBJECT: Formation of Census Complete Count Ad Hoc Committee

RECOMMENDATION:

That the City Council form a Census Complete Count Ad Hoc Committee comprised of seven (7) members representing the following agencies/organizations: government, education, faith-based, media (2 members), community-based, business and direct staff to advertise for interested residents to apply for positions.

JUSTIFICATION:

The 2010 Census will be released in April 2010. The data that is gathered from the Census information is critical to the City because the Federal government uses the Census data to redistribute the federal funds back to cities for various social services and housing programs, including infrastructure such as major roadways and freeways. Additionally, the Census data is also used for re-districting purposes to determine our local legislators to the State and Congressional representative in Washington, DC.

BACKGROUND:

On March 10, 2009, the local representative of the Census Bureau addressed the City Council requesting the Council's support to get everyone involved in the 2010 Census. On April 28, 2009, the City Council adopted a Census 2010 Complete Count proclamation and Complete Count Guidelines. On May 12, 2009, the City Council presented a proclamation to Ms. Almanza with regard to Census 2010. As part of the proclamation, the City Council agreed to create a Complete Count Committee.

DISCUSSION/ANALYSIS:

The purpose of the Committee is to provide an outreach effort and to get the word out to everyone in the community as to how important it is that everyone participates and completes the Census Questionnaire that would come out in April 2010. Everyone needs to be counted to ensure that the City receives the federal funding commensurate with the total population. The Census information that is collected will be raw data/statistics and no personal information will be disclosed.

The Census Bureau recommended that the Complete Count Committee include seven (7) subcommittees representing each of the agencies that were described in the recommendation section, plus one member representing recruiting. However due to minimal staffing and the time that is left to work on the marketing/publicity/outreach campaign prior to the release of the

Census in April 2010, staff recommends that an Ad Hoc Committee is formed as opposed to seven (7) for ease of administration.

The following is the proposed timeline for this effort:

- September 8, 2009
City Council forms the 2010 Census Complete Count Ad Hoc Committee
- October 13, 2009
City Council appoints Committee members
- Week of October 26, 2009
Initial meeting of the Committee to establish project tasks, approach and refine schedule.
- November 2009
Committee follow-up meetings to develop and refine outreach programs.
- December 2009
Committee Presentation of Census outreach programs to the City Council.
- January through end of March 2010
Committee meetings, outreach efforts and update on the overall efforts by the Committee
- April 2010
Ad Hoc Committee dissolved

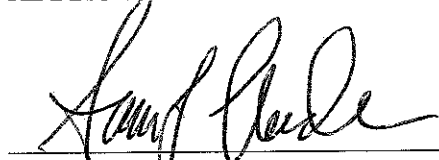
FISCAL DATA:

There are nominal costs associated with providing staff support and oversight to the Committee, producing agenda packets/review materials and hosting meetings, etc. The costs associated with the printing of marketing materials and promotional items are expected to be reimbursed by the Census Bureau with the exception of sales tax. The Census encourages the City to use local vendors for purchase of promotional materials for the outreach efforts to keep the sales tax in the community.

CONCLUSION:

It is respectfully recommended that the City Council provide direction to Staff to address the 2010 Census Complete Count Ad Hoc Committee.

APPROVED BY:



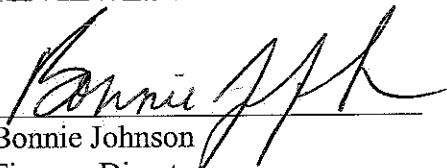
Sam Racadio
Interim City Manager

PREPARED AND RECOMMENDED BY:



Zai Abu Bakar
Community Development Director

REVIEWED BY:



Bonnie Johnson
Finance Director

**COMMUNITY REDEVELOPMENT AGENCY / CITY COUNCIL AGENDA
JOINT PUBLIC HEARING**

DATE: September 8, 2009

TO: Community Redevelopment Agency Board

FROM: Duane Burk, Director of Public Works

SUBJECT: CRA Resolution No. 2009-20, "Approving the Sale of Real Property (APN 541-146-003) to the State of California for the Development of the Mid-County Justice Center

RECOMMENDATION: Staff respectfully requests that the Community Redevelopment Agency adopt CRA Resolution 2009-20 approving the Sale of Real Property (APN 541-146-003) to the State of California for an amount of \$1,009,380.00 and recognize the Public Summary Report findings required by Health and Safety Code Section 33433.

JUSTIFICATION: It is necessary for the City to sell the real property (APN 541-146-003) to the State of California in order for the State to build the Mid-County Justice Center in the downtown area. Since the City utilized tax increment money to acquire this property, it was necessary to issue a Public Summary Report detailing the sale pursuant to California Health and Safety Code Section 33433.

BACKGROUND: In April of 2008, the Community Redevelopment Agency purchased three parcels (APN 541-146-003, 541-150-023 and 541-150-024) that totaled 7.68 acres of vacant land located at the northeast corner of Ramsey Street and Martin Street (311 East Ramsey Street). The intention of owning the land was to improve the City's chances of securing the location for the proposed Mid-County Justice Center. In order to meet the needs of the State, a lot line adjustment was recorded adjusting and increasing the size of APN 541-146-003 from 4.405 acres to 4.66 acres. After continual efforts made by the City, including on-site and off-site improvements, the State of California selected the downtown Banning location out of approximately 28 prospective sites for the new Mid-County Justice Center.

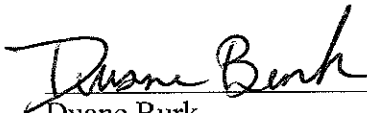
At this time, the Community Redevelopment Agency of the City of Banning has respectfully requested to enter into a Real Property Acquisition Agreement with the State of California, Judicial Council of California, Administrative Office of the Courts. Once the property is acquired by the State, the State will develop the Mid-County Justice Center which will include the construction of courthouse facilities and related improvements, including a building area of approximately 60,000 gross square feet. The project improvements (currently estimated to cost the State \$58 Million) are proposed to be utilized by the Superior Court of California, County of Riverside for judicial, court administrative, office and related purposes. To ensure these uses, the California, Administrative Office of the Courts has signed a "Declaration" to be recorded on the property, attached hereto as Exhibit "A", by which the State has agreed to utilize the property for development as a Court.

The addition of a courthouse next to City Hall, Police Station, Fire Station and Post Office will create a strong civic center complex that can serve as a major catalyst for other downtown development. Additionally, the sale of this property will facilitate the elimination of blight in the downtown area.


The Public Summary Report was prepared pursuant to California Health and Safety Code Section 33433 of the California Community Redevelopment Law (CRL). Under Section 33433 of the CRL, any redevelopment agency shall issue a public report detailing any sale or lease of property that is purchased with tax increment money. The said Public Summary Report is available for public review at the City Clerk's Office and is attached hereto as Exhibit "B". The Notice of Public Hearing was advertised in August and September of 2009 in the Press Enterprise and Record Gazette.

FISCAL DATA: APN 541-146-003 was purchased for a price of approximately \$9.48 per square foot and, if approved, will be sold to the State of California for \$4.97 per square foot for a total amount of \$1,009,380.00. Although the real property is being sold for a price less than fair market value as established by a licensed real estate appraiser, the benefits of reducing blight in the downtown area and anchoring a strong civic center, with projections of ultimately attracting additional development in the downtown area, are immeasurable. Further, the project itself represents a direct injection of about \$58 Million into the downtown redevelopment area, thus amounting to a substantial fiscal benefit to the Agency and the community. As detailed in the Section 33433 Report, the sale price for the property exceeds its "fair re-use" value.

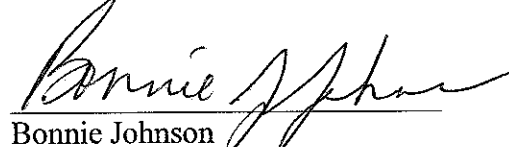
RECOMMENDED BY:


Duane Burk
Director of Public Works

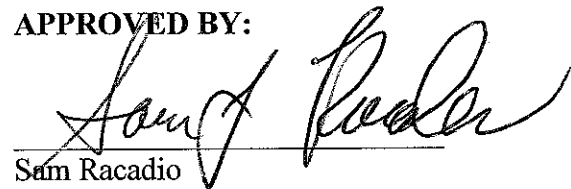
REVIEWED BY:


Zai Abu Bakar
Community Development Director

REVIEWED BY:


Bonnie Johnson
Finance Director

APPROVED BY:


Sam Racadio
Interim City Manager

CRA RESOLUTION NO. 2009-20

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE SALE OF REAL PROPERTY (APN 541-146-003) TO THE STATE OF CALIFORNIA FOR THE DEVELOPMENT OF THE MID-COUNTY JUSTICE CENTER

WHEREAS, in April of 2008, the Community Redevelopment Agency purchased three parcels (APN 541-146-003, 541-150-023 and 541-150-024) that totaled 7.68 acres of vacant land located at the northeast corner of Ramsey Street and Martin Street (311 East Ramsey Street); and

WHEREAS, the intention of owning the land was to improve the City's chances of securing the location for the proposed Mid-County Justice Center and in order to meet the needs of the State a lot line adjustment was recorded adjusting and increasing the size of APN 541-146-003 from 4.405 acres to 4.66 acres along with on-site and off-site improvements; and

WHEREAS, it is necessary for the City to sell the real property (APN 541-146-003) to the State of California in order for the State to build the Mid-County Justice Center in the downtown area; and

WHEREAS, since the City utilized tax increment money to acquire this property, it was necessary to issue a Public Summary Report detailing the sale pursuant to California Health and Safety Code Section 33433; and

WHEREAS, the Public Summary Report was prepared pursuant to California Health and Safety Code Section 33433 of the California Community Redevelopment Law and is available for public review at the City Clerk's Office and has been reviewed by the City Council; and

WHEREAS, the Notice of Public Hearing was advertised in August and September of 2009 in the Press Enterprise and Record Gazette.

NOW, THEREFORE, BE IT RESOLVED by the Community Redevelopment Agency of the City of Banning, California, as follows:

Section 1: Findings.

The above recitals are true and correct and are incorporated herein by reference. Further, in accord with California Health and Safety Code Section 33433, the Council does hereby find, based upon the Section 33433 Report, that the consideration to be paid by the State for the Agency's property is not less than the fair re-use value at the use and with the covenants and conditions and development costs authorized by the sale.

Section 2: Action.

The Executive Director of the Community Redevelopment Agency of the City of Banning is hereby authorized to execute the Purchase and Sale Agreement and Joint Escrow Instructions for the sale of APN 541-146-003, to the State of California, Judicial Council of California, Administrative Office of the Courts, in the amount of \$1,009,380.00.

PASSED, APPROVED AND ADOPTED this 8th day of September, 2009.

Don Robinson, Chairman

APPROVED AS TO FORM AND
LEGAL CONTENT:

David J. Aleshire, Agency Counsel
Aleshire & Wynder, LLP

ATTEST:

Marie A. Calderon, Secretary
Community Redevelopment Agency

CERTIFICATION:

I, Marie A. Calderon, Secretary to the Community Development Agency of the City of Banning, California, do hereby certify that the forgoing CRA Resolution 2009-20 was adopted by the CRA of the City of Banning at a regular meeting thereof held on the 8th day of September 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, Secretary
Community Redevelopment Agency

EXHIBIT “A”
DECLARATION OF COVENANT

FREE RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Banning Redevelopment Agency
Attn: Executive Director
99 East Ramsey Street
Banning, California 92220

(For Recorder's Use Only)

DECLARATION OF COVENANT

THIS DECLARATION OF COVENANT ("Declaration") is declared this 25TH day of August, 2009, by the STATE OF CALIFORNIA, acting by and through the JUDICIAL COUNCIL OF CALIFORNIA, ADMINISTRATIVE OFFICE OF THE COURTS (hereinafter, "State").

WHEREAS, on or about February 2, 2009, the State signed that property acquisition agreement (the "Acquisition Agreement") with the BANNING COMMUNITY REDEVELOPMENT AGENCY, a public body, corporate and politic (hereinafter "Agency"), by which Acquisition Agreement the Agency agreed to sell to State that certain parcel of real property legally described in Exhibit 1 to this Declaration (the "Property") for the construction and operation of a State Courthouse.

WHEREAS, this Declaration is not intended to supersede or in any way amend the Acquisition Agreement, but rather is intended to be declarative of existing laws under the California Community Redevelopment Law (Health & Safety Code §§ 33000 *et seq.*).

NOW, THEREFORE, the State declares, covenants and agrees, by and for itself, its successors and assigns, and all persons claiming under or through it that the Property shall be held, transferred, encumbered, used, sold, conveyed, leased and occupied subject to the covenant hereinafter set forth.

Section 1. No Speculation. As required by California Health & Safety Code §§ 33437 and 33437.5, State covenants and agrees, by and for itself, its successors and assigns, and all persons claiming under or through them, that the Property will be used by the State as a regional justice center or for other purposes of the State (subject at all times to applicable state laws regarding disposition of surplus state property), and not be the subject of real estate speculation.

Section 2. Covenant Running With the Land. This Declaration is designed to create a covenant running with the Property. State hereby declares that all of the Property shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied and

improved subject to the covenant set forth herein which covenant is for the purpose of uniformly enhancing or protecting the value, attractiveness and desirability of the Property itself, and for uniformity and compliance with the Agency's local plan for redevelopment of the City downtown area. The covenant set forth herein shall run with the Property and shall be binding upon all persons having any right, title or interest in the Property, or any part thereof, their heirs, successive owners and assigns; shall inure to the benefit of the Agency and its successors and assigns and successors in interest; shall be binding upon State, its successors and assigns and successors in interest; and may be enforced by the Agency. State hereby declares its understanding and intent that the benefit of such covenant touches and concerns the land by furthering the health, safety and welfare of the residents of the City of Banning and the Agency's local plan for redevelopment.

DECLARANT:

**JUDICIAL COUNCIL OF CALIFORNIA,
ADMINISTRATIVE OFFICE OF THE COURTS**

By: 

Name: Burt Hirschfeld

Title: Assistant Division Director,
Real Estate and Asset Management

Date: 8/25/09

APPROVED AS TO FORM:

**ADMINISTRATIVE OFFICE OF THE COURTS,
OFFICE OF THE GENERAL COUNSEL**

By: 

Name: Charles Martel

Title: Attorney

Date: 8.24.2009

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On August 25, 2009, before me, Z. BURSİK, a Notary Public, personally appeared **BURT HIRSCHFELD**, 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



(Seal)

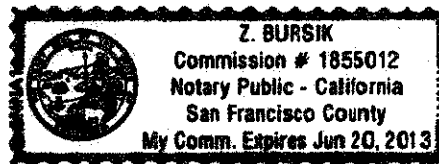


EXHIBIT 1

LEGAL DESCRIPTION OF PROPERTY

LOTS 1 AND 6 BLOCK 5 OF AMENDED MAP OF BANNING LAND COMPANY, IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 9, PAGE 44 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA

TOGETHER WITH THE WESTERLY 30.53 FEET OF LOT 167 OF BANNING COLONY LANDS, AS SHOWN BY MAP ON FILE IN BOOK 3 PAGE 149 OF MAPS, RECORDS OF SAN DIEGO COUNTY, CALIFORNIA AND A COPY THEREOF ON FILE IN BOOK 5, PAGE 186 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

EXCEPTING THEREFROM THOSE PORTIONS THEREOF INCLUDED IN MARTIN STREET ON THE WEST, RAMSEY STREET ON THE SOUTH AND WILLIAMS STREET ON THE NORTH, AS SET FORTH IN THE LOT LINE ADJUSTMENT RECORDED SEPTEMBER 29, 2008 AS INSTRUMENT NO. 2008-528526, OFFICIAL RECORDS.

EXHIBIT “B”

SUMMARY REPORT PURSUANT TO CALIFORNIA
HEALTH AND SAFETY CODE SECTION 33433

**SUMMARY REPORT PURSUANT TO
CALIFORNIA HEALTH AND SAFETY CODE SECTION 33433
ON THE STATE'S PURCHASE AND DEVELOPMENT OF AGENCY PROPERTY FOR
COURTHOUSE FACILITIES**

Introduction

The following Summary Report has been prepared pursuant to California Health and Safety Code Section 33433 ("**Section 33433**") of the California Community Redevelopment Law ("**CRL**"). Under Section 33433, any redevelopment agency shall issue a public report detailing any sale or lease of property that was purchased with tax increment money.¹

The Community Redevelopment Agency of the City of Banning ("**Agency**") proposes to enter into a Proposed Real Property Acquisition Agreement ("**Agreement**") with the State of California, Judicial Council of California, Administrative Office of the Courts (the "**Developer**") for the Developer's design and construction of courthouse facilities and related improvements, including a building area of approximately 60,000 gross square feet (the "**Project**"). The Project improvements are proposed for use by the Superior Court of California, County of Riverside ("**Court**") for judicial, court administrative, office and related purposes.

This Summary Report is prepared in accordance with Section 33433 of the California Community Redevelopment Law. This Report consists of six sections, as follows:

- A. Description Of The Proposed Project & The Agreement.
- B. Estimated Cost To Be Incurred By The Agency Under The Agreement.
- C. Estimated Value Of The Site At The Highest And Best Use Permitted.
- D. Estimated Fair Re-Use Value Of The Interest To Be Conveyed.
- E. Purchase Price Contemplated By The Agreement Is Less Than The Site's Fair Market Value, But More Than The Site's Re-Use Value..

¹ Pursuant to CRL Section 33433, a Summary Report is required to include a copy of the proposed sale or lease agreement, as well as the following information:

- The cost of the agreement to the agency, including land acquisition costs, clearance costs, relocation costs, the costs of any improvements to be provided by the agency, plus the expected interest on any loans or bonds to finance the agreements.
- The estimated value of the interest to be conveyed or leased, determined at the highest and best uses permitted under the plan.
- The estimated value of the interest to be conveyed or leased, determined at the use and with the conditions, covenants, and development costs required by the sale or lease. The purchase price or present value of the lease payments which the lessor will be required to make during the term of the lease. If the sale price or total rental amount is less than the fair market value of the interest to be conveyed or leased, determined at the highest and best use consistent with the redevelopment plan, then the agency shall provide as part of the summary an explanation of the reasons for the difference.
- An explanation of why the sale or lease of the property will assist in the elimination of blight, with reference to all supporting facts and materials relied upon in making this explanation.

F. The Purchase Price Under The Agreement Is Justified.

G. Explanation Of Why Sale Of The Site Will Facilitate The Elimination Of Blight.

This Summary Report and the proposed Agreement are available for public inspection prior to the public hearing and legislative approval of the Agreement.

A. Description Of The Proposed Project & The Agreement.

The proposed Project site (the "Site") to be conveyed to the Developer was purchased by the Agency in April 2008 for a price of approximately \$9.48 per square foot. The acquisition was made with an intent to sell the Site to the Developer for use as the new "Pass Area Courthouse" to replace the current courthouse located at 135 North Alessandro Road in Banning. The Site consists of approximately 4.66 acres situated at the northeast corner of Ramsey Street and Martin Street, addressed as 311 E. Ramsey Street (APN 541-146-003) in the Downtown Project Area.²

The Agreement specifies that the Developer plans to construct approximately 60,000 gross square feet of Court facilities for judicial, court, administrative, office, and related purposes. The Developer has agreed to consult with the Agency regarding the design of the Project to meet the goals of the Redevelopment Plan.

The Agreement also anticipates the following basic obligations of the Developer and Agency:

Agency Responsibilities:

- Convey the Site to the Developer for a total; of \$1,009,380.00 (or \$4.97 per square foot).
- Remove or cause to be removed all existing structures and abandoned infrastructure on the Site, including but not limited to the drainage ditch running through portions of the Site and existing above and below grade utilities, replacing those improvements with improvements that will be compatible with Developer's development objectives.
- Remove and replace existing fire hydrants on the Site and cause to be constructed on the Site new utility runs to serve the Developer's project at locations on the Site approved in advance by Developer.
- Construct all necessary off-site improvements including curbs, gutters, sidewalks, and road improvements appurtenant to the Site and required by the courthouse project.

² The Site was originally purchased by the Agency as part of a larger set of parcels (541-146-003, 541-150-023, & 541-150-024) equaling approximately 7.29 acres. The 7.29 acre parcel was divided by recordation of a lot line adjustment on APN No. 541-146-003 to establish the 4.66 acre Site with a remainder of 2.63 acres. This Report and the conveyances described herein only pertain to the 4.66 acres to be dedicated to the Court Project.

- Work with the City to cause on-street parking adjacent to the Site to be eliminated.
- Pay certain transfer costs, including 50 percent of the escrow costs and one hundred percent of the commission to Developer's broker.
- Pay development impact fees, including but not limited to Transportation Uniform Mitigation Fee, Multi-Species Habitat Conservation Plan fee, and City-imposed development fees for the project.
- Deposit into escrow prior to its close documents necessary to complete the sale.

Developer Responsibilities:

- Deposit into escrow the purchase price of \$1,009,380.00.
- Pay certain transfer costs, including 50 percent of the escrow costs.
- Accept conveyance of the Site and take additional steps (if necessary after the lot line adjustment previously accomplished by the Agency) to consolidate the Site into a single developable parcel suitable for the development of the Courthouse Project.
- Accept the Site in "as is" "where-is" condition for the purchase price following the elapsing of a contingency period for the Developer to complete its due diligence (presuming the Developer has not disapproved of conditions of the Site or title to the Site, which conditions would be subject to cure by Agency).

In addition to the terms of the Agreement outlined above, the Agency and Developer have agreed to enter into a supplemental covenant agreement (the "**Covenant**") to augment the Agreement and fulfill certain legal requirements under the CRL. Most importantly, the Covenant will dedicate the use of the Site as a Courthouse or similar governmental institution (thus preventing Developer from changing Site uses or failing entirely to build a Courthouse). The Covenant will also fulfill other legal requirements by including provisions required by the CRL regarding non-discrimination and anti-speculation.

B. Estimated Cost To Be Incurred By The Agency Under The Agreement.

Section 33433 requires that the Agency disclose its costs associated with acquiring, holding and selling real property. The net cost for the Agency is defined as equaling the Agency's out-of-pocket costs less the revenues it is to receive in the disposition of the Site.

In April 2008, the Agency paid approximately \$9.48 per square foot for the Site (or \$1,924,341.40). The Agreement anticipates that the Agency will sell all its fee interests in the Site to Developer for \$4.97 per square foot (or \$1,008,858.30). Thus, the Agreement entails an expense to the Agency in the amount of \$915,483.10 by virtue of the Agency selling the Site to Developer for an amount less than the Agency paid.

Other expenses that the Agency will incur in its performance of the Agreement include the following:

<u>DESCRIPTION</u>	<u>COST TO AGENCY</u>
Maintenance/Holding Expenses for the Site	None
Removal of Existing Site Improvements	Underground Storage Tank \$73,965.96
Construction of Required Improvements	Storm drain \$1,459,780.67
Escrow Costs/Estimated	\$100,938.00
Administrative/Legal Expenses for Processing Agreement	\$35,000.00 Burke Williams Sorensen and Aleshire & Wynder
Broker's Fee	See Sale Agreement § 9.2
Appraisal Costs	\$9,800.00 Three Appraisals Time Sensitive
Other Disposition Costs	See Attachment

Adding all these expenses (including the \$915,483.10 expense for Agency's less-than-cost sale of the Site to Developer) comes to a total of **\$3,115, 142.70** in expenses, plus other *de minimus* administrative costs, that will inure to the Agency as a result of the Agreement.

Despite the Agreement's cost to the Agency, the benefits associated with the Agreement and the Project itself are estimated to significantly outweigh financial expenses. The Project is estimated to generate substantial annual revenues (which may exceed \$100,00 per year to the Agency and/or the City) which revenues include the creation of jobs, increased property values and stimulation of the development of downtown businesses to serve the daily needs of Court patrons. Thus, over a ten-year term, the cumulative fiscal benefits of the Project will be significant.

More importantly, the development of the Project represents an injection of approximately \$58 Million by the State into the Site. Therefore, the Project itself represents an immediate and direct value to the downtown area. This injection of \$58 Million in development costs clearly and substantially exceeds the Agency's costs under the Agreement. Further, as discussed in Part "G" of this Report, the Project will generate substantial intangible benefits to the community by eliminating blight, relieving the City's current judicial facilities from severe overcrowding, mitigating the negative traffic and parking impacts associated with such overcrowding, and facilitating the development of a downtown center in the City.

C. Estimated Value Of The Site At The Highest And Best Use Permitted.

Section 33433 requires the Agency to identify the value of the Site being conveyed at the highest and best use allowed by the Site's zoning and the requirements imposed by the Redevelopment Plan. Such valuation does not take into consideration any extraordinary use and/or quality restrictions being imposed on the development by the Agency.

On April 1, 2009, the Agency commissioned an appraisal from Reinhart-Fontes Associates, Inc. (the "Appraiser") to prepare a land value study for the Site. The Site is currently a vacant lot zoned for commercial use and, due in part to currently soft market conditions, the Appraiser determined that holding the Site in its vacant condition for commercial development in the near future constitutes the Site's highest and best use.

As noted above, the Agency paid \$1,924,341.40 for the Site in April 2008. For purposes of this Summary Report, the Agency's Appraiser estimated the value of the Site at its highest and best use to be \$1,520,000.00. Although the Site's current appraised value at its highest and best use is less than the price that was paid by the Agency in 2008, the Appraiser does not attribute this to the Agency overpaying for the Site; rather, the Site has actually decreased in value as a result of the decline in market conditions impacting commercial land sales.

D. Estimated Fair Re-Use Value Of The Interest To Be Conveyed.

Section 33433 requires the Agency to identify the value of the Site at the Developer's "fair re-use" as it includes the conditions, covenants, and development costs required by the conveyance (i.e., the value of the Site as it is proposed to be used under the Agreement and encumbered by any applicable use and development restrictions). The re-use value of the Site is directly a function of the development economics specific to the proposed Project. In other words, the "fair re-use value" is the property's value as it is being sold by a redevelopment agency, reflecting additional conditions and limitations beyond those permitted by land use and zoning codes. Generally, these conditions result in a lower value because the "highest and best use" cannot be achieved under the limitations imposed.

As described above, the Agreement and Covenant will restrict the Site to use as an institutional Court facility. Once in place, such a use restriction is likely to have a significant, if not nearly complete, impact upon the Site's fiscal value. This is due to the fact that the "Court only" restriction will largely preclude other uses of the Site that might generate a higher fiscal land value. In particular, the proposed Court Project will result in a very specific, limited institutional use of the Site that is not compatible with private, commercial uses or real estate speculation. The use restrictions also essentially preclude the transfer of Site ownership to private entities.

On August 21, 2009, the Agency's Appraiser analyzed the fair re-use value of the Site in light of the applicable redevelopment restrictions. The Appraiser issued a brief report essentially confirming the observations discussed above: "The value of the subject property vacant land, as of the effective date of appraisal 4-2-09, would be substantially reduced if the only possible use that the land could be used for was a court house."

Section 33433 additionally requires the fair re-use analysis to determine how "development costs required by the sale" will impact the Site's value. In this case, the Project development costs are estimated to be at least \$58 Million—an amount that clearly and significantly exceeds the Site's highest and best use value. In fact, applying these development costs to the Site's value yields a *negative* re-use value of ~~\$56 Million (by subtracting the development costs from the Site's highest and best use value).~~

E. Purchase Price Contemplated By The Agreement Is Less Than The Site's Fair Market Value, But More Than The Site's Re-Use Value.

The Site is being sold to the Developer for \$1,009,380.00. The Agency's Appraiser has valued the Site at its highest and best use at \$1,520,000.00. Thus, the sale price under the Agreement is less than the Site's appraised fair market value.

Looking at the Site's re-use value, however, the proposed purchase price of \$1,009,380.00 certainly exceeds the Site's fair re-use value. As noted in Part "D" hereof, the use restrictions to be placed on the Site will largely preclude any private or for-profit use of the Site, thus significantly or completely deflating the Site's value in comparison to its current value at a highest and best use. When actual development costs are accounted, the Site's fair re-use value may even be calculated at a negative value.

F. The Purchase Price Under The Agreement Is Justified.

As described above, the Developer's purchase price for the Site is less than the fair market value, but exceeds the Site's fair re-use value. This is consistent with the fact that the Agency is not selling the Site for a commercial profit based on a highest and best use; rather, the Agency is selling the Site to Developer in order to (i) fulfill the community's specific institutional and governmental needs for a new, larger Court facility, (ii) create a new downtown "focal point" to revitalize commercial and public interests in the Agency's Downtown Project Area, and (iii) alleviate blight and over-congested pedestrian and vehicular traffic conditions as further described in Part "G" hereof. In sum, the Agreement contemplates a fair return on the Agency's purchase of the Site in light of its planned use for a Court facility.

G. Explanation Of Why Sale Of The Site Will Facilitate The Elimination Of Blight.

The Project is consistent with the Implementation Plan for redevelopment in the Project Area Plan adopted by the Agency in 2005. One of the primary programs discussed in the Implementation Plan is property acquisition and development assistance. The Agency acquired a number of individual parcels and removed the existing improvements; thereby providing the Developer with a development opportunity it would not otherwise have. In addition, the Implementation Plan contains a listing of goals to be considered when the implementation of a specific project is being considered. Those goals include the following:

1. Retain and expand existing businesses.
2. Enhance the downtown core.
3. Continue infrastructure improvements in the Project Area.

These goals reflect the goals set forth in the original Redevelopment Plan, which included the following:

1. Encourage employment opportunities.
2. Provide for public infrastructure improvements.
3. Cooperate with private enterprise and public agencies in the redevelopment of the Project Area.
4. Provide for the acquisition, management, and disposition of real property for redevelopment.

The proposed Project meets all of these selected goals. The proposed Project is consistent with the General Plan because the Site has been zoned for governmental use and the Developer plans to establish a new Courthouse to replace the judicial facility currently located on

Alessandro. The Project thus retains an existing employer—the Court—and creates new employment opportunities by expanding services to be offered in the new Court facility. The new Court building will replace currently vacant parcels in close proximity to City Hall, hence improving the commerce and aesthetics of the downtown core. Further, the Project calls for an enhanced streetscape continuing the infrastructure improvements in the downtown area. Therefore, the Agency is utilizing the powers granted it to meet the goals of the original Redevelopment Plan by acquiring and disposing of the Site and working with a governmental entity that will provide both a high-class building and additional job opportunities in the Redevelopment Project Area. To bolster this conclusion, the fact that the Agency's acquisition of the Site was subject to numerous liens (including City code enforcement liens), clearing of title, and removal of abandoned infrastructure is a direct example of blight elimination. The vacant lot making up the Site was in poor condition and presented a serious deterrent to reinvestment in the commercial neighborhood along East Ramsey. These obstacles are expected to be overcome with the construction of a high quality judicial center.

The proposed Project will also be compatible with (and enhance) adjacent or nearby uses that are currently under development, including the City of Banning City Hall, new Police Station, Post Office, Fire Station, Riverside County Sheriff/Probation offices and numerous existing small businesses. The Project will also encourage the economic development of nearby parcels in the Redevelopment Project Area by creating new jobs and attracting potential customers. Development of the Site will result in increased property values in the area, and will provide a modern judicial center to relieve the City's existing, outdated facility.

Finally, it bears emphasis that the Project will facilitate the elimination of blight in the City by fulfilling the community's *need* for a new Court facility to address the overcrowding and traffic congestion issues associated with the City's current judicial center. The current judicial center at Alessandro Road is severely outdated, with facilities too confined and out-of-date to efficiently handle current case loads, and a parking area too small to effectively accommodate peak-time traffic, at times causing traffic queuing and parking problems in City streets and residential areas. The City must establish a new Court. By establishing an expanded, state-of-the-art Court facility with greater parking capacity, the Agreement and its proposed Project will eliminate not only blighted conditions on and around the Site, but also problematic conditions on and around the City's current judicial site.

ATTACHMENT

IMPROVEMENT ESTIMATE FOR 311 E. RAMSEY

	ITEM	QTY	UNIT	\$/UNIT	TOTAL
1	Sewer	LS	LS	\$17,500.00	\$17,500.00
2	Water	LS	LS	\$17,000.00	\$17,000.00
3	Electric	LS	LS	\$30,000.00	\$30,000.00
4	Street Lights	8	EA	\$4,000.00	\$32,000.00
5	Overlay (1/2 width of streets)	360	TONS	\$55.00	\$19,800.00
6	Curb/Gutter	1250	LF	\$20.00	\$25,000.00
7	Sidewalk	9500	SF	\$3.25	\$30,875.00
8	H/C Ramps	2	EA	\$1,500.00	\$3,000.00
9	Landscaping	LS	LS	\$25,000.00	\$25,000.00
10	Misc.	LS	LS	\$30,000.00	\$30,000.00
11	Edison Electric	LS	LS	\$250,000.00	\$250,000.00
12	Street Improvement Design/Construction Staking	LS	LS	\$40,000.00	\$40,000.00
	TOTAL				\$520,175.00

Note: Misc includes grading and relocating water meters and firehydrants

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**CITY COUNCIL AGENDA
PUBLIC HEARING**

Date: September 8, 2009
TO: Honorable Mayor and City Council
FROM: Fred Mason, Electric Utility Director
SUBJECT: Resolution No. 2009-69 Approval of Amended Electric Rate Schedules

RECOMMENDATION: The City Council approve the proposed amendment of Electric Rate Schedules, attached herewith as Exhibit "A".

JUSTIFICATION: The Banning Electric Utility ("Utility") implemented its last rate increase in May 2007. Since that time power resource and operating expenses have continued to increase, and the Utility is currently operating in a financial deficit. In addition, debt service expense to complete critical maintenance and upgrades to the electric distribution system, ensuring system reliability, has significantly increased the Utility's overall operating costs. It is essential that the electric rates assessed by the Utility are sufficient to cover its revenue requirement and provide the resources necessary to ensure the reliability of the distribution system.

BACKGROUND: Changes in the energy markets throughout the western states, as well as the ongoing economic crisis, dictate the need to monitor and evaluate the Utility's electric rate structure on a regular basis. In 2006 the Utility contracted with Navigant Consulting to perform a Retail Rate Analysis. Included in its service was the development of a rate model which the Utility could utilize on an ongoing basis to analyze its operating and financial data and develop applicable electric rates. Staff utilized this rate model to perform a rate analysis based on the Utility's current operating and financial data. The results of this analysis, along with rate recommendations, were provided to the City Council during a Study Session held on August 25, 2009. The recommendations from this analysis have been incorporated into the attached Electric Rate Schedules.

Electric rates should be structured to collect the required revenue, be reflective of the Utility's cost to provide electric service, be fair and equitable between various rate classes and within the rate classes, be competitive with other service providers in the area, be compatible with the billing system and be easily understood by customers. Staff believes that these principles have been integrated into the proposed Electric Rate Schedules.

It should be noted that this rate increase will not impact customers currently approved for the Utility's Low Income Assistance Program (BEAR). Funds from the Public Benefit Program will continue to be utilized to offset the reduced BEAR Baseline Rate.

Staff will perform an annual analysis utilizing the rate model that Navigant Consulting created for the Utility to ensure that the Utility's revenue requirements are being met, and will keep the City Council informed of any necessary rate adjustments as required.

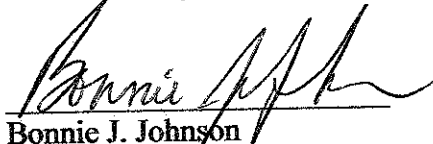
Staff recommends that the City Council approve the proposed Electric Rate Schedules, attached as Exhibit "A", to become effective October 1, 2009.

FISCAL DATA: If approved, the new Electric Rate Schedules will result in projected annual Utility revenues from retail sales in the amount of \$25.2M, which is a \$4.2M increase over fiscal year 2008-09 retail sales revenue, less SCAF revenue.

RECOMMENDED BY:

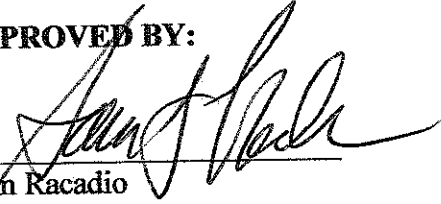


Fred Mason
Electric Utility Director



Bonnie J. Johnson
Finance Director

APPROVED BY:



Sam Racadio
Interim City Manager

RESOLUTION NO. 2009-69

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING
APPROVING THE AMENDED ELECTRIC RATE SCHEDULES**

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

WHEREAS, the Electric Utility implemented its last general electric rate increase in May 2007; and

WHEREAS, the Electric Utility must ensure the reliability of the electric distribution system and recover the required operating revenue through its rates; and

WHEREAS, the Electric Utility utilized the rate model developed by Navigant Consulting during its prior rate analysis to perform the current Retail Rate Analysis and presented the results and recommendations to the Banning City Council at a Study Session held on August 25, 2009; and

WHEREAS, the Electric Rate Schedules, attached herewith as Exhibit "A", are fair and equitable between the rate classes, reflect the Utility's cost to provide electric service, and provide the means to ensure the reliability of the electric distribution system;

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

1. Adopt Resolution No. 2009-69 approving the Electric Rate Schedules, attached herewith as Exhibit "A", and authorize the City Manager, or his designee, to implement said Rate Schedules effective October 1, 2009.
2. Authorize the Mayor to execute Resolution No. 2009-69. Said authorization shall become void if not executed within 30 days of the effective date of this resolution.

PASSED, APPROVED, AND ADOPTED this 8th day of September 2009.

Robert E. Botts, Mayor
City of Banning

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

Exhibit “A”

CITY OF BANNING

ELECTRIC UTILITY RATE SCHEDULE

October 2009

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CITY OF BANNING
Electric Division

GENERAL PROVISIONS

SYSTEM COST ADJUSTMENT FACTOR

The System Cost Adjustment Factor (SCAF) is a charge per kWh that is used to ensure an adequate revenue stream to cover all costs incurred by Banning's electric system, and will be assessed to all customer classes. System costs will include: Power purchases, debt service, transmission, distribution and O&M expense, as well as all overhead costs of the electric system including inter-fund transfers.

The SCAF shall be calculated quarterly for the periods (January-March, April-June, July-September, and October-December) and shall become effective the first day of the 2nd quarter following the calculated period (i.e. January-March SCAF would become effective July 1st).

The SCAF shall be determined using the following formula and be expressed to the nearest \$0.0001 per kWh:

$$\text{SCAF} = (a+b+c+d-e)/f$$

Where:

a = revenue from retail sales during the period.

b = revenue from bulk sales to other utilities.

c = fees collected from contractors in aid of construction or for other services provided.

d = miscellaneous revenues.

e = total cost of Banning's electric system including power purchases, debt service, transmission, distribution and operating expense, as well as all overhead costs of the electric system including inter-fund transfers.

f = the retail energy sales during the period in kWh.

SCAF will not exceed \$0.02/kWh during any quarter. The uncollected revenue in excess of the \$0.02 cap, if any, will be carried over as an expense in the next quarter. The Electric Utility shall maintain an operating reserve of \$3M. Surplus revenue, if any, collected during any fiscal year, will be set aside in the Capital Improvement fund for system upgrades and future improvements.

PUBLIC BENEFITS CHARGE

All bills rendered under the above rate shall be subject to the Public Benefits Charge as established by the City Council.

General Provisions (continued)

SEASONS

The Summer season shall commence at 12:00 a.m. on the first day in June and continue until 12:00 a.m. on the first day in October of each year. The Winter season shall commence at 12:00 a.m. on the first day in October of each year and continue until 12:00 a.m. on the first day in June of the following year. Utility bills generated during each applicable season will reflect any appropriate seasonal rate variances.

CITY OF BANNING
Electric Division

SCHEDULE A

RESIDENTIAL SERVICE

APPLICABILITY

This schedule is applicable to single family and multiple family accommodations devoted primarily to domestic use, and includes services for lighting, cooking, heating and power consuming appliances.

CHARACTER OF SERVICE

Alternating current with regulated frequency of 60 hertz, delivered at 120 or 240 volts, single phase, as may be specified by the Division.

TERRITORY

Within the area served by the City of Banning

RATES

	<u>Per Meter</u> <u>Per Month</u>
1. Standard Residential Service	
Customer Charge	\$ 3.00
Energy Charge	<u>Per kWh</u>
Baseline Service	
All kWh	\$.1498
Low Income Qualified Baseline Service	
All kWh as described below	\$.0672
Non-baseline Service (Winter)	
All kWh above baseline through 1,000	\$.1995
All kWh above 1,000	\$.3180
Non-baseline Service (Summer)	
All kWh above baseline through 1,500	\$.1995
All kWh above 1,500	\$.3180

Schedule A – Residential Service (continued)

Non-baseline service includes all kWh in excess of applicable baseline allowance as described below.

MINIMUM CHARGE

The Customer Charge plus the Energy Charge shall be subject to a minimum charge of \$0.10 per day.

MINIMUM REQUIREMENTS

All services through one meter.

Multiple Family Dwellings

Whenever two or more individual family accommodations (in an apartment house, duplex, court, mobile home park, etc.) receive electric service from the Division through a master meter, the service shall be billed under this Schedule, with the Customer Charge and first 308 kWh per month multiplied by the number of individual accommodations served, plus additional baseline kWh as specified below. Base rate charges shall be reduced by \$0.10 per sub-metered customer per day. In no case shall the base rate billing be less than the Minimum Charge.

Energy Surcharge

The charges in the above rate are subject to California State Energy surcharge tax and shall be adjusted accordingly.

LOW INCOME SENIOR CITIZEN SERVICE

Upon application to the City, each eligible low-income senior citizen residential customer shall pay a customer charge of \$1.00 only. The customer shall notify the City when the conditions of the application are no longer valid.

LOW INCOME QUALIFIED BASELINE SERVICE

Upon application to the City, each approved low-income residential customer shall be placed on the Low Income Qualified Baseline rate as described below. The customer shall be required to recertify their eligibility on an annual basis. Failure to recertify will result in removal from the Low Income Qualified Baseline rate.

BASELINE SERVICE

All domestic customers on this schedule are entitled to an allocation of a baseline quantity of electricity that is necessary to supply the minimum energy needs of the average residential user. The total baseline allocation to a customer is the sum of all

Schedule A – Residential Service (continued)

applicable baseline quantities described in items A through D shown below. However, the Low Income Qualified Baseline rate will only be applied to items A and B. If a Low Income Qualified customer is also eligible for items C and/or D, any baseline allocation in excess of A and B will be charged at the regular Baseline Service rate:

	kWh Per Month
A. For basic standard residential use	308
B. For air conditioning use during June through September.	250
C. For life support devices	500
D. For all-electric residential heat use during November through March	498
E. For all-electric basic residential use (year around)	150
F. For residential water-well pump use (year around)	500

The all-electric residential heat allowance applies only to residences in which the sole source of heat consists of electric resistance heating installed prior to January 2000. Upon application to the City, the account of each eligible customer shall be provided with the all-electric allocation, including heat use and the year around basic residential use to cover water heaters and cooking.

LIFE SUPPORT DEVICES

Medical Baseline Allocation: Upon application to the City, the account of each eligible residential customer will be provided a year-around Medical Baseline Allocation.

A. Eligibility

For an account to be eligible for the standard Medical Baseline Allocation, the residential customer will provide certification as set forth in Paragraph E below to the City that:

- (1) Regular use in the customer's home of one or more medical life support devices is essential to maintain the life of a full-time resident of the household; and/or
- (2) A full-time resident of the household is a paraplegic, hemiplegic, quadriplegic, multiple sclerosis, or scherodemic patient.

B. Life-support Devices

The account of each eligible residential customer will be provided a standard Medical Baseline Allocation following certification acceptable to the City that a full-time resident of the household requires the regular use in the customer's home of one or more life-support devices.

Life-support devices means those devices or equipment which utilize mechanical or artificial means to sustain, restore, or supplement a vital function, or mechanical equipment which is relied upon for mobility both within and outside of buildings. Life-support devices or equipment include the following:

Schedule A – Residential Service (continued)

Aerosol Tent	Electrostatic Nebulizer
Compressor	Electric Nerve Stimulator
Iron Lung	Ultrasonic Nebulizer
Pressure Pump	Motorized Wheel Chair
IPPB Machine	Kidney Dialysis Machine
Suction Machine	Respirator (all types)
Oxygen Generator (Electrically Operated)	

C. Paraplegic, Hemiplegic, Quadriplegic, Multiple Sclerosis or Scherodemic Patients

The account of each eligible residential customer, who provides certification that a full-time resident of the household is a paraplegic, hemiplegic, quadriplegic, multiple sclerosis or scherodemic patient or suffers from abnormality of centrally controlled body thermostat will be provided a standard Medical Baseline Allocation in consideration of special heating and/or cooling needs.

D. Hardship Cases

If the customer believes that the life-support device and/or a patient's space conditioning equipment (as set forth in Paragraph B and C above) requires more than 500 kWh per month to operate, the customer may apply for a higher allocation than the standard Medical Baseline Allocation. Upon receipt of such application, the City shall make a determination if any additional monthly baseline quantity is required to operate the device or equipment based on the nameplate rating and operating hours. The monthly amount of the Medical Baseline Allocation shall be increased to the number of kWh so determined.

E. Certification

The City may require the following Certification:

- (1) The Customer shall have a medical doctor or osteopath licensed to practice medicine in the State of California provide the City with a certification letter, acceptable to the City. The letter shall describe in detail the type of life-support device(s) regularly required by the patient and the utilization requirements, and/or certify that the full-time resident is a paraplegic, hemiplegic, quadriplegic, multiple sclerosis, or scherodemic patient; or
- (2) County, State, or Federal agencies, using an established notification letter to electric utilities, shall provide the City with information relative to a patient who regularly requires the use of a life-support device in a customer's residence.

Within 15 days after acceptance of the above certification, the City will provide a Medical Baseline Allocation to the customer's account. The City may require a new or renewed application and/or certification when needed, in the opinion of the City.

Schedule A – Residential Service (continued)

F. Termination of Use

The Customer shall notify the City of termination of use of equipment or devices set forth above.

WATER WELL PUMPS

This allocation is for Banning Electric Utility customers that are not connected to the City's water distribution system, and have a water well onsite. Customers must request this designation, and an onsite inspection must be completed before the allocation is authorized.

CITY OF BANNING
Electric Division

SCHEDULE B

SMALL GENERAL SERVICE

APPLICABILITY

Applicable to service for all types of uses, including lighting, power and heating, alone or combined.

CHARACTER OF SERVICE

Alternating current with regulated frequency of 60 hertz single-phase, three-phase, or a combination single and three-phase served through one meter, at a standard voltage not to exceed 240 volts, or as may be specified by the Electric Division. When the energy use for this service exceeds 5,000 kWh per month, the City will install a demand meter. If the maximum demand exceeds 20.0 kW in any three months during the preceding 12 months, the service will be transferred to Schedule C.

TERRITORY

Within the area served by the City of Banning.

RATES

	<u>Per Meter</u> <u>Per Month</u>
Customer Charge	\$ 9.00
Energy Charge (to be added to Customer charge)	
All kWh, per kWh	\$.1758

MINIMUM CHARGE

The Customer Charge plus the Energy Charge shall be subject to a minimum charge of \$0.30 per day.

Schedule B – Small General Service (continued)

SPECIAL CONDITIONS

1. Voltage will be supplied at one standard voltage.
2. BILLING DEMAND: Billing demand shall be the kilowatts of measured maximum demand, but no less than 50 percent of the highest demand established in the preceding eleven (11) months. Billing demand shall be determined to the nearest 1/10 kW.
3. MAXIMUM DEMAND MEASUREMENT: in any month shall be the maximum average kilowatt input, indicated or recorded by instruments to be supplied by the Electric Division, during any 15 minute interval in the month. Where demands are intermittent or subject to violent fluctuations, a five minute interval may be used.
4. TEMPORARY DISCONTINUANCE OF SERVICE: Where the use of energy is seasonal or intermittent, no adjustment will be made for a temporary discontinuance of service. Any customer prior to resuming service within twelve months after such service was discontinued will be required to pay all charges which would have been billed if service had not been discontinued.
5. X-RAY INSTALLATIONS: Where the utility installs standard transformer capacity requested by the customer to serve an x-ray installation, the customer charge will be increased by \$1.00 per kva of transformer capacity requested.
6. ENERGY SURCHARGE: The charges in the above rate are subject to California State Energy surcharge tax and shall be adjusted accordingly.

CITY OF BANNING
Electric Division

SCHEDULE C

GENERAL AND INDUSTRIAL SERVICE

APPLICABILITY

Applicable to service for large general and industrial establishments. This schedule is limited to customers with demands below 500.0 kW. Customers with demands exceeding 500.0 kW must receive service under Schedule TOU.

CHARACTER OF SERVICE

Alternating current with regulated frequency of 60 hertz, three-phase, or a combination single and three-phase served through one meter, at a standard voltage not to exceed 480 volts, or as may be specified by the Electric Division. All customers will have a demand meter. If the Maximum Demand drops below 20.0 kW for 12 consecutive months, the customer will be transferred to Schedule B.

TERRITORY

Within the area served by the City of Banning.

RATES

	Per Meter Per Month <u>Summer</u>	Per Meter Per Month <u>Winter</u>
Customer Charge	\$12.00	\$12.00
Demand Charge (to be added to the Customer Charge)		
All kW of billing demand, per kW	\$15.50	\$ 9.95
Energy Charge (to be added to the Demand Charge)		
All kWh, per kWh	\$.1497	\$.1392

MINIMUM CHARGE

The monthly minimum charge shall be the Demand Charge.

Schedule C – General and Industrial Service (continued)

SPECIAL CONDITIONS

1. Voltage will be supplied at one standard voltage.
2. BILLING DEMAND: Billing demand shall be the kilowatts of measured maximum demand, but no less than 50 percent of the highest demand established in the preceding eleven (11) months. Billing demand shall be determined to the nearest 1/10 kW.
3. MAXIMUM DEMAND MEASUREMENT: The measured maximum demand in any month shall be the maximum average kilowatt input, indicated or recorded by instruments to be supplied by the Electric Division, during any 15 minute interval in the month. Where demands are intermittent or subject to violent fluctuations, a five minute interval may be used.
4. TEMPORARY DISCONTINUANCE OF SERVICE: Where the use of energy is seasonal or intermittent, no adjustment will be made for a temporary discontinuance of service. Any customer prior to resuming service within twelve months after such service was discontinued will be required to pay all charges which would have been billed if service had not been discontinued.
5. X-RAY INSTALLATIONS: Where the utility installs standard transformer capacity requested by the customer to serve an x-ray installation, the customer charge will be increased by \$1.00 per kva of transformer capacity requested.
6. POWER FACTOR ADJUSTMENT: When the billing demand has exceeded 200.0 kW for three consecutive months, a kilovar hour meter will be installed as soon as practicable and thereafter until the billing demand has been less than 150 kW for twelve (12) consecutive months. The charges will be adjusted each month for the power factor as follows:

The monthly charges will be decreased by \$0.20 per kW of measured maximum demand and will be increased by \$0.20 per kilovar of reactive demand. In no case will the kilovars used for the adjustment be less than 20 % of the number of kW the kilovars of reactive demand shall be calculated by multiplying the kW of measured maximum demand by the ratio of kilovar hours to the kWh. Demands in kW and kilovars shall be determined to the nearest 1/10 unit. A ratchet device will be installed on the kilovar meter to prevent its reverse operation on leading power factors.
7. ENERGY SURCHARGE The charges in the above rate are subject to California State Energy surcharge tax and shall be adjusted accordingly.

CITY OF BANNING
Electric Division

SCHEDULE TOU

LARGE GENERAL AND INDUSTRIAL SERVICE

APPLICABILITY

Applicable to service for all types of uses, including lighting, power and heating, alone or in combination. This rate shall be mandatory for customers whose monthly demand exceeds 500.0 kW for any three months during the preceding 12 months. Any customer whose monthly maximum demand has fallen below 450.0 kW for 12 consecutive months may elect to take service on any other applicable schedule. This schedule is an option for customers whose monthly demands are between 200.0 kW and 499.9 kW; however, participation for one year in the rate is required.

CHARACTER OF SERVICE

Alternating current with regulated frequency of 60 hertz, three-phase, or a combination single and three-phase served through one meter, at a standard voltage not to exceed 480 volts, or as may be specified by the Electric Division.

TERRITORY

Within the area served by the City of Banning.

RATES

Charges are calculated for customer billing using the components shown below:

	Per Meter <u>Summer</u>	Per Month <u>Winter</u>
Customer Charge	\$340.00	\$340.00
Demand Charge (to be added to Customer Charge)		
All kW of non-time related component, per kW	\$ 8.50	\$ 9.75
Plus all kW of on-peak billing demand, per kW	\$18.08	N/A
Plus all kW of mid-peak billing demand, per kW	\$ 2.88	\$0.00
Plus all kW of off-peak billing demand, per kW	\$ 0.00	\$0.00

Schedule TOU – Large General and Industrial Service (continued)

Energy Charge (to be added to the Customer and Demand Charges)

	<u>Summer</u>	<u>Winter</u>
All kWh of on-peak energy, per kWh	\$.1198	N/A
Plus all kWh of mid-peak energy, per kWh	\$.0860	\$.0998
Plus all kWh of off-peak energy, per kWh	\$.0598	\$.0648

SPECIAL CONDITIONS

1. Time periods are defined as follows:

On-Peak	Noon to 9:00 p.m. summer weekdays except holidays
Mid-Peak	7:00 a.m. to Noon and 9:00 p.m. to 11:00 p.m. summer weekdays except holidays. 7:00 a.m. to 11:00 p.m. winter weekdays except holidays.
Off-Peak	All other hours

Holidays are New Year's Day (January 1), Washington's Birthday (third Monday in February), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Veterans Day (November 11), Thanksgiving Day (fourth Thursday in November), and Christmas (December 25).

2. Voltage will be supplied at one standard voltage.
3. MAXIMUM DEMAND: Maximum demands shall be established for on-peak, mid-peak, and off-peak periods. The maximum demand for each period shall be the measured maximum average kilowatt input, indicated or recorded by instruments to be supplied by the Electric Division, during any 15 minute interval, but (except for new customers or existing customers electing Contract Demand as defined in these Special Conditions) not less than the diversified resistance welder load computed. Where demands are intermittent or subject to violent fluctuations, a five minute interval may be used.
4. BILLING DEMAND: The Demand Charge shall include the following billing components. The Time Related Component shall be for the kilowatts of Maximum Demand recorded during the monthly billing period for each of the On-Peak, Mid-Peak, and Off-Peak time periods. The Non-Time Related Component shall be for the total kilowatts of demand recorded in the demand period with the highest Maximum Demand during the monthly billing period. Separate Demand Charges for the On-Peak, Mid-Peak, and Off-Peak time periods shall be established for each monthly billing period as applicable. The Demand Charge for each time period shall be based on the maximum demand for that time period occurring during the respective monthly billing period. The Maximum Demand shall be determined to the nearest 1/10 kW.

Schedule TOU – Large General and Industrial Service (continued)

5. **CONTRACT DEMAND:** A contract demand will be established by the City, based on the applicant's demand requirements for any customer newly requesting service on this schedule and for any customer of record on this schedule who requests an increase or decrease in transformer capacity.

A contract demand arrangement is available upon request for all customers of record on this schedule. The contract demand will be used only for purposes of establishing the minimum demand charge for facilities required to provide service under the rate and will not be otherwise used for billing purposes.

The contract demand is based upon the nominal kilovolt-amperes rating of the City's serving transformer(s) or the standard transformer size determined by the City as required to serve the customer's stated measurable kilowatt demand, whichever is less, and is expressed in kilowatts.
6. **MINIMUM DEMAND CHARGE:** Where a contract demand is established, the monthly minimum demand charge shall be \$1.00 per kilowatt of contract, but not less than \$500.00.
7. **EXCESS TRANSFORMER CAPACITY:** Excess Transformer Capacity is the amount of transformer capacity requested by a customer in excess of that which the City would normally install to serve the customer's Maximum Demand. Excess Transformer Capacity shall be billed at \$1.00 per KVA per month.
8. **POWER FACTOR ADJUSTMENT:** The charges will be adjusted each month for reactive demand. The Charge will be increased by \$0.30 per kilovar of maximum reactive demand imposed on the City. The kilovars of reactive demand shall be calculated by multiplying the kilowatts of measured maximum demand by the ratio of the kilovar-hours to the kilowatt hours. Demand in kilowatts and kilovars shall be determined to the nearest unit. A device will be installed on each kilovar meter to prevent reverse operation of the meter.
9. **TEMPORARY DISCONTINUANCE OF SERVICE:** Where the use of energy is seasonal or intermittent, no adjustment will be made for a temporary discontinuance of service. Any customer prior to resuming service within twelve months after such service was discontinued will be required to pay all charges which would have been billed if service had not been discontinued.
10. **SUPPLEMENTAL VISUAL DEMAND METER:** Subject to availability, and upon written application by the customer, the City will, within 180 days, supply and install a City owned supplemental visual demand meter. The customer shall provide the required space and associated wiring beyond the point of interconnection for such installation. Said supplemental visual demand meter shall be in parallel with the standard billing meter delineated in Special Condition 3 above. The reading measured or recorded by the supplemental visual demand

Schedule TOU – Large General and Industrial Service (continued)

meter are for customer information purposes only and shall not be used for billing purposes in lieu of meter readings established by the standard billing meter. If a meter having visual display capability is installed by the City as the standard billing meter, no additional metering will be installed pursuant to this Special Condition.

One of the following types of supplemental visual demand meters will be provided in accordance with provisions above at no cost to the customer: Dial Watt-meter, Recording Watt-meter, or Paper-Tape Printing Demand Meter.

If the customer desires a supplemental visual demand meter having features not available in any of the above listed meters, such as an electronic microprocessor-based meter, the City will provide such a supplemental visual demand meter subject to monthly charge, if the meter and its associated equipment have been approved for use by the City. Upon receipt from the customer of a written application the City will design the installation and will thereafter supply, install, and maintain the supplemental visual demand meter subject to all conditions stated in the first and last paragraph of this Special Condition. For purposes of computing the monthly charge, any such supplemental visual demand meter and associated equipment shall be treated as Added Facilities. Added investment for computing the monthly charges shall be reduced by the City's estimated total installed cost at the customer location of the Paper-Tape Printing Demand Meter offered otherwise herein at no additional cost.

The City shall have sole access for purposes of maintenance and repair to any supplemental visual demand meter installed pursuant to this Special Condition and shall provide all required maintenance and repair. Periodic routine maintenance shall be provided at no additional cost to the customer. Such routine maintenance includes changing charts, inking pens, making periodic adjustments, lubricating moving parts and making minor repairs. Non-routine maintenance and major repairs or replacement shall be performed on an additional cost basis with the customer reimbursing the City for such cost.

11. CONTRACTS: An initial three-year facilities contract may be required where an applicant requires new or added serving capacity exceeding 2,000 KVA.
12. AUXILIARY/EMERGENCY GENERATION EQUIPMENT: Auxiliary/Emergency Generation Equipment is the customer-owned electrical generation equipment normally used for auxiliary, emergency, or standby electrical generation purpose Auxiliary/Emergency Generation Equipment may be used by a customer to serve that customer's load only during a Period of Interruption, an only when such loads are isolated from the City's system. Other than for Auxiliary/Emergency generation or service, all service under this rate schedule is applicable only for service supplied by the City.

Schedule TOU – Large General and Industrial Service (continued)

13. REMOVAL FROM SCHEDULE: Customers receiving service under this schedule whose monthly Maximum Demand has registered below 450.0 kW for 12 consecutive months may be changed to another schedule.
14. ENERGY SURCHARGE: The charges in the above rate are subject to California State Energy surcharge tax and shall be adjusted accordingly.

CITY OF BANNING
Electric Division

SCHEDULE SLS

UNMETERED STREET LIGHTING SERVICE

APPLICABILITY

Applicable for unmetered lighting of public streets, highways and thorough-fares, including City owned and City operated public parks and parking lots which are opened to the general public.

TERRITORY

Within the area served by the City of Banning.

RATES

<u>Customer Class</u>	<u>Monthly Charges Per kW of Lamp Load</u>
Residential (Rate A)	\$2.00
Small Commercial (Rate B)	\$2.80
Large General & Industrial (Rate C)	\$4.45
Time-of-Use (Rate TOU)	\$6.00
Lights on abutting property	\$6.00

SPECIAL CONDITIONS:

The above charges shall be placed on the City Utility bills.

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 Sodium Vapor	(9,500 Lumen)	\$ 8.47
200 Watt Sodium Vapor	(16,000 Lumen)	11.97
250 Watt Sodium Vapor	(25,000 Lumen)	13.17

Per Pole
Per Month

Pole (Department owned wood pole installation)

20' or 35' Wood Pole	\$ 2.95
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SPECIAL CONDITIONS

1. Service under this schedule will be supplied at a single-phase voltage from the Electric Department's existing overhead lines.
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.

Schedule OLS (continued)

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 4,080 hours per year.
12. If the customer discontinues service during the first three years of service, there will be a \$25.00 charge to remove the service and equipment.
13. Poles will be located in areas where they may be serviced by truck.
14. This rate is subject to power cost adjustment at the following rates:
 - 10 kWh per month per 1,000 lumen for mercury vapor units
 - 4 kWh per month per 1,000 lumen for sodium vapor units

CITY OF BANNING
Electric Division

SCHEDULE MS

MUNICIPAL SERVICE

APPLICABILITY

Applicable to City of Banning municipal service for all types of uses, including lighting, power and heating, alone or combined.

CHARACTER OF SERVICE

Alternating current with regulated frequency of 60 hertz single-phase, three-phase, or a combination of single and three-phase served through one meter, at a standard voltage not to exceed 240 volts, or as may be specified by the Electric Division.

TERRITORY

Within the area served by the City of Banning.

RATES

	<u>Per Meter</u> <u>Per Month</u>
Customer Charge	n/a
Energy Charge (to be added to Customer charge)	
All kWh, per kWh	\$.0923

MINIMUM CHARGE

Municipal services are not assessed a minimum charge.

SPECIAL CONDITIONS

1. Voltage will be supplied at one standard voltage.
2. ENERGY SURCHARGE: The charges in the above rate are subject to California State Energy surcharge tax and shall be adjusted accordingly.

**CITY COUNCIL AGENDA
ORDINANCES - INTRODUCTION**

DATE: September 8, 2009

TO: Honorable Mayor and City Council

FROM: Sam Racadio, Interim City Manager

SUBJECT: Repealing of Ordinance No. 1371 and Introduction of Ordinance No. 1411 Concerning the Economic Development Committee

RECOMMENDATION:

That the City Council repeal Ordinance No. 1371 and introduce the first reading of Ordinance 1411 with regard to the City's Economic Development Committee.

JUSTIFICATION:

On August 25, 2009, the Council directed staff to prepare an ordinance (1411) which would repeal Ordinance No. 1371 concerning the City's Economic Development Committee.

BACKGROUND:

On August 25, 2009 the City Council deliberated the status and composition of the Economic Development Committee (EDC) and directed staff to repeal Ordinance No. 1371 and return before the Council with a new Ordinance amending the Municipal Code.

DISCUSSION:

During the deliberations of August 25, 2009, the Council agreed by consensus to the following changes to the EDC which included:

1. Vacate the EDC seat held by the Chairman of the Community Redevelopment Agency and replace with an "At-Large Community Member",
2. Add an additional seat to the EDC to represent the Mt. San Jacinto Community College District,
3. Add an additional seat to the EDC to represent the Pass Economic Development Association (Pass EDA), and
4. Convert all members to "voting" members.

The addition of the two seats described above will increase the total membership of the EDC from seven to nine members. The proposed Ordinance No. 1411 which repeals Ordinance No. 1371 is included as **Attachment 1**. As further directed by the Council, the City Manager or his/her designee will be responsible for the administration, management and staffing of the EDC on behalf of the City.

Should Ordinance No. 1411 be introduced by the Council at this meeting, a second reading of the Ordinance would be scheduled for September 22, 2009 and following the second reading and adoption, the revised Ordinance would go into effect 30 days later on, or about, October 22, 2009.

Following adoption of the second reading on September 22, 2009 staff will begin the solicitation process to recruit new members to the EDC. It is anticipated that a review of applications and consideration of candidates by the Council could occur by late October 2009. Should this timeline be maintained, it is anticipated that the EDC could hold its first meeting in November of 2009.

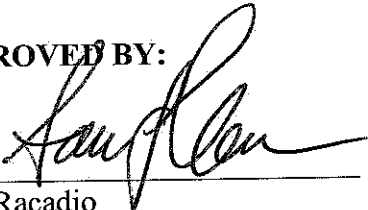
FISCAL DATA:

There are nominal costs associated with preparation of the amended Ordinance, providing staff support and oversight to the Committee, producing Agenda packets/review materials and hosting meetings, etc. These costs are estimated to be less than \$10,000 per year, inclusive of advertising, and can be funded through the Community Redevelopment Agency.

CONCLUSION:

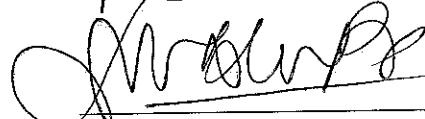
It is respectfully recommended that the City Council repeal Ordinance No. 1371 and introduce the first reading of Ordinance No. 1411 with regard to the City's Economic Development Committee.

APPROVED BY:



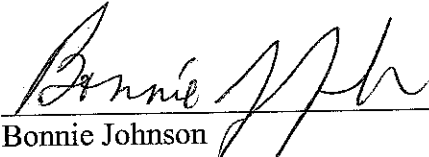
Sam Racadio
Interim City Manager

RECOMMENDED BY:



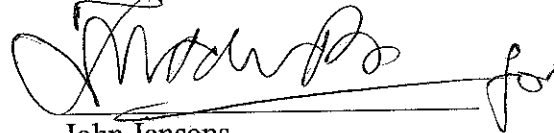
Zai Abu Bakar
Community Development Director

REVIEWED BY:



Bonnie Johnson
Finance Director

PREPARED BY:



John Jansons
Redevelopment Manager

Attachment:

1. Draft Ordinance 1411

ORDINANCE NO. 1411

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AMENDING CHAPTER 2.36 OF THE BANNING MUNICIPAL CODE REGARDING ESTABLISHMENT OF THE BANNING ECONOMIC DEVELOPMENT COMMITTEE

WHEREAS, The Economic Development Committee was originally established in 1965 to advise the City Council and Board of the Redevelopment Agency concerning economic development activities in the City.

WHEREAS, over the last two years the Committee has been inactive and a number of the committee offices are currently vacant.

WHEREAS, the City Council intends to reconstitute the Committee and expand its representation to better advise the Council with respect to economic development.

THE CITY COUNCIL OF THE CITY OF BANNING DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 2, Chapter 2.36 ("Economic Development Committee") of the Banning Municipal Code is hereby amended by amending Chapter 2.36 to read, in its entirety, as follows:

"Sec. 2.36.10. Committee Established.

An economic development committee is established in the city. The purpose of this committee is to establish a coordinating entity between the City, its staff and other commissions and committees, and the private sector for the purpose of recruiting and retention of business development and tourism. The committee is charged with the following responsibilities and duties:

A. Participate in the implementation of the city's economic strategic/implementation plan as approved by the city council.

B. Review and advise the city council on proposed economic development projects within the city.

C. Advise the city council on economic development trends and/or programs that may impact the city fiscally or economically.

D. Assist the city council and staff in economic development matters including:

1. recruitment of new retail, commercial and industrial businesses to the city;
2. development of programs and activities to assist in the expansion of existing retail, commercial and industrial companies;
3. development of programs and activities directed toward the retention of existing retail, commercial and industrial businesses;
4. review and research of economic development issues to provide recommendations to the city council relating to such things as tax revenue generating activities including educational outreach to the community;
5. support of the Banning Cultural Alliance's Downtown Revitalization Committee and the related five year strategic plan;
6. provision of advice and counseling with regard to business recruitment and development;
7. coordination of tourism between the city and private sector organizations including assistance in developing a tourism plan to be recommended to the city council for adoption; and
8. serving, when called upon by the city council, as members of a business recruitment team as well as a "red team" for business retention.

Sec. 2.36.020. Membership – voting members.

A. The economic development committee shall be comprised of nine voting members, five appointed by the City Council and four representing designated organizations.

B. Five (5) members of the economic development committee shall be appointed by the city council from the community at-large and shall have a demonstrated interest and experience in business and economic development issues and shall live within the City of Banning.

C. There shall be four (4) members of the economic development committee known as the "organization members" including (i) one representative from the Banning Unified School District, (ii) one representative from the Mount San Jacinto College District, (iii) one representative from the Morongo Band of Mission Indians, and (iv) one representative from the Pass Area Economic

Development Association. These members shall be recommended by their respective organizations and appointed by the city council.

Sec. 2.36.030 Terms of office.

A. Upon the effective date of this ordinance, the terms of office of any member of an existing economic development committee shall terminate and the terms of office set forth in this ordinance shall apply to those appointed to serve under the provisions set forth herein.

B. Except as provided in Section 2.36.060 and subsection (C) of this section, terms of office of voting members of the economic development committee after reestablishment of the economic development committee as provided in this ordinance, shall be four (4) years or until a successor is appointed as provided herein.

C. The initial appointment of the members of the economic development committee other than the four organization members under this ordinance shall include three (3) members who shall serve for an initial term of four (4) years and two (2) members who shall serve for an initial term of two years to assure continuity on the committee by the staggering of terms of office. The Council shall designate who serves for which terms.

D. Terms of office of the organization members shall be two years.

Sec. 2.36.040. Officers.

The members of the economic development committee shall elect a Chairperson and Vice Chairperson at the initial meeting of the committee under this ordinance and at the first meeting in February of all subsequent years.

Sec. 2.36.050. Quorum.

A majority of the members shall constitute a quorum and a majority of a quorum or of the full committee if the full committee is present shall be required for action.

Sec. 2.36.060. Absences and removal.

A. All members of the economic development committee shall serve at the pleasure of the city council and may be removed from office by a four-fifths (4/5ths) vote of the city council at any time with or without cause.

B. Three (3) unexcused absences in any fiscal year shall constitute an automatic resignation of the absent member. Absences may be excused at the discretion of the Chair.

Sec. 2.36.070. Staff Support for Committee.

The Executive Director of the Redevelopment Agency shall serve as the official secretary of the economic development committee and shall provide staff support as needed to the committee.

Sec. 2.36.080. Meetings and Bylaws.

A. The economic development committee shall meet once monthly on the third Thursday at 6:00 p.m. in the City Council Chambers.

B. The economic development committee shall adopt such rules, regulations and bylaws for the conduct of its business as it deems appropriate consistent with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.) and other applicable law."

SECTION 3. Ordinance 1371 previously adopted by the City Council on June 12, 2007 concerning the Economic Development Committee is hereby repealed in its entirety, and is superseded by this Ordinance.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, or phrase 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 hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after its enactment in accord with California law.

SECTION 6. PUBLICATION. The City Clerk is directed to cause this Ordinance to be published within 15 days of its passage in a newspaper of general circulation published and circulated within the City of Banning.

PASSED, APPROVED, AND ADOPTED this _____ day of September, 2009.

Robert E. Botts, Mayor

ATTEST:

Marie Calderon, City Clerk

APPROVED AS TO FORM:

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

CERTIFICATION:

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance No. 1411 was introduced at a regular meeting of the City Council of the City of Banning, California, held on the 8TH day of September, 2009 and was duly adopted at a regular meeting of the City Council held on the _____ day of September _____, 2009, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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