

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

November 24, 2009  
6:30 p.m.

Banning Civic Center  
Council Chambers  
99 E. Ramsey St.

*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/APPOINTMENTS/  
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.*

PRESENTATIONS:

1. Stagecoach Days Report (*ORAL*)

**III. 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 4**

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

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

1.	Approval of Minutes – Regular Meeting – 11/10/09 . . . . .	1
2.	Ordinance No. 1412 – 2 <sup>nd</sup> Reading: An Ordinance of the City of Banning Amending and Superseding Ordinance No. 1344 to Update Its Participation in the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program and Adopt a Temporary TUMF Reduction . . . . .	13
3.	Resolution No. 2009-100, Reciting the Fact of the Special Municipal Election Held in Said City on November 3, 2009, Declaring the Result Thereof and Such Other Matters as Provided by Law . . . . .	62
4.	Resolution No. 2009-96, Accepting the 2010 Supplemental Law Enforcement Services Fund Allocation and Authorizing the Banning Police Department to Use the Funds Towards the Purchase of Law Enforcement Related Equipment and Training. . . . .	70

- Open for Public Comments
- Make Motion

**IV. ORDINANCES**

1.	Ordinance No. 1413, An Urgency Ordinance to amend the Banning Municipal Code Section 9.16.030, establishing a method to allow a Person or company to destroy Pests in the city.	
	Staff Report . . . . .	73
	<u>Recommendation:</u> That the City Council adopt Urgency Ordinance No. 1413.	

**Mayor asks the City Clerk to read the title of Ordinance No. 1413:**

*"An Urgency Ordinance of the City Council of the City of Banning Amending Section 9.16.030 of Chapter 9.16 of Title 9 of the Banning Municipal Code to Require a Permit from the Chief of Police for the Use of Guns by Persons Licensed to Destroy Pests."*

**Motion: I move to waive further reading of Ordinance No. 1413**

**(Requires a majority vote of Council)**

**Motion: I move that Urgency Ordinance No. 1413 be adopted.**

## **V. REPORTS OF OFFICERS**

1. Heidi Meraz, Community Services Director
  - A. Resolution No. 2009-99, Approving Participation in a Study to Determine the Feasibility for a San Gorgonio Pass Area Joint Powers Authority for Transportation ..... 81  
Recommendation: That the City Council adopt Resolution No. 2009-99, Approving Participation in a Study to Determine the Feasibility for a San Gorgonio Pass Area Joint Powers Authority for Transportation.
  
2. Sam Racadio, Interim City Manager
  - A. Appointment of Economic Development Committee ..... 85  
Recommendation: That the City Council review and appoint members to the Economic Development Committee as outlined in the report.

## **VI. ITEMS FOR FUTURE AGENDAS**

New Items –

Pending Items –

1. Schedule Meetings with Our State and County Elected Officials
2. Set New Date for Joint Meeting with Banning School Board (*Date to be determined*)
3. Budget Study Session on balancing the budget (*ETA 12/8/09*)
4. Additional Splash Pad at Repllier Park Aquatics Center (*ETA 12/8/09*)
5. Community Advisory Panel for Renewable Energy Opportunities (*ETA 12/8/09*)
6. How AB 920 dealing with Electric Energy will affect City (*ETA 12/8/09*)
7. Development Impact Fees Report (*ETA 1/12/10*)
8. Massage Ordinance (*ETA 1/26/10*)

Future Meetings

1. Special Meeting – Closed Session – December 15, 2009 at 8:00 a.m. – City Manager Interviews

## **VII. ADJOURNMENT**

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

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

11/10/09  
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Botts on November 10, 2009 at 6:32 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street Banning, California.

COUNCIL MEMBERS PRESENT:

Councilmember Franklin  
Councilmember Hanna  
Councilmember Robinson  
Mayor Botts

COUNCIL MEMBERS ABSENT:

Councilmember Machisic

OTHERS PRESENT:

Sam Racadio, Interim City Manager  
David Aleshire, City Attorney  
Kirby Warner, Interim Finance Director  
Duane Burk, Public Works Director  
Zaiton Abu-Bakar, Community Development Dir.  
Leonard Purvis, Police Chief  
Phil Holder, Lieutenant  
Heidi Meraz, Community Services Director  
Fred Mason, Electric Utility Director  
Jeff Stowells, Battalion Chief  
Hoyl Belt, Human Resources Director  
Marie A. Calderon, City Clerk

Mayor Botts introduced Pastor Esther De La Cruz of the Canaan Church that will give the invocation. He congratulated Pastor De La Cruz on ministering to the community for 30 years and said thank you on behalf of the Council. Councilmember Robinson invited the public to help him honor the military that lost their lives at Fort Hood and the private personnel and the Veterans that will be honored on November 11<sup>th</sup> by joining him in the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS/ANNOUNCEMENTS

Report by City Attorney

City Attorney said in regards to the Agency closed session the Agency Board met to consider real property negotiations on 41 W. Ramsey Street and a status report was given on negotiations and no reportable action was taken. In regards to the potential litigation matter a report was given to the Agency Board and no reportable action was taken.

Report by City Manager

City Manager said that in honor of the veterans with tomorrow being Veteran's Day, city hall will be closed.

PUBLIC COMMENTS -

Bill Dickson addressed the Council on behalf of the Hispanic Chamber of Commerce. He thanked the City and all of the staff for the generous donation that has been given. The Annual Toy Distribution will be held on Sunday, December 13<sup>th</sup> from 1:00 to 5:00 p.m. at Repplier Park. Last year they had over 1,250 kids and with the economic conditions that we are facing he is sure that they are going to see far more than that this year. They appreciate the Council being out there and for the financial help from the City.

Al Lopez addressed the Council thanking them for the many, many years that they have helped out and the support and being able to see the happy faces of those kids when they get in line. You have made a lot of kids happy.

Sue Barnett, Frontier Trails, Cherry Valley said that they can still accept donations of money, food or toys and you can call 951-849-9029. Mr. Lopez said that they need volunteers, money and toys and most of all they would like the Council there.

CORRESPONDENCE: There was none.

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

Mayor Botts -

- Thanked the TOT Committee on behalf of the Council. He knows that this will be on the agenda later and they are going to decide on how to implement the approved passage of the measure but those of you that have been here regularly and in the audience know we have struggled with balancing our budget and struggled as to how to raise new revenue and ultimately this Council approved unanimously to put the TOT (Transient Occupancy Tax) the bed tax on the ballot. A private group of people chaired by Don Smith and co-chaired by Jim Smith and many wonderful volunteers that believed in what we were trying to do and believed in the measure itself and knows it is not the end all to fix our financial problems but it is an important piece and they raised money and did mailers and made thousands of calls. Thank you for an incredible effort. It is one thing to win an election but to win by 75% of the vote at a time when times are tough is pretty incredible.

Councilmember Robinson reported -

- Phineas Festival is coming up on November 21<sup>st</sup> and also the grand opening of the Haven Coffee House. Festivities will start at noon and there will also be the lighting of the official Christmas tree.

Mayor Pro Tem Hanna reported -

- She had the pleasure of having breakfast with a group of folks and the president of Southern California Edison. He said that they don't make money on the number of how much electricity people use and how many customers use it. One of the things he talked

about in the future and planning for is that the electric car is going to become incredibly popular over the next few years and depending on the technology and how it develops for the electric car a car that recharges in 12 hours or more is almost like adding another house to the system.

- The Grace Lutheran Church on Wilson has an amazing pipe organ and there was a concert there this past Saturday that was filled with people. It is so exciting to see such a response from the community to a musical event.
- November 11<sup>th</sup> at 10 a.m. the Morongo Center there will be a dedication of a Veteran's Memorial for the Morongo Tribe.
- November 26<sup>th</sup>, Thanksgiving, the Hmong Community is celebrating their New Year's and it will take place at Repplier Park starting at 10 a.m. and it is a fascinating opportunity to see the Hmong Culture and their dances and costumes.

Mayor Botts reported –

- That the State of the City will be held on December 10<sup>th</sup> at 11:30 a.m. to 1:30 p.m. at the Fox Theater. Everyone is invited but however you do need reservations and we will walk next door for lunch at the Haven. The Chamber of Commerce is sponsoring this event and will be hosting the lunch for those that did make reservations and seating is limited. You can call the Chamber of Commerce at 849-4695.

Councilmember Franklin reported –

- She attended a workshop last week regarding Senate Bill 375 and they talked about land use and transit. It was a very interesting couple of hours of hearing different presentations and they did talk about these being some non-funded mandates by the State but at this point they haven't really talked about what the repercussions are going to be for non-compliance.
- Attended the League of California Cities last night and they had a very interesting speaker talk about pensions and how they are going to be affecting City budgets in the long term.
- Yesterday she attended the demolition of Cabazon School. There were two people there who had actually been students and they also heard about what the first principal had to do and the first principal was responsible for not only being the principal, a bus driver, the nurse, and the custodian.
- This morning she attended a program at Coombs Schools where they were honoring some of the Veterans and there were 12 veterans in attendance. The kids were so quiet and so attentive to listen and paying attention to what was being said.
- On Thanksgiving Day the Legacy Christian Center is going to be offering a free dinner to anybody that would like to come and it will be held from 11:30 a.m. to 2 p.m. and there are no requirements.
- This is the 8<sup>th</sup> Year for Holiday Wish and they will be sponsoring 100 families through the school district. They are looking for volunteers to help not only shop, wrap but also deliver the gifts. Donations both of money and toys would be appreciated. The families are chosen by the school district through the resources officers and they are asked to select the families that they figure are most in need. What they are to provide to each child that is school age or less is a warm jacket, toothbrush, toothpaste, socks and one item that they would like that is valued up to \$50.00.

- In regards to Veteran's Day being tomorrow Applebee's is offering a free meal to any Veteran that comes between 11 a.m. and 11 p.m.
- Pass Area Supporting Soldiers will be doing boxes next Wednesday, November 18<sup>th</sup> and they are looking for additional names of anyone who is serving overseas and they are also looking for donations. A box will be sent to the name of any person who is related to someone from the Pass Area. This event will be held at the Community Center from 9 a.m. to Noon.
- She suggested that as they adjourn the City Council this evening that it be in honor of all of our Veterans and that a letter stating so would go to the American Legion and VFW.

**PRESENTATIONS:**

1. Proclamation – Diabetes Awareness Month

Mayor Botts said that we all know that diabetes is a major issue with children and adults. This month is Diabetes Awareness Month and November was created under both the President of the Untied States in 1987 and the United Nations. This resolution states that we as a Council we recognize November as Diabetes Month here Banning.

2. Redlands Bicycle Classic – Presentation by Sean Rooks

Sean Rooks addressed the City Council stating that the Redlands Classic has been around 25 years and this is their 26<sup>th</sup> race and will be held on March 26, 2010 starting approximately between 9 and 10 a.m. They are excited about the opportunity to try to run the race through Banning. They have been in Beaumont for the past two years and it is really an exciting stage and adds a different dynamic to the race. They are excited about going through the Banning Bench area. It is a beautiful area and a tuff ride and it will make it a lot more challenging for the racers and just to be able to highlight the Pass Area is exciting. He said that he had maps of the course and he will give them to the City Clerk.

Mayor Pro Tem Hanna asked Mr. Rooks how the City can help and what does he need.

Mr. Rooks said he would coordinate with the police department to set the course to make sure that they are in good condition where they can go and then coordinating volunteers. The course would start in Beaumont, run straight down Ramsey, cut up to San Gorgonio up to the Bench and then back down Sunset to Wilson and then cut across into Beaumont. This is a four-stage race.

Mayor Botts opened the item for public comments. There were none.

**There was Council consensus to work with the Redlands Bicycle Classic on this race.**

3. AB 811 Program – Presentation by Rick Bishop, Executive Dir.-WRCOG

Fred Mason, Electric Utility Director stating that AB 811 was signed into law last July, 2008 and they looked at the possibility of implementing the program at that time but what the law

did was to authorize cities to basically fund and issue loans to residents for qualified energy conservation projects and these loans would be repaid through the property taxes. The City looked at this and said that we can't, being a small city, fund and administer this program. Basically what WRCOG (Western Riverside Council of Governments) is doing is working with their member cities to have a program that they will fund and administer the program that member cities can take advantage of. He said that Rick Bishop will give the presentation and the benefits to the member cities.

Rick Bishop, Executive Director for the Western Riverside Council of Governments addressed the Council stating that he wanted to give a little bit more detail about the AB811 program and what their proposal is and he believes that there is an item on the agenda to support their efforts. He said that AB 811 was a law that was signed by the Governor last year in July and it does provide folks, business owners and residents throughout the state the opportunity to finance the purchase and installation of energy efficient improvements to their homes or businesses. That is real important because people want to do this and provide energy efficiencies to their homes through new windows and doors and insulation and things of that nature and those are costly and often times folks don't have the money to pay for the upfront costs. So what AB 811 does is that it allows for and creates a mechanism that removes those financial barriers and allows for homeowners and businesses to get loans to make those kinds of improvements and then those loans will be paid back over time through an assessment on their property tax. It is an easy to understand mechanism and the interest rates are very low and it provides for a way of financing these improvements. Mr. Bishop continued with his power-point presentation going over the benefits for the property owners, sub-region benefits, eligible improvements, examples of costs, WRCOG program goals, WRCOG's responsibilities in regards to the program, jurisdictional responsibilities, funding and the next steps. Mr. Bishop recognized Barbara Spoonhour, Program Manager for Environmental Program and stated that she has done the lion's share of work on this. She developed the program and arranged for the meeting in Washington D.C. and she has prepared a number of funding and grant applications.

There was some Council discussion and questions about this program possibly covering re-roofing, covering manufactured homes, permit costs being part of the loan, and marketing strategy and how long is the loan for and administration of the program.

Mayor Botts opened the item for public comments. There were none.

## RESOLUTIONS

1. Resolution No. 2009-92, Including the Inclusion of Properties Within the City's Incorporated Area in the Western Riverside Council of Government's Contractual Assessment Program to Finance Distribution Generation Renewable Energy Sources and Energy Efficiency Improvements; Approve the Resolution of Intention; and Approve the Implementation Agreement Between the Western Riverside Council of Governments and the City of Banning.

**Motion Franklin/Hanna that he City Council adopt Resolution No. 2009-92, approving the inclusion of properties within the City's incorporated area in the Western Riverside Council of Government's ("WRCOG") Contractual Assessment Program ("Program") to finance distributed generation renewable energy sources and energy efficiency improvements; approve the Resolution of Intention, attached herewith as Exhibit "A"; and approve the Implementation Agreement between WRCOG and the City of Banning, attached herewith as Exhibit "B".**

Mayor Botts opened the item for public comments. There were none.

**Motion carried, all in favor with Councilmember Machisic absent.**

**CONSENT ITEMS**

Mayor Botts pulled Consent Items 2 and 8 for discussion.

1. Approval of Minutes – Regular Meeting – 10/27/09

Recommendation: That the minutes of the Regular Meeting of October 27, 2009 be approved.

3. Report of Investment for September 2009

Recommendation: That the City council receive and place these required monthly Report of Investments on file.

4. Resolution No. 2009-93, Rescinding Resolution No. 2009-97 to Amend the Classification and Compensation Plan for the City of Banning.

Recommendation: That the City council adopt Resolution No. 2009-93, Amending the City's Classification Plan to amend the classification of Finance Director/Assistant City Manager to Finance director and changing the salary range from 97 to 88. In addition, staff recommends that the City Council approve the creation of a new position of Lead Field Service Representative position at range 53. Also, adopt the attached job description of Lead Field Service Representative.

5. Resolution No. 2009-94, Approving an Amendment to the Memorandum of Understanding (MOU) with the Banning Police Officer's Association.

Recommendation: That the City Council adopt Resolution No. 2009-94.

6. Resolution No. 2009-97, Approving Continued Participation in the Riverside County District Attorney's Office "Project Safe Neighborhoods" Program.

Recommendation: That the City Council adopt Resolution No. 2009-97, supporting the city of Banning's continued participation in the Riverside County District Attorney's Office

“Project Safe Neighborhoods” Program and continue the position of Gang Coordinator in the District Attorney’s Office for a period of one year.

7. Contracting with ComSerCo Communications, Inc. for the movement of the police department’s current radio system to the new police department and a technology upgrade to replace antiquated equipment and create a radio system with transmission backup capabilities in the amount of \$45,513.71.

Recommendation: That the City council review and approve the Police Department’s request to waive the formal bidding process and award a contact to ComSerCo Communications, Inc. to move the police department’s existing radio system to the new police department with the addition of a new Digitac comparator and encoder/decoder IPMUX in the amount of \$45,513.71.

9. Notice of Completion for the Emergency Repairs at the Wastewater Treatment Plant.

Recommendation: That the City Council accept the emergency repairs at the Wastewater Treatment Plant as complete and direct the City Clerk to record the Notice of Completion.

10. Approval of Settlement Agreement and Mutual Release in James Jones Company Litigation.

Recommendation: That the City Council approve the Settlement Agreement and Mutual Release in the James Jones Company Litigation, which includes State of California ex rel. Nora Armenta v. James Jones Company et. al., Los Angeles Superior Court Case No. BC173487 (a lawsuit under the California False Claims Act in which the City of Banning is a real party in interest) and City of Banning et al. v. James Jones Company et. al., Los Angeles Superior Court, Case No. BC 321513. The City of Banning is expected to receive \$174,831.25 from the settlement, subject to final calculation by the Court given the large number of parties involved.

**Motion Hanna/Robinson to approve Consent Items 1, 3, 4, 5, 6, 7, 9 and 10.** Mayor Botts opened the item for public comments. There were none.

**Motion carried, all in favor with Councilmember Machisic absent.**

2. Census Complete County Committee Extension of Application Deadline

Mayor Botts said that this involves the census that is coming up next year. It is so important that an accurate census be taken in the country and it is so important that we count everyone in Banning because that is the way money gets allocated back to us. This item simply extends the application deadline because we need more volunteers to serve on the committee that the Council created. The committee is simply to generate interest and awareness throughout all segments of the community and that this information does not go to anywhere else or is shared with anyone; it is just for the census. We need some volunteers and he asked his colleagues to help reach out to the different segments of the community.

**Motion Robinson/Hanna to approve Consent Item No. 2 to extend the application deadline from October 15, 2009 to November 23, 2009 to receive applications for one member at-large and also nominations from other organizations for the Census Complete Count Committee. Motion carried, all in favor with Councilmember Machisic absent.**

8. Resolution No. 2009-98, Approving the Fire Services Protection Agreement with Riverside County Fire Department for Up to Three Years.

Mayor Botts said he pulled this item for information purposes. He wanted to raise awareness and said that the community knows the challenges we had not too long ago about the station at Highland Springs and the Council has resolved that issue and has been working with County Fire for a three-year agreement.

Mayor Botts opened the item for public comments. There were none.

**Motion Hanna/Robinson that the City Council adopt Resolution No. 2009-08, approving the cooperative fire agreement with Riverside County Fire. Motion carried, all in favor with Councilmember Machisic absent.**

#### PUBLIC HEARINGS

1. Proposed Ordinance to Update Participation in the Transportation Uniform Mitigation Fee (TUMF) Program and adopt a Temporary TUMF Reduction; Resolution Adopting a TUMF Schedule and Temporary TUMF Reduction.  
(Staff Report – Duane Burk, Public Works Director)

Mr. Burk gave the staff report as contained in the agenda packet for consideration of a proposed ordinance for participation in the Transportation Uniform Mitigation Fee Program to adopt a temporary TUMF reduction for a one year period.

Councilmember Franklin said for clarification this does not impact any projects that are already on the books for us which is basically the Sunset Grade Separation. Mr. Burk said that was correct. The only impacts would be if we added any new projects to the TIP.

Mayor Botts opened the public hearing for comments from the public. Seeing none he closed the public hearing.

Mayor Botts asked the City Clerk to read the title of Ordinance No. 1412. City Clerk read: "An Ordinance of the City Council of the City of Banning Amending and Superseding Ordinance No. 1344 to Update the Participation in the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program and Adopt a Temporary TUMF Reduction."

**Motion Hanna/Robinson to waive further reading of Ordinance No. 1412. Motion carried, all in favor with Councilmember Machisic absent.**

**Motion Hanna/Robinson that Ordinance No. 1412 pass its first reading. Motion carried, all in favor with Councilmember Machisic absent.**

**Motion Hanna/Robinson that the City Council adopt Resolution No. 2009-90, Establishing a Revised and Updated Fee Schedule Applicable Under the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program and Adopting A Temporary TUMF Reduction. Motion carried, all in favor with Councilmember Machisic absent.**

#### REPORTS OF OFFICERS

1. Authorize Implementation of the Transient Occupancy Tax (TOT) Increase to 12% as Approved by the Voters on Measure L.  
(Staff Report – Kirby Warner, Interim Finance Director)

Mr. Warner said that this was a very successful process and the city of Banning did step up and approve Measure L. It is a help to the General Fund and will have a long term effect. What staff is asking tonight with this particular item is direction from the Council in order to begin implementation. The staff report points out that we would recommend implementing this at the beginning of January 2010 to give the hoteliers time to get it programmed into their systems and it would also allow staff to start this on a beginning of the quarter and it will provide for a half of a fiscal year of revenue. They are recommending at a staff level that you increase the tax from 6% to 12% which is the amount that is allowed and maximum. The reason for that is the stated reason for putting this on as an urgency item on the ballot and that is the fiscal emergency that continues to plague the City's General Fund. He said that in the first meeting in December the Council will have a budget update that will tell you that even though this has helped a great deal you still have an on-going recurring deficit. Staff is also recommending that the Council authorize staff to go ahead and prepare a letter to the hoteliers to notify them of whatever the decision is this evening and also to prepare the difference on the form they fill out. As pointed out in the staff report the Council obviously has the opportunity and choice to adopt any rate up to 12%. Each incremental one percent produces about \$50,000 in revenue per year to the General Fund. He wanted to correct a mistake that he made in the staff report and that is the fact that in the fiscal data in the second line he meant to say, "That a 10% rate, which would be an option for the Council instead of the 12% rate, would generate approximately \$200,000 on an annualized basis."

Councilmember Robinson said that neighboring cities are currently at 10% and most notably Beaumont is at 10% and the other cities in this area seem to be around the 10% level. Is there a feeling with staff that this would impact us as far as people visiting our city if we go to 12%.

Mr. Warner said that he had no empirical data for that but if you are asking for an opinion, he said he never asks what the TOT tax is when he makes a reservation. The extra 2% for instance between 10% and 12% on a normal hotel in the area would probably be about two

dollars a night; three dollars max. He personally has never used that as a judgment call in terms of how he chooses a room and where to stay. He would suggest that it is probably not a major factor in the competition however you would probably get a different answer if you had your hotel owners standing in front of you at this point.

Mayor Pro Tem Hanna said she wanted to confirm that the difference between 10% and 12% for half a year is how much. Mr. Warner said \$50,000 and for a full year it is \$100,000.

Mayor Botts opened the item for public comments.

Don Smith as former Chairman of the "Yes on Measure L" Committee wanted to thank the approximately one hundred people who worked on this campaign in either sending letters or making telephone calls or helping to put on the parties or donating money. They started with a goal of doing a certain amount of mailers and a certain amount of advertising and they not only met that goal but exceeded that goal through the generous contributions of many people. He thanked the Council for the things that they did in this campaign. Literally this was a grassroots effort that the community stood up and it was the community who convinced everyone else then as to why this was good for Banning and he still believes it is and wanted to make sure that it remains good for Banning. As you know we got over 75% of the vote after they finished the absentees and they still haven't finished the provisional ballots but last time he counted we were up over 75%. There were six tax measures in Riverside County and three of them failed including a hotel bed tax in the city of Blythe. Norco got 53% on their hotel bed tax. In part we got 75% because we convinced the public we were going to be fair and that is part of how we go it. That not only that we needed the money but that we were going to treat everyone fairly and after he speaks the Council will hear from a couple of the officers from the Banning Chamber of Commerce who are going to tell you that this city is making progress in convincing people you are business friendly and you have to keep going forward with that. It is a perception more than a reality that you are heading in the right direction. The hotel owners stood here and told you that it was their belief that if we got more than these neighboring cities it would ultimately cost you money because it was going to cost them money with less people being there. He would request that you pass this ordinance with the 12% maximum but for right now set it at 10% and stand by your businesses.

Jim Smith, Co-Chair of the "Yes on Measure L" Committee addressed the Council stated that Don Smith talked about everything they wanted to discuss with the Council tonight. He believes that the TOT tax was approved by our community because they believed it was good for Banning. He believes that the TOT was passed because our hotel community while they talked about what it might do to their businesses they really didn't oppose us. And we appreciate that because in the long term we believe that the TOT tax will be good for Banning and our hotel community because it will allow us to continue to market to the travelers on the I-10 freeway which is where we get most of our business now. Hopefully we will be a more visitor-based economy in the future and we will get more people who intend to stop here in Banning versus deciding to stop in Banning as they are driving by. He would ask that the Council do the same thing. They talked to the hotel people during the campaign and two of the issues they had was being competitive with our neighbors and also making sure that we didn't implement the tax until after the holiday season was over so they wouldn't have to talk

about the issue with every single person that made reservation prior to this coming into effect. He said that they appreciate the fact that you are being business friendly and most of the community feels the same way.

Ron Duncan, Banning Chamber of Commerce President and worker on the TOT Committee addressed the Council stating that from the standpoint of the Chamber of Commerce when they initially approached the members of the Chamber on this most of them rallied around in support and said this was a good thing. The tax was way low and raising it to 12% seemed the right thing to do. He knows that a question was raised by some of the hotel owners and other concerned people that did we have to implement the whole 12% at one time if it was voted in and the question came back from the City Attorney that we did not. He knows that with his conversations with some of the hotel owners that they felt comfortable with the idea that a 10% rate currently would make them competitive while at the same time it may take away a little bit of money from the City at this point but in the future each of them said they had no problem raising it 12% when the economy improved. The Chamber is working on some tourism packages which would bring business to Banning and they would like to see them reside in Banning whenever they come here to play golf and stuff of that nature instead of going over to Beaumont which is 2% cheaper. When he first heard the word TOT he didn't know what that meant because he didn't know what transient occupancy tax was and as a traveler staying in hotels he never questioned how much he was paying in taxes but you can bet now whenever he goes to a hotel he asks that question. He said it seems fair that we set it at 10% because then we are competitive with our neighbors and he is comfortable with that. We made a commitment to the hotel owners to try to keep them in the loop and be fair to them and to the businesses.

There was Council discussion in regards to the TOT rate and doing everything they can to be business friendly and also be competitive.

**Motion Robinson/Hanna said that we approve the TOT rate to be increased from 6 % to 12% with a start out rate of 10% and not initiate this until after January 1, 2010 and review this again in the budget process for Fiscal Year 2010/2011 budget.**

City Attorney said that for clarification he thinks the motion is to direct staff to prepare the resolutions to come back at the next meeting incorporating those concepts.

**Motion carried, all in favor with Councilmember Machisic absent.**

#### ITEMS FOR FUTURE AGENDAS

New Items –

Mayor Botts said that he sent an email to the City Manager asking that we have a Pass Transit resolution on the next agenda. He said that he and Councilmember Franklin have been talking to Pass cities about transportation and transit in the Pass and before they get too far down in their discussions with other cities they wanted to make sure the Council knows what

they are doing. Also in regards to the joint meeting with the San Gorgonio Memorial Hospital he is in the process of putting that meeting together.

Councilmember Robinson said that they have had some requests in the community from business owners to inquire about a massage ordinance here in town. He did send that information to the City Manager and received information from the Community Development Director. They are some businesses awaiting an outcome on this. As he understands it this was voted on by the State in September of this year and a model was put forth that we could use and this is being reviewed by staff now so in the interest of bringing in some more business for the city he would hope that they could look at this in the near future.

Mayor Pro Tem Hanna said that we may want to put on a future meeting that the Council will be meeting on December 15<sup>th</sup> in closed session for City Manager interviews starting at 8 a.m.

Pending Items –

1. Schedule Meetings with Our State and County Elected Officials
2. Set New Date for Joint Meeting with Banning School Board. (*Date to be determined*)
3. Budget Study Session on balancing the budget (*ETA 12/8/09*)
4. Additional Splash Pad at Repplier Park Aquatics Center (*ETA 12/8/09*)
5. Community Advisory Panel for Renewable Energy Opportunities (*ETA 12/8/09*)
6. How AB 920 dealing with Electric Energy will affect City (*ETA 12/8/09*)
7. Development Impact Fees Report (*ETA 1/12/10*)

ADJOURNMENT

**Motion Hanna/Robinson that the meeting be adjourned. Motion carried, all in favor with Councilmember Machisic absent.**

Meeting adjourned at 7:53 p.m. in honor of our Veterans.

---

Marie A. Calderon, City Clerk

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

*2nd Read.*

## ORDINANCE NO. 1412

### AN ORDINANCE OF THE CITY OF BANNING AMENDING AND SUPERSEDING ORDINANCE NO. 1344 TO UPDATE ITS PARTICIPATION IN THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM AND ADOPT A TEMPORARY TUMF REDUCTION

THE CITY COUNCIL OF THE CITY OF BANNING ("CITY") DOES ORDAIN AS  
FOLLOWS:

#### Section 1. Title.

This Ordinance shall be known as the "Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance of 2009" ("Ordinance").

#### Section 2. Findings.

- A. The City is a member agency of the Western Riverside Council of Governments ("WRCOG"), a joint powers agency comprised of the County of Riverside and 16 cities located in Western Riverside County. Acting in concert, the WRCOG Member Agencies developed a plan whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials in Western Riverside County (the "Regional System") could be made up in part by a Transportation Uniform Mitigation Fee ("TUMF") on future residential, commercial and industrial development. A map depicting the boundaries of Western Riverside County and the Regional System is attached here as Exhibit "A" and incorporated herein. As a Member Agency of WRCOG and as a TUMF Participating Jurisdiction, the City participated in the preparation of a certain "Western Riverside County Transportation Uniform Fee Nexus Study," dated October 18, 2002 (the "2002 Nexus Study") prepared in compliance with the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*) and adopted by the WRCOG Executive Committee. Based on the 2002 Nexus Study, the City adopted and implemented an ordinance authorizing the City's participation in a TUMF Program.
- B. WRCOG, with the assistance of TUMF Participating Jurisdictions, has prepared an updated nexus study entitled "Transportation Uniform Mitigation Fee Nexus Study: 2009 Update" ("2009 Nexus Study") pursuant to California Government Code sections 66000 *et seq.* (the Mitigation Fee Act), for the purpose of updating the fees. On September 14 and October 5, 2009, the WRCOG Executive Committee reviewed the 2009 Nexus Study and TUMF Program and recommended TUMF Participating Jurisdictions amend their applicable TUMF ordinances to reflect changes in the TUMF network and the cost of construction in order to update the TUMF Program.

C. Consistent with its previous findings made in the adoption of Ordinance No. 1344, the City Council has been informed and advised, and hereby finds, that if the capacity of the Regional System is not enlarged and unless development contributes to the cost of improving the Regional System, the result will be substantial traffic congestion in all parts of Western Riverside County, with unacceptable Levels of Service. Furthermore, the failure to mitigate growing traffic impacts on the Regional System will substantially impair the ability of public safety services (police and fire) to respond and, thus, adversely affect the public health, safety and welfare. Therefore, continuation of a TUMF Program is essential.

D. However, the City Council realizes the impact of an economic recession on development and the construction sector in Western Riverside County as indicated in the Addendum to the 2009 Nexus Study, attached and incorporated as part of the 2009 Nexus Study in Exhibit "B." The City Council finds that that a temporarily fifty percent (50%) reduction in TUMF fees through December 31, 2010 will encourage economic development by reducing the overall cost of development. The same adjustment of the entire TUMF Program will also assure that each development continues to contribute a fair share of the total Program costs without unduly burdening later projects to make up the TUMF revenues that would be effectively forfeited during the temporary reduction period. The City Council further finds that the resulting minor decrease in TUMF revenues will not have a material effect on the ability to fulfill the purposes of the TUMF Program or the ability to make the findings recited herein pursuant to the Mitigation Fee Act.

E. The City Council finds and determines that there is a reasonable and rational relationship between the use of the TUMF and the type of development projects on which the fees are imposed because the fees will be used to construct the transportation improvements that are necessary for the safety, health and welfare of the residential and non-residential users of the development in which the TUMF will be levied.

F. The City Council finds and determines that there is a reasonable and rational relationship between the need for the improvements to the Regional System and the type of development projects on which the TUMF is imposed because it will be necessary for the residential and non-residential users of such projects to have access to the Regional system. Such development will benefit from the Regional System improvements and the burden of such developments will be mitigated in part by payment of the TUMF.

G. The City Council finds and determines that the cost estimates set forth in the new 2009 Nexus Study are reasonable cost estimates for constructing the Regional System improvements and the facilities that compromise the Regional System, and that the amount of the TUMF expected to be generated by new development will not exceed the total fair share cost to such development.

- H. The fees collected pursuant to this Ordinance shall be used to help pay for the design, planning, construction of and real acquisition for the Regional System improvements and its facilities as identified in the 2009 Nexus Study. The need for the improvements and facilities is related to new development because such development results in additional traffic and creates the demand for the improvements.
- I. By notice duly given and published, the City Council set the time and place for a public hearing on the 2009 Nexus Study and the fees proposed thereunder, and at least ten (10) days prior to this hearing, the City Council made the 2009 Nexus Study available to the public.
- J. At the time and place set for the hearing, the City Council duly considered data and information provided by the public relative to the cost of the improvements and facilities for which the fees are proposed and all other comments, whether written or oral, submitted prior to the conclusion of the hearing.
- K. The City Council finds that the 2009 Nexus Study proposes a fair and equitable method for distributing a portion of the unfunded costs of improvements and facilities to the Regional system.
- L. The City Council hereby adopts the 2009 Nexus Study, including its Addendum regarding temporary fee reduction, and its findings. The 2009 Nexus Study is attached and incorporated herein as Exhibit "B."
- M. The City Council hereby adopts this Ordinance to amend and supersede the provisions of Ordinance No. 1344.

### **Section 3. Definitions.**

For the purpose of this Ordinance, the following words, terms and phrases shall have the following meanings:

- A. **"Class 'A' Office"** means an office building that is typically characterized by high quality design, use of high end building materials, state of the art technology for voice and data, on site support services/maintenance, and often includes full service ancillary uses such as, but not limited to a bank, restaurant/office coffee shop, health club, printing shop, and reserved parking. The minimum requirements of an office building classified as Class 'A' Office shall be as follows: (i) minimum of three stories (exception will be made for March JPA, where height requirements exist); (ii) minimum of 10,000 square feet per floor; (iii) steel frame construction; (iv) central, interior lobby; and (v) access to suites shall be from inside the building unless the building is located in a central business district with major foot traffic, in which case the first floor may be accessed from the street to provide entrances/ exits for commercial uses within the building.

B. **“Class ‘B’ Office”** means an office building that is typically characterized by high quality design, use of high end building materials, state of the art technology for voice and data, on site support services/maintenance, and often includes full service ancillary uses such as, but not limited to a bank, restaurant/office coffee shop, health club, printing shop, and reserved parking. The minimum requirements of an office building classified as Class ‘B’ Office shall be as follows: (i) minimum of two stories; (ii) minimum of 15,000 square feet per floor; (iii) steel frame, concrete or masonry shell construction; (iv) central, interior lobby; and (v) access to suites shall be from inside the building unless the building is located in a central business district with major foot traffic, in which case the first floor may be accessed from the street to provide entrances/exits for commercial uses within the building.

C. **“Development Project”** or **“Project”** means any project undertaken for the purposes of development, including the issuance of a permit for construction.

D. **“Gross Acreage”** means the total property area as shown on a land division of a map of record, or described through a recorded legal description of the property. This area shall be bounded by road rights of way and property lines.

E. **“Habitable Structure”** means any structure or part thereof where persons reside, congregate or work and which is legally occupied in whole or part in accordance with applicable building codes, and state and local laws.

F. **“Industrial Project”** means any development project that proposes any industrial or manufacturing use allowed in the following Ordinance No. 348 zoning classifications: I-P, M-S-C, M-M, M-H, M-R, M-R-A, A-1, A-P, A-2, A-D, W-E, or SP with one of the aforementioned zones used as the base zone.

G. **“Low Income Residential Housing”** means residential units in publicly subsidized projects constructed as housing for low-income households as such households are defined pursuant to section 50079.5 of the Health and Safety Code. “Publicly subsidized projects,” as the term is used herein, shall not include any project or project applicant receiving a tax credit provided by the State of California Franchise Tax Board.

H. **“Multi Family Residential Unit”** means a development project that has a density of greater than eight (8) residential dwelling units per gross acre.

I. **“Non-Residential Unit”** means retail commercial, service commercial and industrial development which is designed primarily for non-dwelling use, but shall include hotels and motels.

J. **“Recognized Financing District”** means a Financing District as defined in the TUMF Administrative Plan as may be amended from time to time.

- K. **“Residential Dwelling Unit”** means a building or portion thereof used by one (1) family and containing but one (1) kitchen, which is designed primarily for residential occupancy including single-family and multi-family dwellings. “Residential Dwelling Unit” shall not include hotels or motels.
- L. **“Retail Commercial Project”** means any development project that proposes any commercial use not defined as a service commercial project allowed in the following Ordinance No. 348 classifications: R-1, R-R, R-R-O, R-1-A, R-A, R-2, R-2-A, R-3, R-3-A, R-T, R-T-R, R-4, R-5, R-6, C-1/C-P, C-T, C-P-S, C-R, C-O, R-V-C, C-V, W-2, R-D, N-A, W-2-M, W-1, or SP with one of the aforementioned zones used as the base zone.
- M. **“Service Commercial Project”** means any development project that is predominately dedicated to business activities associated with professional or administrative services, and typically consists of corporate offices, financial institutions, legal and medical offices.
- N. **“Single Family Residential Unit”** means each residential dwelling unit in a development that has a density of eight (8) units to the gross acre or less.
- O. **“TUMF Participating Jurisdiction”** means a jurisdiction in Western Riverside County which has adopted and implemented an ordinance authorizing participation in the TUMF Program and complies with all regulations established in the TUMF Administrative Plan, as adopted and amended from time to time by the WRCOG.

#### **Section 4. Establishment of the Transportation Uniform Mitigation Fee.**

- A. **Adoption of TUMF Schedule.** The City Council shall adopt an applicable TUMF schedule through a separate resolution, which may be amended from time to time.
- B. **Fee Calculation.** The fees shall be calculated according to the calculation methodology fee set forth in the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time. The following shall be observed for purposes of calculating the fee:
  - i. For non-residential projects, the fee rate utilized shall be based upon the predominant use of the building or structure identified in the building permit and as further specified in the TUMF Administrative Plan.
  - ii. For non residential projects, the fee shall be calculated on the total square footage of the building or structure identified in the building permit and as further specified in the TUMF Administrative Plan.

C. **Fee Adjustment.** The fee schedule may be periodically reviewed and the amounts adjusted by the WRCOG Executive Committee. By amendment to the Ordinance, the fees may be increased or decreased to reflect the changes in actual and estimated costs of the Regional System including, but not limited to, debt service, lease payments and construction costs. The adjustment of the fees may also reflect changes in the facilities required to be constructed, in estimated revenues received pursuant to this Ordinance, as well as the availability or lack thereof of other funds with which to construct the Regional System. WRCOG shall review the TUMF Program no less than every four (4) years after the effective date of this Ordinance.

D. **Temporary Fee Reduction Period.**

- i. Notwithstanding Section 4A of Ordinance No. 1412 and the adopted TUMF schedule, the City Council may, by separate resolution, adopt a reduced TUMF fee schedule applicable only through December 31, 2010. The TUMF may be so reduced by up to fifty percent (50%) of fees established in the schedule adopted pursuant to Section 4A of this Ordinance. If fees are reduced, all other sections of Ordinance No. 1412 shall still be effect during the temporary fee reduction period. After December 31, 2010, the regular TUMF schedule, as adopted by the City Council and revised from time to time pursuant to Section 4A of this Ordinance, shall automatically apply.
- ii. If reduced fees are paid pursuant to this Section 4D at issuance of building permit and either the application or the building permit expires, subsequent building permit application on the same parcel shall be subject to the full TUMF amount, unless the temporary fee reduction period is still in effect at the time the subsequent application is made.

E. **Purpose.** The purpose of the TUMF is to fund those certain improvements to the Regional System as depicted in Exhibit "A" and identified in the 2009 Nexus Study, Exhibit "B."

F. **Applicability.** The TUMF shall apply to all new development within the City, unless otherwise exempt hereunder.

G. **Exemptions.** The following new development shall be exempt from the TUMF:

- i. Low income residential housing.
- ii. Government/public buildings, public schools and public facilities.
- iii. The rehabilitation and/or reconstruction of any habitable structure in use on or after January 1, 2000, provided that the same or fewer traffic trips are generated as a result thereof.

- iv. Development Projects which are the subject of a Public Facilities Development Agreement entered into pursuant to Government Code section 65864 *et seq.*, prior to the effective date of this Ordinance, wherein the imposition of new fees are expressly prohibited provided that if the term of such a Development Agreement is extended by amendment or by any other manner after the effective date of this Ordinance, the TUMF shall be imposed.
- v. Guest Dwellings.
- vi. Additional single family residential units located on the same parcel pursuant to the provisions of any agricultural zoning classifications set forth in the Municipal Code.
- vii. Kennels and Catteries established in connection with an existing single family residential unit.
- viii. Detached Second Units.
- ix. The sanctuary building of a church or other house of worship, eligible for a property tax exemption.
- x. Any nonprofit corporation or nonprofit organization offering and conducting full-time day school at the elementary, middle school or high school level for students between the ages of five and eighteen years.

H. **Credit.** Regional System improvements may be credited toward the TUMF in accordance with the TUMF Administrative Plan and the following:

**Regional Tier**

- i. **Arterial Credits:** If a developer constructs arterial improvements identified on the Regional System, the developer shall receive credit for all costs associated with the arterial component based on approved Nexus Study, including Addendum 1, for the Regional System effective at the time the credit agreement is entered into. WRCOG staff must pre-approve any credit agreements that deviate from the standard WRCOG approved format.
- ii. **Other Credits:** In special circumstances, when a developer constructs off-site improvements such as an interchange, bridge, or railroad grade separation, credits shall be determined by WRCOG and the City in consultation with the developer. All such credits must have prior written approval from WRCOG.
- iii. The amount of the development fee credit shall not exceed the maximum amount determined by the Nexus Study, including Addendum 1, for the Regional System at the time the credit agreement is entered into or actual costs, whichever is less.

**Local Tier**

- i. The local jurisdictions shall compare facilities in local fee programs against the Regional System and eliminate any overlap in its local fee program except where there is a Recognized Financing District has been established.
- ii. If there is a Recognized Financing District established, the local agency may credit that portion of the facility identified in both programs against the TUMF in accordance with the TUMF Administrative Plan.

**Section 5. Reimbursements.**

Should the developer construct Regional System improvements in excess of the TUMF fee obligation, the developer may be reimbursed based on actual costs or the approved Nexus Study, including Addendum 1, effective at the time the agreement was entered into, whichever is less. Reimbursements shall be enacted through an agreement between the developer and the City, contingent on funds being available and approved by WRCOG. In all cases, however, reimbursements under such special agreements must coincide with construction of the transportation improvements as scheduled in the five-year Capital Improvements Program adopted annually by WRCOG.

**Section 6. Procedures for the Levy, Collection and Disposition of Fees.**

- A. **Authority of the Building Department.** The Director of Building & Safety, or his/her designee, is hereby authorized to levy and collect the TUMF and make all determinations required by this Ordinance.
- B. **Payment.** Payment of the fees shall be as follows:
  - i. The fees shall be paid at the time a certificate of occupancy is issued for the Development Project or upon final inspection, whichever comes first (the "Payment Date"). However this section should not be construed to prevent payment of the fees prior to issuance of an occupancy permit or final inspection. Fees may be paid at the issuance of a building permit, and the fee payment shall be calculated based on the fee in effect at that time, provided the developer tenders the full amount of his/her TUMF obligation. If the developer makes only a partial payment prior to the Payment Date, the amount of the fee due shall be based on the TUMF fee schedule in place on the Payment Date. The fees shall be calculated according to fee schedule set forth in the Ordinance and the calculation methodology set forth in the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time.
  - ii. The fees required to be paid shall be the fee amounts in effect at the time of payment is due under this Ordinance, not the date the Ordinance is initially adopted. The City shall not enter into a development agreement which freezes future adjustments of the TUMF.

- iii. If all or part of any development project is sold prior to payment of the fee, the property shall continue to be subject to the requirement for payment of the fee. The obligation to pay the fee shall run with the land and be binding on all the successors in interest to the property.
- iv. Fees shall not be waived.

**C. Disposition of Fees.** All fees collected hereunder shall be transmitted to the Executive Director of WRCOG within thirty (30) days for deposit, investment, accounting and expenditure in accordance with the provisions of this Ordinance and the Mitigation Fee Act.

**D. Appeals.** Appeals shall be filed with WRCOG in accordance with the provisions of the TUMF Administrative Plan. Appealable issues shall be the application of the fee, application of credits, application of reimbursement, application of the legal action stay and application of exemption.

**E. Reports to WRCOG.** The Director of Building and Safety, or his/her designee, shall prepare and deliver to the Executive Director of WRCOG, periodic reports as will be established under Section 7 of this Ordinance.

**Section 7. Appointment of the TUMF Administrator.**

WRCOG is hereby appointed as the Administrator of the Transportation Uniform Mitigation Fee Program. WRCOG is hereby authorized to receive all fees generated from the TUMF within the City, and to invest, account for and expend such fees in accordance with the provisions of this Ordinance and the Mitigation Fee Act. The detailed administrative procedures concerning the implementation of this Ordinance shall be contained in the TUMF Administrative Plan adopted May 5, 2003, and as may be amended from time to time. Furthermore, the TUMF Administrator shall use the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time, for the purpose of calculating a developer's TUMF obligation. In addition to detailing the methodology for calculating all TUMF obligations of different categories of new development, the purpose of the Fee Calculation Handbook is to clarify for the TUMF Administrator, where necessary, the definition and calculation methodology for uses not clearly defined in the respective TUMF ordinances.

WRCOG shall expend only that amount of the funds generated from the TUMF for staff support, audit, administrative expenses, and contract services that are necessary and reasonable to carry out its responsibilities and in no case shall the funds expended for salaries and benefits exceed one percent (1%) of the revenue raised by the TUMF Program. The TUMF Administrative Plan further outlines the fiscal responsibilities and limitations of the Administrator.

**Section 8. Effect.**

No provisions of this Ordinance shall entitle any person who has already paid the TUMF to receive a refund, credit or reimbursement of such payment. This Ordinance does not create any new TUMF.

**Section 9. Severability.**

If any one or more of the terms, provisions or sections of this Ordinance shall to any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions and sections of this Ordinance shall not be affected thereby and shall be valid and enforceable.

**Section 10. Judicial Review.**

In accordance with State law, any judicial action or proceeding to attack, review, set aside, void or annul this Ordinance shall be commenced within ninety (90) days of the date of adoption of this Ordinance.

**Section 11. Ordinance No. 1412**

This Ordinance supersedes the provisions of Ordinance No. 1344 provided this Ordinance is not declared invalid or unenforceable by a court of competent jurisdiction. If, for whatever reason, this Ordinance is declared invalid or unenforceable by a court of competent jurisdiction, Ordinance No. 1344 and all other related ordinances and polices shall remain in full force and effect.

**Section 12. Effective Date.**

This Ordinance shall take effect (30) days after its 2<sup>nd</sup> reading in accordance with California law.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

Robert E. Botts, Mayor

**ATTEST:**

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

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

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, do hereby certify that the foregoing Ordinance No. 1412 was duly introduced at a regular meeting of the City Council of the City of Banning, California, held on the 10<sup>th</sup> day of November, 2009 and was duly adopted at a regular meeting of said City Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 2009 by the following vote, to wit:

AYES:

NOES:

ABSENT:

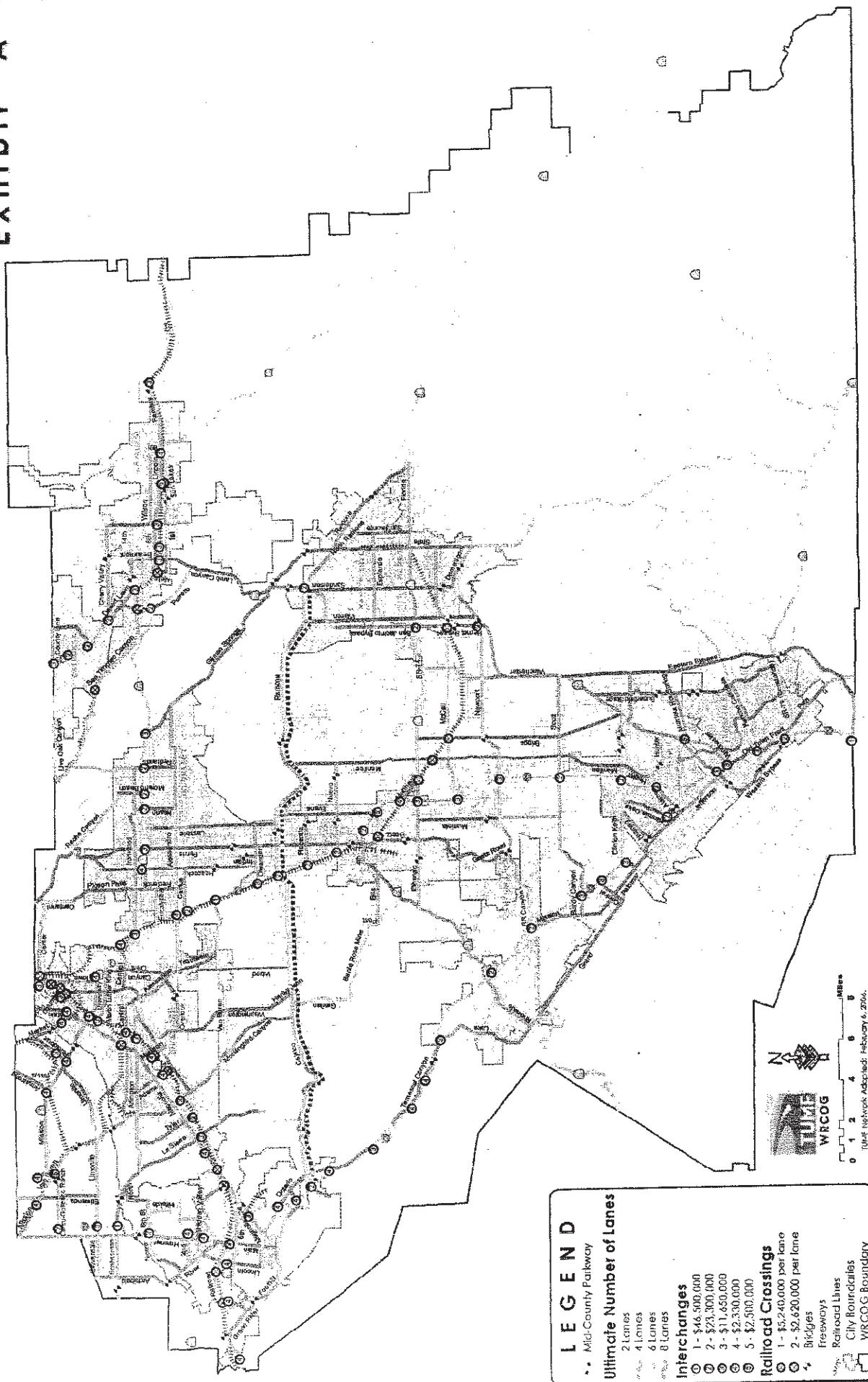
ABSTAIN:

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Marie A. Calderon  
City Clerk of the  
City of Banning

**EXHIBIT "A"**  
**MAP OF REGIONAL SYSTEM**

**Exhibit "A"**



**EXHIBIT "B"**

**NEXUS STUDY**



**TRANSPORTATION UNIFORM MITIGATION FEE  
NEXUS STUDY  
2009 UPDATE**

**ADDENDUM 1  
TEMPORARY FEE REDUCTION**

**Prepared for**

**The Western Riverside Council of Governments**

**In Cooperation with**

The City of Banning  
The City of Beaumont  
The City of Calimesa  
The City of Canyon Lake  
The City of Corona  
The City of Hemet  
The City of Lake Elsinore  
The City of Menifee  
The City of Moreno Valley  
The City of Murrieta  
The City of Norco  
The City of Perris  
The City of Riverside  
The City of San Jacinto  
The City of Temecula  
The City of Wildomar  
The County of Riverside  
Eastern Municipal Water District  
March Joint Powers Authority  
Western Municipal Water District

**Prepared by**

**Parsons Brinckerhoff.**

**DRAFT OCTOBER 4, 2009**

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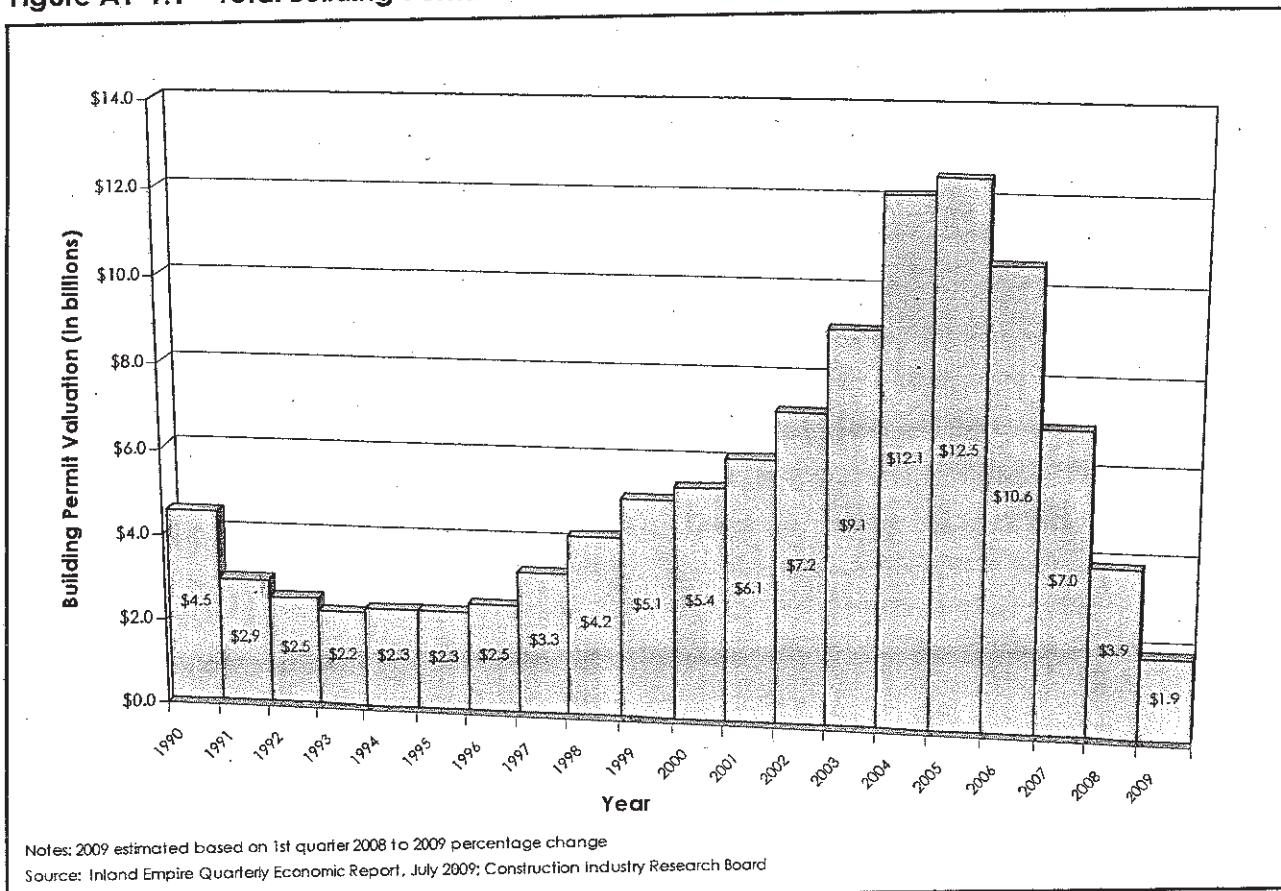
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## A1-1.0 BACKGROUND

The July 2009 Inland Empire Quarterly Economic Report<sup>1</sup> indicates that "in 2009, the Inland Empire is facing its most serious economic challenge since the 1930s." According to the report, the area lost 48,650 jobs in 2008 with a further loss of 82,600 jobs forecast in 2009. The report attributes the loss of jobs to declines in the construction, logistics and manufacturing sectors as well the region's population-serving activities.

Specifically addressing the construction sector, the report states "in 2005, the Inland Empire's developers received \$12.5 billion in construction permits....With the residential, retail, industrial and office sectors under enormous pressure, 2009 will see just \$1.9 billion in permits issued (based on first quarter 2009). That means a drop of \$10.6 billion (-84.7%) in funds entering the region. Of this drop, \$8.3 billion was lost by residential builders and \$2.3 billion by non-residential developers. The result is an estimated \$21.2 billion reduction in the area's economic activity. As a result, construction employment has fallen 49.0% from a peak of 127,500 in 2006 to 67,100 in 2009."

**Figure A1-1.1 – Total Building Permit Valuation in the Inland Empire**



<sup>1</sup> John E. Husing, Ph.D., Inland Empire Quarterly Economic Report, Riverside and San Bernardino Counties, California, Volume 21 Number 3, July 2009  
(<http://www.wrcog.cog.ca.us/downloads/QER20July2009WRCOG.pdf>)

**Figure A1-1.1** clearly illustrates the impact of the economic recession on the construction sector in the Inland Empire, including Western Riverside County. The significant declines in the Total Building Permit Valuation in the Inland Empire observed since 2005 is evident with the forecast valuation for 2009 at the lowest level in two decades.

The Inland Empire Quarterly Economic Report indicates that since "the residential construction depression has been the primary cause of the Inland Empire's deep downturn, that sector's re-emergence will be a key to recovery." The report indicates that housing "demand has returned to its mid-2002 volume, and price appears to be stabilizing near its first quarter 2002 level. However, roughly 70% of home sales are foreclosures." The report goes on to indicate that "the foreclosure supply will thus likely prevent home prices from rising to a level where residential construction can reemerge for several years. Given that construction labor and material costs have fallen, this time period will be shortened only if governmental fees, lot sizes and house sizes can be reduced.

Recognizing the significance of the current economic recession to Western Riverside County, business, community and government leaders established the Riverside Economic Development Red Team in 2008. The Red Team recommended three goals critical to recovery of the regional economy. These goals included "reduce the cost of building new homes so that the new home building industry can put people back to work."

In response to the Red Team recommendations, the Riverside County Board of Supervisors at the meeting on July 21, 2009 acted to reduce its local development impact fees (DIF) by 50%. As part of its action, the Board of Supervisors adopted a resolution encouraging the WRCOG Executive Committee to similarly consider a temporary TUMF reduction. A copy of the Riverside County Board of Supervisors July 21, 2009 action including the ordinance amendment and resolution to the WRCOG Executive Committee is included as **Appendix A1-A** to this Addendum. Consistent with the Red Team recommendation and the Riverside County Board of Supervisors July 21, 2009 action, almost one-third of the WRCOG jurisdictions have reduced development impact fees in the past year with others considering the matter over the next few months.

Following the action by the Riverside County Board of Supervisors, the Riverside Economic Development Red Team forwarded a letter to the WRCOG Executive Director reiterating the recommended goals and highlighting the actions of local jurisdictions to "create jobs and jump-start the economy by deferring and/or reducing construction fees." A copy of the letter from the Riverside Economic Development Red Team dated August 24, 2009 is included as **Appendix A1-B** to this Addendum.

At the meeting on September 14, 2009, the WRCOG Executive Committee considered a temporary reduction of the TUMF. The WRCOG Executive Committee "supported the Red Team recommendation and Board of Supervisors' request for a temporary 50% TUMF reduction for a one-year period, to be ratified at the next meeting." The WRCOG

Executive Committee in taking this action cited the importance of creating jobs in Western Riverside County by stimulating the housing market through lower fees.

At the meeting on October 5, 2009, the WRCOG Executive Committee ratified the previous action to "authorize a temporary 50% reduction in the current TUMF for one year commencing immediately and ending December 31, 2010." The WRCOG Executive Committee further resolved that "the reduced TUMF applies to new building permits associated with new development projects. If reduced fees are paid at the time application is made for a building permit and either the application or the building permit expires, subsequent building permit applications on the same parcel shall be subject to the full TUMF amount, unless the temporary fee reduction is still in effect at the time of the subsequent. No provision of the temporary TUMF reduction shall entitle any person who has already paid TUMF to receive a refund, credit or reimbursement of such payment."

## A1-2.0 TUMF NEXUS IMPLICATIONS

The action of the WRCOG Executive Committee to temporarily reduce TUMF proportionally reduces the fees paid by each new development to mitigate its impact on the regional transportation system. Since the transportation impact of a particular development is a constant from the perspective of the Program, a reduction in the fees paid by the development means that the development is no longer contributing a fair share of the total cost to mitigate the cumulative impacts of new development on the regional transportation system based on the TUMF Program Nexus Study. As a result, the entire program basis must be adjusted accordingly to ensure that each development continues to contribute a fair share of the total Program costs without unduly burdening later projects to make up the TUMF revenues that are effectively forfeited during the temporary reduction period.

The program adjustment will be reflected in a commensurate reduction in the maximum TUMF share of the costs for each project in the Program. Subsequently, the TUMF revenues available for programming eligible project activities, including planning, design and construction, along with credits and reimbursements, are also reduced proportionately. In addition to assuring the Program Nexus, these adjustments prevent an imbalance in the TUMF Program revenues that are being programmed from occurring due to the temporary reduction in the share of project costs being collected. In effect, the adjustments ensure an appropriate balance is maintained between the overall fee revenue that is generated at the reduced fee levels compared to the eligible project costs upon which the TUMF is based and the revenues expended.

Despite the reduction in the level of the fee, the transportation impact of any new development remains constant and the reduction in fees means that the development is no longer contributing a fair share of the cost to mitigate its impacts. Since the burden to mitigate the impacts of the development cannot be passed on to other developments through the TUMF program, it is necessary for the TUMF revenues that are forfeited during the temporary reduction period to be made up from other sources.

The following sections will summarize the adjustments to the TUMF Program Nexus based on the 2009 Program Update Nexus Study. Specifically, the following sections will describe the adjustments to the maximum TUMF share of the various Network and Transit project costs before providing the adjusted Fee Schedule. The following sections will also address the issue of the resultant Program funding shortfall.

### A1-2.1 Maximum Eligible TUMF Share

The calculation of the TUMF is based on the three basic variables – unit cost assumptions, recommended network improvements, and the change in development. In general, the fee for the TUMF program is calculated based on the following formula:

$$\begin{array}{c} \boxed{\text{Unit Cost Assumptions}} \times \boxed{\text{Recommended Network Improvements}} \\ \hline = \boxed{\text{TUMF}} \\ \boxed{\text{Change in Residential and Non-Residential Development}} \end{array}$$

Applying this formula, unit cost assumptions for the various eligible TUMF project types are used to estimate the overall cost to improve the TUMF Network as described in the TUMF Nexus Study. The resultant maximum eligible network improvement cost (or maximum TUMF share) is then divided proportionally between various residential and non-residential development categories such that each new development type contributes its 'fair share' to the program. Any change in one formula variable has a related impact on the overall fee, although it is important to note that the resultant impact to the overall fee is not necessarily directly proportional to the formula variable change due to the intricacies of the fee calculation.

In contrast, a discretionary change in the fee (such as the temporary 50% fee reduction) represents a change in the resultant value of this formula. As described previously, this change subsequently needs to be reflected in the basis for the fee in order to maintain the Program Nexus and ensure a balance between fee revenues and eligible expenditures. This change can be reflected by making a commensurate adjustment to the numerator (the maximum TUMF share) in the TUMF equation. Based on the methodology to calculate the maximum TUMF share, this can be accomplished most easily by reducing the unit cost assumptions proportional to the recommended fee reduction.

The adjusted unit cost assumptions and resultant adjusted maximum TUMF share will not represent the fair share cost to mitigate the cumulative regional impacts of new development on the transportation system. The resultant value represents the proportional share of the maximum eligible network improvement cost that will be collected by the Program based on a temporarily reduced fee level. This amount also represents the maximum TUMF share that can be programmed for expenditure on a project. Since administration of the Program is a relatively fixed cost, the Administration multiplier was increased to 5% for the period of the fee reduction to ensure sufficient revenues are generated to administer the Program during this time.

**Table A1-2.1** presents the adjusted maximum eligible network improvement cost based on the temporary fee reduction. **Table A1-2.2** provides the adjusted Schedule of Fees in accordance with the WRCOG Executive Committee action of October 12, 2009.

Table A1-2.1 - TUMF Network Cost Estimates – 50% ADJUSTED

AREA PLAN DIST CITY	STREETNAME	SEGMENTFROM	SEGMENTTO	MILES	ADJUSTED COST	ADJ MAX TUMF SHARE	
Central	Menifee	Ethanac	Goetz	0.99	\$1,770,000	\$1,770,000	
Central	Menifee	Ethanac	Murietta	0.90	\$9,509,000	\$9,509,000	
Central	Menifee	Goetz	Case	2.00	\$4,010,000	\$3,534,000	
Central	Menifee	Menifee	SR-74 (Pinacate)	2.49	\$3,751,000	\$3,751,000	
Central	Menifee	Menifee	Holland	1.03	\$0	\$0	
Central	Menifee	Menifee	Garbani	1.00	\$1,170,000	\$1,170,000	
Central	Menifee	Menifee	Simpson	0.64	\$1,499,000	\$1,499,000	
Central	Menifee	Menifee	Aldergate	0.98	\$0	\$0	
Central	Menifee	Menifee	Newport	1.07	\$0	\$0	
Central	Menifee	Menifee	Holland	1.81	\$1,273,000	\$1,273,000	
Central	Menifee	Newport	Goetz	2.05	\$18,552,000	\$18,552,000	
Central	Menifee	Newport	Murietta				
Central	Menifee	Newport	I-215	0.95	\$13,130,000	\$13,130,000	
Central	Menifee	Newport	Menifee	0.95	\$1,084,000	\$1,084,000	
Central	Menifee	Scott	I-215	2.04	\$20,335,000	\$20,264,000	
Central	Menifee	Scott	Briggs	1.94	\$4,452,000	\$4,452,000	
Central	Menifee	SR-74	Matthews	1.89	\$2,218,000	\$2,218,000	
Central	Menifee	SR-74	I-215	3.71	\$2,660,000	\$2,660,000	
Central	Moreno Valley	Alessandro	I-215	2.00	\$6,100,000	\$6,100,000	
Central	Moreno Valley	Alessandro	Peris	0.99	\$1,778,000	\$1,778,000	
Central	Moreno Valley	Alessandro	Nason	4.13	\$4,840,000	\$4,840,000	
Central	Moreno Valley	Alessandro	Moreno Beach	1.67	\$9,854,000	\$9,854,000	
Central	Moreno Valley	Gilman Springs	SR-60	2.20	\$3,350,000	\$3,350,000	
Central	Moreno Valley	Peris	Reche Vista	0.52	\$8,081,000	\$8,081,000	
Central	Moreno Valley	Peris	Ironwood	2.00	\$717,000	\$683,000	
Central	Moreno Valley	Peris	Sunnymead	3.50	\$9,427,000	\$6,973,000	
Central	Moreno Valley	Peris	Cactus	1.46	\$2,548,000	\$2,548,000	
Central	Moreno Valley	Reche Vista	Reche Canyon	0.30	\$539,000	\$539,000	
Central	Peris	11th/Case	Peris	2.24	\$6,804,000	\$6,804,000	
Central	Peris	Ethanac	Keystone	0.35	\$426,000	\$362,000	
Central	Peris	Ethanac	I-215	4.55	\$41,159,000	\$41,159,000	
Central	Peris	Mid-County	I-215				
Central	Peris	Peris	Horley Knox	1.00	\$2,333,000	\$1,696,000	
Central	Peris	Peris	Ramona	2.49	\$2,922,000	\$29,17,000	
Central	Peris	Peris	Citrus	0.50	\$0	\$0	
Central	Peris	Peris	Nuevo	1.75	\$4,386,000	\$30,10,000	
Central	Peris	Ramona	11th	1.47	\$18,787,000	\$18,754,000	
Central	Peris	Ramona	Peris	1.00	\$3,039,000	\$3,039,000	
Central	Peris	Ramona	Evans	2.09	\$3,746,000	\$3,746,000	
Central	Peris	SR-74 [4th]	I-215	2.29	\$16,153,000	\$16,153,000	
Central	Unincorporated	Ethanac	SR-74	1.07	\$2,506,000	\$2,506,000	
Central	Unincorporated	Ethanac	Sherman	0.61	\$13,913,000	\$13,913,000	
Central	Unincorporated	Gilman Springs	Alessandro	4.98	\$6,789,000	\$5,920,000	
Central	Unincorporated	Menifee	Ramona	6.52	\$7,438,000	\$7,638,000	
Central	Unincorporated	Mid-County	Rider	6.92	\$10,416,000	\$10,114,000	
Central	Unincorporated	Ramona	Rider	0.97	\$1,134,000	\$1,134,000	
Central	Unincorporated	Ramona	Pico	5.95	\$24,804,000	\$23,851,000	
Central	Unincorporated	Reche Canyon	Reche Vista	3.35	\$10,446,000	\$8,771,000	
Central	Unincorporated	Scott	SR-79 (Winchester)	3.04	\$7,122,000	\$7,122,000	
Central	Unincorporated	SR-74	Briggs	2.68	\$0	\$0	
Northwest	Corona	Foothill	Ethanac	2.60	\$10,609,000	\$17,420,000	
Northwest	Corona	Foothill	Paseo Grande	2.81	\$0	\$0	
Northwest	Corona	Foothill	Lincoln	0.89	\$1,594,000	\$1,594,000	
Northwest	Corona	Green River	California	1-15	0.52	\$931,000	\$64,000
Northwest	Corona	Green River	SR-91	0.56	\$11,114,000	\$11,101,000	
Northwest	Corona	Green River	Dominguez Ranch	2.01	\$0	\$0	
Northwest	Riverside	Alessandro	Palisades	2.21	\$0	\$0	
Northwest	Riverside	Alessandro	Arlington	5.92	\$0	\$0	
Northwest	Riverside	Arlington	North	2.02	\$11,451,000	\$10,313,000	
Northwest	Riverside	Van Buren	Magnolia	3.44	\$17,429,000	\$15,622,000	
Northwest	Riverside	Van Buren	Santa Ana River	3.10	\$5,353,000	\$2,598,000	
Northwest	Riverside	Van Buren	SR-91	0.43	\$0	\$0	
Northwest	Riverside	Van Buren	Wood	1.27	\$1,782,000	\$1,755,000	
Northwest	Riverside	Van Buren	Trautwein	1.22	\$0	\$0	
Northwest	Unincorporated	Alessandro	Vista Grande	1.26	\$0	\$0	
Northwest	Unincorporated	Alessandro	I-215	0.76	\$2,043,000	\$1,784,000	
Northwest	Unincorporated	Cajalco	El Sobrante	5.79	\$20,772,000	\$20,325,000	
Northwest	Unincorporated	Cajalco	Horley John	1-215	\$333,000	\$33,000	
Northwest	Unincorporated	Cajalco	Horley John	0.66	\$17,336,000	\$7,907,000	
Northwest	Unincorporated	Cajalco	Horville	3.21	\$11,468,000	\$11,468,000	
Northwest	Unincorporated	Cajalco	Temescal Canyon	6.11	\$19,044,000	\$19,044,000	
Northwest	Unincorporated	Cajalco	La Sierra	1.53	\$7,172,000	\$7,172,000	
Northwest	Unincorporated	Schliesman	El Sobrante	0.50	\$1,790,000	\$1,790,000	
Northwest	Unincorporated	Schliesman	Harrison	0.50	\$2,492,000	\$2,492,000	
Northwest	Unincorporated	Schliesman	Summer	0.23	\$1,237,000	\$1,237,000	
Northwest	Unincorporated	Schliesman	Cleveland	0.27	\$980,000	\$980,000	
Northwest	Unincorporated	Schliesman	A Street	0.31	\$33,398,000	\$33,398,000	
Northwest	Unincorporated	Schliesman	Hammer	1-15	\$12,972,000	\$12,972,000	
Northwest	Unincorporated	Schliesman	Arlington	1.43	\$2,562,000	\$1,096,000	
Northwest	Unincorporated	Van Buren	SR-60	3.60	\$6,451,000	\$2,785,000	
Northwest	Unincorporated	Van Buren	Bellegrave	4.41	\$7,907,000	\$4,174,000	
Northwest	Unincorporated	Van Buren	Mockingbird Canyon	1.89	\$35,123,000	\$34,358,000	
Northwest	Unincorporated	Van Buren	Orange Terrace				

Table A1-2.1 - TUMF Network Cost Estimates – 50% ADJUSTED (continued)

AREA PLAN DIST CITY	STREETNAME	SEGMENTFROM	SEGMENTTO	MILES	ADJUSTED COST	ADJ MAX TUMF SHARE	
Pass	Beaumont	Beaumont	Oak Valley (14th)	1-10	1.37	\$0	
Pass	Beaumont	Poltro	Oak Valley (San Timoteo Canyon)	4th	1.17	\$34,596,000	
Pass	Beaumont	SR-79 (Beaumont)	1-10	0.80	\$7,896,000	\$0	
Pass	Unincorporated	SR-79 (Beaumont)	Mellow	0.38	\$0	\$0	
Pass	Unincorporated	Poltro	4th	1st	0.45	\$1,054,000	\$1,054,000
Pass	Unincorporated	Poltro	1st	SR-79 (Beaumont)	2.03	\$5,550,000	\$5,550,000
Pass	Unincorporated	SR-79 (Lamb Canyon)	California	Gilman Springs	4.87	\$0	\$0
San Jacinto	Hemet	Domenigoni	Warren	Sanderson	1.77	\$2,075,000	\$2,075,000
San Jacinto	Hemet	Domenigoni	Sanderson	Slate	2.14	\$0	\$0
San Jacinto	Hemet	SR-74	Winchester	Warren	2.59	\$4,641,000	\$3,668,000
San Jacinto	San Jacinto	Mid-County	Warren	Sanderson	1.73	\$3,099,000	\$3,099,000
San Jacinto	San Jacinto	Ramona	Warren	Sanderson	1.73	\$3,099,000	\$3,099,000
San Jacinto	San Jacinto	Ramona	Sanderson	Slate	2.39	\$8,565,000	\$8,830,000
San Jacinto	San Jacinto	Ramona	Main	Main	2.66	\$4,778,000	\$4,650,000
San Jacinto	San Jacinto	Ramona	Cedar	SR-74	2.08	\$8,715,000	\$8,715,000
San Jacinto	San Jacinto	Ramona	Warren	Warren	1.10	\$0	\$0
San Jacinto	San Jacinto	Ramona	Sanderson	SR-74 (Winchester)	3.10	\$4,880,000	\$4,392,000
San Jacinto	Unincorporated	Domenigoni	Bridge	Sanderson	2.95	\$3,454,000	\$3,454,000
San Jacinto	Unincorporated	Gilman Springs	Bridge	Warren	2.35	\$2,752,000	\$2,752,000
San Jacinto	Unincorporated	Mid-County	Bridge	Warren	2.35	\$5,505,000	\$5,505,000
San Jacinto	Unincorporated	Ramona	Bridge	SR-79 (Winchester)	3.53	\$4,130,000	\$4,130,000
San Jacinto	Unincorporated	SR-74	Briggs	Domenigoni	3.22	\$31,226,000	\$31,226,000
San Jacinto	Unincorporated	SR-79 (Hemet Bypass)	SR-74 (Florida)	Winchester	1.50	\$5,272,000	\$5,272,000
San Jacinto	Unincorporated	SR-79 (Hemet Bypass)	Domenigoni	SR-74 (Florida)	6.50	\$38,995,000	\$38,995,000
San Jacinto	Unincorporated	SR-79 (San Jacinto Bypass)	Ramona	Gilman Springs	1.92	\$13,103,000	\$12,253,000
San Jacinto	Unincorporated	SR-79 (Sanderson)	Domenigoni	Keller	4.90	\$17,583,000	\$11,524,000
San Jacinto	Unincorporated	SR-79 (Winchester)	Railroad Canyon	Newport	0.50	\$1,826,000	\$1,348,000
Southwest	Canyon Lake	Goetz	Canyon Hills	Goetz	1.95	\$3,865,000	\$3,753,000
Southwest	Canyon Lake	Railroad Canyon	Canyon Hills	Canyon Hills	2.29	\$17,494,000	\$17,494,000
Southwest	Lake Elsinore	Railroad Canyon	I-15	Copper Craft	2.48	\$13,706,000	\$13,394,000
Southwest	Murrieta	Clinton Keith	I-15	Toulon	0.83	\$0	\$0
Southwest	Murrieta	Clinton Keith	Copper Craft	I-215	0.83	\$17,123,000	\$17,123,000
Southwest	Murrieta	Clinton Keith	Toulon	Meadowlark	0.75	\$875,000	\$875,000
Southwest	Murrieta	Clinton Keith	I-215	Margarita	1.03	\$1,852,000	\$1,852,000
Southwest	Murrieta	French Valley (Date)	SR-79 (Winchester)	Clinton Keith	2.00	\$4,685,000	\$4,685,000
Southwest	Murrieta	Meadowlark (Menifee)	Keller	Keller	1.08	\$0	\$0
Southwest	Murrieta	Menifee	Scott	Ynez	0.91	\$0	\$0
Southwest	Temecula	French Valley	Margarita	Murrieta Creek	1.29	\$38,875,000	\$25,954,000
Southwest	Temecula	French Valley	Ynez	Rancho California	2.36	\$11,566,000	\$11,566,000
Southwest	Temecula	French Valley	Murrieta Creek	I-15 (Front)	1.86	\$24,791,000	\$10,413,000
Southwest	Temecula	French Valley	Rancho California	Jefferson	2.70	\$7,896,000	\$7,896,000
Southwest	Temecula	SR-79 (Winchester)	Murrieta Hot Springs	Sunset	3.42	\$17,222,000	\$17,222,000
Southwest	Wildomar	Bundy Canyon	I-15	Murrieta	1.01	\$2,357,000	\$2,357,000
Southwest	Wildomar	Bundy Canyon	Sunset	I-15	0.55	\$0	\$0
Southwest	Wildomar	Clinton Keith	Palomar	Eastern Bypass	2.40	\$2,814,000	\$2,814,000
Southwest	Unincorporated	Benton	SR-79	SR-79	2.54	\$23,958,000	\$23,958,000
Southwest	Unincorporated	Clinton Keith	Meadowlark	Lindenberger	0.77	\$0	\$0
Southwest	Unincorporated	Newport	Menifee	SR-79 (Winchester)	3.58	\$0	\$0
Southwest	Unincorporated	Newport	Lindenberger	Ehancac	4.89	\$22,828,000	\$22,784,000
Southwest	Unincorporated	SR-74	I-15	Borel	4.52	\$5,713,000	\$5,713,000
Southwest	Unincorporated	SR-79 (Eastern Bypass/Wishir)	SR-79 (Winchester)	Vino	4.04	\$12,693,000	\$12,693,000
Southwest	Unincorporated	SR-79 (Eastern Bypass)	Borel	SR-79 (Constance)	4.49	\$4,125,000	\$4,125,000
Southwest	Unincorporated	SR-79 (Eastern Bypass/Anza)	Vino	Santa Rita	1.14	\$3,945,000	\$3,945,000
Southwest	Unincorporated	SR-79 (Eastern Bypass/Anza)	SR-79 (Constance)	Fairview	1.77	\$4,829,000	\$4,829,000
Southwest	Unincorporated	SR-79 (Eastern Bypass/Anza)	Santa Rita	Pala	1.48	\$4,039,000	\$4,031,000
Southwest	Unincorporated	SR-79 (Eastern Bypass)	Fairview	I-15	4.21	\$30,958,000	\$30,958,000
Southwest	Unincorporated	SR-79 (Eastern Bypass)	Pala	Thompson	2.47	\$4,423,000	\$4,423,000
Southwest	Unincorporated	SR-79 (Winchester)	Keller	La Alba	1.81	\$3,248,000	\$1,810,000
Southwest	Unincorporated	SR-79 (Winchester)	Thompson	Hunter	0.50	\$903,000	\$381,000
Southwest	Unincorporated	SR-79 (Winchester)	La Alba	Murrieta Hot Springs	1.14	\$0	\$0
Subtotal					295.15	\$1,054,393,000	\$892,539,000

Table A1-2.1 - TUMF Network Cost Estimates – 50% ADJUSTED (continued)

AREA PLAN DIST CITY	STREETNAME	SEGMENTFROM	SEGMENTTO	MILES	ADJUSTED COST	ADJ MAX TUMF SHARE	
Central	Menifee	Briggs	Newport	3.05	\$3,574,000	\$3,574,000	
Central	Menifee	Goetz	Juanita	2.61	\$3,057,000	\$2,946,000	
Central	Menifee	Goetz	Newport	1.36	\$0	\$0	
Central	Menifee	Holland	Antelope	1.00	\$6,511,000	\$6,511,000	
Central	Menifee	McCall	Menifee	4.45	\$5,209,000	\$5,209,000	
Central	Menifee	McCall	SR 79 (Winchester)	2.58	\$3,016,000	\$3,016,000	
Central	Menifee	McCall	I-215	1.23	\$9,334,000	\$9,334,000	
Central	Menifee	McCall	Aspel	0.95	\$2,235,000	\$2,235,000	
Central	Menifee	McCall	McCall	1.95	\$1,621,000	\$1,621,000	
Central	Menifee	Murieta	Ethanac	2.03	\$0	\$0	
Central	Menifee	Murieta	McCall	3.00	\$0	\$0	
Central	Menifee	Murieta	Newport	Bundy Canyon	1.81	\$18,587,000	\$18,587,000
Central	Moreno Valley	Cactus	I-215	1.00	\$1,345,000	\$1,345,000	
Central	Moreno Valley	Eucalyptus	I-215	0.67	\$0	\$0	
Central	Moreno Valley	Eucalyptus	Towngate	Frederick	1.55	\$0	\$0
Central	Moreno Valley	Frederick	SR-60	Alessandro	2.79	\$4,880,000	\$3,362,000
Central	Moreno Valley	Heacock	Cactus	Cactus	4.73	\$0	\$0
Central	Moreno Valley	Heacock	Reche Vista	Harley Knox	0.74	\$1,496,000	\$1,238,000
Central	Moreno Valley	Heacock	San Michele	Redlands	8.46	\$17,756,000	\$17,756,000
Central	Moreno Valley	Ironwood	SR-60	Alessandro	1.00	\$1,073,000	\$1,073,000
Central	Moreno Valley	Lasselle	Eucalyptus	John F Kennedy	1.00	\$1,437,000	\$1,437,000
Central	Moreno Valley	Lasselle	Alessandro	Oleander	3.14	\$0	\$0
Central	Moreno Valley	Lasselle	John F Kennedy	SR-60	1.37	\$18,606,000	\$18,606,000
Central	Moreno Valley	Moreno Beach	Reche Canyon	Alessandro	2.02	\$18,688,000	\$18,688,000
Central	Moreno Valley	Nason	Ironwood	SR-60	0.43	\$0	\$0
Central	Moreno Valley	Pigeon Pass	Ironwood	Ironwood	3.23	\$1,161,000	\$1,161,000
Central	Moreno Valley	Pigeon Pass/CETAP Corridor	Cantarini	Reche Vista	4.02	\$0	\$0
Central	Moreno Valley	Reche Canyon	Locust	Moreno Beach	2.68	\$20,961,000	\$20,615,000
Central	Moreno Valley	Redlands	Frederick	Peris	2.02	\$0	\$0
Central	Moreno Valley	Sunnymead	SR-74 (4th)	I-215	1.92	\$26,187,000	\$26,187,000
Central	Perris	Ellis	Placentia	Nuevo	1.50	\$985,000	\$985,000
Central	Perris	Evans	Morgan	Ramona	0.59	\$693,000	\$693,000
Central	Perris	Evans	Nuevo	I-215	1.99	\$8,011,000	\$8,011,000
Central	Perris	Evans	Oleander	Ramona	0.99	\$0	\$0
Central	Perris	Evans	Placentia	Rider	0.58	\$0	\$0
Central	Perris	Evans	Rider	Morgan	0.49	\$580,000	\$580,000
Central	Perris	Evans	Ethanc	Ethanc	1.04	\$1,218,000	\$977,000
Central	Perris	Goetz	Lesser	Indian	1.53	\$10,644,000	\$10,644,000
Central	Perris	Harley Knox	I-215	Perris	0.50	\$224,000	\$224,000
Central	Perris	Harley Knox	Indian	Evans	1.03	\$3,696,000	\$3,696,000
Central	Perris	Harley Knox	Perris	Murieta	1.36	\$10,330,000	\$10,330,000
Central	Perris	Nuevo	I-215	Dunlap	1.00	\$2,156,000	\$2,156,000
Central	Perris	Nuevo	Murieta	Indian	0.37	\$17,020,000	\$17,020,000
Central	Perris	Placentia	I-215	Redlands	1.00	\$1,170,000	\$1,170,000
Central	Perris	Placentia	Indian	Wilson	0.25	\$0	\$0
Central	Perris	Placentia	Redlands	Evans	0.75	\$4,270,000	\$4,270,000
Central	Perris	Placentia	Wilson	Ethanc	1.25	\$7,676,000	\$7,286,000
Central	Unincorporated	Briggs	SR-74 (Pinacate)	Simpson	2.50	\$5,857,000	\$5,857,000
Central	Unincorporated	Briggs	Simpson	Newport	1.53	\$4,294,000	\$4,294,000
Central	Unincorporated	Center (Main)	I-215	Mt Vernon	1.50	\$16,733,000	\$16,733,000
Central	Unincorporated	Ellis	Post	SR-74	2.65	\$3,102,000	\$3,102,000
Central	Unincorporated	Mount Vernon/CETAP Corridor	Center	Pigeon Pass	0.61	\$945,000	\$945,000
Central	Unincorporated	Nuevo	Dunlap	Menifee	2.00	\$4,012,000	\$4,012,000
Central	Unincorporated	Pigeon Pass/CETAP Corridor	Cantarini	Mount Vernon	3.38	\$10,544,000	\$10,544,000
Central	Unincorporated	Post	Santa Rosa Mine	Ellis	0.44	\$0	\$0
Central	Unincorporated	Redlands	San Timoteo Canyon	Locust	2.60	\$0	\$0
Northwest	Corona	6th	SR-91	Magnolia	4.84	\$0	\$0
Northwest	Corona	Auto Center	Railroad	SR-91	0.30	\$6,148,000	\$0
Northwest	Corona	Hidden Valley	Norco Hills	McKinley	0.59	\$0	\$0
Northwest	Corona	Lincoln	Parkridge	Ontario	3.20	\$0	\$0
Northwest	Corona	Magnolia	6th	Sherborn	0.61	\$2,352,000	\$2,352,000
Northwest	Corona	Magnolia	Sherborn	Rimpau	0.39	\$0	\$0
Northwest	Corona	Magnolia	Rimpau	Ontario	1.17	\$0	\$0
Northwest	Corona	Main	Grand	Ontario	0.88	\$1,031,000	\$975,000
Northwest	Corona	Main	Ontario	Foothill	0.74	\$0	\$0
Northwest	Corona	Main	Hidden Valley	Parkridge	0.35	\$624,000	\$479,000
Northwest	Corona	Main	Parkridge	SR-91	0.86	\$0	\$0
Northwest	Corona	Main	SR-91	S. Grand	0.86	\$2,365,000	\$2,365,000
Northwest	Corona	McKinley	Hidden Valley	Promenade	0.57	\$0	\$0
Northwest	Corona	McKinley	Promenade	SR-91	0.33	\$0	\$0
Northwest	Corona	McKinley	SR-91	Magnolia	0.31	\$21,071,000	\$19,171,000
Northwest	Corona	Ontario	I-15	El Cerrito	0.94	\$1,693,000	\$1,693,000
Northwest	Corona	Ontario	Lincoln	Buena Vista	0.32	\$577,000	\$316,000
Northwest	Corona	Ontario	Buena Vista	Main	0.65	\$0	\$0
Northwest	Corona	Ontario	Main	Kellogg	0.78	\$0	\$0
Northwest	Corona	Ontario	Kellogg	Fullerton	0.32	\$884,000	\$884,000
Northwest	Corona	Ontario	Fullerton	Rimpau	0.42	\$0	\$0
Northwest	Corona	Ontario	Rimpau	I-15	0.60	\$0	\$0
Northwest	Corona	Railroad	Auto Club	Sherman	1.97	\$6,148,000	\$6,148,000
Northwest	Corona	Railroad	Sherman	Main (at Grand)	1.26	\$2,265,000	\$1,513,000
Northwest	Corona	River	Canyon	Main	2.27	\$0	\$0
Northwest	Corona	Serfas Club	SR-91	Green River	0.96	\$0	\$0

Table A1-2.1 - TUMF Network Cost Estimates – 50% ADJUSTED (continued)

AREA	PLAN	DIST	CITY	STREETNAME	SEGMENTFROM	SEGMENTTO	MILES	ADJUSTED COST	ADJ MAX TUMF SHARE
Northwest			Norco	1st	Parkridge	Mountain	0.26	\$300,000	\$300,000
Northwest			Norco	1st	Mountain	Hammer	0.26	\$0	\$0
Northwest			Norco	2nd	River	I-15	1.44	\$1,682,000	\$1,160,000
Northwest			Norco	6th	Hammer	California	1.71	\$7,896,000	\$7,896,000
Northwest			Norco	Arlington	North	Arlington	0.97	\$1,141,000	\$1,141,000
Northwest			Norco	California	Arlington	6th	0.98	\$1,759,000	\$1,759,000
Northwest			Norco	Corydon	River	5th	1.46	\$2,628,000	\$2,628,000
Northwest			Norco	Hammer	Santa Ana River	Hidden Valley	3.05	\$5,476,000	\$5,476,000
Northwest			Norco	Hidden Valley	I-15	Norco Hills	1.52	\$0	\$0
Northwest			Norco	Hidden Valley	Hammer	I-15	0.13	\$0	\$0
Northwest			Norco	Norco	Corydon	Hammer	1.20	\$2,159,000	\$2,159,000
Northwest			Norco	North	California	Arlington	0.81	\$0	\$0
Northwest			Norco	River	Archibald	Corydon	1.14	\$2,045,000	\$1,164,000
Northwest			Riverside	14th	Market	Marlin Luther King	0.89	\$0	\$0
Northwest			Riverside	1st	Market	Main	0.08	\$0	\$0
Northwest			Riverside	3rd	Chicago	I-215	0.36	\$0	\$0
Northwest			Riverside	Adams	SR-91	Arlington	1.56	\$0	\$0
Northwest			Riverside	Adams	SR-91	Lincoln	0.54	\$6,148,000	\$6,148,000
Northwest			Riverside	Buena Vista	Santa Ana River	Redwood	0.30	\$0	\$0
Northwest			Riverside	Canyon Crest	Central	Country Club	0.59	\$0	\$0
Northwest			Riverside	Canyon Crest	Country Club	Via Vista	0.94	\$1,284,000	\$927,000
Northwest			Riverside	Canyon Crest	Via Vista	Alessandro	0.68	\$0	\$0
Northwest			Riverside	Canyon Crest	Marlin Luther King	Central	0.95	\$0	\$0
Northwest			Riverside	Central	Chicago	I-215/SR-60	2.15	\$0	\$0
Northwest			Riverside	Central	SR-91	Magnolia	0.76	\$1,363,000	\$1,363,000
Northwest			Riverside	Central	Alessandro	SR-91	2.05	\$0	\$0
Northwest			Riverside	Central	Van Buren	Magnolia	3.53	\$0	\$0
Northwest			Riverside	Chicago	Alessandro	Spruce	3.42	\$0	\$0
Northwest			Riverside	Chicago	Spruce	Columbia	0.75	\$13,195,000	\$13,195,000
Northwest			Riverside	Columbia	Main	Iowa	1.09	\$14,044,000	\$14,044,000
Northwest			Riverside	Iowa	Center	3rd	2.25	\$13,254,000	\$13,254,000
Northwest			Riverside	Iowa	University	University	0.51	\$0	\$0
Northwest			Riverside	JFK	Troutwein	Wood	0.48	\$0	\$0
Northwest			Riverside	La Sierra	Arlington	SR-91	3.56	\$0	\$0
Northwest			Riverside	La Sierra	SR-91	Indiana	0.19	\$0	\$0
Northwest			Riverside	La Sierra	Indiana	Victoria	0.78	\$0	\$0
Northwest			Riverside	Lemon (NB One way)	Mission Inn	University	0.08	\$0	\$0
Northwest			Riverside	Lincoln	Adams	Washington	1.55	\$0	\$0
Northwest			Riverside	Lincoln	Van Buren	Adams	1.54	\$0	\$0
Northwest			Riverside	Lincoln	Washington	Victoria	1.43	\$2,567,000	\$2,567,000
Northwest			Riverside	Lincoln	Victoria	Arlington	0.28	\$0	\$0
Northwest			Riverside	Madison	SR-91	Victoria	0.86	\$6,148,000	\$6,148,000
Northwest			Riverside	Magnolia	BNSF RR	La Sierra	3.09	\$6,148,000	\$6,148,000
Northwest			Riverside	Magnolia	La Sierra	Hampton	2.70	\$0	\$0
Northwest			Riverside	Magnolia	Harrison	14th	5.98	\$6,148,000	\$6,148,000
Northwest			Riverside	Main	1st	San Bernardino County	2.19	\$0	\$0
Northwest			Riverside	Market	14th	Santa Ana River	2.03	\$0	\$0
Northwest			Riverside	Marlin Luther King	14th	I-215/SR-60	2.11	\$3,788,000	\$3,447,000
Northwest			Riverside	Mission Inn	Redwood	Lemon	0.79	\$0	\$0
Northwest			Riverside	Overlook	Sandtrack	Alessandro	0.32	\$0	\$0
Northwest			Riverside	Overlook	Washington	Bodewin/Via Montecito	0.56	\$0	\$0
Northwest			Riverside	Overlook	Bodewin/Via Montecito	Crystal View	0.81	\$1,606,000	\$1,606,000
Northwest			Riverside	Overlook	Crystal View	Via Vista	0.55	\$6,361,000	\$6,361,000
Northwest			Riverside	Overlook	Via Vista	Sandtrack	0.63	\$1,252,000	\$1,252,000
Northwest			Riverside	Redwood (SB One way)	Mission Inn	University	0.08	\$0	\$0
Northwest			Riverside	Redwood (SB One way)	Alessandro	Van Buren	2.19	\$0	\$0
Northwest			Riverside	Trautwein	SR-91	Magnolia	0.43	\$16,153,000	\$16,153,000
Northwest			Riverside	Tyler	Magnolia	Hole	0.27	\$0	\$0
Northwest			Riverside	Tyler	Hole	Wells	1.06	\$0	\$0
Northwest			Riverside	Tyler	Wells	Arlington	1.35	\$2,424,000	\$2,424,000
Northwest			Riverside	University	Redwood	SR-91	0.86	\$0	\$0
Northwest			Riverside	University	SR-91	I-215/SR-60	2.01	\$0	\$0
Northwest			Riverside	Victoria	Madison	Washington	0.52	\$0	\$0
Northwest			Riverside	Washington	Victoria	Hermosa	2.05	\$3,686,000	\$3,686,000
Northwest			Riverside	Wood	JFK	Van Buren	0.70	\$410,000	\$410,000
Northwest			Riverside	Wood	Van Buren	Bergamont	0.11	\$0	\$0
Northwest			Riverside	Wood	Bergamont	Kramera	0.39	\$184,000	\$184,000
Northwest			Unincorporated	Archibald	San Bernardino County	River	3.63	\$6,628,000	\$5,617,000
Northwest			Unincorporated	Armstrong	San Bernardino County	Valley	1.53	\$687,000	\$583,000
Northwest			Unincorporated	Belgrave	Cantu-Galleano Ranch	Van Buren	0.29	\$337,000	\$304,000
Northwest			Unincorporated	Cantu-Galleano Ranch	Hammer	Wineville	0.94	\$0	\$0
Northwest			Unincorporated	Cantu-Galleano Ranch	Wineville	Bellgrave	1.82	\$3,411,000	\$3,411,000
Northwest			Unincorporated	Das Lagos (Weirick)	Temescal Canyon	I-15	0.21	\$0	\$0
Northwest			Unincorporated	El Cerrito	I-15	Ontario	0.56	\$651,000	\$651,000
Northwest			Unincorporated	Etiwanda	San Bernardino County	SR-60	1.00	\$0	\$0
Northwest			Unincorporated	Etiwanda	SR-60	Limonite	3.00	\$0	\$0

Table A1-2.1 - TUMF Network Cost Estimates – 50% ADJUSTED (continued)

AREA	PLAN	DIST	CITY	STREETNAME	SEGMENTFROM	SEGMENTTO	MILES	ADJUSTED COST	ADJ MAX TUMF SHARE
Northwest	Unincorporated		Hamner	Bellgrave	Amberhill	0.42	\$486,000	\$486,000	
Northwest	Unincorporated		Hamner	Amberhill	Limonite	0.49	\$1,151,000	\$925,000	
Northwest	Unincorporated		Hamner	Limonite	Schlesman	1.00	\$1,168,000	\$1,168,000	
Northwest	Unincorporated		Hamner	Schlesman	Santa Anna River	1.29	\$13,036,000	\$12,850,000	
Northwest	Unincorporated		Hamner	Mission	Bellgrave	1.11	\$1,299,000	\$1,278,000	
Northwest	Unincorporated		Harley John	Washington	Scottsdale	0.12	\$0	\$0	
Northwest	Unincorporated		Harley John	Scottsdale	Cajalco	1.19	\$1,392,000	\$1,392,000	
Northwest	Unincorporated		La Sierra	Victoria	El Sobrante	2.22	\$0	\$0	
Northwest	Unincorporated		La Sierra	El Sobrante	Cajalco	2.36	\$0	\$0	
Northwest	Unincorporated		Limonite	Archibald	Hamner	1.99	\$2,337,000	\$2,187,000	
Northwest	Unincorporated		Limonite	Hamner	I-15	0.62	\$8,617,000	\$8,376,000	
Northwest	Unincorporated		Limonite	I-15	Wineville	0.40	\$0	\$0	
Northwest	Unincorporated		Limonite	Wineville	Etiwanda	0.99	\$0	\$0	
Northwest	Unincorporated		Limonite	Etiwanda	Van Buren	2.72	\$6,370,000	\$4,651,000	
Northwest	Unincorporated		Limonite	Van Buren	Clay	0.79	\$930,000	\$930,000	
Northwest	Unincorporated		Limonite	Clay	Riverview	2.45	\$0	\$0	
Northwest	Unincorporated		Markel	Rubidoux	Santa Ana River	1.74	\$6,221,000	\$5,878,000	
Northwest	Unincorporated		Mission	Milliken	SR-60	1.61	\$0	\$0	
Northwest	Unincorporated		Mission	SR-60	Santa Ana River	7.39	\$0	\$0	
Northwest	Unincorporated		Mockingbird Canyon	Van Buren	Cajalco	4.34	\$5,916,000	\$5,788,000	
Northwest	Unincorporated		Mockingbird Canyon	Limonite	Mission	0.95	\$0	\$0	
Northwest	Unincorporated		Mockingbird Canyon	San Bernardino County	Mission	2.65	\$7,896,000	\$7,896,000	
Northwest	Unincorporated		Ontario	Tuscany	Tuscany	0.65	\$70,000	\$70,000	
Northwest	Unincorporated		Temescal Canyon	Dos Lagos	Dos Lagos	0.91	\$0	\$0	
Northwest	Unincorporated		Temescal Canyon	Leroy	Leroy	1.10	\$1,506,000	\$1,506,000	
Northwest	Unincorporated		Temescal Canyon	Dawson Canyon	Dawson Canyon	1.89	\$2,573,000	\$2,573,000	
Northwest	Unincorporated		Temescal Canyon	I-15	I-15	0.28	\$7,896,000	\$7,896,000	
Northwest	Unincorporated		Temescal Canyon	Park Canyon	Park Canyon	3.41	\$5,309,000	\$5,309,000	
Northwest	Unincorporated		Temescal Canyon	Indian Truck Trail	Indian Truck Trail	2.55	\$3,475,000	\$3,475,000	
Northwest	Unincorporated		Temescal Canyon	Mission	Mission	0.48	\$0	\$0	
Northwest	Unincorporated		Temescal Canyon	Horley John	Horley John	3.96	\$4,641,000	\$4,641,000	
Northwest	Unincorporated		Valley	Krameria	Cajalco	2.99	\$3,499,000	\$3,499,000	
Northwest	Unincorporated		Washington	Wood	I-10	0.54	\$0	\$0	
Pass	Banning	8th	Wilson	Wilson (8th)	Wilson (8th)	0.73	\$1,316,000	\$658,000	
Pass	Banning	Highland Springs	Wilson (8th)	Cherry Valley	Wilson (8th)	1.53	\$2,752,000	\$1,376,000	
Pass	Banning	Highland Springs	Wilson (8th)	Apache Trail	Apache Trail	3.29	\$15,041,000	\$15,041,000	
Pass	Banning	I-10 Bypass South	I-10	Sunset	Sunset	2.01	\$0	\$0	
Pass	Banning	Lincoln	I-10	Wilson (8th)	Wilson (8th)	1.70	\$0	\$0	
Pass	Banning	Ramsey	Wilson (8th)	Highland Springs	Highland Springs	3.55	\$0	\$0	
Pass	Banning	Ramsey	Wilson (8th)	Wesley	Wesley	0.62	\$0	\$0	
Pass	Banning	SR-243	Wilson (8th)	Sunset	Sunset	1.00	\$5,258,000	\$5,258,000	
Pass	Banning	Sun Lakes	Wilson (8th)	Highland Home	Highland Home	1.33	\$0	\$0	
Pass	Banning	Sun Lakes	Wilson (8th)	Highland Springs	Highland Springs	0.28	\$21,597,000	\$21,597,000	
Pass	Banning	Sunset	Wilson (8th)	Lincoln	Lincoln	2.51	\$0	\$0	
Pass	Banning	Wilson (8th)	Wilson (8th)	Wilson (8th)	Wilson (8th)	1.01	\$1,807,000	\$1,807,000	
Pass	Banning	Wilson (8th)	Wilson (8th)	Pennsylvania	Pennsylvania	1.28	\$2,304,000	\$0	
Pass	Beaumont	1st	Viele	Highland Springs	Highland Springs	1.10	\$0	\$0	
Pass	Beaumont	1st	Pennsylvania	Highland Springs	Highland Springs	2.24	\$0	\$0	
Pass	Beaumont	6th	I-10	Champions	Oak Valley (STC)	0.99	\$1,155,000	\$0	
Pass	Beaumont	Desert Lawn	I-10	Wilson (8th)	Sun Lakes	0.76	\$9,262,000	\$8,579,000	
Pass	Beaumont	Highland Springs	Wilson (8th)	Pennsylvania	Pennsylvania	1.13	\$0	\$0	
Pass	Beaumont	Oak Valley (14th)	Pennsylvania	Oak View	Oak View	1.40	\$0	\$0	
Pass	Beaumont	Oak Valley (14th)	Oak View	I-10	I-10	0.65	\$10,269,000	\$0	
Pass	Beaumont	Oak Valley (14th)	Beaumont City Limits	Cherry Valley (J St / Central Overl)	Cherry Valley (J St / Central Overl)	3.46	\$0	\$0	
Pass	Beaumont	Oak Valley (STC)	Beaumont City Limits	I-10	I-10	1.67	\$1,952,000	\$0	
Pass	Beaumont	Oak Valley (STC)	Cherry Valley (J St / Central Overl)	Cherry Valley (J St / Central Overl)	Cherry Valley (J St / Central Overl)	0.53	\$7,896,000	\$0	
Pass	Beaumont	Pennsylvania	1st	1st	1st	0.31	\$559,000	\$0	
Pass	Beaumont	Pennsylvania	4th	4th	4th	0.50	\$14,100,000	\$0	
Pass	Calimesa	Bryant	County Line	Singleton	Singleton	0.38	\$0	\$0	
Pass	Calimesa	Calimesa	County Line	I-10	I-10	0.80	\$16,153,000	\$16,153,000	
Pass	Calimesa	Calimesa	Roberts	Palmer	Palmer	0.50	\$582,000	\$0	
Pass	Calimesa	Cherry Valley	Bryant	Bryant	Bryant	1.76	\$9,476,000	\$9,476,000	
Pass	Calimesa	County Line	Champions	Champions	Champions	1.61	\$1,882,000	\$1,882,000	
Pass	Calimesa	Desert Lawn	Cherry Valley	Condil	Condil	1.86	\$5,081,000	\$5,081,000	
Pass	Calimesa	Singleton	Bryant	Roberts	Roberts	0.85	\$17,679,000	\$17,679,000	
Pass	Calimesa	Singleton	Condil	Noble	Noble	0.95	\$2,231,000	\$2,231,000	
Pass	Unincorporated	Cherry Valley	Highland Springs	Desert Lawn	Desert Lawn	3.40	\$21,383,000	\$21,383,000	
Pass	Unincorporated	Cherry Valley	Noble	San Bernardino County	San Bernardino County	2.81	\$0	\$0	
Pass	Unincorporated	Live Oak Canyon	Oak Valley (STC)	Beaumont City Limits	Beaumont City Limits	5.65	\$6,598,000	\$6,598,000	
Pass	Unincorporated	Oak Valley (STC)	Acacia	Menlo	Menlo	0.98	\$0	\$0	
San Jacinto	Hemet	Sanderson	Domenigoni	Stetsion	Stetsion	1.08	\$0	\$0	
San Jacinto	Hemet	Sanderson	RR Crossing	Acacia	Acacia	0.42	\$0	\$0	
San Jacinto	Hemet	Sanderson	Stetsion	RR Crossing	RR Crossing	0.58	\$0	\$0	
San Jacinto	Hemet	Sanderson	Menlo	Esplanade	Esplanade	1.00	\$1,794,000	\$895,000	
San Jacinto	Hemet	SR-74	Warren	Cawston	Cawston	1.02	\$0	\$0	
San Jacinto	Hemet	SR-74 (Florida)	Columbia	Ramona	Ramona	2.58	\$0	\$0	
San Jacinto	Hemet	SR-74/SR-79 (Florida)	Cawston	Columbia	Columbia	4.03	\$0	\$0	
San Jacinto	Hemet	State	Domenigoni	Chambers	Chambers	1.31	\$0	\$0	
San Jacinto	Hemet	State	Chambers	Stetsion	Stetsion	0.51	\$0	\$0	
San Jacinto	Hemet	State	Florida	Esplanade	Esplanade	1.74	\$0	\$0	
San Jacinto	Hemet	State	Stetsion	Florida	Florida	1.25	\$3,440,000	\$2,469,000	
San Jacinto	Hemet	Stetsion	Cawston	State	State	2.52	\$0	\$0	
San Jacinto	Hemet	Stetsion	Warren	Cawston	Cawston	1.00	\$1,170,000	\$1,170,000	
San Jacinto	Hemet	Warren	Esplanade	Domenigoni	Domenigoni	4.99	\$7,096,000	\$6,697,000	

**Table A1-2.1 - TUMF Network Cost Estimates – 50% ADJUSTED (continued)**

AREA PLAN DIST CITY	STREETNAME	SEGMENTFROM	SEGMENTTO	MILES	ADJUSTED COST	ADJ MAX TUMF SHARE
San Jacinto	San Jacinto	Esplanade	Ramona	0.20	\$717,000	\$717,000
San Jacinto	San Jacinto	Esplanade	Mountain	2.55	\$0	\$0
San Jacinto	San Jacinto	Esplanade	State	3.53	\$4,138,000	\$4,138,000
San Jacinto	San Jacinto	Sanderson	Ramona	3.55	\$4,155,000	\$2,081,000
San Jacinto	San Jacinto	SR-79 (North Ramona)	State	1.02	\$0	\$0
San Jacinto	San Jacinto	SR-79 (San Jacinto)	State	2.25	\$0	\$0
San Jacinto	San Jacinto	SR-79 (San Jacinto)	7th	0.25	\$443,000	\$443,000
San Jacinto	San Jacinto	SR-79 (San Jacinto)	North Ramona Blvd	1.99	\$0	\$0
San Jacinto	San Jacinto	State	Ramona	0.76	\$2,980,000	\$2,675,000
San Jacinto	San Jacinto	State Street	Gilman Springs	0.70	\$0	\$0
San Jacinto	San Jacinto	State Street	Quandt Ranch	3.47	\$4,066,000	\$4,066,000
San Jacinto	San Jacinto	Warren	Ramona	2.54	\$3,399,000	\$2,368,000
San Jacinto	Unincorporated	Gilman Springs	Sanderson	3.23	\$0	\$0
San Jacinto	Unincorporated	SR-79 (Winchester)	SR-74 (Florida)	0.24	\$281,000	\$268,000
Southwest	Lake Elsinore	Diamond	Mission	1.29	\$0	\$0
Southwest	Lake Elsinore	Grand	Lincoln	0.86	\$603,000	\$603,000
Southwest	Lake Elsinore	Grand	Toft	3.10	\$11,071,000	\$10,291,000
Southwest	Lake Elsinore	Lake	I-15	2.39	\$0	\$0
Southwest	Lake Elsinore	Mission	Railroad Canyon	2.10	\$7,539,000	\$8,823,000
Southwest	Lake Elsinore	SR-74 (Collier/Riverside)	I-15	0.64	\$2,283,000	\$1,968,000
Southwest	Lake Elsinore	SR-74 (Grand)	Riverside	1.74	\$5,605,000	\$5,473,000
Southwest	Lake Elsinore	SR-74 (Riverside)	Lakeshore	0.32	\$16,722,000	\$16,722,000
Southwest	Murrieta	California Oaks	Jefferson	2.26	\$0	\$0
Southwest	Murrieta	California Oaks	I-15	2.26	\$0	\$0
Southwest	Murrieta	Jefferson	Murrieta Hot Springs	1.02	\$2,388,000	\$2,388,000
Southwest	Murrieta	Jefferson	Palomar	2.37	\$8,502,000	\$8,052,000
Southwest	Murrieta	Jefferson	Nutmeg	0.38	\$2,135,000	\$2,135,000
Southwest	Murrieta	Jefferson	Jefferson	1.39	\$2,503,000	\$2,398,000
Southwest	Murrieta	Los Alamos	I-15	1.48	\$0	\$0
Southwest	Murrieta	Los Alamos	I-215	1.11	\$0	\$0
Southwest	Murrieta	Murrieta Hot Springs	Jefferson	1.01	\$1,180,000	\$723,000
Southwest	Murrieta	Murrieta Hot Springs	Margarita	1.97	\$0	\$0
Southwest	Murrieta	Murrieta Hot Springs	Margarita	2.01	\$0	\$0
Southwest	Murrieta	Nutmeg	Clinton Keith	2.29	\$0	\$0
Southwest	Murrieta	Whitelwood	Rancho California	7.38	\$0	\$0
Southwest	Temecula	Jefferson	Cherry	1.45	\$0	\$0
Southwest	Temecula	Margarita	Murrieta Hot Springs	1.45	\$0	\$0
Southwest	Temecula	Old Town Front	Rancho California	1.32	\$0	\$0
Southwest	Temecula	Pechanga	SR-79 (Temecula)	1.44	\$0	\$0
Southwest	Temecula	Pechanga	Via Gilberto	1.89	\$9,981,000	\$9,192,000
Southwest	Temecula	Rancho California	Jefferson	1.96	\$5,410,000	\$5,410,000
Southwest	Temecula	Rancho California	Margarita	0.64	\$750,000	\$61,000
Southwest	Temecula	SR-79 (Temecula)	Butterfield Stage	3.08	\$0	\$0
Southwest	Temecula	SR-79 (Temecula)	Pechanga	0.37	\$8,327,000	\$8,327,000
Southwest	Wildomar	Baxter	I-15	0.94	\$1,679,000	\$1,679,000
Southwest	Wildomar	Bundy Canyon	Mission	0.74	\$1,320,000	\$1,320,000
Southwest	Wildomar	Central	Baxter	0.84	\$0	\$0
Southwest	Wildomar	Mission	Bundy Canyon	0.74	\$862,000	\$862,000
Southwest	Wildomar	Palomar	Clinton Keith	2.79	\$3,266,000	\$3,266,000
Southwest	Wildomar	Palomar	Mission	3.39	\$3,973,000	\$3,973,000
Southwest	Unincorporated	Briggs	Scott	1.78	\$10,294,000	\$10,294,000
Southwest	Unincorporated	Butterfield Stage	Murrieta Hot Springs	2.30	\$3,132,000	\$3,132,000
Southwest	Unincorporated	Butterfield Stage	Rancho California	2.28	\$3,111,000	\$3,111,000
Southwest	Unincorporated	Butterfield Stage	SR-79 (Winchester)	2.23	\$9,843,000	\$9,843,000
Southwest	Unincorporated	Butterfield Stage	Aud	0.51	\$916,000	\$916,000
Southwest	Unincorporated	Central	Grand	6.98	\$12,526,000	\$12,526,000
Southwest	Unincorporated	Grand	Ortega	0.17	\$199,000	\$199,000
Southwest	Unincorporated	Horsethief Canyon	Temescal Canyon	0.18	\$8,306,000	\$8,306,000
Southwest	Unincorporated	Indian Truck Trail	Temescal Canyon	1.15	\$0	\$0
Southwest	Unincorporated	Murrieta Hot Springs	SR-79 (Winchester)	1.75	\$0	\$0
Southwest	Unincorporated	Pala	Pechanga	1.38	\$0	\$0
Southwest	Unincorporated	Temescal Canyon	Indian Truck Trail	1.21	\$2,062,000	\$2,062,000
<b>Subtotal</b>				471.25	\$912,160,000	\$841,520,000
<b>Totals</b>	Network			766.40	\$ 1,988,553,000	\$ 1,734,059,000
	Transit				\$ 83,473,000	\$ 30,913,000
	Administration				\$ 87,600,000	\$ 87,600,000
	MSHP				\$ 31,183,000	\$ 29,979,000
	Total				<b>\$ 2,170,809,000</b>	<b>\$ 1,882,551,000</b>

**Table A1-2.2 - TUMF Schedule of Fees – 50% ADJUSTED**

**Fee Levels (2009 CCI Adjustment as adopted February 2, 2009)  
February 2, 2009 through October 12, 2009**

Land Use Type	Units	Fee Per Unit
Single Family Residential	DU	\$ 9,812
Multi Family Residential	DU	\$ 6,890
Industrial	SF GFA	\$ 1.84
Retail	SF GFA	\$ 9.99
Service	SF GFA	\$ 5.71
Class A & B Office**	SF GFA	\$ 2.19

**Fee Levels (2009 Nexus Update - 50% ADJUSTED - as adopted October 12, 2009)  
October 13, 2009 through December 31, 2010\***

Land Use Type	Units	Fee Per Unit
Single Family Residential	DU	\$ 4,437
Multi Family Residential	DU	\$ 3,115
Industrial	SF GFA	\$ 0.86
Retail	SF GFA	\$ 5.24
Service	SF GFA	\$ 2.10
Class A & B Office**	SF GFA	\$ 1.10

**Fee Levels (2009 Nexus Update as adopted October 12, 2009)  
After December 31, 2010\***

Land Use Type	Units	Fee Per Unit
Single Family Residential	DU	\$ 8,873
Multi Family Residential	DU	\$ 6,231
Industrial	SF GFA	\$ 1.73
Retail	SF GFA	\$ 10.49
Service	SF GFA	\$ 4.19
Class A & B Office**	SF GFA	\$ 2.19

Notes:

\* - Actual implementation date and fee levels may be adjusted for in accordance with local TUMF ordinances

\*\* - Class A & B Office fee after July 1, 2007 to be reviewed based on results of detailed market analysis.

A detailed breakdown of the adjusted maximum TUMF share for projects on the TUMF Network is included as **Appendix A1-C** to this Addendum.

## A1-2.2 TUMF Program Revenue Shortfall

Since the transportation impact of any new development remains constant as determined in the TUMF Nexus Study, the 50% reduction in fees means that the development is no longer contributing a fair share of the cost to mitigate its impacts. This effectively means that the TUMF Program is no longer able to collect sufficient revenues from new development to mitigate these impacts.

Section 66001 (d) (3) of the California Government Code requires a local authority that imposes an impact fee program to "identify (on at least a five yearly basis) all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in paragraph (2) of subdivision (a)" which refers to the "public facilities for which the fee is charged". Because the 50% reduction in the TUMF effectively forfeits a substantial portion of the funding that would be necessary to complete the facilities identified in the Nexus Study, it is necessary for the revenue shortfall to be made up from other sources. In accordance with the provision of the Mitigation Fee Act, it is necessary for WRCOG to identify the specific sources of revenue to be used for this purpose.

The Nexus Study for the TUMF Program is intended to establish the full funding fair share to complete facility improvements that are needed to mitigate the impacts of new development. However, as described in the TUMF Administrative Plan, the TUMF "Program is not designed to be the only source of revenue to construct the identified facilities; and it will be necessary for matching funds from a variety of available sources to be provided." As a result of the TUMF Ordinance exemption of Government and Public Sector land uses and certain other land use types, the phased implementation of other Non-Residential land uses, and statutory provisions for vesting rights, the TUMF program inherently includes a funding shortfall.

Based on the estimated fair share established in the TUMF Nexus Study completed for the 2009 Program Update, approximately 9% of the TUMF mitigation need can be attributed to the impact of Government and Public Sector land uses that are exempt by Ordinance from paying the fee. Furthermore, the 10-Year Strategic Plan previously estimated that approximately 2% of the estimated TUMF revenues will not be captured as a result of the original multi-year phase-in of TUMF for non-residential land uses, while an additional 5% will not be captured as a result of pre-existing local agency developer agreements and project vesting. Combined, these exemptions and waivers create an overall program shortfall of approximately 16% which equates to approximately \$602 million based on the Nexus Study completed for the 2009 Program Update, or approximately \$21.5 million on a prorated annualized basis.

In the past, the TUMF program has addressed the inherent program revenue shortfall that results from TUMF Ordinance exemptions and other statutory limitations through encouraging sponsoring agencies and private developers to voluntarily provide alternate revenue match (either as cash, in-lieu contributions or exactions). This voluntary use of alternate funding match is formalized in the 10-Year Strategic Plan as a criterion for ranking and prioritizing projects during programming. Typically this voluntary match has resulted in the Program meeting the inherent revenue shortfall of

approximately 15% to 20%. The temporary fee reduction will substantially increase the amount of the TUMF revenue shortfall that will be created during the period the reduction is in effect.

The temporary fee reduction will effectively reduce the fee revenue generated by a further 42% (50% of the 84% of revenues that would be otherwise generated based on the pre-existing TUMF Ordinance and statutory limitations). This would equate to a total of approximately \$2.2 billion in revenues being forfeited over the life of the Program based on the Nexus Study completed for the 2009 Program Update, or approximately \$78 million on a prorated annualized basis. Since the actual rate of development in Western Riverside County in recent years has been substantially below the historical average, it is likely the actual revenue shortfall observed during the fee reduction period would be less than the prorated annualized estimate. However, on a percentage basis, the revenue forfeited remains effectively consistent regardless of the rate of development, and since the level of impact (and the resultant cost to mitigate the impact) is directly proportional to the rate of development, the funding shortfall will remain approximately 58% of the fair share cost of mitigation that is attributable to the new development that occurs during the fee reduction period. In other words, only 42% of the fair share cost to mitigate the impacts of new development will actually be collected during the reduced fee period.

Consistent with the narrative described in the TUMF Administrative Plan, the local sponsoring agencies and private developers have a responsibility to seek alternative funding sources to meet the TUMF program funding shortfall. Alternate match to meet the TUMF funding shortfall could include the utilization of traditional transportation funding sources (such as STP, CMAQ, Measure A and other discretionary federal, state or local transportation funds) and in-kind services (such as local agency planning, engineering or right of way acquisition, or right of way and roadway facility dedications by private developers). The importance of local agencies and private developers seeking alternative funding sources to meet the program funding shortfall is further emphasized by the significant increase in the proportional share of the funding shortfall that will be created by each new development that does not contribute a fair share toward the cost to mitigate transportation impacts during the reduced fee period.

As described previously, it is estimated that the funding shortfall during the fee reduction period will be 58% of the fair share cost of mitigation that is attributable to the new development that occurs, based on the TUMF Nexus Study completed for the 2009 Program Update. Historically, sponsoring agencies and private developers have not demonstrated an ability to voluntarily provide such a substantial funding match and therefore additional measures will be required to ensure the Program funding shortfall can be adequately met. To ensure the funding shortfall is adequately addressed in accordance with the provision of the Mitigation Fee Act, a mandatory alternate match requirement may need to be established as part of the programming and implementation of all TUMF project, including projects sponsored by public agencies and those completed by private developers.

## A1-3.0 APPENDICES

- Appendix A1-A      Riverside County Board of Supervisors July 21, 2009 Action
- Appendix A1-B      Riverside Economic Development Red Team Letter, August 24, 2009
- Appendix A1-C      TUMF Network Detailed Cost Estimate - 50% ADJUSTED

Appendix A1-A      Riverside County Board of Supervisors July 21, 2009 Action

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



505

**FROM:** Transportation and Land Management Agency (TLMA)

**SUBMITTAL DATE:**  
July 2, 2009

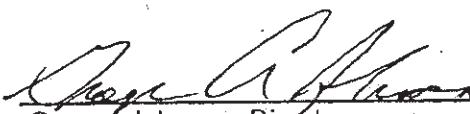
**SUBJECT:** Temporary Reduction of Development Impact Fees (DIF).

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Re-introduce and adopt, on successive weeks, Ordinance No. 659.8, an Ordinance of the County of Riverside Amending Ordinance No. 659; and
2. Find the adoption of Ordinance No. 659.8 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty there is no possibility the ordinance may have a significant effect on the environment; and
3. Adopt Resolution No. 2009-236, a Resolution of the Riverside County Board of Supervisors encouraging the Western Riverside Council of Governments (WRCOG) to implement the Red Team recommendations for a Transportation Uniform Mitigation Fee (TUMF) Reduction; and
4. Direct TLMA and the Executive Office to report to the Board bi-annually on the temporary DIF reduction; and
5. Direct the Executive Office to work with the appropriate County Departments to establish a procedure to offset the loss of Development Impact Fee revenues.

CONTINUED ON PAGE 2

FOR APPROVED COUNTY COUNSEL  
BY: *Tina Grande* SYNTHIA M. GUNZEL DATE: *7-6-09*

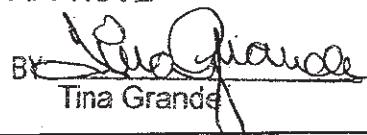
  
George Johnson, Director  
Transportation and Land Management Agency

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost: Current F.Y. Net County Cost: Annual Net County Cost:	\$ Unknown \$ N/A \$ N/A	In Current Year Budget: Budget Adjustment: For Fiscal Year:	N/A N/A 2009/10
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<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30 <input type="checkbox"/>
	Requires 4/5 Vote <input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**APPROVE**

  
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Buster, seconded by Supervisor Wilson and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that Ordinance 659.8 is approved as re-introduced with waiver of the reading.

Ayes: Buster, Tavaglione, Stone, Wilson and Ashley

Nays: None

Absent: None

Date: July 14, 2009

XC: TLMA, E.O., WRCOG, COB(2)

Kecia Harper-Ihem

Clerk of the Board



Deputy

Dept Recomm.:

Policy  
Consent  
X Policy  
Consent

Per Exec. Ofc.:

Prev. Agn. Ref.: 3.85 - June 30, 2009 | District: All | Agenda Number:

3.80  
45

**ATTACHMENTS FILED WITH  
THE CLERK OF THE BOARD**

Board of Supervisors  
July 2, 2009  
Page 2

**BACKGROUND:** At the June 30, 2009, Board of Supervisors meeting, the Board expressed a desire to increase the amount of the temporary fee reduction from 30% to 50%, but to limit the reduction to a one-year time period. Staff has revised the proposed ordinance amendment to show a 50% temporary reduction in fees for a period of one year. The Board reiterated its desire to have TLMA present bi-annual reports on the status of the temporary DIF reduction and make recommendations for program changes if appropriate.

An additional recommended motion is included in this Form 11 to address the Board of Supervisors' desire to look for ways to offset any potential loss of DIF revenues. The Executive Office would work with other appropriate county departments, including the Auditor-Controller, to establish a mechanism or procedure that would identify funding from other sources for infrastructure projects to offset the loss of DIF revenues.

GJ:GN:kh

ORDINANCE NO. 659.8

AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
AMENDING ORDINANCE NO. 659  
AND CHAPTER 4.60 OF THE RIVERSIDE COUNTY CODE  
ESTABLISHING DEVELOPMENT IMPACT FEES

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. The title of Ordinance No. 659 is amended to read as follows:

"ORDINANCE NO. 659"

AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
ESTABLISHING A DEVELOPMENT IMPACT FEE PROGRAM"

Section 2. A new Section 15. is added to Ordinance No. 659 to read as follows:

**“Section 15. TEMPORARY REDUCTION OF FEES.** Pursuant to the fee adjustment authority set forth in Section 14. of this ordinance and notwithstanding Section 7. or any other provision of this ordinance, the DIF amounts in effect on the effective date of Ordinance No. 659.8 shall be temporarily reduced by fifty percent (50%) for the period commencing on August 20, 2009 and ending on August 20, 2010.

- a. Application. The temporary fee reduction described in this section shall not apply to or affect fees owed under any development agreement or other contractual arrangement in effect on or before the effective date of Ordinance No. 659.8. If reduced fees are paid at the time application is made for a building permit and either the application or the building permit issued on the application expires, subsequent building permit applications on the same parcel shall be subject to the full DIF amount, unless the temporary fee reduction is still in effect at the time of the subsequent application.

b. Effect. No provision of this section shall entitle any person who has already paid Development Impact Fees to receive a refund, credit or reimbursement of such payment. This ordinance does not create any new Development Impact Fees or increase the amount of any existing Development Impact Fees. This ordinance only effects a temporary change in the County's existing Development Impact Fees.

c. **Expiration.** As of August 20, 2010, this section is repealed without further action by the Board of Supervisors, unless the Board of Supervisors repeals or modifies this section prior to that date. The repeal of this section shall not affect the validity of actions taken or Development Impact Fees paid under the authority of this section."

Section 3. Existing Sections 15. through 22. of Ordinance No. 659 are renumbered Sections 16. through 23. respectively.

Section 4. Existing Section 17. of Ordinance No. 659 is amended to read as follows:

**"Section 18. CREDITS.** If an owner or developer of real property dedicates land or constructs facilities identified in the Public Facilities Needs List, the County may grant the owner or developer a Credit in one or more of the Fee Components described in this ordinance against the Development Impact Fees required. No Credit shall be granted for the cost of improvements not defined herein as "Facilities." An owner or developer may request a Credit from the Transportation and Land Management Agency at the time of development approval. A Credit granted at the time of development approval shall be included as a condition of that approval. After development approval, but before the issuance

1 of a building permit, an owner or developer may request a Credit from the Executive Office.  
2 If the Transportation and Land Management Agency or the Executive Office determines that a  
3 Credit is appropriate, the owner or developer shall enter into a Credit Agreement which shall  
4 be approved by the Board of Supervisors. The Credit amount shall be initially calculated by  
5 estimating the fair market value of the land dedicated or by estimating the cost of constructing  
6 Facilities. The County shall subsequently review and determine the actual value of the land  
7 dedicated and the actual construction costs allowable. Any Credit granted shall not exceed the  
8 allocated cost for the Facilities. Any Credit granted shall be given in stated dollar amounts  
9 only."

10  
11 Section 5. This ordinance shall take effect thirty (30) days after its adoption.  
12  
13

14 BOARD OF SUPERVISORS OF THE COUNTY  
15 OF RIVERSIDE, STATE OF CALIFORNIA  
16  
17

18 By: \_\_\_\_\_ Chairman  
19  
20

21 ATTEST:  
22  
23

24 CLERK OF THE BOARD:  
25  
26

27 By: \_\_\_\_\_ Deputy  
28  
29

30 (SEAL)  
31  
32

33 FORM APPROVED  
34 BY: Syntham Gunzen DATE: 7-6-09  
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2  
3      RESOLUTION NO. 2009-2364      ENCOURAGING THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG)  
5      TO IMPLEMENT THE RED TEAM RECOMMENDATIONS  
6      FOR A TUMF REDUCTION7  
8      WHEREAS, the County of Riverside is a member of the Red Team comprised of public and private  
9      sector representatives which was formed to identify and address the housing issues existing in the region;  
10     and11  
12     WHEREAS, the County of Riverside is experiencing unprecedented declines in housing prices, new  
13     home sales and new home construction; and14  
15     WHEREAS, this decline has delayed planned residential projects and planned commercial and  
16     industrial projects which provide local jobs and tax revenues, support balanced growth and help fund public  
17     safety and other services that enhance quality of life; and18  
19     WHEREAS, according to the U.S. Department of Labor, the County of Riverside is experiencing  
20     double digit unemployment rates and for the month of May had an unemployment rate of 13.1% which  
21     was higher than the state's unemployment rate of 11.5%; and22  
23     WHEREAS, these higher unemployment rates further erode the economic recovery of the region;  
24     and25  
26     WHEREAS, Economist John Husing, Ph.D. has extensively studied the city and county economies  
27     of Southern California and particularly the Inland Empire; and

28

1 WHEREAS, Dr. Husing participated in the Red Team and was commissioned by the private sector  
2 to develop a strategy for dealing with the major economic issues facing the region today; and  
3

4 WHEREAS, Dr. Husing prepared a report dated May 11, 2009 that recommends jurisdictions  
5 reduce fees in order to stimulate the economy and promote housing starts and job growth; and  
6

7 WHEREAS, the Red Team concurs with the report and recommendation; and  
8

9 WHEREAS, the County of Riverside has temporarily reduced its development impact fees and  
10 implemented several economic stimulus measures to promote job and economic growth such as public  
11 works projects, summer jobs programs and first time homebuyer incentives; and  
12

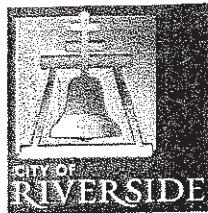
13 WHEREAS, several cities and school districts have also reduced development fees and  
14 implemented local economic recovery strategies; and  
15

16 WHEREAS, the Western Regional Council of Governments (WRCOG) developed and administers  
17 Western Riverside County's Transportation Uniform Mitigation Fee Program (TUMF) and manages the  
18 implementation of the regional arterial road network; now, therefore,  
19

20 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors of  
21 the County of Riverside, State of California, in regular session assembled on July 14, 2009, that it hereby  
22 requests the Executive Committee of WRCOG reduce TUMF Program fees as outlined in Dr. Husing's  
23 May 11, 2009 report.  
24  
25  
26  
27  
28

FORM APPROVED COUNTY COUNSEL  
7-6-09  
BY: SYNTHIA M. GUNZEL





August 24, 2009

Mr. Rick Bishop  
Executive Director  
Western Riverside Council of Governments  
4080 Lemon Street, 3rd Floor  
Riverside, CA 92501

Dear Mr. Bishop:

Last year at this time, business, community and government leaders from Western Riverside County gathered to discuss the worsening economy. Our region was battered by foreclosures, job losses and declining local government revenues. But instead of just waiting and hoping for an economic rebound, we formed the Riverside Economic Development RED TEAM to identify actions that could be taken to spur recovery in the housing sector and protect our quality of life.

The RED TEAM, working with one of the Inland Empire's most respected economists, Dr. John Husing, and the Western Riverside Council of Governments, examined the situation and recommended three goals critical to a recovery:

- Defend communities from the impact of having large numbers of dilapidated or rental properties injected into single family detached neighborhoods.
- Cut off the growing supply of foreclosed homes, so prices can stabilize and the market can return to responding to traditional supply and demand forces.
- Reduce the cost of building new homes so that the new home building industry can put people back to work. Until it does, the serious recession will continue.

We're pleased to report that since the RED TEAM adopted its final recommendations in 2009, progress has been made. Public-private partnerships are investing to purchase, refurbish and sell foreclosed properties to homebuyers. Some lenders are working to try and help residents prevent foreclosure. And many local governments have acted to create jobs and jump-start the economy by deferring and/or reducing construction fees.

Clearly, the RED TEAM has made a difference and it is the direct result of the work of so many dedicated community leaders. But our letter is not simply recognition of progress to date. Now, more than ever, we must stay focused and committed to our respective communities. State budget uncertainty means that we must fight to protect our region. We must stay focused on the three RED TEAM goals and work to make them reality.

Thank you for all that you do to make Riverside County and its cities a better place.

Sincerely,

The signature of Ronald O. Loveridge, written in cursive ink.

Ronald O. Loveridge  
Mayor  
City of Riverside

The signature of John Tavaglione, written in cursive ink.

John Tavaglione  
Supervisor, District 2  
Riverside County

**Appendix A1-C      TUMF Network Detailed Cost Estimate - 50% ADJUSTED**

## **EXHIBIT A1-C1 TUMF Network Detailed Cost Estimate - 50% ADJUSTED**

## EXHIBIT A1-C.1 TUMF Network Detailed Cost Estimate - 50% ADJUSTED

TRI A1-C-1 TUNF Network Detailed Cost Estimate - 8% ADJUSTED					
ITEM	DESCRIPTION	STREETNAME	SEGMENTFROM	SEGMENTTO	SCROLLTO
1	Interstate	Birch	Highway	Highway	
2	Manatee	Croft	Highway	Highway	



## EXHIBIT A1.C.1 TUMF Network Detailed Cost Estimate - 50% ADJUSTED

EXHIBIT A1-C.1 TUMF Network Detailed Cost Estimate - 50% ADJUSTED

**EXHIBIT A1-C.2 - TUMF Regional Transit Cost Estimate - 50% ADJUSTED**

AREA PLAN DIST	LEAD AGENCY	PROJECT NAME	LOCATION	UNITS (number/length in miles)	ADJUSTED TOTAL	ADJ MAX TUMF SHARE
Regional	RTA	Regional Transit Centers	Various locations region wide	11	31,103,000	11,519,000
Regional	RTA	Bus Stop Amenities Upgrade	Various locations region wide	70	945,000	350,000
Northwest/Central	RTA	Central Spine Service Capital	Corona, Riverside, Moreno Valley	24	6,600,000	2,444,000
Northwest/Pass	RTA	SR60 Regional Flyer Capital	SR-60 corridor from SB Co. to Banning	45	12,375,000	4,583,000
Northwest/San Jacinto	RTA	I-215/SR74 Regional Flyer Capital	I-215/SR-74 corridor from Riverside to San Jacinto	37	10,175,000	3,768,000
Northwest/Southwest	RTA	I-15 Regional Flyer Capital	I-15 Corridor from SB Co. to Temecula	49	13,475,000	4,990,000
Regional	RTA	Regional Flyer Vehicle Fleet	Various routes region wide	32	8,800,000	3,259,000
<b>Total</b>					<b>83,473,000</b>	<b>30,913,000</b>

**CITY COUNCIL AGENDA  
CONSENT ITEMS**

**Date:** November 24, 2009

**TO:** City Council

**FROM:** City Clerk

**SUBJECT:** **Resolution No. 2009-100, Official Canvass for the Special Municipal Election Measure**

**RECOMMENDATION:** That the City Council adopt Resolution No. 2009-100, Reciting the Fact of the Special Municipal Election Held in Said City on November 3, 2009, Declaring the Result Thereof and Such Other Matters as Provided by Law.

**BACKGROUND:** The City Council adopted Resolution No. 2009-67 on July 28, 2009, requesting the Board of Supervisors of the County of Riverside to Consolidate a Special Municipal Election to be held on November 3, 2009, with the Consolidated Uniform District Election Law (UDEL) Election to be held on the same date pursuant to Section 10403 of the Elections Code for the purpose of submitting to the electors of the city of Banning a measure to appear on the ballot as follows: To minimize future cuts and provide funding for essential city services including police, fire, 9-1-1 emergency response, graffiti removal, and maintaining streets and public areas, shall the City of Banning adopt an ordinance increasing its existing Transient Occupancy tax (which is a hotel bed tax paid when overnight visitors rent a room) from 6% to 12%, with annual independent audits provided by code, and all funds used to maintain city services in Banning? The Registrar of Voters of the County of Riverside was authorized to canvass the returns of the Special Municipal Election.

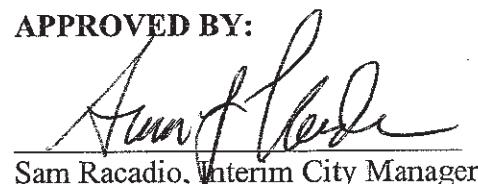
**FISCAL IMPACT:** The cost of said election is forthcoming from the Registrar of Voters.

**RECOMMENDED BY:**



Marie A. Calderon, City Clerk

**APPROVED BY:**



Sam Racadio, Interim City Manager

**RESOLUTION NO. 2009-100**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING,  
CALIFORNIA, RECITING THE FACT OF THE SPECIAL MUNICIPAL  
ELECTION HELD IN SAID CITY ON NOVEMBER 3, 2009,  
DECLARING THE RESULT THEREOF AND SUCH OTHER  
MATTERS AS PROVIDED BY LAW.**

**WHEREAS**, a special municipal election was held and conducted in the City of Banning, California on Tuesday, November 3, 2009, as required by law; and

**WHEREAS**, the City Clerk has been informed by the Election Department of the County of Riverside that notice of said election was duly and regularly given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects said election was held and conducted and the votes cast thereat, received and canvassed and the return made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in cities; and

**WHEREAS**, pursuant to Resolution No. 2009-67 adopted July 28, 2009, the Registrar of Voters of the County of Riverside canvassed the returns of said election and certified the results to this City Council, said results are received and attached and made a part hereof as "Exhibit A."

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE AND DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That there were seven voting precincts established for the purpose of holding said election consisting of consolidations of the regular election precincts in said City as established for the holding of state and county elections.

**SECTION 2.** That at said special municipal election, the following measure was submitted to the electors of said City, to wit:

To minimize future cuts and provide funding for essential city services including police and fire, 9-1-1 emergency response, graffiti removal, and maintaining streets and public areas, shall the City of Banning adopt an ordinance increasing its existing Transient Occupancy Tax (which is a hotel bed tax paid when overnight visitors rent a room) from 6% to 12%, with annual independent audits provided by code, and all funds used to maintain city services in Banning?

**SECTION 3.** That the whole number of votes cast in said City (except absentee voter ballots) was 2233.

That the whole number of absentee voter ballots cast in said City was 1104, making a total of 3337 votes cast in said City.

That the number of votes given at each precinct and the number of votes given in the City for the measure above name is listed in Exhibit "A" attached.

**SECTION 4.** The City Council does declare and determine that: As a result of said election, a majority of the qualified voters voting on said measure relating to Measure L Tax – Banning Transient Tax, did vote in favor thereof, and that said measure was carried, and shall be deemed adopted and ratified.

**SECTION 5.** The City Clerk shall enter on the records of the City Council of the City of Banning a statement of the result of said election, showing: (1) The whole number of votes cast in the City; (2) The measure voted upon; (3) The number of votes given at each precinct for and against the measure; (4) The number of votes given in the City for and against the measure.

**SECTION 6.** The City Clerk shall certify to the passage and adoption of this resolution; shall enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** this 24th day of November, 2009.

---

Robert E. Botts, Mayor

ATTEST:

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Marie A. Calderon, City Clerk

APPROVED AS TO FORM  
AND LEGAL CONTENT:

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

CERTIFICATION

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2009-100 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 24th day of November, 2009, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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

**RESOLUTION NO. 2009-100**

**EXHIBIT "A"**

BARBARA DUNMORE  
Registrar of Voters



2724 Gateway Drive  
Riverside, CA 92507-0918  
(951) 486-7200 • FAX (951) 486-7272  
[www.voteinfo.net](http://www.voteinfo.net)

**REGISTRAR OF VOTERS  
COUNTY OF RIVERSIDE**

November 10, 2009

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

Dear Ms. Calderon:

Enclosed is our certificate to the results of the canvass of election returns for your Special Municipal Measure Election held on November 3, 2009.

An invoice for services rendered will be mailed to you under a separate cover. Please let me know if I can be of any further assistance.

Sincerely,

**BARBARA DUNMORE**  
Registrar of Voters

Enclosures

BARBARA DUNMORE  
Registrar of Voters



2724 Gateway Drive  
Riverside, CA 92507-0918  
(951) 486-7200 • FAX (951) 486-7272  
[www.voteinfo.net](http://www.voteinfo.net)

**REGISTRAR OF VOTERS  
COUNTY OF RIVERSIDE**

**CERTIFICATE OF REGISTRAR OF VOTERS  
TO THE RESULTS OF THE CANVASS OF ELECTION RETURNS**

State of California      )  
                            ) ss.  
County of Riverside    )

I, BARBARA DUNMORE, Registrar of Voters of said County, do hereby certify that, in pursuance of the provisions of Sections 15301, 15372, and 15374 of the California Elections Code, and the resolution adopted by the City Council, I did canvass the returns of the votes cast on November 3, 2009, as part of the Consolidated UDEL Election in the

**CITY OF BANNING**

and I further certify that the statement of votes cast, to which this certificate is attached, shows the whole number of votes cast for and against each measure at said election in said City and in each precinct therein, and that the totals as shown for said election are full, true, and correct.

Dated this 10<sup>th</sup> day of November 2009.

*Barbara Dunmore*

**BARBARA DUNMORE**  
Registrar of Voters



RIVERSIDE COUNTY Statement of Vote  
CONSOLIDATED UDEL ELECTION

November 3,2009

NON PARTISAN L - BANNING TRANSIENT TAX						
140030	Registration	Ballots Cast	Turnout (%)	YES	NO	
51000 BANNING	0	0	0.00	0	0	
51000 - Vote by Mail Reporting	0	0	0.00	0	0	
51002 BANNING	0	0	0.00	0	0	
51002 - Vote by Mail Reporting	0	0	0.00	0	0	
51004 BANNING	727	53	7.29	30	23	
51004 - Vote by Mail Reporting	727	147	20.22	116	31	
51008 BANNING	1982	169	8.53	129	35	
51008 - Vote by Mail Reporting	1982	911	45.96	734	161	
51011 BANNING	2498	210	8.41	162	44	
51011 - Vote by Mail Reporting	2498	1207	48.32	911	282	
51018 BANNING	2449	160	6.53	104	55	
51018 - Vote by Mail Reporting	2449	591	24.13	425	154	
51020 BANNING	1266	105	8.29	52	51	
51020 - Vote by Mail Reporting	1266	162	12.80	118	44	
51023 BANNING	1517	98	6.46	68	27	
51023 - Vote by Mail Reporting	1517	217	14.30	144	66	
51026 BANNING	2061	110	5.34	73	35	
51026 - Vote by Mail Reporting	2061	370	17.95	271	96	
Precinct Totals	12500	905	7.24	618	270	
Vote by Mail Reporting Totals	12500	3605	28.84	2719	834	
Grand Totals	12500	4510	36.08	3337	1104	
41st Congressional District	12500	4510	36.08	3337	1104	
37th Senatorial District	12500	4510	36.08	3337	1104	
65th Assembly District	12500	4510	36.08	3337	1104	
80th Assembly District	0	0	0.00	0	0	
6th SUPERVISORIAL DISTRICT	12500	4510	36.08	3337	1104	
City of Banning	12500	4510	36.08	3337	1104	

**CITY COUNCIL AGENDA  
CONSENT ITEM**

**Date:** November 24, 2009

**TO:** City Council

**FROM:** Leonard Purvis, Chief of Police

**SUBJECT:** Resolution No. 2009-96, accepting the 2010 Supplemental Law Enforcement Services Fund Allocation and authorizing the Banning Police Department to use the funds towards the purchase of law enforcement related equipment and training.

**RECOMMENDATION:** "The City Council adopt Resolution No. 2009-96 accepting the 2010 Supplemental Law Enforcement Services Fund (SLESF) allocation and authorize the Banning Police Department to apply the funds towards the purchase of law enforcement related equipment and training."

**JUSTIFICATION:** Funds from the Supplemental Law Enforcement Services Fund must be used to supplement frontline municipal police services.

**BACKGROUND:** The Banning Police Department anticipates using funds from SLESF to purchase equipment and provide advanced officer training, which will enhance the department's ability to provide a high level of professional service to the citizens of Banning. Anticipated purchases, include but are not limited to, vehicles, technology equipment and software, evidence collection materials, communication related parts, tactical equipment, and advanced officer training.

Legislation requires the City Council to officially accept the Supplemental Law Enforcement Services Funds and approve the police department's anticipated use of the funds.

**STRATEGIC PLAN INTEGRATION:** Council approval of this resolution will meet the city's goal to protect the citizens of this community with updated technology, equipment, and well trained police officers.

**FISCAL DATA:** The Supplemental Law Enforcement Services Fund (SLESF) allocation for 2010 is \$100,000. There is no city match required for this grant. The appropriation is requested in the resolution.

**RECOMMENDED BY:**

  
Leonard Purvis  
Chief of Police

**REVIEWED BY:**

  
Kirby Warner  
Interim Finance Director

**APPROVED BY:**

  
Sam Racadio  
Interim City Manager

**RESOLUTION NO. 2009-96**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BANNING ACCEPTING THE 2010 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND ALLOCATION AND AUTHORIZING THE BANNING POLICE DEPARTMENT TO USE THE FUNDS TOWARDS THE PURCHASE OF LAW ENFORCEMENT RELATED EQUIPMENT AND TRAINING.**

**WHEREAS**, the City of Banning Police Department is responsible for the security and safety of the Citizens of the City; and

**WHEREAS**, grants provided by State and Federal monies assist in supplementing these services; and

**WHEREAS**, the City Council is required to accept and appropriate the allocation of anticipated funds from this grant; and

**WHEREAS**, the grant funds will provide the Banning Police Department with updated technology, equipment, and training;

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Banning hereby accepts the 2010 Supplemental Law Enforcement Services Fund (SLESF) allocation, appropriates funds in the amount of \$100,000, and authorizes the Finance Department to make necessary budget adjustments related to these funds.

**PASSED, APPROVED, AND ADOPTED** this 24<sup>th</sup> day of November, 2009.

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Bob Botts, Mayor  
City of Banning

APPROVED AS TO FORM  
AND LEGAL CONTENT

ATTEST

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Aleshire & Wynder, LLP  
City Attorney

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Marie A. Calderon, City Clerk  
City of Banning

**CERTIFICATION:**

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2009-96 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 24th day of November 2009, by the following to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**CITY COUNCIL AGENDA  
ORDINANCES**

**Date:** November 24, 2009

**TO:** City Council

**FROM:** Leonard Purvis, Chief of Police

**SUBJECT:** Ordinance No. 1413, An Urgency Ordinance to Amend the Banning Municipal Code Section 9.16.030, establishing a method to allow a person or company to destroy pests in the city.

**RECOMMENDATION:** The City Council adopt Ordinance No. 1413, An Urgency Ordinance Amending Banning Municipal Code Section 9.16.030.

**JUSTIFICATION:** The current Banning Municipal Code relating to the discharge of guns in the city does not describe a procedure or method to allow a person or company to destroy pests in the city.

**BACKGROUND:** On November 2, 2009, Michael Bennett, General Manager of the Sun Lakes Country Club, sent a letter to the City Council requesting approval for Sun Lakes Country Club and Animal Pest Management Services, Inc. to implement a comprehensive Widgeon and Coot pest mitigation program for the common areas located in Sun Lakes Country Club, including the use of shotgun eradication for a small number of the pest population. The current ordinance does not describe a procedure or method to allow a person or company to destroy pests in the city. In relation to the discharge of guns in the city, the current ordinance specifically states, "This section shall not apply to any person licensed by the city council to destroy pests, nor to public safety officers in the discharge of their official duties."

At this time, there is no current process in place for the City Council to license a pest control agency to conduct this type of business in the city. The amended ordinance will add the following section to address this issue, "This section shall not apply to persons licensed to destroy pests, where such persons have appropriate state and federal permits, if applicable, and a permit approved by the chief of police with conditions for protecting public safety, preventing nuisances and indemnifying the city from liability."

This amended ordinance will now require department staff to ensure any person or company that is seeking approval to destroy pests are properly licensed, have proper state and federal permits, if applicable, describe conditions for protecting public safety, describe conditions for preventing public nuisances, and indemnifying the city from liability before a permit is approved by the chief of police.

The letter from Michael Bennett to the City Council and a portion of the minutes for the Sun Lakes Country Club Executive Session of the Board of Directors for July 15, 2009 is attached to this report for information.

**FISCAL IMPACT:** None

**RECOMMENDED BY:**

  
Leonard Burvis  
Chief of Police

**APPROVED BY:**

  
Sam Racadio  
Interim City Manager

**ORDINANCE NO. 1413**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
BANNING, CALIFORNIA AMENDING SECTION 9.16.030 OF CHAPTER 9.16  
OF TITLE 9 OF THE BANNING MUNICIPAL CODE TO REQUIRE A PERMIT  
FROM THE CHIEF OF POLICE FOR THE USE OF GUNS BY PERSONS  
LICENSED TO DESTROY PESTS**

**WHEREAS**, Banning Municipal Code Section 9.16.030A provides that it shall be unlawful for any person to discharge any gun or pistol within the City, unless such person is authorized by law to carry a gun or pistol and the same is discharged in the lawful performance of a duty; and

**WHEREAS**, the City seeks amend section 9.16.030 to provide that the persons licensed to destroy pests shall be required to obtain a permit from the City's Chief of Police and the delete the language requiring a license by the City Council; and

**WHEREAS**, the City seeks to require that the permit issued by the Chief of Police for persons licensed to destroy pests, shall include conditions for protecting public safety, preventing nuisances and indemnifying the city from liability.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF BANNING, CALIFORNIA:**

**SECTION 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

**SECTION 2.** That Section 9.16.030 of the City of Banning Municipal Code is hereby amended to read in its entirety as follows:

**9.16.030 Guns--Discharge.**

A. It shall be unlawful for any person to discharge any gun or pistol within the city, unless such person is authorized by law to carry a gun or pistol and the same is discharged in the lawful performance of a duty.

B. This section shall not apply to a lawful discharge at any regularly established gun or rifle club or shooting gallery, the location of which club or shooting gallery has previously been approved in writing by the chief of police.

C. This section shall not apply to any public safety officers in the discharge of their official duties.

D. This section shall not apply to persons licensed to destroy pests, where such persons have appropriate state and federal permits, if applicable, and a permit approved by the chief of police with conditions for protecting public safety, preventing nuisances and indemnifying the city from liability.

E. This section shall not apply to any person discharging a gun or pistol which fires blanks, which firing is in an otherwise lawful manner, while participating in a special event for which a permit has been issued by the city council pursuant to Chapter 5.68 of this Code. Any person proceeding under this section shall first file with the chief of police a notice setting forth the place and time of each proposed discharge. Such notice shall be filed with the chief of police a minimum of seventy-two hours prior to the time of such scheduled discharge.

**SECTION 3.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidance or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**SECTION 4. 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 24<sup>th</sup> day of November, 2009.

---

Robert E. Botts, Mayor  
City of Banning

APPROVED AS TO FORM  
AND LEGAL CONTENT:

---

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

ATTEST:

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Marie A. Calderon, City Clerk

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, do hereby certify that the foregoing Ordinance No. 1412 was duly introduced at a regular meeting of the City Council of the City of Banning, California, held on the 24<sup>th</sup> day of November, 2009 and was duly adopted at a regular meeting of said City Council held on the 24<sup>th</sup> day of November, 2009 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

November 2, 2009

The Honorable City Council  
City of Banning  
99 East Ramsey Street  
Banning, California 92220

**SUBJECT: Sun Lakes Widgeon and Coot Duck Pest Control Issues**

Dear Honorable Councilpersons:

Please consider this request for your assistance in allowing Sun Lakes Country Club and Animal Pest Management Services, Inc. to fully implement a comprehensive Widgeon and Coot pest mitigation program for the common areas located in Sun Lakes Country Club, including the use of shotgun eradication for a small number of the pest population as a part of the comprehensive plan. This plan does not target the small number of year-round Mallard Ducks who inhabit the lakes and wetland area at Sun Lakes.

We are seeking your formal permission to include the shot gunning tactic during the regular Southern California Waterfowl Hunting season (from the fourth Saturday in October extending 100 days, or October 24, 2009 through February 1, 2010), under the direct supervision of a Urban Wildlife Biologist, employed by Animal Pest Management Services, Inc. (see their website at [www.animalpest.com](http://www.animalpest.com))

The extent of the Widgeon and Coot pest issue each year at Sun Lakes is considerable and the implementation of a comprehensive program of aggressive "aversion therapy" hazing is believed by experts to have a multi-year effect on reducing the number and frequency of these pest waterfowl returning in subsequent years to Sun Lakes.

The Board of Directors has taken steps to manage the widgeon population from the lakeshore areas of the community, and would like to share with you some reasons for taking this action:

- The population of widgeons on the lakes has grown unchecked by natural predators that no longer inhabit the area.
- The greater the number of widgeons on the lakes, the more bird droppings, thus raising the Nitrogen level in the lakes. This increase in Nitrogen allows for the algae bloom and a distinct murkiness of the water, and increase the amount of chemicals

required to maintain healthy levels. To help you understand the nature of this problem, a typical widgeon emits up to one-quarter pound of feces daily. The bacteria and virus contained in the excremental remains poses a serious health hazard to other ducks in the community.

- Widgeons are known for damaging turf areas surrounding lakes to dirt levels.
- Coots left on the lake this season have the potential to breed up to six to eight young that will return with their parents next year to the same location. With the population level we had this year, this means a potential increase of several thousand for this upcoming migration season.
- The eagerness of widgeons to reach greener and hardier turf leads them across sidewalks and shoreline turf leaving their droppings behind. The droppings can be unacceptable to those walking the perimeter of the lakes and even cause slippage or a sliding hazard on sidewalks.
- To help mitigate the situation we are hazing and managing widgeons from various locations throughout the area of Sun Lakes Country Club, as approved by the Department of U.S. Fish and Game. (Our Contact Biologist for U.S. Fish and Game: Mr. Kevin Brennon at 951.659.2468 or 760.861.3627).

We have attached the Minutes from the July 15, 2009 Executive session meeting of the Sun Lakes Country Club Homeowner's Association, which reflect the unanimous vote of the Board to approve retaining the services of Animal Pest Management Services, Inc.

Please consider this request for a limited variance to the applicable City Ordinance(s) concerning discharge of shotguns for specific times and places, under strict supervision, in order that this important program might achieve the greatest degree of success in helping mitigate these animal pest issues in the most effective manner possible, with the goal of minimizing the actual number of Widgeons and Coots actually destroyed.

Sincerely,  
By Direction of the Board of Directors

Michael Bennett  
General Manager

Enclosure: Executive session minutes 07-15-2009

cc: Board of Directors, Sun Lakes Country Club Homeowners Association



**TIME AND PLACE** This Executive session of the Sun Lakes Country Club Homeowners Association Board of Directors was held on July 15, 2009 at 850 Country Club Drive, Banning, California.

**CALL TO ORDER** George Moyer, President, called this Executive Session of the Master Board to order at 2:33 p.m.

**DIRECTORS PRESENT:**

George Moyer  
Sherman Gallas  
Mike Primak  
John Clark

**MEMBERS ABSENT:**

Mary Baines

**OTHERS PRESENT:**

Michael Bennett  
Jim Morgan  
Tami Morgan  
Taylor Aldal  
Michelle Burge  
Debbie Roberts

EX-BOARD MEMBERS OF THE BOARD OF DIRECTORS  
July 15, 2009

**TIME AND PLACE**

The Executive Board of Directors met at the Sun Lakes Country Club, 850 Country Club Drive, Banning, California, on July 15, 2009 at 2:33 p.m.

**CALL TO ORDER**

George Moyer, President, called this Executive Session of the Master Board to order at 2:33 p.m.

**DIRECTORS PRESENT:**

George Moyer  
Sherman Gallas  
Mike Primak  
John Clark

**DUCK POPULATION  
CONTROL  
CONSULTING  
PROGRAM**

The Board met with Kevin Bowman, a representative from Animal Pest Management Services, to discuss the behavior modification program for widgeon ducks and coots. This program is approved by the department of fish and game. All proper permits would be obtained prior to implementing the program.

**MEMBERS ABSENT:**

Mary Baines

Upon a motion duly made by Director Primak, seconded by Director Gallas and unanimously carried, the Board approved the widgeon duck and coot abatement program proposal from Animal Pest Management, Inc. for \$12,500.00. The term of the contract will be from July 2009 to March 31, 2009. Funds for this expenditure will come from golf maintenance account #5521.

George Moyer  
Sherman Gallas  
Mike Primak  
John Clark

**DUCK POPULATION  
CONTROL  
CONSULTING  
PROGRAM**

The Board met with Kevin Bowman, a representative from Animal Pest Management Services, to discuss the behavior modification program for widgeon ducks and coots. This program is approved by the department of fish and game. All proper permits would be obtained prior to implementing the program.

Upon a motion duly made by Director Primak, seconded by Director Gallas and unanimously carried, the Board approved the widgeon duck and coot abatement program proposal from Animal Pest Management, Inc. for \$12,500.00. The term of the contract will be from July 2009 to March 31, 2009. Funds for this expenditure will come from golf maintenance account #5521.

**CITY COUNCIL AGENDA  
REPORTS OF OFFICERS**

**DATE:** November 24, 2009

**TO:** City Council

**FROM:** Heidi Meraz, Community Services Director

**SUBJECT:** Resolution 2009-99, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING APPROVING PARTICIPATION IN A STUDY TO DETERMINE THE FEASIBILITY A SAN GORGONIO PASS AREA JOINT POWERS AUTHORITY FOR TRANSPORTATION"

**RECOMMENDATION:**

The City Council adopt Resolution 2009-99 approving participation in exploring the feasibility of establishing a Joint Powers Authority for public transportation within the San Gorgonio Pass Area.

**JUSTIFICATION:**

Presently the cities of Banning and Beaumont operate their own individual transit systems while there are unmet transit needs within the City of Calimesa and the unincorporated areas of the Pass.

**BACKGROUND**

Representatives from Banning, Beaumont, Calimesa and the County have met to discuss the advantages and disadvantages of creating a Joint Powers Authority for public transportation with the Pass Area. The desire of the group is that each city pass a resolution that approves further discussions and fact finding which would potentially include an update of the San Gorgonio Pass Area Transit Study which was prepared by Nelson\Nygaard Consulting Associates in 2001.

**FISCAL DATA:** Not applicable at present time

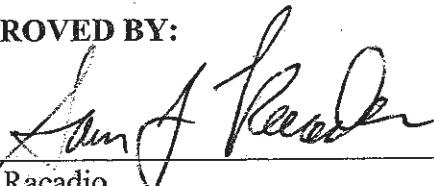
**RECOMMENDED BY:**



Heidi Meraz

Community Services Director

**APPROVED BY:**



Sam Racadio

Interim City Manager

**RESOLUTION NO. 2009-99**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING APPROVING PARTICIPATION IN A STUDY TO DETERMINE THE FEASIBILITY A SAN GORGONIO PASS AREA JOINT POWERS AUTHORITY FOR TRANSPORTATION**

**WHEREAS**, the San Gorgonio Pass Area of Western Riverside County consists of the incorporated cities of Calimesa, Beaumont and Banning and the unincorporated communities of Cherry Valley, Cabazon and the Morongo Indian Reservation; and

**WHEREAS**, cities of Banning and Beaumont presently operate their own individual transit systems; and

**WHEREAS**, there are currently unmet transit needs within the city of Calimesa and the unincorporated areas of the Pass.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Banning that the City of Banning in coordination with the cities of Beaumont and Calimesa, and the County of Riverside, explore the feasibility of establishing a Joint Powers Authority for public transportation within the San Gorgonio Pass Area.

**PASSED, APPROVED, AND ADOPTED** this 24<sup>th</sup> day of November, 2009.

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Robert E. Botts, Mayor

ATTEST:

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Marie A. Calderon, City Clerk

APPROVED AS TO FORM  
AND LEGAL CONTENT:

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2009-66, was duly adopted by the City Council of Banning, California, at a regular meeting thereof held on the 28th day of July 28, 2009, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

**CITY COUNCIL AGENDA  
REPORT OF OFFICERS**

**DATE:** November 24, 2009

**TO:** Honorable Mayor and City Council

**FROM:** Sam Racadio, Interim City Manager

**SUBJECT:** Appointment of Economic Development Committee

**RECOMMENDATION:**

That the City Council review and appoint members to the Economic Development Committee as outlined in this report.

**JUSTIFICATION:**

When the City Council authorized re-activation of the Economic Development Committee, pursuant to adoption of Ordinance No. 1411, the City Council directed staff to return with the list of nominees for the City Council to formally appoint members to the Economic Development Committee.

**BACKGROUND:**

On July 28, 2009, the City Council adopted Ordinance No. 1411 which re-activated the City's Economic Development Committee (EDC). As part of the City Council's action, staff was directed to return to the City Council with a list of the nominations to fill the seats on the EDC for the City Council's final review and approval.

**DISCUSSION:**

Following adoption of Ordinance No. 1411 on July 28, 2009, and after the thirty-day waiting period, Ordinance No. 1411 became effective on September 22, 2009 (Attachment 1). One week later, staff released solicitations to recruit interested persons to serve on the new EDC as follows:

- Posted Openings on the City's Website
- Advertised Openings on Channel 10 Local Access Television
- Posted Notice at the Front Counter in City Hall
- Distributed solicitation requests at the information table at City Council meetings
- Published *News Brief* in the Press Enterprise
- Published *News Brief* in the Record Gazette (twice)
- Direct correspondence/solicitation with each of the named organizations to nominate an appointee to represent their organization.

Following the close of the recruitment on October 26, 2009, expressions of interest from Banning residents willing serve on the Committee (five seats) and nominations from named organizations (four Seats) were as follows: (in alphabetical order)

**Resident At-Large Members:**

1. Susan Coder	Resident
2. David Marshall Kealy	Resident
3. Lois Kinder-Preston	Resident
4. Hal Taylor	Resident
5. <i>None</i>	

**Organizations:**

1. <i>None</i>	Banning Unified School District
2. Dennis Anderson	Mt San Jacinto Community College District
3. Bill Landon	Morongo Band of Mission Indians
4. Brandon Contreras	Pass Area EDA

The *Application for Appointment* or Organization nomination letter for each of the named individuals above is included in this staff report as **Attachment 2**.

It should be noted that there remain two nominations that have not been made at the time of this writing. Staff recommends that the City Council consider the nominees named above, consider their formal appointment and allow staff to reactivate the EDC with those individuals available while continuing to seek appointment of a fifth Banning resident and a representative from the Banning Unified School District who can join the EDC in the near future.

If the nominees, as presented, are approved by the City Council, staff will proceed to convene the first meeting of the new EDC on January 21, 2010 at 6:00 pm at City Hall.

**FISCAL DATA:**

There are nominal costs associated with providing staff support and oversight to the EDC; 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:**

That the City Council review and appoint members to the Economic Development Committee as outlined in this report.

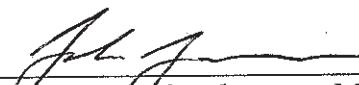
**APPROVED BY:**

  
Sam Racadio  
Interim City Manager

**RECOMMENDED BY:**

  
Zaiton Abu Bakar  
Community Development Director

**PREPARED BY:**

  
John Jansons, Redevelopment Manager

Attachments:

1. Ordinance No. 1411, September 22, 2009
2. Nominee Applications and Correspondence

*APPOINTMENT OF  
ECONOMIC  
DEVELOPMENT  
COMMITTEE*

*ORDINANCE  
NO. 1411*

**ATTACHMENT “1”**

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. Both the Chairperson and Vice Chairperson must be residents of or own a business in Banning.

**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."

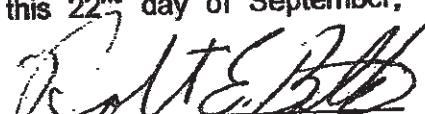
**SECTION 3.** Ordinance 1371 previously adopted by the City Council on June 12, 2007 concerning the Economic Development Committee is hereby repealed in its entirety, and is superseded by this Ordinance.

**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.

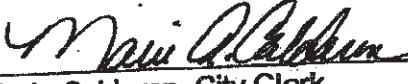
**PASSED, APPROVED, AND ADOPTED** this 22<sup>nd</sup> day of September, 2009.



Robert E. Botts

Robert E. Botts, Mayor

**ATTEST:**



Marie Calderon, City Clerk

**APPROVED AS TO FORM:**



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

*APPOINTMENT OF  
ECONOMIC  
DEVELOPMENT  
COMMITTEE*

*NOMINEE  
APPLICATIONS AND  
CORRESPONDENCE*

**ATTACHMENT “2”**

DUE BY: Monday October 26, 2009 at 5:00 P.M.

City of Banning  
RECEIVED

OCT 26 2009

9:10AM

Community Redevelopment  
Agency (CRA)



**CITY OF BANNING  
APPLICATION FOR APPOINTMENT  
ECONOMIC DEVELOPMENT COMMITTEE**

Name SUSAN C. Coder

Date 10-25-09

work #  
951-849-4347

Address 724 W. Williams St.

Telephone 951-849-0863 Cell Phone 951-5332993

E-mail None

The Economic Development Committee is established to provide a coordinating entity between the City, its staff and other commissions and committees, and the private sector for the purpose of recruiting and retaining business development and tourism. It is being reorganized to be more proactive in promoting economic development opportunities within the City. Six at-large community members will be appointed by the City Council, three for a two-year term and three for a four-year term. All terms thereafter will be four-year terms.

Section 2-36 D. Membership - The Ordinance declares that "members shall have a demonstrated interest and experience in business and economic development issues and all members of the committee shall live within the City of Banning."

Please complete the following questions for City Council review and consideration. Attach additional pages if necessary.

1) What is your economic development philosophy?

I would like to see some other types of projects to be done in Banning. Banning has been good to me and I would like to give something back to the city. Maybe a fresh set of eyes would help?

2) What do you believe the Economic Development Committee should be doing and why?

We need a nice restaurant down around the new police Dept and new Courthouse. Also it would pull people off the freeway.

3) What talents, skills, and experience do you have that will benefit the work of the Committee?

I work with people; at Western Union and in a pawn shop. And if I can find something in books or just looking I am good.

4) What three things are you most proud of?

My 3 children; I have work at 3 or 4 different jobs in Banning, I also graduated from Pharmacy Tech school when I was 42 yrs old with a B.T. I have also worked with dying people in their homes.

5) What value can you bring to the committee?

Being an older person and having some wisdom a common sense. May be a different or fresh look.

**DUE BY: Monday October 26, 2009 at 5:00 P.M.**

6) Please write a brief biographical sketch (Include information and experience that relate to Ordinance Section 2-36.020-B. – Membership, outlined above:

I am 65 yrs old, work at some job in downtown Banning, live in Banning 25 yrs. Would maybe bring a different look on things to the panel

7) How long have you resided in the City? 25 years

Date: 10/25/09

Signed: Susan C. Coder

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

Please return to:

City Clerk's Office or  
City of Banning Community Redevelopment Agency  
99 E. Ramsey Street  
Banning, CA 92220

**RETURN BY: Monday October 26<sup>th</sup>, 2009 5:00 P.M.**

*Thank you for your willingness to serve your community.*

**DUE BY: Monday October 26, 2009 at 5:00 P.M..**



City of Banning  
**RECEIVED**

OCT 26 2009

4:50 PM

## **Community Redevelopment Agency (CRA)**

✓

✓ COPY to [REDACTED]

**CITY OF BANNING  
APPLICATION FOR APPOINTMENT  
ECONOMIC DEVELOPMENT COMMITTEE**

Name DAVID MARSHALL KEALY

Date OCT 26, 2009

Address 1314 LAGUNA SECA CT.

E-mail david@kealy.name

The Economic Development Committee is established to provide a coordinating entity between the City, its staff and other commissions and committees, and the private sector for the purpose of recruiting and retaining business development and tourism. It is being reorganized to be more proactive in promoting economic development opportunities within the City. Six at-large community members will be appointed by the City Council, three for a two-year term and three for a four-year term. All terms thereafter will be four-year terms.

Section 2-36 D. Membership - The Ordinance declares that "members shall have a demonstrated interest and experience in business and economic development issues and all members of the committee shall live within the City of Banning."

Please complete the following questions for City Council review and consideration. Attach additional pages if necessary.

**1) What is your economic development philosophy?**

PLEASE SEE THE ATTACHED ANSWERS.

**Question 1**

My economic philosophy is rather simple. Economy is from the Greek words *oikos*, that means "neighborhood" and *nomos*, that means "law" or "order". So economic activity is not just the accumulation of wealth or an increase in productivity or economic growth that stands alone. It is the process about how every member of society lives in the context of cultural and spiritual development. A sound economy is built upon the traits of sound honesty, integrity, morals, and ethics. Our moral fibre comes first and the decisions that follow determine the nature of financial success.

As a fiscal conservative, I embrace a supply side economic approach to maintaining a balance in the supply/demand cycle.

**Question 2**

The Economic Development Committee should be supportive of the Redevelopment Manager. It should encourage residents and businesses in a number of ways that are not currently being done. If we provide ways for them to be more successful it will help us all by strengthening the economic base of the city.

**Question 3**

Committees have a responsibility to fulfill their charter. It is sad to see the latest agenda for this committee on the City website dated September 27, 2007. I have served on countless committees over the years and currently serve on the Board of Directors and Secretary of the Sun Lakes Men's Golf Club and have served as an Elder and Deacon at churches where we have attended. I have taught International Business at a graduate school in Ukraine, started a course of radio program development and broadcasting, and have hosted a number of International Conferences. I am committed to see Banning continue its reinvention as a major economic player in the region.

**Question 4**

First, I am proud of my family. My wife Sharon is an excellent administrative assistant to the Vice President of a global Charity. Our two sons are happily married and are employed running their own businesses. I am committed to being the husband, father and grandfather that will be supportive of this family.

Second, it has been my joy to be a part of many partnerships that have been created all over the world. My relationship with these business leaders as a mentor is rewarding. Third, as the Chairman of an international Scholarship FUND, it is my pleasure to assist young men and women in their education. We help them with tools to be all they can be as they follow their dreams.

**Question 5**

The city of Banning needs to excel in retaining and creating new jobs that will strengthen our position in the Pass area. This takes a coordinated effort between departments within the city to be successful. I can help that process.

**Question 6**

Following my college years studying architecture I worked in the health care delivery sector establishing and administering medical diagnostic clinics. Leasing medical equipment and providing training for employees in the health care field were the other divisions of the company.

I hold a Master of International Business Administration degree from Nova University. For the past twenty years I have visited more than 80 countries and have helped establish dozens of self-supporting commercial companies in the broadcasting/communications arena.

During 2009 I have established two internet related companies.

**DUE BY: Monday October 26, 2009 at 5:00 P.M.**

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**2) What do you believe the Economic Development Committee should be doing and why?**

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**3) What talents, skills, and experience do you have that will benefit the work of the Committee?**

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**4) What three things are you most proud of?**

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**5) What value can you bring to the committee?**

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**6) Please write a brief biographical sketch (Include information and experience that relate to Ordinance Section 2-36.020-B. – Membership, outlined above:**

**DUE BY: Monday October 26, 2009 at 5:00 P.M.**

7) How long have you resided in the City? 2 YEARS

BORN IN SAN BERNARDINO AND LIVED LOCALLY UNTIL  
COLLEGE DAYS.

Date: OCTOBER 26, 2009

Signed: Dw/Kealy

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

Please return to:

City Clerk's Office or  
City of Banning Community Redevelopment Agency  
99 E. Ramsey Street  
Banning, CA 92220

**RETURN BY: Monday October 26<sup>th</sup>, 2009 5:00 P.M.**

*Thank you for your willingness to serve your community.*

RECEIVED

OCT 26 2009

Community Redevelopment  
Agency (CRA)

✓ COPY TO MARIE 10/26/09  
ES



**CITY OF BANNING  
APPLICATION FOR APPOINTMENT  
ECONOMIC DEVELOPMENT COMMITTEE**

Name LOIS - KINDER - PRESTON

Date 10-23-09

Address 5211 MISSION HILLS

Telephone 951-845-7772 Cell Phone 951-990-0121

E-mail LOKIND@DC.RR.COM.

The Economic Development Committee is established to provide a coordinating entity between the City, its staff and other commissions and committees, and the private sector for the purpose of recruiting and retaining business development and tourism. It is being reorganized to be more proactive in promoting economic development opportunities within the City. Six at-large community members will be appointed by the City Council, three for a two-year term and three for a four-year term. All terms thereafter will be four-year terms.

Section 2-36 D. Membership - The Ordinance declares that "members shall have a demonstrated interest and experience in business and economic development issues and all members of the committee shall live within the City of Banning."

Please complete the following questions for City Council review and consideration. Attach additional pages if necessary.

DUE BY: Monday October 26, 2009 at 5:00 P.M.

1) What is your economic development philosophy?

My economic development philosophy for any area in order to provide jobs is to offer a company locating or relocating a workforce that can meet their needs. It must have a good infrastructure: housing, schools, transportation, etc.

2) What do you believe the Economic Development Committee should be doing (cont.)

and why?

It would be beneficial to interface with other economic entities, whether they are public, private or quasi. Let the statistician out - medium age, educational level, meet with employers to see what they

3) What talents, skills, and experience do you have that will benefit the work of (cont.)

the Committee?

From 1978-1984 I was Administrative Assistant to the president of the Orange County Economic Development Corp. in Orange, Ca. I became a researcher, gathered information, aggregated it, and put it in a distributive form, also gave tours to

4) What three things are you most proud of? (cont.)

Raising a family, getting a college education which enabled me to have a security clearance in aerospace, and healthy personal values.

5) What value can you bring to the committee?

One of my contributions would be to communicate orally and in writing in English with all levels of management. If there are issues on the table

I would conscientiously attempt to so [03] and obtain solutions for the betterment of our

*Lori Kinder-Preston*

**DUE BY: Monday October 26, 2009 at 5:00 P.M.**

6) Please write a brief biographical sketch (Include information and experience that relate to Ordinance Section 2-36.020-B. – Membership, outlined above:

*as a researcher for Orange County Economic Development Corp., I worked with firms (colleges) and Regional Occupational Programs (ROP) (and employees) to see that they were training what private industry needed, i.e., electronic technicians.*  
7) How long have you resided in the City? *I have lived in Banning since February, 2000.*

Date: 23 October 2009

Signed: Lori Kinder-Preston

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

Please return to:

City Clerk's Office or  
City of Banning Community Redevelopment Agency  
99 E. Ramsey Street  
Banning, CA 92220

**RETURN BY: Monday October 26<sup>th</sup>, 2009 5:00 P.M.**

*Thank you for your willingness to serve your community.*

1. continued

We have an airport which must not be ignored. We have railroad spurs as well. We are modernizing our schools. A junior college locally is offering our young people classes.

2. continued

need. Attend economic development seminars. I attended a week seminar at Texas A&M. Know what manufacturing/industrial space is going for a square foot.

3. continued

executives of industrial areas, and I spoke before philanthropic groups exploring tax incentives if they fired from vocational schools.

DUE BY: Monday October 26, 2009 at 5:00 P.M.

OCT 26 2009

Community Redevelopment  
Agency (CRA)

copy to Marie 10/26/09



**CITY OF BANNING  
APPLICATION FOR APPOINTMENT  
ECONOMIC DEVELOPMENT COMMITTEE**

10-26-09P02:06 RCVD

Name Hal Taylor

Date 10/26/09

Address 5197 MISSION AVE DR - BANNING, CA

Telephone 951-769-8246 Cell Phone 951-236-2399

E-mail hdtaylor@dcrr.com

The Economic Development Committee is established to provide a coordinating entity between the City, its staff and other commissions and committees, and the private sector for the purpose of recruiting and retaining business development and tourism. It is being reorganized to be more proactive in promoting economic development opportunities within the City. Six at-large community members will be appointed by the City Council, three for a two-year term and three for a four-year term. All terms thereafter will be four-year terms.

Section 2-36 D. Membership - The Ordinance declares that "members shall have a demonstrated interest and experience in business and economic development issues and all members of the committee shall live within the City of Banning."

Please complete the following questions for City Council review and consideration. Attach additional pages if necessary.

1) What is your economic development philosophy?

Help THE CITY Grow & encourage people to visit Banning  
Help THE CITY Develop A POSITIVE IMAGE  
Have Cooperation & assistance with city Resources &  
city Staff. Continue some of the existing efforts -  
downtown Redevelopment - Airport Expansion - City  
Beautification - lots to accomplish with little funds!

2) What do you believe the Economic Development Committee should be doing

and why?

Have Been A MEMBER OF EDC UNTIL OUR  
~~discontinuing discontinuance of meetings - continue~~  
Working on Items listed on Sec. 2.36-10

3) What talents, skills, and experience do you have that will benefit the work of the Committee?

past business owner - developed all areas of  
management - Started Trader class from  
Scratch at Banning Adult School - Licensed  
Contractor - worked with business & cities & CO on  
Projects.

4) What three things are you most proud of?

Ability to work with & communicate with people.  
Being a part of the pass area and trying  
to add to our community.

Working with various organizations through my life  
time.

5) What value can you bring to the committee?

An honest effort to bring city forward

Have good people skills -

Have good reputation in community -

Can take project through to completion

Work well with others.

**DUE BY: Monday October 26, 2009 at 5:00 P.M.**

6) Please write a brief biographical sketch (Include information and experience that relate to Ordinance Section 2-36.020-B. – Membership, outlined above:

*Have had many years of Marketing Skill -  
Management Skilled - Business Development Skills  
Had membership for years in Lion Club - Jaymasters -  
Board of Directors of several non profit organization -  
Various Committees in College -*

7) How long have you resided in the City? 6 years

Date: 10/26/09

Signed: Jeff Gaynor

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

Please return to:

City Clerk's Office or  
City of Banning Community Redevelopment Agency  
99 E. Ramsey Street  
Banning, CA 92220

**RETURN BY: Monday October 26<sup>th</sup>, 2009 5:00 P.M.**

*Thank you for your willingness to serve your community.*



DUE BY: Monday October 26, 2009 at 5:00 P.M.

OCT 26 2009

Community Redevelopment  
Agency (CRA)

DENNIS ANDERSON  
VICE PRESIDENT / INSTRUCTION  
MSJC  
(ORGANIZATION MEMBER)

**CITY OF BANNING  
APPLICATION FOR APPOINTMENT  
ECONOMIC DEVELOPMENT COMMITTEE**

Name Dennis Anderson (MT. SAN JACINTO COLLEGE  
1499 N. STATE ST.  
SAN JACINTO, CA. 92583

Date 10/25/09

Address 42470 REINHER DR., HEMET, CA. 92544

Telephone 487-3420 Cell Phone 232-5247

E-mail danderson@msjc.edu

The Economic Development Committee is established to provide a coordinating entity between the City, its staff and other commissions and committees, and the private sector for the purpose of recruiting and retaining business development and tourism. It is being reorganized to be more proactive in promoting economic development opportunities within the City. Six at-large community members will be appointed by the City Council, three for a two-year term and three for a four-year term. All terms thereafter will be four-year terms.

Section 2-36 D. Membership - The Ordinance declares that "members shall have a demonstrated interest and experience in business and economic development issues and all members of the committee shall live within the City of Banning."

Please complete the following questions for City Council review and consideration. Attach additional pages if necessary.

DUE BY: Monday October 26, 2009 at 5:00 P.M.

1) What is your economic development philosophy?

THAT ALL PUBLIC + PRIVATE ORGANIZATIONS  
PARTNER TO DEVELOP WORKFORCE DEVELOPMENT  
OPPORTUNITIES FOR ALL CITIZENS, REGARDLESS  
OF AGE. THIS IN TURN WILL DRIVE ECONOMIC  
DEVELOPMENT.

2) What do you believe the Economic Development Committee should be doing and why?

INNOVATING THROUGH PLANNING SHORT  
RANGE - LONG RANGE GOALS + STRATEGIES  
SPECIFICALLY CENTERED ON BANNING  
SO THAT THE EDC BECOMES THE  
"EXPORTS"

3) What talents, skills, and experience do you have that will benefit the work of the Committee?

AS VP OF INSTRUCTION AT MSJC, I OVERSEE  
+ ADMINISTER TWO CAREER DEPARTMENTS AND ALL  
OF THE CAREER + VOCATIONAL PROGRAMS AT  
THE COLLEGE TOTALING OVER \$ 20,000,000.

4) What three things are you most proud of?

① MY POSITION AT MSJC.  
② REPUTATION FOR COLLABORATION + RELATION  
BUILDING.  
③ MY GRAND CHILDREN.

5) What value can you bring to the committee?

I HAVE LIVED IN THIS END OF RIVERSIDE  
COUNTY SINCE 1956 - I HAVE GREAT  
KNOWLEDGE OF THE COUNTY AND THE  
EDUCATIONAL AGENCIES INVOLVED IN  
ECONOMIC DEVELOPMENT.

**DUE BY: Monday October 26, 2009 at 5:00 P.M.**

6) Please write a brief biographical sketch (Include information and experience that relate to Ordinance Section 2-36.020-B. – Membership, outlined above:

ORGANIZATIONAL MEMBERSHIP - MT. SAN JACINTO COLLEGE

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7) How long have you resided in the City? U/A

Date: 10/25/09

Signed: Dawn E. Anderson

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

Please return to:

City Clerk's Office or  
City of Banning Community Redevelopment Agency  
99 E. Ramsey Street  
Banning, CA 92220

**RETURN BY: Monday October 26<sup>th</sup>, 2009 5:00 P.M.**

*Thank you for your willingness to serve your community.*

City of Banning  
RECEIVED

NOV 16 2009

Community Redevelopment  
Agency (CRA)

MORONGO  
BAND OF  
MISSION  
INDIANS



November 3, 2009

Mr. John Janson  
City of Banning  
99 East Ramsey  
Banning, California 92220

Dear Mr. Janson:

On behalf of the Morongo Band of Mission Indians (Morongo), I am pleased to be able to write this letter of recommendation for Bill Landon, Local Government & Community Relations Liaison for the Morongo Band of Mission Indians. I request at this time that Mr. Landon continue to represent the tribe on the Pass EDA committee.

In conclusion I highly recommend without reservation Mr. Bill Landon to represent Morongo. Please contact me at 951.755.5110 should you have any questions.

Sincerely,

Robert Martin  
Tribal Chairman

cc: Bill Landon



YUCAIPA

LAUREL

DRUG STORE

See: Correspondence 2008

CHURCH OF CHRIST

MISSIONS EDITION  
PUBLICATION

RENEWABLES

SAFETY

LEADERSHIP

**City of Banning  
RECEIVED**

**OCT 26 2009**

**Community Redevelopment  
Agency (CRA)**

October 26, 2009

City of Banning  
Attn: John Jansons

Dear, John

Per my earlier communication, PassEDA appoints Banning business owner/resident Brandon Contreras to represent PassEDA on the Banning EDC. If there is any additional information you need, please let me know.

Thank you,

  
Bill Landon  
Executive Director

 cc: Amber Starbuck, Chairwoman

**PASS Economic  
Development Association**  
TELEPHONE: 877.600.4458  
[www.passeda.org](http://www.passeda.org)

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