

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

February 22, 2011
5:00 p.m.

Banning Civic Center
Council Chambers
99 E. Ramsey St.

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

I. CALL TO ORDER

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

II. REPORT ON CLOSED SESSION

III. PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS/APPOINTMENTS

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.

APPOINTMENTS:

1.	Appointment to Parks and Recreation Advisory Committee	1
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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.

IV. 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 8

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 – 01/25/11	9
2.	Approval of Minutes – Regular Meeting – 02/08/11	35
3.	Approval of Minutes – Study Session – 02/08/11	46
4.	Approval of Minutes – Special Meeting – 02/15/11	55
5.	Approval of Accounts Payable and Payroll Warrants for Month of November 2010	56
6.	Approval of Accounts Payable and Payroll Warrants for Month of December 2010	58
7.	Report of Investments for December 2010	61
8.	Adoption of Resolution No. 2011-12 and 2011-13, Approving the Side Letter of Agreements Between the City of Banning and the International Brotherhood of Electrical Workers Local 47 Which Modify and Clarify the IBEW Memorandum of Understanding’s Governing Both the Utility Unit Employees and the General Unit Employees for the Period July 1, 2010 through June 30, 2011	71

- Open for Public Comments
- Make Motion

V. PUBLIC HEARINGS

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

1.	Amendment to Title 6 of the Banning Municipal Code to Regulate and Control the Keeping of Animals.	
	Staff Report	108
	Recommendation: That the City Council adopt Ordinance No. 1437 amending Title 6 of the Banning Municipal Code by adopting by reference the entirety of Title 6 of the Beaumont Municipal Code entitled “Animals” to regulate and control the keeping of animals and introduce the first reading of Ordinance No. 1437.	

Mayor asks the City Clerk to read the title of Ordinance No. 1437:

“An Ordinance of the City Council of the City of Banning, California, Amending Title 6 of the Banning Municipal Code by Adopting by Reference the Entirety of Title 6 of the Beaumont Municipal Code Entitled “Animals” Relative to Animal Control and Regulation.”

Motion: I move to waive further reading of Ordinance No. 1437.

(Requires a majority vote of Council)

Motion: I move that Ordinance No. 1437 pass its first reading.

2. Ordinance No. 1436 of the City of Council of the City of Banning, California, Amending Banning Municipal Code Chapter 8.32 and 8.48 Relating to Graffiti Prevention, Removal and Cost Recovery.

Staff Report 173

Recommendation: That the City Council introduce and give first reading to the attached Ordinance No. 1436 amending Banning Municipal Code Chapter 8.32 relating to graffiti prevention and removal.

Mayor asks the City Clerk to read the title of Ordinance No. 1436:

"An Ordinance of the City Council of the City of Banning, California, Amending Banning Municipal Code Chapter 8.32 and 8.48 Relating to Graffiti Prevention, Removal and Cost Recovery.

Motion: I move to waive further reading of Ordinance No. 1436.

(Requires a majority vote of Council)

Motion: I move that Ordinance No. 1436 pass its first reading.

3. Resolution No. 2011-10, A Resolution of the City Council of the City of Banning, Approving Adoption of the Banning Park and Recreation Master Plan Update.

Staff Report 188

Recommendation: **That the City Council adopt Resolution No. 2011-10, Approving Adoption of the Banning Parks and Recreation Master Plan Update.**

VI. REPORTS OF OFFICERS

1. Activation of a Housing Authority

Staff Report 328

Recommendation: **That the City Council adopt Resolution No. 2011-14, Declaring that there is a need for a Housing Authority to function in the City, Declaring that the Members of the City Council shall be the commissioners of the Housing Authority and designate the first interim Chairman of the Housing Authority.**

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

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

VIII. ITEMS FOR FUTURE AGENDAS

New Items –

Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials
2. Schedule Meeting with Banning Library Board (*March 1st*)
3. Update on Economic Development Plan (*April 26th*)
4. Review of Fees and Rates
5. Consideration of Speaker Cards (*April 12th*)
6. Annual Review of Pledge of Civility and Code of Conduct
7. Discuss Council Attendance/Costs to Attend Various Events

IX. ADJOURNMENT

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



COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board on
which you would like to serve: PARK & RECREATION ADVISORY COMMITTEE

Name: Leroy Miller

Address: 1361 W. Cottonwood, Banning CA 92220

Telephone Numbers: Home 951-922-0994 Office ^{Cell} 951-750-9233

If employed, where you work and position _____

Length of residence in Banning 41/2 years

Are you a registered voter in Banning? Yes ✓ No _____

Requested below is information that will be used by the City Council as a screening process to determine membership on City committees. Ample space is provided; please do not submit supplemental materials.

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

Business owner, 10 years of public service with the California Department of Forestry, on the Board of directors for Banning Youth Baseball Organization, President of Banning youth baseball three years,

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

Creating more activities for the youth in the city of Banning, to update current equipment in the parks, to bring new parks and equipment into the city of Banning

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

Lack of participation in city recreation programs could be solved by reaching out to different cultural groups and church groups to promote a wide variety of programs. Bringing in new equipment and parks into the city can be solved by putting them into the development plans by the developer and by grants from the county and state.

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

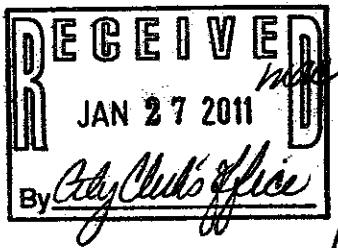
Please return to: City Clerk's Office/ City of Banning
99 E. Ramsey Street
P. O. Box 998
Banning, CA 92220

RETURN BY: Jan. 3, 2011
by 5:00 p.m.

Thank you for your willingness to serve your local government.

Date: 1-3-11

Signed: Lucy Miller



COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board on
which you would like to serve: PARK & RECREATION ADVISORY COMMITTEE

Name: Shawn Wells

Address: 3565 Red Bluff Ln., Banning, CA 92220

Telephone Numbers: Home (951) - 203- 7650 Office (909) 383- 1072

If employed, where you work and position Caltrans - District 8 - San Bernardino
Land Surveyor / GIS Analyst

Length of residence in Banning ~ 19 Years

Are you a registered voter in Banning? Yes ✓ No

Requested below is information that will be used by the City Council as a screening process to determine membership on City committees. Ample space is provided; please do not submit supplemental materials.

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

Graduated from Elk Grove Sr High School, and attended Cosumnes River College and CSU Sacramento. We moved to Southern California when I hired on with Caltrans in 1991. In 1997, we chose to make our home, and raise our children in Banning, for its small town qualities and charm. For the past 10 years I've been working in the GIS UNIT, creating and maintaining databases, and cartographic maps. I enjoy all types of outdoor activities, and I would like to help make Banning a destination for other outdoor enthusiasts.

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

Improving the quality of life in this city by providing recreational sites and services to residents of all ages.

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

There is a lack of activity based recreational choices for residents. I would like to see more: bike lanes, tennis courts, and multi-use trails (hiking, mountain biking, and equestrian) established.

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

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

RETURN BY: Jan. 31, 2011
by 5:00 p.m.

Thank you for your willingness to serve your local government.

Date: 1-24-11

Signed: Mr. M. W. W.



COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board on

which you would like to serve: **PARK & RECREATION ADVISORY COMMITTEE**

Name: Frank Steven Knott

Address: 5025 OAKHURST AVE Banning

Telephone Numbers: Home 951-769-1120 cell 951-544-4586 Office 951-544-4586

If employed, where you work and position Retired

Length of residence in Banning 8 years

Are you a registered voter in Banning? Yes No

Requested below is information that will be used by the City Council as a screening process to determine membership on City committees. Ample space is provided; please do not submit supplemental materials.

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

Married 52 years 45 years in Riverside County, Retired 30 years in grocery industry, retired 15 years United Way of Inland Valleys, 2 daughters, 4 grandchildren, former member of Riverside Park & Rec Commission, member Elks Lodge #1839 (Benzmont/Banning), former President Board of Directors MFI (abuse treatment center) former member Second Harvest Food Bank, former vice-chair advisory Committee on wages & salaries for Riverside city council, former member California State Parole Board, former board member of Visterra Credit Union (formerly Riverside employ Credit Union).

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

The planned growth or lack thereof, in the city of Banning & how it relates to this department.
Budget is the biggest issue in state & local government.
We must face reality and develop our plans wisely for city and departmental goals.

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

#1 Keeping city pool operational all summer #2 Make sure senior center is able to function consistently within existing budget #3 expand existing events i.e. concerts in Park, farmers market etc. Possible solutions consider possible sponsorships & private party & group rentals by local & state wide businesses. Look at how non-profit charities raise money & investigate if we can adopt the procedures. Pool membership with a certain # of free days ^{might be an option}

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

Please return to:

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

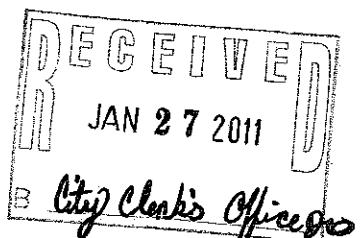
RETURN BY: Jan. 31, 2011
by 5:00 p.m.

Thank you for your willingness to serve your local government.

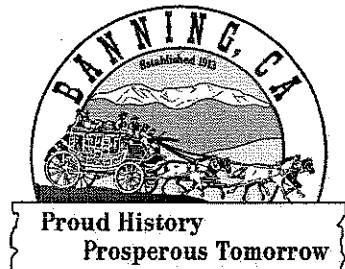
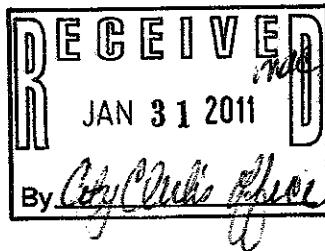
Date: 1-27-11

Signed: Frank S. Mott

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COMMITTEE/BOARD APPLICATION FORM

Name of Committee or Board on
which you would like to serve: PARK & RECREATION ADVISORY COMMITTEE

Name: Veronica Topete

Address: 1181 N. Durward Ave Banning, CA 92220

Telephone Numbers: Home (651) 849-5366 Office (651) 488-4829

If employed, where you work and position Federal Government Social Security Administration

Length of residence in Banning 30 years

Are you a registered voter in Banning? Yes X No

Requested below is information that will be used by the City Council as a screening process to determine membership on City committees. Ample space is provided; please do not submit supplemental materials.

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

13 years working with County of Riverside.
Federal Employee Social Security Admin. 21 months
Board of Director for Banning Police Activities league
Board of Director Mexican American Scholarship Assoc.
Booster Club Officer at Central and Coombs School
Volunteer in Central, Coombs, and Nicolet Schools.
Volunteer with Boys + Girls activities.
President of W.E. Care. for County of Riverside 6 years.

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

Attracting revenue for all parks. Offering events for community. Making all parks safe and clean. Presenting / make recommendations for the City Council to review.

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

- ① The Little League for baseball at Lions Park has been neglected. I would like to present a report on issues and complaints that need to be addressed and work with the Little League to make it better.
- ② One to Sunday this summer kids are going to be left w/o a safe place to be during day. Collaborate with City, BPAL, Native American Challenge to offer a free cost summer program.

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

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

RETURN BY: Jan. 31, 2011
by 5:00 p.m.

Thank you for your willingness to serve your local government.

Date: 1/28/11

Signed:

Adriana Tapete

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

01/25/11
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Hanna on January 11, 2011 at 5:03 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Franklin
Councilmember Hanna
Councilmember Machisic
Councilmember Robinson
Mayor Botts

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Andrew Takata, City Manager
David J. Aleshire, City Attorney
June Overholt, Administrative Services Director
Duane Burk, Public Works Director
Fred Mason, Electric Utility Director
Zai Abu Bakar, Community Development Director
Leonard Purvis, Police Chief
Jeff Stowells, Fire Battalion Chief
Heidi Meraz, Community Services Director
John McQuown, City Treasurer
Art Chacon, Code Compliance Officer
Sandra Calderon, Office Specialist
Marie A. Calderon, City Clerk

The invocation was given Councilmember Botts. Mayor Hanna invited the audience to join her in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION

City Attorney reported that the Agency and Council met in closed session. A status report was given to the City Council regarding Banning Airport Associates and there was no action taken on that matter. With regards to the potential litigation matter it was not discussed. With regards to real property negotiations for the Agency a status report was given on the All Star Dodge property and also the Westview Terrace Apartments project and direction of received for continued negotiations.

PUBLIC COMMENTS/CORESPONDENCE/PRESENTATIONS/APPOINTMENTS

PUBLIC COMMENTS – *On Items Not on the Agenda*

Inge Schuler said that she had words of praise for the new assistant City Manager. She is still having problems paying her utility bill. Somehow the records got lost or misplaced and she stood in line for a hour and was willing to pay and the clerk actually started making out the receipt and she then gave her address and was told that she could not pay this bill because we don't have it and could not even make a payment on the account and the clerk ripped up the receipt. She sent an email to the City Manager who turned out to be on vacation and she and also copied it to Councilmember Franklin who got right on the ball and she received a response from June Overholt right away that there was a problem with the meter read and that she would get a bill shortly and that was a week ago yesterday. She said she received one bill yesterday and wanted to thank the people who helped her and she will be glad to pay that bill but is still waiting for the other bill which should arrive sometime in the mail and doesn't think that there are any late charges on it. Thank you to those of you that have really come through with helping her to pay her bill to the City.

City Manager said that June Overholt is the Director of Administrative Services/Deputy City Manager and she has multiple departments.

Dorothy Familetti-McLean addressed the Council (see Exhibit "A").

Charlene Sakurai, 4985 Bermuda Dunes addressed the Council stating that their 4th Annual Go Red for Women Luncheon will be held on Saturday, Feb. 12, 2011 from 11 a.m. to 1:00 p.m. It is joining with the American Heart Association's effort in supporting and raising awareness about women's health issues about prevention of heart disease and prevention of stroke. The cost is \$12.00 and includes lunch with speaker Dr. John Williams, an emergency medicine specialist on staff at San Gorgonio Memorial Hospital ER. Several people have reserved tables and you can call to make your reservation at the Alliance at 922-4911 or you can call her at 849-3027.

CORRESPONDENCE:

Councilmember Botts said that he received a letter from Mr. Dennis Sauer and he was a friend of the three people who were electrocuted in San Bernardino. He wanted to address the need that hopefully the City and Edison are checking the lines that run through yards and those kinds of things and reminding us that these kinds of accidents happen (see Exhibit "B").

PRESENTATIONS:

1. Recognition of Banning Senior Center from Riverside County Office on Aging

Ed Walsh, Director of Riverside County Office on Aging addressed the Council stating that the Focal Point Designation was one that was proclaimed by the U.S. Administration on Aging and they noted that seniors gather around senior centers and cluster around senior centers as trusted places to get information and assistance and that is still true today. The State Department on Aging and the County Office on Aging endorses that concept of a focal point and really believe that Senior Centers are vital organizations in every local community and city. He wanted to

commend the City of Banning and Mayor and Council for their support of the senior center and he knows that it is difficult during these economic times. He introduced Luella Thorton who is a member of their Advisory Council and Michelle Wilham, Deputy Director. Luella Thorton read and presented the proclamation from the County Board of Supervisors recognizing and honoring the Community Focal Points to Heidi Meraz, Community Services Director and Ralph Lopez of the Senior Advisory Board. Mr. Walsh also presented a plaque from the Office on Aging and the Advisory Council on Aging acknowledging the Banning Senior Center as a Community Focal Point.

2. Spark of Love Toy Drive Presentation

Chief Jeff Stowells addressed the Council providing a brief update on Spark of Love Toy Drive which is held between Thanksgiving and Christmas. For 2010 in the Pass Area they received 512 applications for assistance with a total of 1655 children. They were able to provide to them through the generous donations of the community and also from some of the business partners 8,275 toys. Thank you to everybody that donated.

3. Administrative Offices of the Courts – Update on Construction

Mayor Hanna said as soon as the architect is present we will continue with this presentation.

APPOINTMENTS:

1. Appointment of Two Planning Commission Members
(Staff Report – Zai Abu Bakar, Community Development Director)

Motion Machisic/Robinson to approve Buddy Hawkins and Harold Barsh to the Banning Planning Commission and adopt Resolution No. 2011-07, Appointing Two Members of the Banning Planning Commission to Four-Year Terms. Mayor Hanna opened the item for public comments. There were none. **Motion carried, all in favor.**

CONSENT ITEMS

Councilmember Franklin said she wanted to state that there were some corrections made on the minutes of the regular meeting in regards to typos that she already spoke to the City Clerk about.

1. Approval of Minutes – Joint Meeting – 01/11/11

Recommendation: That the minutes of the joint meeting of January 11, 2011 be approved.

2. Approval of Minutes – Regular Meeting – 01/11/11

Recommendation: That the minutes of the regular meeting of January 11, 2011 be approved.

3. Resolution No. 2011-04, Authorizing the Expenditure of Late Ambulance Penalty Fees for the Purchase of Emergency Medical and Rescue Equipment.

Recommendation: That the City Council adopt Resolution No. 2011-04, authorizing the expenditure of \$9,412.52 received from American Medical Response.

4. Approval of Accounts Payable and Payroll Warrants for Month of September 2010.

Recommendation: That the City Council review and ratify the following reports per the California elections Code.

5. Approval of Accounts Payable and Payroll Warrants for Month of October 2010.

Recommendation: That the City Council review and ratify the following reports per the California elections Code.

Motion Machisic/Robinson that Consent Items 1 through 5 be approved. Mayor Hanna opened the item for public comments. There were none. **Motion carried, all in favor.**

PUBLIC HEARINGS

1. Zone Text Amendment No. 10-97505: Standards and Guidelines for Tattoo and Body Piercing Parlors, Hookah and Smoking Lounges, Fortune-Telling, Mobile Vending and Code Clean-Up.

(Staff Report - Zai Abu-Bakar, Community Development Director and Brian Guillot, Assistant Planner)

Community Development Director stated that with regard to this matter when the Council adopted the General Plan and the Zoning Ordinance in 2006 these matters were not addressed and based on the requests that they received and based on some of the court cases staff believes we need to address these matters. Right now there is a moratorium in place so staff was supposed to come back to the Council to address these issues and also to provide reasonable sites within the community for these uses to establish.

Brian Guillot, Assistant Planner addressed the Council at this time stating that the Council did adopt a moratorium and then an extension that allowed staff to prepare the regulations and these were presented to the Planning Commission for approval and they did recommend approval on December 1, 2010. The purpose of this ordinance is to permit the subject land uses in accordance with the proposed regulations. In addition to the concerns listed in the staff report, consideration is given to location of the subject uses in proximity to single-family dwellings. This consideration consists of prohibiting the subject uses where residential uses are also permitted and requiring separation from sensitive areas. He displayed a chart where it sets forth the uses of where they are allowed and where they are not. Due to previous zoning changes over time in the City there are many existing residential uses in commercial/industrial zones. This proposed ordinance allows the Planning Commission to give consideration to this condition by addressing each proposed use individually through the Conditional Use Permit (CUP) process. This would enable them to look at each proposed use specifically at that location where it might affect legal nonconforming residences. Except for mobile vending, the proposed ordinance would not permit the subject uses as mentioned in the Downtown

Commercial zone because the City's General Plan and Zoning Ordinance encourages mixed use developments that includes residential units. Mr. Guillot pointed out the areas on the zoning map. Staff recommends approval of this ordinance.

At this time there was Council and staff discussion that included mobile vending, manually pushed carts, license, hours, and state regulations for tattoo and smoking lounges, what are other cities doing in regards to zoning issues that are similar to our size, enforcement, First Amendment rights in regards to tattoos and fees and charges, what do we mean by code clean up, and other ways of controlling placement and conditions of a business.

Mayor Hanna opened the public hearing for comments from the public.

The following people spoke in favor or against or had some questions or concerns or general comments in regards to this item (*any written comments handed to the City Clerk will be attached as an exhibit to the minutes*):

Bill Dickson, resident
Don Smith, resident

Mayor Hanna seeing no one else coming forward closed the public hearing on this item.

Mr. Guillot answered some of the questions asked. He said that the regulations would permit, like he mentioned, in those commercial zones along Ramsey Street. Now we do have some homes that that 100 foot separation would go into effect but that is not necessarily negative from staff's view because if there is someone living in an existing single-family dwelling we want to address that with these uses. If you look at Ramsey Street right at Highland Springs there are some shopping centers there both on the north side and the south side and all of that area is zoned General Commercial and permits the uses mention. The highway serving commercial we have a few vacant buildings through that now where there are no residences between 8th Street and Sunset. He said that the General Commercial exists for approximately two miles to Sunset. We have the General Commercial on the south side between Lincoln and the freeway however, much of that is not developed at this time. The highway servicing commercial is that kind of peach colored area on the map all along there these uses would be permitted through the CUP process. There are a few homes in the highway serving commercial and we would have to be sensitive because that 100 feet would come into play. To the east there is a business park going in and there are some buildings along there and we are getting some development in that area. The south side along Lincoln it would be permitted but again a lot of that is not developed at this time. Also, the process for CUP would not require the environmental review which is \$7,000. The CUP process is \$4,900 approximately and so that would be the amount. Staff is sensitive to that and we are looking at that and having discussion about the CUP fee. He would like to keep the fee as a separate issue that they can address because it does affect many projects and not just the ones before you this evening.

Councilmember Botts said he thinks we need the ordinance and need the clarification which he thinks was part of this and he supports this. He thinks that it is a thoughtful document and he can tell you that he might not be that excited about some of these businesses personally but

they have a right to be in business and his intent as he supports this is not to try to limit them due to the fee. He has been on the Council for four years and every complaint is the cost of the CUP and never have they raised the issues about tattoo parlors and hookah lounges. He doesn't think we are being discriminatory here by having large fees. Staff has stated that they are looking at fees and he is encouraged by that.

Councilmember Robinson said he wanted to follow up on that point and in our pending items we have a review of fees and rates and do we have a ballpark when that will be coming forward.

City Manager said that he would be coming back to the Council with a date for the not to distant future.

Mayor Pro Tem Machisic said one of the things that we have encountered in Banning is that there are houses close by to these various potential businesses and one of the things you want to remember like when we did our General Plan about eight years ago one of the problems we faced was that we were trying to develop areas where you have like kind of businesses in certain areas. The problem is the history that you have in Banning is that we have had houses here and a machine shop there and when you try to unify and organization like we are trying to do here it is the best first step and we know it will not fit for every situation because this is not a new city, you are not building a new area where we say this is precisely what we want to do and you do it because it is new. He thinks this is a first good step to start.

Councilmember Franklin said in regards to the push carts will they be regulated under the health code if they are selling food and will we try to be in some type of code compliance for that. Mr. Guillot said yes.

Councilmember Franklin said she is asking this because she lives across the street from a school and she does see a push cart there almost every day and because it is a vacant lot are we going to be the ones checking to make sure they actually have permission from the owners to have their push carts there.

Mr. Guillot said that when they file for a temporary use permit we will ask for authorization from the property owner so there is a form that we have and in fact, it is available on the web page so they will be able to have that signed and included with their temporary use permit.

Mayor Hanna said her impression is that these people are in business to sell from their carts and they travel throughout the neighborhoods to do that and she doesn't see them going to one location and staying there although schools are probably a good site to do that so with a temporary use permit is that just for one location so that they could not travel throughout the neighborhoods.

Mr. Guillot said that there are so many variables when it comes to mobile vending because it is a very broad description. Just the process would give staff the ability to address that. One nice thing about the temporary use permit there is no fee.

Mayor Hanna said in regards to requiring a conditional use permit for tattoo and body piercing parlors, hookah and smoking lounges, and fortune telling personally these are all repellent to her but in fact in our society today a great majority of people under the age of 30 and maybe even 40 have tattoos. It is very, very common and socially acceptable. It is a business that is thriving throughout our country. She believes that it is a disproportionate cost to impose on these businesses to require a conditional use permit. It is not anything compared to what we charged other businesses going in. In her personal opinion she doesn't feel the need to impose her personal opinion or her morals on the community as a whole. She thinks that we need businesses in Banning and she doesn't understand why the Chamber isn't saying we need to allow more businesses in Banning. As Don Smith mentioned we had a tattoo parlor and have had one for most years and she has never been informed of them causing any problems at all. Also, she has a concern saying that because we have zoned the downtown commercial area as mixed use residential therefore we can't allow these to be there is absurd to her and she gave an example of that. She doesn't understand why we are making this impossible for those businesses to be in Banning.

Councilmember Franklin said that she is in favor of us making sure that we are treating these businesses like every other business and we are being consistent and fair in the way we are treating people trying to come to town. She would also like to ask if possible with the motion that is being made that we have staff come back maybe in a year and tell us where we are as to how many applications came in, what were the issues, what concerns the police department might have if we move forward with this.

Mayor Hanna asked the City Clerk to read the title of Ordinance No. 1434: City Clerk read: An Ordinance of the City Council of the City of Banning, California, Adopting An Initial Study/Negative Declaration and Approving Zoning Text Amendment No. 10-97505 to Adopt Development Standards and Guidelines for Tattoo and Body Piercing Parlors, Hookah and Smoking Lounges, Fortune Telling, Mobile Vending, and Code Clean-Up.

Motion Botts/Robinson to waive further reading of Ordinance No. 1434. Motion carried, with Mayor Hanna voting no.

Motion Botts/Robinson that Ordinance No. 1434 pass its first reading with the amendment to return in a year with a report. Motion carried, with Mayor Hanna voting no.

City Manager said as you know you have adopted some resolutions at the very beginning of this budget year where you can't add any programs unless you have a revenue source for it and that is basically the fees that you are talking about. He is hoping to get some direction during the strategic planning where that falls in your priority list and once we understand that as far as the whole aspects, then those kinds of things can come forward and hopefully we can get that done.

Mayor Hanna said that we will now return to the Administrative Services Offices of the Courts Update on Construction

3. Administrative Offices of the Courts – Update on Construction (continued)

Mr. Burk said we will be giving you an update on the progress of the new courthouse on Martin and Ramsey from Rebecca Binder, Architect.

Ms. Binder addressed the Council introducing Gary Swanson, Project Manager from the Administrative Offices of the Courts and Jason Compton, Construction at Risk.

Ms. Binder started her power-point presentation showing the location of where the justice center will be located. She said the project is about 79,000 square feet and includes mechanical penthouse which is a fully enclosed roof system and no mechanical equipment will be visible. It also includes the sally port and equipment enclosure on grade. The site is approximately 4.7 acres, 6 courtroom suites which include the courtroom themselves, judges chambers and ancillary functions, jury deliberation rooms, 14 central holding cells, 6 associated with the courtrooms, jury assembly room, 10 window clerks (2 outside the security system of the building in the lobby), and the project will be a LEEDS Certified Project. In regards to the schedule the working drawings are complete and in December they were submitted to the reviewing agencies and hoping to have back check completed by the end of March. Fire and life safety is virtually done. Corrections are in process of review and the Division of the State Architect has logged them in but not started the review for accessibility only. Hopefully they will have final plans done in April and hopefully construction will start in the summer and part of that will include a date for a groundbreaking ceremony. She continued her presentation going over the mock-ups that have been done, landscape design and the floor plan of the building.

Mayor Pro Tem Machisic asked what would be the estimated date of completion. Mr. Compton said that pending that it still starts as projected in July it would be late spring of 2013.

Councilmember Robinson said that they met earlier today and he forgot to ask one question in trying to get this vendors conference put together they did not come up with a date for that. Mr. Compton said the end of February or early March.

City Manager said this is where local merchants, local contractors and caterers, through the Chamber of Commerce, will actually come to an open house that they have in order to see how to bid for this and do those types of things. We are trying to concentrate on the Pass Area because we need employment in the Pass.

Mayor Hanna commended Councilmembers Robinson and Botts because they met with Jason Compton a few months ago to start the process but she believes that Don Robinson put together this list of all the vendors in this area that have worked on major projects and with over 30 years of experience in the construction business Don was able to think through exactly what the needs are of all of your companies that will be working on this project and put together a document that is really fabulous and she wanted to commend him for all the work he did in putting it together.

Mr. Compton thanked Councilmember Robinson and the other Council Members and the Banning Chamber for all of their efforts and it will really help with the outreach.

Councilmember Botts thanked the architect, Ricky Binder, and it is a beautiful building and will be a real asset to Banning and such an integral part of what we are going downtown. He also thanked Gilbane because they came to us and asked how can we utilize as many local businesses and not necessarily for construction but for restaurants and caterers and everything they might need.

Ms. Binder said that the Administrative Office of the Courts is truly been instrumental in making this the very best building and very important to them was a long lasting institutional quality building which serious landscape and Duane Burk did a great job coordinating with them and really helping out and it made the job much easier.

Councilmember Franklin also thanked them for all of their work and asked how many restrooms are there. Ms. Binder said there are a lot and on the basement level there is a primary public men's and women's room plus there are various unisex restrooms on the restricted corridor including two showers for court staff that may ride bicycles to work and they actually get LEED points for that such that they can actually shower before going into court. On the main level they have main men and women's room adjacent to the traffic court and jury assembly and then all of the clerks and so forth have their restrooms as well as the judges. East judges chambers has a restroom in it as well as each jury deliberation room and then again on the upper level. The building meets all the plumbing codes plus and there are drinking fountains.

Councilmember Franklin asked if she could explain what LEED is for the public. Ms. Binder said what LEED is in essence is an environmentally conscious building program that is endorsed and codified by the government such that there are a serious number of requirements and points that one has to achieve. She explained further what this entails.

City Manager said that staff told him that LEED means Leadership in Energy and Environmental Design.

2. Adopt Ordinance No. 1435, Authorizing the Execution of an Agreement for the Purchase of Renewable Energy from the La Paz Solar Tower Project Through a Power Sales Agreement with the Southern California Public Power Authority (SCPPA).
(Staff Report – Fred Mason, Electric Utility Director)

Fred Mason addressed the Council giving a power-point presentation (see Exhibit "C") on this item giving background, renewable options, project specifications, the concept, the constructed prototype, key terms of the project, energy output profile, economics, the SCPPA participants, and the risk factors. He stated that staff recommends approval of this ordinance.

Councilmember Franklin asked if there was anything similar to this in California and is there anything we have to worry about in terms of Cap and Trade.

Mr. Mason said that there is nothing similar in California and in regards to Cap and Trade it is actually our San Juan facility is what is troublesome in Cap and Trade. This actually benefits us because it gives us more renewables. The Cap and Trade is for what is called Brown Power

and San Juan which is our main source of energy is Brown Power so if Cap and Trade actually continues to be developed as they are proposing we could potentially have a cost liability for importing San Juan into California.

Councilmember Franklin said you talked about if this doesn't work that we would need another project and at what point would you know whether or not this is moving forward. Also, you talked about if it goes lower then the price is less so if it goes higher, will this fill in some of what we would need for future years and could we expand the amount.

Mr. Mason said there are milestones and he would believe that by the end of 2013 we will know whether or not this is moving forward. In regards to your second question each one of the participants has the ability in later years to add megawatts so in addition, if this turns out to be successful, SCPPA has the option of having them a second facility and we could also participate.

Councilmember Franklin asked if we had a long-term master plan in terms of our supply and what we need in the future.

Mr. Mason said our San Juan entitlement of 19 megawatts and the renewable energy that we added if you approve this we will actually be at 29 megawatts of capacity and that actually takes us, based on our load growth projections, to about 15 to 20 years out and we are still covered. In California they are saying you can continue to bring in Brown Energy until the plant dies a natural death basically but the California legislature could change that approach and then it would be troublesome to us.

Councilmember Franklin said just to reiterate you are saying that this is not going to cost the ratepayers anything.

Mr. Mason said that was correct. Based on load growth if we have the 1% a year, then it would not result in an increase to the ratepayers. If we don't achieve the 4% load growth by 2015, then there could be a small incremental increase.

Councilmember Robinson said that the Appendix D on page 186 has legal opinions and he was wondering if our City Attorney had had a chance to look at that and give us his opinion on this and if they don't perform would we become party to a lawsuit to withdraw our name from this or any legal ramifications to the City of Banning.

City Attorney said that obviously this is a very complex power purchase agreement. It was developed for the entire group and they have not really had the ability to go in and negotiate specific modifications so you sort of have to take it as it is. As Fred has explained what the deal is that is the way it is set up and structured but it is pretty much a package.

Mayor Pro Tem Machisic said that this plant is fairly a large one at 5,000 acres. Since we are doing these agreements does he assume that Arizona has already approved this project?

Mr. Mason said at this point they are going through the environmental with Arizona. The assurances that the developer has given us is that the State has bought into the concept of the project.

Mayor Pro Tem Machisic asked Mr. Mason to explain what SCPPA means.

Mr. Mason said that SCPPA means Southern California Public Power Authority is the agency that the Southern California Municipal Electric Utilities participate in and are members. It is the agency that helps fund projects. Obviously Banning cannot go and issue bonds for \$200 million dollars to build a plant so collectively the 12 utilities are able to bring the hundreds of millions of dollars of revenues that all those utilities have together and fund projects and SCPPA is the agency that actually leads those funds and handles the contract and administers all the activities that go with them.

Mayor Hanna opened the public hearing for comments from the public.

Larry Rand, 694 N. 20th Street addressed the Council stating that it was said the prototype ran for 8 years and why did it stop and what is it made of.

Mr. Mason said it was not actually a production facility; it was actually a test prototype and he didn't know what it was made of.

Mayor Hanna asked the City Clerk to read the title of Ordinance No. 1435. City Clerk read: An Ordinance of the City Council of the City of Banning Authorizing the Execution of an Agreement for the Purchase of Renewable Energy from the La Paz Solar Tower Project through a Power Sales Agreement with the Southern California Public Power Authority.

Motion Machisic/Robinson to waive further reading of Ordinance No. 1435. Motion carried, all in favor.

Motion Machisic/Robinson that Ordinance No. 1435 pass its first reading. Motion carried, all in favor.

REPORTS OF OFFICERS

1. Code Enforcement Program – Community Development Director
(Staff Report – Zai Abu Bakar, Community Development Director and Art Chacon, Code Compliance Officer.)

Community Development Director said this was an item that the Council requested staff to bring back. She gave an overview of the Community Development Department after the budget and the reorganization of the department (see Exhibit "D"). Planning Division, Building & Safety Division under contract with Willdan, Code Enforcement Division and Redevelopment Division. She said that with the budget cuts it is very, very difficult to do large development projects but they are doing the best that they can with the staff that they have to try to manage what they have. In regards to Code Enforcement she is so thankful to have our volunteers and we appreciate them

very much. They also go out and do research. She also acknowledged Sandra Calderon who also helps out in Code Enforcement and she is the first one to greet people at the counter.

City Manager said that the volunteers are a great bunch of people and they always have a smile on their face and are very positive and a joy to actually work with. Also, as part of the reorganization as you know with Building and Safety we went contract and that seems to be working out very well with the individuals that we have. We have a two-week turnaround basically on plan checks so it seems to be working real well right now for us.

Art Chacon, Code Compliance Officer addressed the Council stating that he would be giving the presentation in regards to Code Enforcement (see Exhibit "D"). He said that they get a lot of questions out in the field as to who they are and what do we do. This is a good way to let the community know what we do and it is very broad. He went over their mission statement, objectives, customer services (proactive and reactive), violations (property maintenance, substandard buildings), cost recovery, abandoned vehicle abatement program, abandoned vehicles, quarterly status report, and volunteer duties.

There was some Council and staff discussion and questions in regards to assisting people who live in substandard conditions, at what point does code enforcement step in when utilities are not functional, thankful for volunteers, need for being proactive, complaint driven code enforcement and inconsistent enforcement, the need for more staff to do code enforcement, and the need to establish standards.

City Attorney said that he had a meeting today with code enforcement staff and in the two years that they have been the city attorney there actually has not been a case that has come through to the city attorney's office for actual prosecution. They have a number of cases where they have gone as far as they can and they just have not gotten compliance so we talked through the different ways of trying to gear up and take the next step. So they talked through the need to follow through on some of the most serious cases all the way to the end and to do it in a way that is visible to the community. What they concluded from that meeting was that they are going to kind of outline the caseload of the problem cases and outline what enforcement action can be taken and a timeline for that and we will make another report back to the Council so that you are aware of where these cases are and what follow-up is going to occur. He thinks that this was just a very general overview and we do have some things to do and again we are trying to relook at with the resources available and focus on how we can get a more effective community-wide outcome.

Mayor Hanna said she has seemed to misunderstood because she thought when we were going to bring this forward that we would actually have a policy discussion and she is hearing now that this is a first step kind of an introduction to code enforcement as it is being operated now and at some point in the future we will have a discussion of the actual policy issues involved. She said she will look forward to that next discussion and would like to ask that we keep it on the future agenda items.

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

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

City Council

Councilmember Robinson -

- He stated that we have a young lady in the audience tonight and she is very sharp and she is one of our stars in this community and she just won the Spelling Bee contest and that is Citra Benhar.

Mayor Pro Tem Machisic -

- In Western City Magazine the former City Manager of Palo Alto laid out 10 items about what you do what the Council does in difficult economic times and there were some great suggestions in there and he hopes that when we have our workshop we could use some of these as guiding principles.
- There was a special meeting of WRCOG (Western Riverside Council of Governments) and what they were doing is considering AB 811 which deals with energy efficiency and water conservation programs. He read that AB 811 authorizes legislative bodies to enter into contractual assessments with property owners to finance energy efficiency in generating renewable energy sources and it added water to this and the objective is to offer low interest assessments to properties for energy efficiency, water conservation, and solar improvements. Some of the benefits: 1) it does not require any up front costs to be borne by the property owner; 2) it also provides no money down means for financing energy efficiency improvements; 3) it provides fixed rate financing and repayment process by way of property taxes over a multiple number of years; 4) it provides access to financing that may not be readily available through traditional means such as home equity loans; and 5) the investment is captured through lower utility bills. For Western Riverside County WRCOG is going to represent all 17 cities and they are going to be the coordinating group. They are going to create jobs, provide a mechanism to retrofit thousands of properties and achieve significant energy savings. The results will be in air quality improvement and greenhouse gas reductions. He has a two-page report that has the common questions and the answers the question and he will distribute it through the City Clerk to the Council.

Councilmember Franklin -

- She said she was at the Spelling Bee and Citra did a really good job because the last six rounds were very intense.
- She attended the Veterans Workshop on Saturday and she thanked all those in the community that participated. We had several hundred people come out and it was put on as a Pass Area event. We had both State Senator Bill Emmerson and Assembly Member Paul Cook and not only did they speak but they walked around talking to veterans. Hearing from the community that was there they said it really helped answer a lot of the questions they had.
- She attended the Community Services Meeting for the League of California Cities last week and we had several presentations and one had to do with Proposition 26 which was a proposition passed in November and it is a Constitutional amendment. What they got out of the presentation was that nobody really knows how it is going to impact cities at this point. This proposition has to do with fees and fines that might be charged by cities and counties

and other entities. They also heard from one of the lobbyists regarding the State budget. They said even though there is a lot of things being put on the table right now none of the details have been given and the next step is to really find out what the details are. The Legislature has to move very quickly and they are supposed to be able to come out with a budget or approval within 90 days and we should be hearing something very soon. There was a recommendation that once more details are known that cities have town meetings to share that information because people need to know what things are being moved around and she gave the list to the City Manager. They also heard about health insurance for children and Operation Peace Keepers which is a program to get people who are involved in gangs going back into the community and working with those people who are trying to get out of gangs.

Mayor Hanna –

- Yesterday she had the pleasure of going to Sacramento with Fred Mason, Electric Utility Director it was SCPPA (Southern California Public Power Authority) Legislative Day and there was some very interesting presentations by various legislators and then they met with Paul Cook and Bill Emmerson and they were extremely receptive. Basically they are saying to us please tell us what Banning needs in terms of support for our utility.
- This Thursday and Friday the City Council will be meeting to do strategic planning from 8 a.m. to 4:30 on Thursday and from 8 a.m. to 12:30 p.m. on Friday at Johnny Russo's.
- Feb. 9th at 6:00 p.m. there will be a Community Meeting for the public to see the presentation of the Village at Paseo San Gorgonio by the Frost Company.

City Committee Reports – Nothing to report.

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

Report by City Manager

- The Village at Paseo San Gorgonio Community Meeting will be held in the Council Chambers.
- Ethics Training will be held on March 9th at about 4 p.m. and ending at 7 p.m. for the Council, the Planning Commission and the Parks and Recreation Commission and it will be held here in the Council Chambers.
- Also there is widening of the road from Wilson from Sunrise to Brinton Rd. just west of Sunset. Also there is sewer replacement on Sunset.
- The Strategic Planning is important and the public is invited to attend.

ITEMS FOR FUTURE AGENDAS

New Items –

Mayor Pro Tem Machisic said that he has received some invitations along with the rest of the Council and the latest invitation he received was for \$150.00 a plate and it is a worthwhile charity. He has also received invitations for \$75.00, \$45.00 and \$35.00 and in economic times like we are having he would like to suggest for the Council's consideration that when some of

these invitations come in if we accept the invitation, we should have a representative who represents us; maybe one person. He knows that a number of you like to go to certain functions but he thinks in hard times we need to add our contribution and send a representative to these functions as opposed to sending 3, 4 or 5 of us. It would show our concern to the community.

Mayor Hanna said that this can be put on a future agenda.

Councilmember Robinson said that he would like the Council to consider the National League of Cities at the next meeting because our membership will be up at the end of this month for the next year.

Mayor Hanna said that this will be put on the next agenda.

Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials
2. Schedule Meeting with Banning Library Board (*City Clerk – Check Dates*)
3. Update on Economic Development Plan
4. Review of Fees and Rates
5. Consideration of Speaker Cards
6. Annual Review of Pledge of Civility and Code of Conduct

ADJOURNMENT

By common consent the meeting adjourned the meeting at 7:51 p.m.

Marie A. Calderon, City Clerk

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

*Received 1/25/11
City Council Meeting*

Mayor and Council Members:

At the last meeting, the use of the equestrian park by Milo Johnson School members was on the agenda. Several people got up to ask questions or comment on the issue or on what was said. In a few cases, people had just heard about it and did not have time to get all the details.

Ms. Schuler, who is familiar with the park, asked many questions regarding the use of the park. Don Smith commented, "Inge asked a lot of important questions. I'm sure someone wrote them down so they could be answered...all questions need to be answered." It would have been a kind gesture to the public if the matter had been postponed to the next agenda so that answers could be given to the questions asked.

Councilmember Botts took the liberty to criticize the fact that people asked questions when he said, "I can't believe the comments we've been hearing, the questions. I can't believe the comments that have come from the podium, and we have a staff person, ... who has researched this, and we get these kinds of questions about the developmentally disabled. I'm sad."

First of all, the questions asked were about the program and not the students, and Ms. Schuler had every right to ask questions. The lady who accompanied Mr. White from the Milo Johnson Center was asked if she thought the questions were out of line or not necessary. Her response was that they were perfectly valid.

You, Councilman Botts, were out of line in commenting on people asking questions. That is the whole intent of this public meeting. If you don't want people asking questions, then hold your meetings in closed session.

The Brown Act, under "Spectators' Opportunity to Address the Body" states in item (C) The legislative body of a local agency

shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body."

By demeaning the public when they ask questions, you, Councilman Botts, by may cause others to be reluctant to participate in council meetings for fear of being put down.

You council members seem to forget that you were elected by the public to represent them, not to supersede whatever is said and to give your opinion which you believe has more weight than others'. You may be sad, Mr. Botts, but the people of Banning are tired, tired of your disrespect and courtesy.

No one listening to that last council meeting missed the fact that you were offensive, and your behavior adds nothing but more negative thoughts regarding our council and our town's reputation. An apology is in order by Councilmember Botts to Inge Schuler. Your rude, pompous behavior has to stop.

For other members of the council, do note that your past snide comments do not go unnoticed such as, "How could anyone not want this. Someone would have to be stupid to not vote for this." These "opinion" comments are not appropriate for council meetings. Remember: You are representing the people. We do not want to hear your "opinions"; we want to hear what is best for the people and the city of Banning.

Mayor Hanna, since you are the mayor, might it be your responsibility when an improper comment is made by a council member that you set that council member straight? That would greatly help.

And members, do you not think you need a review of the code of ethics and how to conduct yourselves at meetings? It certainly appears to be OVERDUE!

Dorothy Familetti-McLean 1/25/2011

JAN. 17, 2011

TO: BANNING CITY COUNCIL & SLCC BOARD OF DIRECTORS
FROM: DENNIS SAUER
SUBJECT: DANGEROUS POWER LINES

THE TRAGEDY DEPICTED IN THE ATTACHED STORY HIT HOME WITH ME. I LIVED AT 494 NORTHPARK FOR 30 YEARS (SEE PICTURED MAP). ALTHOUGH I DID NOT KNOW ANY OF THE DECEASED, FRIENDS OF MINE DID. 21 YEAR OLD JONATHON COLE WAS THE BEST FRIEND OF JOEY T., THE YOUNGEST SON OF FRIENDS. THEIR E. STREET BACK YARD FENCE WAS A COMMON FENCE TO THE ACACIA AVE. BACK YARD.

DURING MY 30 YEARS ON NORTHPARK I WITNESSED POWER LINES GOING DOWN ON SEVERAL OCCASIONS - VERY DANGEROUS. THIS AREA IS KNOWN FOR HIGH WINDS, JUST LIKE HERE IN BANNING. MY HOPES ARE THAT YOU AS LEADERS OF BOTH THE CITY AND SLCC RESPECTIVELY ARE VERY DILIGENT IN REQUIRING SCE TO REGULARLY INSPECT (PHYSICALLY BY LIFT - NOT JUST BY SIGHT FROM THE GROUND), TEST, REPAIR THE RECENTLY INSTALLED POWER LINES THAT RUN THRU SLCC AND THE CITY. PLEASE DO NOT ACCEPT SCE'S WORD THAT THIS TYPE OF ACCIDENT CAN'T HAPPEN HERE GIVEN THE NEW TECHNOLOGY. MY OLD NEIGHBORHOOD HEARD SIMILAR PROMISES. ACCIDENTS CAN AND DO OCCUR. THE BEST DEFENSE IS TO INSURE THAT SCE IS DILIGENT IN THEIR MAINTENANCE PROGRAM. COPIES OF REGULARLY SCHEDULED INSPECTIONS SHOULD BE GIVEN BOTH THE CITY AND SLCC.

RESPECTFULLY,
Dennis Sauer

6225 TURNBERRY DR.

BANNING, CA. 92220

Banning Electric Utility

Renewable Options

Background

- Presently, Banning has ~21% "renewables" in its power supply portfolio.
- Requirements for renewable energy in California increase from 20% today to 24% in 2015, 28% in 2018 and 33% in 2020.
- In addition, AB 32 will require electric utilities to significantly reduce greenhouse gas emissions beginning in 2012

Project Specifications

- Proposed project to be built in La Paz County, Arizona
- Developer is EnviroMission (USA), a subsidiary of an Australian company
- Proposal is for a 200 MW solar thermal tower project
- Project to be licensed, funded, and constructed by developer
- Planned operations date is November 2014

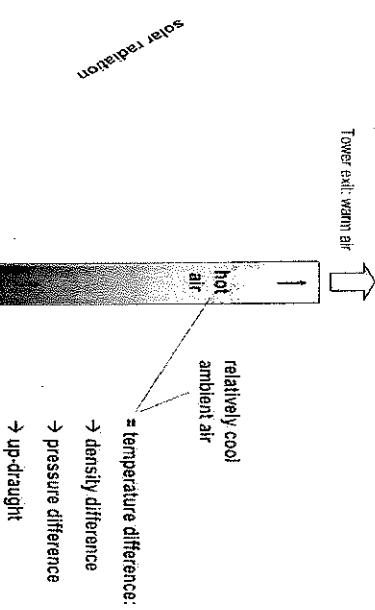
The Concept

- Project is composed of three major elements

- A very large circular, umbrella shaped solar collector or greenhouse (covering approximately 5000 acres)
- A very tall & wide thermal chimney (about 1000 meters tall and 100 meters wide)
- Up to 32 electric generators coupled to wind turbines

- When heated by sun, air under the solar collector rushes to escape through the chimney passing through turbines placed at the base of the chimney

Graphic



collected air

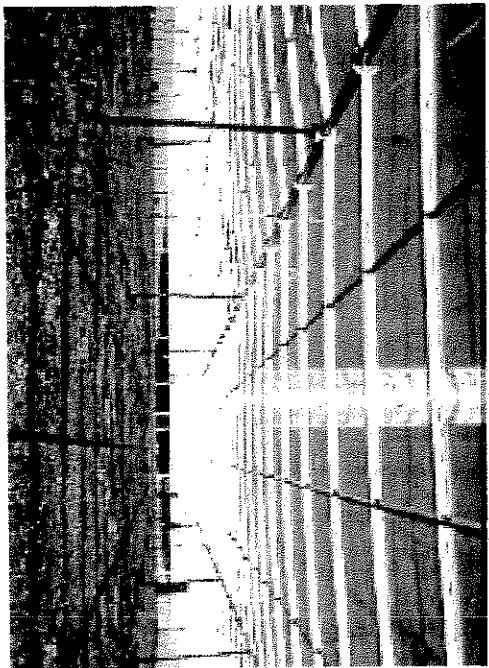
ambient air

greenhouse effect

solar radiation

View from Under the Glass

Constructed in Manzanares, Spain
in 1982



Key Terms of Project

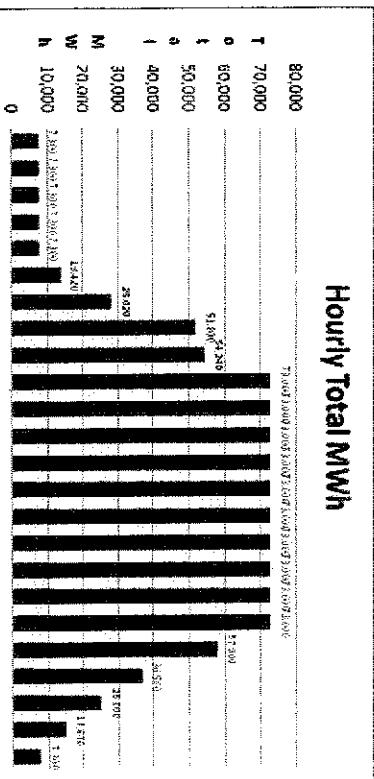
- SCPPA contracts with developer. Banning executes a Power Sales Agreement with SCPPA.
- Contract term is 30 years
- Expected "capacity factor" is 60%
- Price is fixed at \$95.50 per MWh for first 15 years
 - Price is reduced by 40% for all energy produced in excess of a 63% capacity factor
 - Price increases \$1.00/MWh annually after 15th year
- Various construction milestones and operational performance requirements with penalties for non-performance

Economics

- La Paz's price of \$95.50/MWh in 2015 for mostly "on-peak" green power is good
- The average "net present value" price of the 30 year contract is very good
 - \$65/MWh using a 3% discount rate
- Depending on the Utility's overall load growth, adding this renewable expense may not require a rate increase in 2015, however the maximum potential increase to cover this expense would be only 4% //

Exhibit "C"
21
reg.mtg.-1/25/11

Energy Output Profile



SCPPA Participants

Utility	MW
Azusa	2
Araheim	10
Banning	2
Burbank	27
Glendale	12
Imperial Irrigation District	15
Passadena	10
Riverside	25
Total	103

Risk Factors

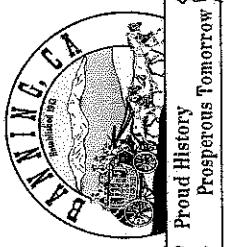
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- Banning has no responsibility for licensing or construction (i.e. no capital costs)
- Banning only pays for energy that is produced by the project at the fixed contract prices
- If the Developer fails to meet contract milestones or plant performance objectives, SCPPA will receive penalty payments and may potentially cancel contract
- Risk is that Banning will need to replace the expected renewable energy from La Paz if it is not constructed or does not work as planned

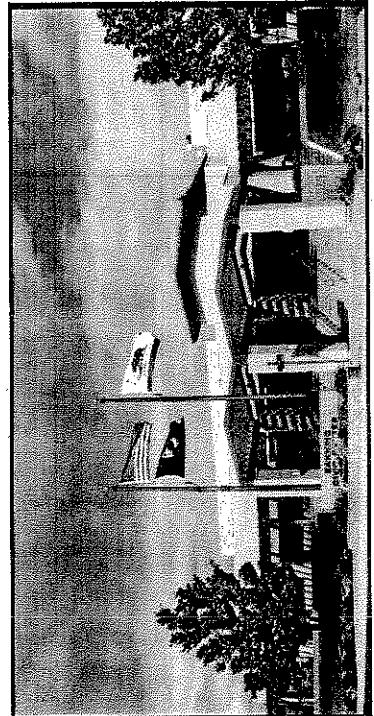
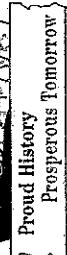
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Questions?

14

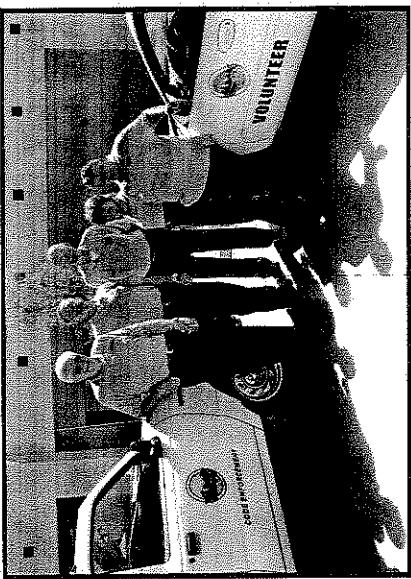


Community Development Code Enforcement Division



1

Code Enforcement Volunteer Program



Vince Van Wormer
Bob Rohrback
Rollie Sandeen
Joann Bateman
Carolyn Schroth

3

Community Development Dept. Organizational Chart

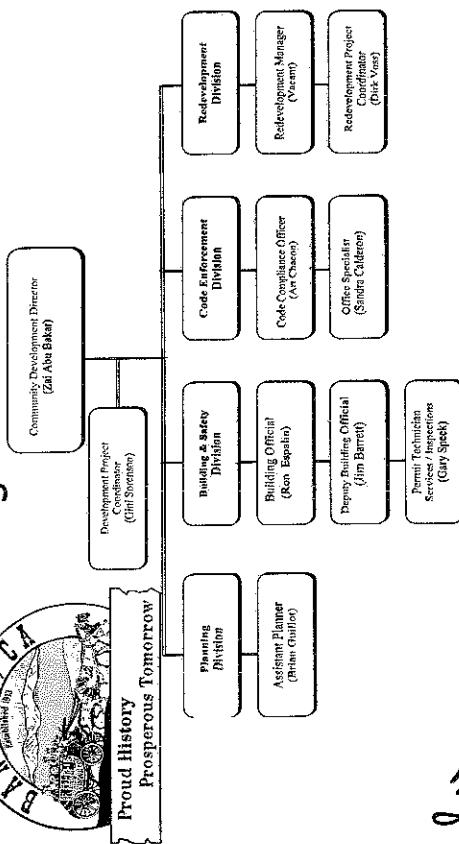
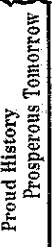
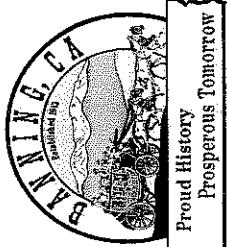


Exhibit "D"
23
reg.mtg.-1/25/11

31

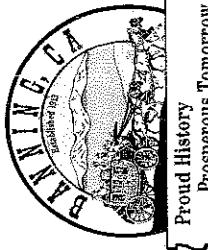
Code Enforcement Mission Statement



Through outreach programs and compliance methods, Code Enforcement utilizes solution oriented enforcement and education to encourage business and property owners to maintain existing properties, enhance and revitalize existing properties, and encourage preservation of properties by maintaining property maintenance standards which are attractive to those interested in doing business and living within the city.

2

4

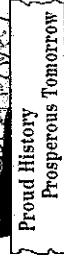
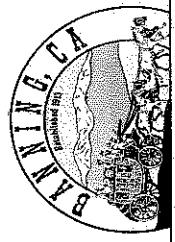


Code Enforcement Objectives

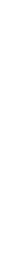


- To help create and maintain a livable safe environment.
- To enhance the "curb appeal" of the city.
- To clear the city of blight and dangerous conditions.
- To assist the public by utilizing City codes to address such issues as substandard properties, abandoned vehicles and properties not being maintained.

Exhibit "D"
24
reg.mtg.-1/25/11

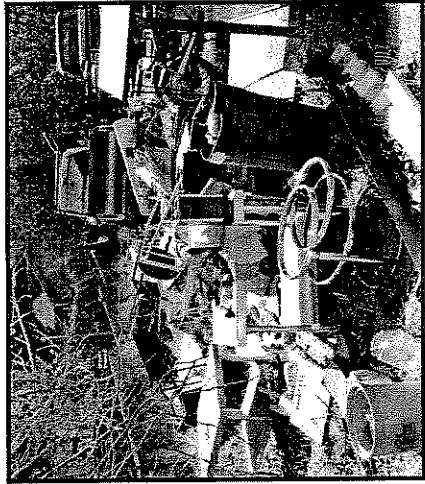


Code Enforcement Objectives



Property Maintenance

- Hoarding
- Junk, trash and debris
- Illegal parking
- Dry vegetation and overgrown weeds



5

7



Code Enforcement Customer Service



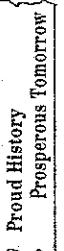
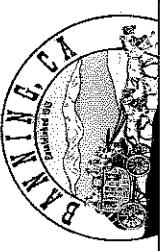
Proactive

- Life Safety and immediate danger
- City-wide patrols
- Government access channel 10 & Verizon Fios channel 29, City's website, Facebook & Twitter.
- Quarterly City news letter & public participation
- Utilizing Code Enforcement volunteers

Reactive

- Citizens complaints received via Internet, phone and counter
- City departments and outside agency requests

32



Code Enforcement Violations

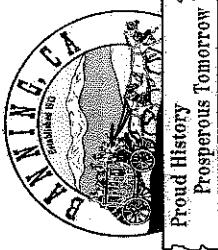


Substandard Buildings

- Lack of required utilities
- Unsanitary premises
- Structural hazards - faulty materials of construction
- Hazardous electrical, plumbing & mechanical
- Improper occupancy

6

8



Code Enforcement Volunteer Duties

- Work minimum 24 hrs. a month
- Remove Illegal signs on public right-of-way
- Conduct special inspections on weekends as needed
- Report graffiti
- Hand out yard sale permit information
- Serve as ambassadors for the City of Banning

13



Community Development Code Enforcement Division

City of Banning – Code Enforcement Division
99 E. Ramsey Street
Banning, CA 92220
(951) 922-2066 or ce@ci.banning.ca.us

Code Enforcement Officer
Art Chacon

Office Specialist
Sandra Calderon

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

02/08/11
STUDY SESSION

A study session of the Banning City Council was called to order by Mayor Hanna on February 8, 2011 at 5:55 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Botts
Councilmember Franklin
Councilmember Machisic (excused)
Councilmember Robinson
Mayor Hanna

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: David J. Aleshire, City Attorney
Duane Burk, Public Works Director
Fred Mason, Electric Utility Director
Zai Abu Bakar, Community Development Director
Heidi Meraz, Community Services Director
Steve Dukett, Consultant
Daniele Savard, Executive Secretary
Marie A. Calderon, City Clerk

DISCUSSION ITEM

1. East Ramsey Street Monument

Councilmember Robinson was excused from this study session because he owns property in the middle of this project.

Mr. Burk said that this would be a brief presentation on East Ramsey Street. He introduced Todd Bagley with TBLA. He said that it was one of the goals of the City Council to improve the "east gate" entry. The parameters were east Ramsey, Hargrave to Hathaway. In previous discussions with the Council one of their goals was not to have raised medians but beautify the entry ways. We had some conceptual plans and drawings done and this is the product. On January 5th of 2011 he and Todd Bagley presented this to the Planning Commission and it was met with a lot of enthusiasm and they blessed it. So tonight these are just conceptual drawings and staff is looking for some input. As you know on the east entrance there is an old rock-formed, foam-looking sign stating "Welcome to Banning" and we also have that on the west side of the city and they are somewhat dilapidated and need to be upgraded however, there has been different variations of what we would want to do. Staff is looking for some input as it relates to what you think and where you would like staff to go.

Mr. Burk said that Mr. Bagley will be talking specifically to any type of planting. Mr. Burk started the power-point presentation (see Exhibit "A"). We will be talking about intersection enhancements, two monuments with one on the east and one on the west, six banner poles and some street trees. He went over some renditions of what a banner pole would look like along with some lights (these are just colored renditions and no colors no been picked), typical T-intersection for example at Phillips and Ramsey Street, colored concrete corner treatments, bus stop and bus shelters, and conceptual landscape plans with trees in the walkway area. He said that he would have Mr. Bagley talk to the species of trees.

Mr. Bagley said they wanted to make a selection of plant materials that are both very maintainable but also water-wise as we live in a different decade than we have previously so we want to use some California natives. The thought is that they would use the California Sycamore which commonly grows in the foothills around here and that that would be used behind our signs where appropriate. It would not be a street tree because it is just too large for that. Within the street they are looking at using something like the Purple Ash which would give us a nice fall color and it is kind of long and narrow and would not block the frontage of our stores or businesses in that area but it is also a hearty tree. Another one would be the Oak tree which is a long-lived tree and would be appropriate for the street scene as well.

Mr. Burk went over the standards (benches, trash receptacles and tree grates) which the Council has adopted and they would be like the ones on the corner of San Gorgonio and Hays. This would be the kind of approach that staff would take as we move forward with any street beautification we might have. In regards to the street light pictured he is not saying that would be the street light of choice going down that street because this is a larger standard for the downtown area from Alessandro to Fourth and would be a little bit more decorative. The lights that staff is talking about would be more of standard and they have talked to the Electric Dept. about spacing on those and are working with them on this.

Mr. Botts said whatever we introduce here and approve and move forward with that really needs to be the same thing that we use all up and down Ramsey Street. And also the street lights are a little bit different that we have in our parking area next to city hall and he knows this is conceptual but the issue is you are now introducing a whole new concept of posts for banners separate from light posts. He is just questioning whatever we do here we could continue throughout the city.

Mr. Burk said with the species of trees we use are typical or similar of what we did at the west gate and the question would be how they would fit for the rest of these streets here. Mr. Burk said in regards to the downtown street lights they don't illuminate as much and they are a lot more expensive. The pole banner could be adapted or there could be a species of pole banners that fit in a designated area that you would wish to put them at per the conceptual plan or they could go on a street light we currently have now. But the intent behind the decorative light that we currently use the parameters were from Alessandro to Fourth Street for the decorative lights that are there now and as upgrades move forward we would maybe replace that light but because of the cost of them it probably would be cost prohibited to put them all up and down Ramsey Street.

Mayor Pro Tem Machisic said talking about live Oak as the one pictured in a parkway and he reads that the tree grows to 30 to 60 feet high and is 30 to 60 feet wide; wouldn't the root system of that be rather expensive.

Mr. Bagley said yes it would but Oak trees are very fibrous roots and they don't create a lot of surface root problems and they have been used throughout California. They have longevity of over 100 years and in many of our cities where they have been used they have remained trouble free during that period. Whereas other selections like the Sycamore or something like that could really destroy the concrete around that and that is one of the reasons they selected the Oak tree.

Mayor Pro Tem Machisic said one thing he is sensitive to is that we need to be an example for the rest of the community when we talk about use of water and he is glad that he talked about native plants but at the same time he is interested in things like solar in the use of some of these signs. Also the other thing he is concerned about is that every time you put in landscaping of any kind, even minimal, then the cost of operation goes up and so now you have to support the number of people that support that landscaping. So when we get to the point of going beyond the concept, he would appreciate knowing what the costs would be of additional people and time because he is interested in the costs because you can build something magnificent but then the cost of the operation and maintenance can really be extensive and we are not in a position of adding costs to operations.

Mayor Hanna said for the trees she is concerned about traffic being able to see. Are they high enough so that drivers can see other traffic coming?

Mr. Bagley said that is really a two-fold issue and the tree selection is of a nature where their canopies would be high enough for traffic such as trucks. Then the second part of that goes right back to maintenance and they would require pruning over time. Of course, any project when we put something new in there is no such thing as no maintenance. Even low maintenance costs money.

Mayor Hanna said her other question about the street lighting is that it is a different design from what we have downtown and could we get something a little bit more compatible to what we have downtown so that it is not just very different. Also, she is concerned that the lights are downcast and not interfere with the black sky.

Mr. Burk said that is a very good point as it relates to the spacing and the illumination for that street and the compatibility of what you are currently doing and he thinks that those are all challenges. And before you approve a different type of light, staff would work with the Electric Dept. on something that is standard to them and may have a different color contrast but also blends in with what we are trying to do as you come in.

Mayor Hanna said she doesn't know if we had a more recent policy discussion of those fixtures for the downtown because we do need to be committed and she would guess that we have already made our commitment in that we started them but are we going to continue to do that in that area.

Mr. Burk said again this is all conceptual and before staff gets anything before the Council we will bring back any type of samples that you would like to see.

Mr. Burk in regards to signs they can be extremely opinionated so what Mr. Bagley did specifically was to put some conceptual ideas together and the idea one time was that one of the Councilmembers said the San Gorgonio Inn sign is not a bad look so they included that type of sign which is called "googie". Mr. Burk showed the signs that we currently have and said that it has been subject to a lot of vandalism. He went over the five different concepts of signs starting with the Masonry & Steel Crossing Option and stated that they are going to be very expensive and the span of Ramsey Street in that area is around 110 feet and the sign would need to be at least 120 feet high. The next concept is a Stagecoach Era Option which has a western theme with rock and wood. The next concept is a banner type sign – Masonry & Iron Work Option with a rock veneer and the middle insert would be sandstone. The next option is Etched Flagstone like the one at the Armory. The next option is the "googie" Styled Metal Work.

There was Council and staff discussion about the surrounding property right-of-way where signs would be placed, maintenance and vandalism, placement of trees, and the stagecoach look or not. Some Council Members liked the "googie" style signs and also the sign across the street. Some didn't like the stagecoach on the sign that goes across the street. They also like the banner type sign and not any low monument signs or flagstone signs like the one at the Armory. There was discussion about incorporating the City logo on the signs or the stagecoach on the signs because it would not be compatible with the "googie" style sign.

Mr. Bagley said that they can certainly tweak the style of that. We are trying to create as many different options as they could to get the Council's input and that is the direction that they would like tonight that you pick some you like and then they can take and tweak those to your preferences.

Mayor Hanna said that in the Masonry and Steel Crossing Option that from her perspective the City of Banning in the grated area doesn't have enough contrast and wouldn't be readable or visible in bright sunshine or clouds possibly so if that could be looked at also.

Mr. Bagley said that they can look at lettering size as well as the color of material and that is something that they would need to really explore.

Mayor Hanna opened the item for public comments.

The following people spoke in favor or against or had some questions or concerns or general comments in regards to this item (*any written comments handed to the City Clerk will be attached as an exhibit to the minutes*):

Bill Dickson, 5700 W. Wilson

Marion Johnson, resident

Estelle Lewis, resident

Nathan Johns, resident

Don Smith, resident

Chuck Hough, resident

Fred Sakurai, resident

Dorothy Familetti-McLean, resident

Inge Schuler, resident

Mayor Hanna closed the item for comments from the public and asked if staff would like to reply to any of the comments made.

Mr. Burk said the trees as it relates to attraction of bees and insects the species that are shown do not do that. In regards to the paving Estelle Lewis made a good point because First Street does rattle your vehicle and if you go to different towns there are some different types of treatments that are not really conducive to vehicles especially after large trucks hit it. What they are showing here is a possibly a colored asphalt or colored concrete but without the stamps so it is something staff will look into and research further. In regards to Mr. Johns concerns about Phillips Street he thinks the Council has numerous concerns not for just this but for parking in general for the trucks and the police department has also looked into this and the Council has directed staff to move forward with curb paintings, etc. and to also work with the business and property owners in that area because it does affect them also. In regards to maintenance there is obviously something there and staff does not know yet what it will be because these are just conceptual plans and this is just bare minimum and it is a start as stated by Mr. Smith. Staff will look at the iron works and masonry signs and will put together some numbers and in regards to the message sign that is not a bad idea and would be something staff would need to put together and bring back to the Council.

Councilmember Franklin asked staff if they were going to bring back prices regarding all the different signs as well as talking about the colored brick because she also has a concern because when you walk across the raised brick wearing heels that is not a good thing. She thanked staff for bringing back the ideas for the Council to at least look at and if there is a way for us to also get this on Channel 10 and on the website to get more public feedback. She said we are a very small portion of the population and this is something that is going to have a long-term impact on our city so she thinks the more feedback we can get back from the public the better. Mr. Burk said that he would do that.

Mayor Hanna said that we had a Charette back in 2004 and she thinks that was really the point of which this city decided not to go "Stagecoach Town" in terms of its whole environment. There were certain historic architectural forms that were pulled out by the architects involved in that Charette and they said that these were the types of architecture you should encourage or modern versions of these kinds of things or whatever but we could have at that point said we want a western town and we want to be consistently western and we didn't decide to do that. She thinks that we have architecturally taken that particular direction and so the question is okay we are not going to be architecturally a stagecoach town and do you want to be sort of a stagecoach town. It is interesting that "Stagecoach Town USA" as she understands it was a marketing concept for Banning which was developed in the 1960's by the leaders at that time and it has been very effective and it gave the town a story to tell which is a really good thing to do but it doesn't

reflect our whole history. It sounds like the people that spoke this evening were pretty evenly split between stagecoach town and this more modern look.

Mr. Burk said that Mr. Sakurai made a comment about the sign on San Gorgonio and Ramsey and that is part of this presentation and you have approved a design there already and we haven't brought the sign to the Council because obviously the sign is the topic so when we move forward with that project we may have a different answer and maybe that will be the first stagecoach or googie sign or something else but staff will definitely bring that forward as it relates to that location and the current sign there.

ADJOURNMENT

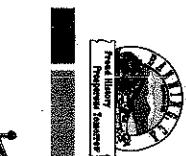
By common consent the meeting adjourned the meeting at 6:47 p.m.

Marie A. Calderon, City Clerk

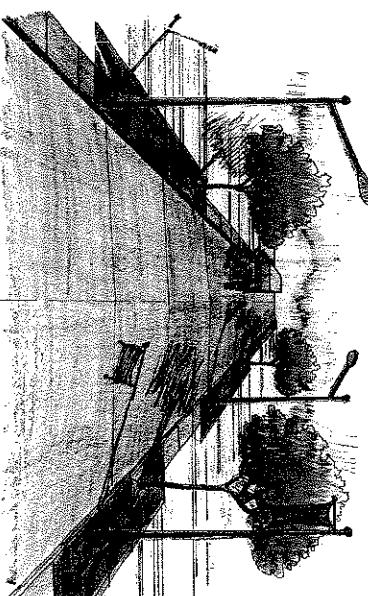
THE ACTION MINUTES REFLECT ACTIONS TAKEN BY THE CITY COUNCIL. A COPY OF THE MEETING IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK'S OFFICE.



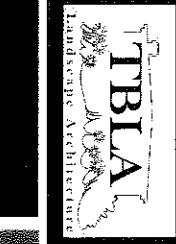
Proud History
Prosperous Tomorrow



East Ramsey – Hargrave to Hathaway Landscape Concepts

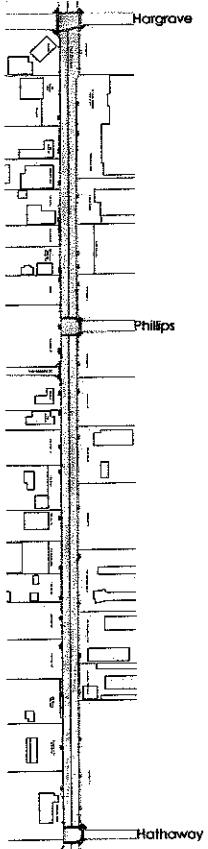


Street improvements will include
the addition of street trees, tree
grates, colored concrete, street
lights and lights, banner poles,
intersection improvements and
bus stop enhancements



EAST RAMSEY PARKWAY LANDSCAPE IMPROVEMENTS HARGRAVE TO HATHAWAY

East Ramsey – Hargrave to Hathaway Landscape Concepts



Summary of Improvements:

- Intersection Improvements at Hargrave, Phillips and Hathaway
- Two Monuments
- Bus Stop Improvements (2 locations)

- Street Poles and Lights
- 38 Street Trees, Colored Concrete Flatwork and Tree Grates
- 6 banner Poles

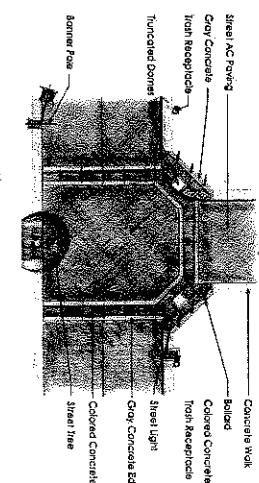
East Ramsey – Hargrave to Hathaway Landscape Concepts

STREET CHARACTER SKETCH

3

Exhibit "A"
7
study session.-2/08

TBLA



Intersection improvements
include colored concrete
corner treatments,
bollards, ADA access,
colored concrete
crosswalks

PROJECT AREA



2

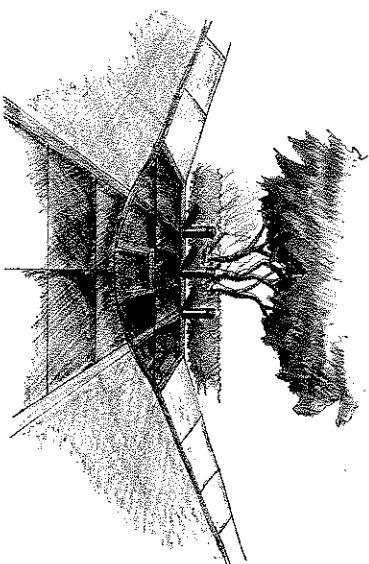
INTERSECTION ENHANCEMENTS



44



**East Ramsey – Hargrave to Hathaway
Landscape Concepts**

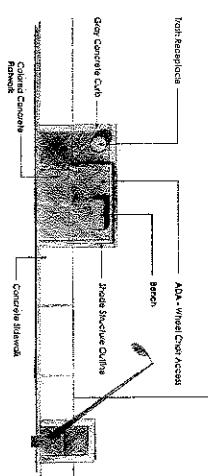


Colored concrete corner treatments, bollards, ADA access, colored concrete crosswalks

INTERSECTION ENHANCEMENTS SKETCH



**East Ramsey – Hargrave to Hathaway
Landscape Concepts**



The bus stop shall include colored concrete, metal bench, trash receptacle and shade cover.

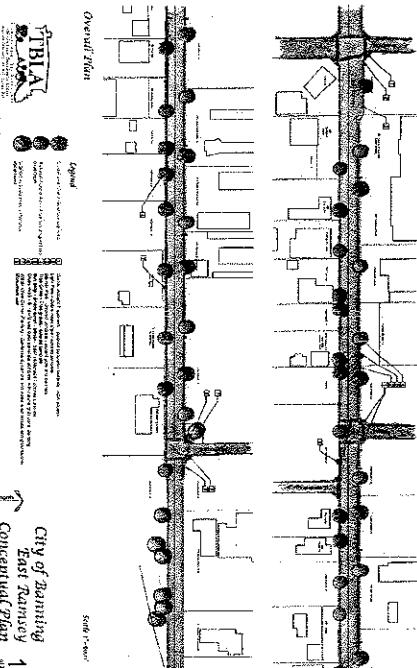
BUS STOP ENHANCEMENTS

TBLA
Planning & Architecture

6



**East Ramsey – Hargrave to Hathaway
Landscape Concepts**



City of Banning
Conceptual Plan 1

CONCEPTUAL LANDSCAPE PLAN

TBLA
Planning & Architecture

7

**East Ramsey – Hargrave to Hathaway
Landscape Concepts**



Multi-trunk California Sycamore (Platanus racemosa) Deciduous, light green summer leaf color, dusty brown autumn leaf color, light greenish gray bark, grows to 30' to 80' high and 30' to 40' wide.



TBLA
Planning & Architecture

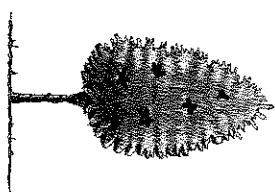
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Exhibit "A"
study session.-2/08/11

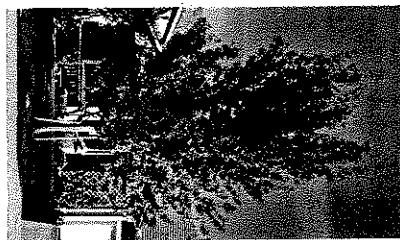
42



East Ramsey – Hargrave to Hathaway
Landscape Concepts



*Autumn Purple Ash (*Fraxinus angustifolia oxycarpa*) Deciduous, medium summer leaf color, purple autumn leaf color, grayish brown bark, grows to 30' high and 25' wide.*



STREET TREE

TBLA
 Landscape Architecture
 9

East Ramsey – Hargrave to Hathaway
Landscape Concepts



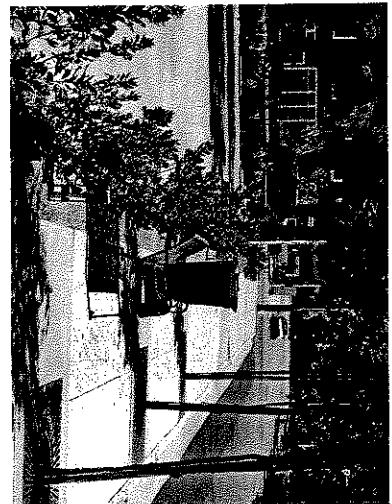
*Coast Live Oak (*Quercus agrifolia*) Evergreen, medium green leaf color, light greenish gray bark, grows to 30' to 60' high and 30' to 60' wide.*

STREET TREE

TBLA
 Landscape Architecture
 10



East Ramsey – Hargrave to Hathaway
Landscape Concepts



The East Ramsey Project would incorporate benches, trash receptacles and tree grates similar to those utilized for the City Hall Parking Lot and San Gorgonio Street Improvements.

SAN GORGONIO STREET IMPROVEMENTS

TBLA
 Landscape Architecture
 11

East Ramsey – Hargrave to Hathaway
Landscape Concepts



SAN GORGONIO STREET IMPROVEMENTS

TBLA
 Landscape Architecture
 12

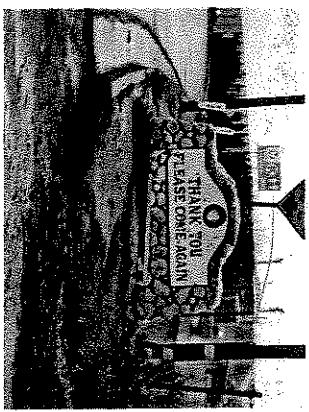
43

Exhibit "A"
 9

study session. -2/08/11



East Ramsey – Hargrave to Hathaway
Landscape Concepts

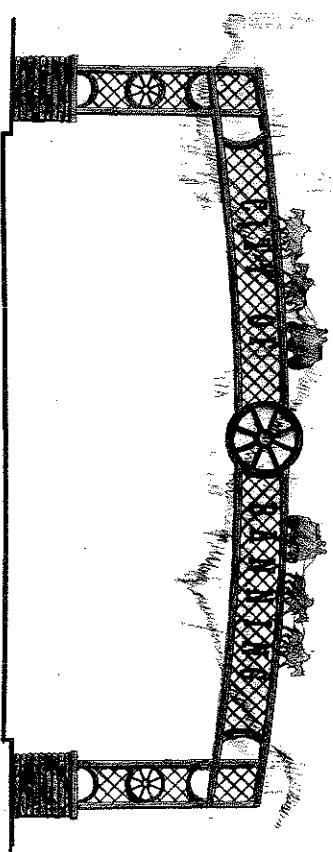


EXISTING EAST RAMSEY SIGN

TBLA
13



East Ramsey – Hargrave to Hathaway
Landscape Concepts

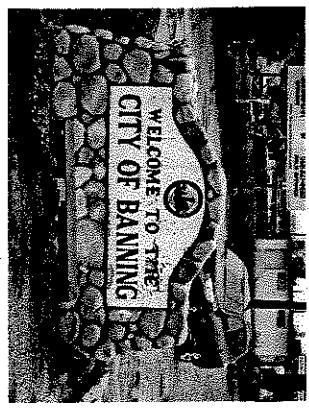


STREET MONUMENT – MASONRY & STEEL CROSSING OPTION

TBLA
14



East Ramsey – Hargrave to Hathaway
Landscape Concepts

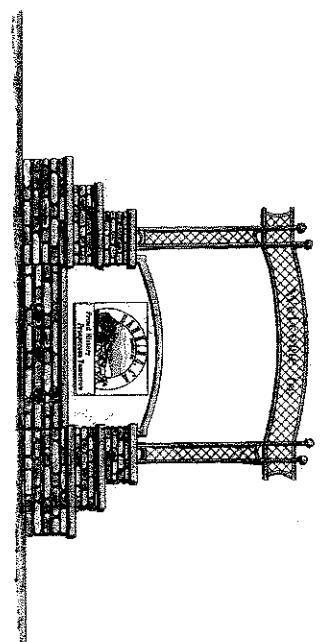


STREET MONUMENT – STAGE COACH ERA OPTION

TBLA
15



East Ramsey – Hargrave to Hathaway
Landscape Concepts



STREET MONUMENT – MASONRY & IRON WORK OPTION

TBLA
16

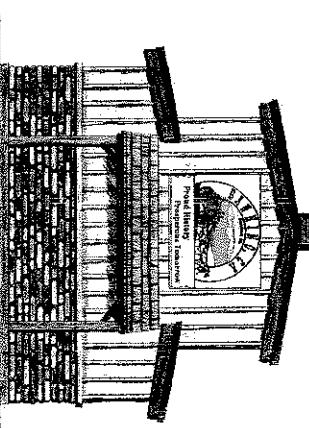


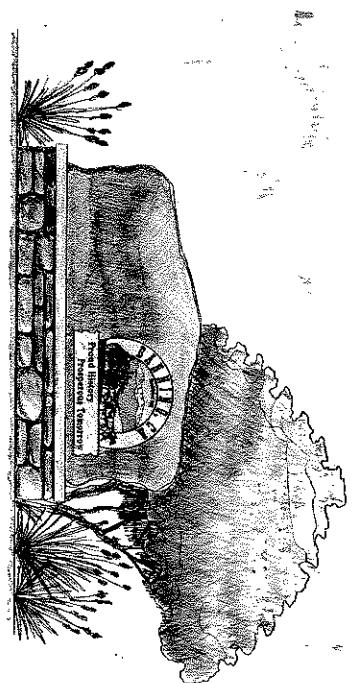
Exhibit "A"
10
study session -2/08/11

44



East Ramsey – Hargrave to Hathaway
Landscape Concepts

45



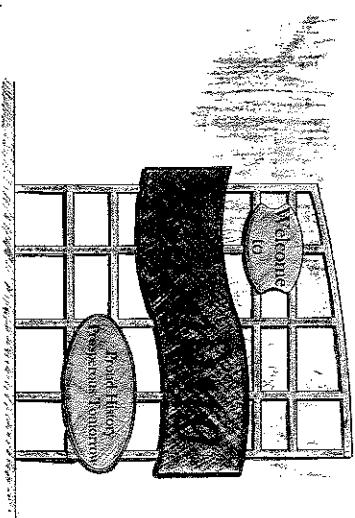
STREET MONUMENT – ETCHED FLAGSTONE

17

TBI A
Exhibit "A"

11
study session.-2/08/11

East Ramsey – Hargrave to Hathaway
Landscape Concepts



STREET MONUMENT – STYLED METAL WORK

TBLA
Exhibit "A"

18

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

02/08/11
REGULAR MEETING

A regular meeting of the Banning City Council and a Joint Meeting of the City Council and the Banning Utility Authority was called to order by Mayor Hanna on February 8, 2011 at 5:03 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT:

Councilmember Botts
Councilmember Franklin
Councilmember Machisic
Councilmember Robinson
Mayor Hanna

COUNCIL MEMBERS ABSENT:

None

OTHERS PRESENT:

David J. Aleshire, City Attorney
Duane Burk, Public Works Director
Fred Mason, Electric Utility Director
Zai Abu Bakar, Community Development Director
Heidi Meraz, Community Services Director
Steve Dukett, Consultant
Daniele Savard, Executive Secretary
Marie A. Calderon, City Clerk

The invocation was given by Pastor Tate Crenshaw, Life Point Church. Mayor Pro Tem Machisic invited the audience to join him in the Pledge of Allegiance to the Flag.

PRESENTATION

1. Presentation by Riverside County Fair and National Date Festival Queen and Court

Don Smith addressed the Council stating that he is one of the Board Members of the Riverside County Fair and National Date Festival and also founder and treasurer of a 501 3 (c) scholarship called "Dollars for Scholars" Chapter in which one of these scholarships they do is to interview and have a contest for the Riverside County Royal Court. They are interviewed based on their academics, based on community involvement, ability to write speeches and give them, answer questions by reporters and he can say that they interviewed the best and the brightest of Riverside County and it is his pleasure to introduce the 2011 Royal Court Queen Scheherazade, Princess Dunyazade and Princess Jasmine who will be the leaders of our future.

Anna Acosta, Queen Scheherazade; Princess Dunyazade, Halley Glass; and Princess Jasmine, Mylea Wilson addressed the Council giving information about themselves as to education, community involvement and their future goals. They passed out postcards and brochures about the fair and this year they will be celebrating 65 Years of Growing Success and will continue to feature various attractions, entertainment and food. The fair will be held February 18th through 27th.

REPORT ON CLOSED SESSION

City Attorney said that the City Council and Agency Board met in closed session. In regards to the Agency there were two real property negotiations involving 220 E. Ramsey Street and Stagecoach Plaza and the Agency Board gave direction for future negotiations. In regards to the City Council with respect to a litigation matter Smith v. Hanna a status report was given on settlement of that matter and direction was given for further negotiations. With respect to the evaluation matters involving the City Attorney and City Manager a preliminary discussion was held with regard to those matters. There was no reportable action taken on any of these matters.

PUBLIC COMMENTS

There were none.

APPOINTMENTS

1. Appointment to Parks and Recreation Advisory Committee

Mayor Hanna said with respect to this matter there was a question as to how many positions are available and she believes that there is one appointment to be made. She said she would like to throw out an idea to the rest of the Council because this hasn't been done nor is normally done with the committee but she felt there were some really good candidates and would also like to suggest interviewing them. **There was Council consensus.**

Councilmember Franklin said that we had a date on the form that these were to be turned in by the 3rd of January and there was one turned in by then and she is kind of concerned that we opened it up again even though we had an application in.

Heidi Meraz, Community Services Director said that with receiving the one application we did extend the deadline to the 31st of January.

There was some Council discussion in regards to interviewing these applicants. Mayor Hanna said that we can tentatively set this for 4:00 p.m. on Tuesday, February 15th with 20 minutes for each person and that the Community Services Director contact the applicants to see whether they are available.

2. Council Assignments: b) San Gorgonio Pass Water Agency

Mayor Hanna said that she invited Councilmember Franklin to consider being our representative to the San Gorgonio Pass Water Agency and she has accepted. Councilmember Botts had been appointed and has found it difficult to fulfill that commitment. The alternate is Councilmember Robinson.

There was Council consensus that Councilmember Franklin be the City's representative to the San Gorgonio Pass Water Agency and Councilmember Robinson remain as the alternate.

2. Council Assignments: a) Centennial Committee

Mayor Hanna said that the City's centennial is in 2013 and we need to start planning for that with the notion at this point is that it may be a year-long celebration and we might take existing events in the community and make the centennial celebration a part of those events and others. Certainly there will be little or no money from the City to fund this so any outside funding necessary would have to come from fundraising efforts or sponsorships and so forth. She asked the Council how they would like to approach this.

Councilmember Franklin said she would like to see the possibility of calling together all those people who have shown an interest to form a committee and then they would bring back a proposal to the Council at that point. She feels that it should be as inclusive of the entire community as possible.

Mayor Pro Tem Machisic said he would agree with that but at the same time he doesn't know how wide spread the announcement is about the formation of a committee. We probably need to give it a little bit of publicity and once we do that we can take the whole composite of anyone that might be interested in forming a committee because as the Mayor said they may want some activities that cost money and as the Mayor succinctly said we are not going to add anything to it because we are financially hard pressed at the present time. He thinks that all those issues could be discussed with the committee and come back with some kind of recommendation.

Mayor Hanna said one idea that she had was that we might invite anyone that wants to come together, for instance, on Monday, March 7th at noon it will give people a couple of weeks and gets notice out so that anybody can come to this meeting. She said that we could probably meet in the Council Chambers and from there decide the next step. They could elect a chair and so forth. And then the next step she would like to consider is to have a community forum where everybody in the community who has any interest in this at all could come together and have discussions, write up the report so that we could see the full width of this. She said that a lot of people have interest and lots of ideas and it would be great to be able to hear them all and then the community could continue forward and narrow it down and develop a plan of action.

Councilmember Franklin said the only thing about noon on a Monday may be difficult for people who work and she would suggest maybe an evening meeting at 5:30 p.m. or 6:00 p.m. so that those people who are interested have more of a chance to participate especially, for our

young people because she feels that all ages should be included and our young people would be in school during the day if they have some interest in participating also.

There was Council consensus to have a meeting on Monday, March 7th at 5:30 p.m. in the Council Chambers.

Mayor Hanna opened the item for public comment. There was none.

CONSENT ITEMS

1. Approval of Minutes – Joint Meeting – 01/25/11

Recommendation: That the minutes of the joint meeting of January 25, 2011 be approved.

2. Ordinance No. 1434 – 2nd Reading: An Ordinance of the City Council of the City of Banning, California, Adopting an Initial Study/Negative Declaration and Approving Zoning Text Amendment No. 10-97505 to Adopt Development Standards and Guidelines for Tattoo and Body Piercing Parlors, Hookah and Smoking Lounges, Fortune Telling, Mobile Vending and Code Clean-Up.

Recommendation: That Ordinance No. 1434 pass its second reading and be adopted.

3. Ordinance No. 1435 – 2nd Reading: An Ordinance of the City Council of the City of Banning Authorizing the Execution of An Agreement for the Purchase of Renewable Energy from the La Paz Solar Tower Project Through a Power Sales Agreement with Southern California Public Power Authority (SCAPPA).

Recommendation: That Ordinance No. 1435 pass its second reading and be adopted.

4. Resolution No. 2011-08, Authorizing Staff to Submit a Grant Application For Rubberized Asphalt Concrete (RAC) for Street Improvements Along Wilson Street, From Stargaze Way to West of Sunset Avenue.

Recommendation: That the City Council adopt Resolution No. 2011-08, Authorizing Staff to Submit a Grant Application for Rubberized Asphalt Concrete (RAC) for Street Improvements along Wilson Street, from Stargaze Way to West of Sunset Avenue; and authorize the City Manager to execute the application enclosed herewith as Exhibit "A" and all related grant documents, with the California Department of Resources Recycling and Recovery (Cal Recycle).

Motion Botts/Machisic to approve Consent Items 1 through 4. Mayor Hanna opened the item for public comments. There were none. **Motion carried, all in favor with Mayor Hanna voting no on Consent Item No. 2.**

Mayor Hanna recessed the Regular City Council Meeting to a Joint Meeting of the Banning City Council and the Banning Utility Authority.

CONSENT ITEM

1. Resolution No. 2011-03UA, Approving the Maintenance and Services Agreement with Merlin Johnson Construction, Inc. of Mentone, CA for in the amount "not to exceed" \$125,000.00 for the Banning Water Canyon Storm Damage Repair and Appropriate \$125,000.00 from the Water Operations reserves and authorize the Administrative Services Director to make the necessary budget adjustment for this project.

Motion Botts/Machisic to approve Consent Item No. 1, adopting Resolution No. 2011-03UA. Mayor Hanna opened the item for public comments. There were none. **Motion carried, all in favor.**

Mayor Hanna adjourned the Joint Meeting of the Banning City Council and the Banning Utility Authority and Reconvene Regular City Council Meeting.

REPORTS OF OFFICERS

1. Discuss Membership to the National League of Cities

Mr. Burk said that this was going to be an oral report from the City Manager but he asked the City Attorney to comment on it.

City Attorney said that as you all know we have the League of California Cities which is an agency consisting of virtually all cities in California which is a lobby organization for cities with Sacramento and also develop information programs useful to cities to use as a forum for exchanging information. At the national level there is an organization called the National League of Cities and it does consist of cities throughout the United States. The membership by California cities is not as extensive in the National League as it is in the state association. It does hold conferences and provides information and does lobbying more on a national level. So they do provide for membership by different cities. We have checked the cost which is a little over \$1,800.00 dollars for an annual membership. There is an additional 5% charge which adds up to be about another \$100.00 and that is for legal affairs. It goes to the legal affairs committee and supports the activities in terms of any kind of litigation that the National League assists with and so forth. This additional 5% is voluntary. The City has some years in the past been a member of the National League and some years has not.

Councilmember Franklin asked what is the value for the \$1,800 or \$1,900 dollars that we are talking about for the City.

City Attorney said that they represent probably 14 different cities and a minority of those cities are in the National League. He thinks particularly for cities, for example, in Palm Springs where we had an airport and there were a lot of federal issues involving the airport there can be issues why a city would want to be in the National League. There are issues that come up that have state wide impact and the National League helps and provides an

association and voice on that but for an awful lot of the smaller cities those kinds of issues are kind of hit and miss. He said it is a judgment call as to how useful that is.

Councilmember Robinson said that this was voted in before he was on the Council but he felt that since we are a member and paying this money out we should take advantage of that. He said that he brought back a lot of grant information, and information on bidders that are available. He said reflecting back on the value to the City at this point he doesn't see it as a big strong point from this point forward until the economy comes back and we can take advantage of those kinds of grants. It has brought us some rewards but there are other ways to get these rewards. He said that going into the future at this point in time he would not support National League of Cities right now.

Motion Botts/Robinson not to renew our membership in the National League of Cities for the coming year.

Councilmember Machisic said that several weeks ago he brought up the comment about the cost of representation at different kinds of meetings and conferences and almost without exception the National Conference always has a convention at a city that is far away from us and so the expenses are relatively high. Also in regards to the \$1,800 or \$1,900 dollars he thinks that it is important with our financial situation that we evaluate everything that we are spending money on and he would certainly agree with Councilmember Botts in not supporting our continued membership in the National League of Cities.

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

Motion carried, all in favor.

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

City Council

Councilmember Robinson –

- He stated that he has checked with the City Attorney and he will not stay for the Study Session regarding the East Ramsey Street Monument since he owns property in the middle of that project.

Councilmember Machisic -

- He stated that the Pass Area Zone Committee has met and they have approved \$250,000 dollars for the Highland Springs construction. Also they have allocated \$767,000 for engineering on the I-10 bypass.
- At the meeting held yesterday there were three reports: 1) California Regional Progress Report by the Dept. of Transportation Strategic Growth Council, Applied Economics and others and in it they summarize everything that has been accomplished in California; 2) Report by SCAG (Southern California Association of Governments) and it talks about Southern California's Road to Economic Recovery and in it they talk about myths where they talked about a business flight from California is not significant and it says, "According

to Dun & Bradstreet, 2,565 businesses with 3 or more employees have relocated to other states since January 2007. Approximately 109,000 jobs left with these employers." And they go through and cover a number of areas and make some recommendations that they would hope the State legislature would carry out; 3) WRCOG (Western Riverside Council of Governments) has contacted the UCI Environmental Institute regarding Sustainable Science Teams – Sustainability Benchmark Study and they have a interdisciplinary team of five PhD students from UC Irvine with the goal of understanding how to incorporate sustainable practices into local decision-making. This is an outline of what they are planning to do. Also, there are some interesting sessions being sponsored by WRCOG including things like Long Beach Harbor Port Tour. He will give these items to the City Clerk for distribution to the Council.

Councilmember Botts –

- As your representative to the Transportation Commission he wanted to update the Council that we have approved a \$1.5 billion dollar project proposing to add additional lanes on the 91 Freeway connecting with Orange County with HOV lanes and the general purpose lanes through Corona and through Riverside. It is a major project that will impact all of us and it is a toll road with it being the first toll road in Riverside County and will be a design build.

Councilmember Franklin –

- At the Transportation NOW Meeting there was a presentation by Southern California Association of Governments (SCAG) about the Regional Transportation Plan and she will pass that around to the Council.
- She also participated in a forum on California Speaks which is a non-profit, non-partisan group that talked about the Affordable Health Plan. The whole purpose of the meeting was to find out how much people knew and then once people knew more about it whether or not they were for it or against it. She has a one-page handout of information on this but it was a 80-page power-point presentation but what they really showed out of four hours was that the more people knew, the more they were in favor of it.

Mayor Hanna -

- Pass Area Performing Artists are presenting "Golf – The Musical" being produced at the Banning Women's Clubhouse, 175 W. Hays Street and you can call 722-5526 for more information. They will have Friday, Saturday, and Sunday performances and tickets are \$10.00 per person.
- She and Councilmember Franklin attended the Nicolet Middle School Black History Month Celebration. The speaker was one of four African-Americans who have held a general manager position of a Major League Baseball Team and he did not come as a baseball player but as a professional in management. He talked about three issues: 1) taking advantage of opportunity, 2) being accountable through taking ownership and being responsible for what you do; and 3) over delivery, exceed expectations. She said she thought that sounds like a pretty good definition of the job of the City Council to take advantage of opportunities that come our way, to take ownership and be accountable for what happens and exceed expectations of our residents. In addition to his terrific presentation, there were several students who gave readings of various speeches of African-Americans in American history.

- She said as you all know the City cannot afford to have our Fourth of July fireworks and we haven't done it for the last two years and she wanted to raise something for the community, if the Council doesn't object, that it is conceivable that some community groups might get together and produce a fireworks show on July 4th. Maybe they would charge admission or something for it but if there is no objection, she would like to make that invitation and they would need to work with Heidi Meraz, Community Services Director, as well as, the staff. Now is the time and these orders for fireworks have to be in by March generally speaking. There was no objection by the Council.

City Committee Reports – There were none.

Report by City Attorney – Noting to report at this time.

Report by City Manager

Mr. Burk said that tomorrow night, February 9th at 6:00 p.m. in the Council Chambers there will be a presentation by Pearlman/Frost developers on the Village at Paseo San Gorgonio.

Mayor Hanna said that they are seeking comments from the public on this item.

ITEMS FOR FUTURE AGENDAS

New Items –

Councilmember Machisic said we had a discussion and he reported back to the Council that WRCOG had eliminated the 50% TUMF fee and that they had gone back to 100%. They provided the opportunity for individual cities to continue or to go back to the 100%. As he recalls we adopted ours a little later on the calendar so we have to at some point in time consider what we are going to do and he would image that is coming up within the next month so he would like to see it put on the agenda for discussion by the Council. Also, in regards to Councilmember Franklin representing us on San Gorgonio Pass Water Agency he has heard some rumors about some actions that they are planning and we have not had a report back from the water agency for quite a long time and he would like to have a report back to the Council on what they are planning. **There was Council consensus.**

Councilmember Botts said that we voted to not continue our 50% reduction of development fees sometime back. Mayor Hanna said that the City Clerk can check on this and if we have voted on it already, we don't have to bring it back.

Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials
2. Schedule Meeting with Banning Library Board (*City Clerk – Check Dates*)
3. Update on Economic Development Plan
4. Review of Fees and Rates
5. Consideration of Speaker Cards
6. Annual Review of Pledge of Civility and Code of Conduct

7. Discuss Council Attendance/Costs to Attend Various Events

City Clerk said that in regards to Pending Item No. 2 she contacted the library on January 31st with some dates and they have confirmed the date of March 1, 2011 to have a joint meeting with the Council at 5:00 p.m. in the City Council Chambers. Councilmember Botts said that he will be out of the state on that date. Mayor Hanna asked the other Councilmembers if they were available and they said yes. She said that they will then move forward with the joint meeting and if anybody has any items that they would like on that agenda please let her know so that we can put the agenda together for that meeting.

ADJOURNMENT

Mayor Hanna said that the City Council will adjourn this meeting and will now meet in a Study Session.

By common consent the meeting adjourned the meeting at 5:42 p.m.

Marie A. Calderon, City Clerk

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

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

02/15/2011
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Hanna on February 15, 2011 at 4:00 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Botts
Councilmember Franklin
Councilmember Machisic
Councilmember Robinson
Mayor Hanna

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Andy Takata, City Manager
Heidi Meraz, Community Services Director
Marie A. Calderon, City Clerk

INTERVIEWS

1. Candidate Interviews for City of Banning Parks and Recreation Advisory Committee.

Mayor Hanna went over the process that they would be using this evening for the interview process.

The candidates present were Leroy Miller, Shaun Wells, Frank Mott and Veronica Topete. The City Council asked each of the candidates questions in regards to what motivated them to apply for this committee, their experience and background, the unique challenges and opportunities facing the City over the next 3 to 5 years specific to Parks and Recreation and how they may be able to address these challenges and opportunities, their understanding of the Parks and Recreation Advisory Committee and what they would hope to accomplish while on this committee. The candidates also had an opportunity to ask the Council questions.

ADJOURNMENT

By common consent the meeting adjourned at 5:47 p.m.

Marie A. Calderon, City Clerk

CITY COUNCIL AGENDA

Date: February 22, 2011

TO: City Council

FROM: June Overholt, Administrative Services Director

SUBJECT: Approval of Accounts Payable and Payroll Warrants for Month of November 2010

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

FISCAL DATA: The reports in your agenda packet cover "Expenditure Disbursements" and "Payroll Expenses" for the month of November 2010.

The reports are:

Expenditure approval lists

November 4, 2010	896,018.96
November 9, 2010	585,554.11
November 18, 2010	344,303.72
November 18, 2010	38,306.87
November 24, 2010	95,806.01
November 24, 2010	509,616.71

February 05, 2011 3,272,369.01 (November Month End)

Payroll check registers

November 5, 2010	6,163.15
November 19, 2010	6,043.02

Payroll direct deposits*

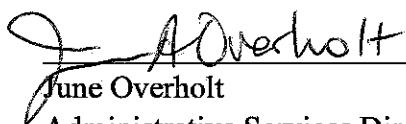
November 5, 2010	284,138.13
November 19, 2010	316,149.59

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

* Included on the November month end expenditure approval list of 2/05/2011.

Report Prepared by: Melissa Rodriguez, Accountant

RECOMMENDED BY:


June Overholt
Administrative Services Director

APPROVED BY:

Andy Takata
City Manager

CITY COUNCIL AGENDA

Date: February 22, 2011

TO: City Council

FROM: June Overholt, Administrative Services Director

SUBJECT: Approval of Accounts Payable and Payroll Warrants for Month of December 2010

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

FISCAL DATA: The reports in your agenda packet cover "Expenditure Disbursements" and "Payroll Expenses" for the month of December 2010.

The reports are:

Expenditure approval lists	
December 2, 2010	107,613.64
December 9, 2010	668,829.15
December 16, 2010	383,639.14
December 16, 2010	(3.96)
December 22, 2010	271,396.98
December 29, 2010	499,437.01

February 07, 2011 3,620,622.83 (December Month End)

Payroll check registers	
December 3, 2010	8,267.39
December 17, 2010	7,951.96
December 31, 2010	6,113.88

Payroll direct deposits*	
December 3, 2010	317,607.18
December 17, 2010	299,639.68
December 31, 2010	303,491.60

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

* Included on the December month end expenditure approval list of 2/07/2011.

⁽¹⁾ Due to Positive Pay reporting, manual checks must be recorded in the accounting system separately from the weekly check register.

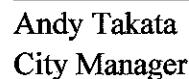
Report Prepared by: Melissa Rodriguez, Accountant

RECOMMENDED BY:



June Overholt
Administrative Services Director

APPROVED BY:



Andy Takata
City Manager

Fund/Department Legend:

General Fund – 001

Departments

0001 – General
1000 – City Council
1200 – City Manager
1300 – Human Resources
1400 – City Clerk
1500 – Elections
1800 – City Attorney
1900 – Fiscal Services
1910 – Purchasing & A/P
2060 – TV Government Access
2200 – Police
2210 – Dispatch
2300 – Animal Control

2400 – Fire
2700 – Building Safety
2800 – Planning
3000 – Engineering
3200 – Building Maintenance
3600 – Parks
4000 – Recreation
4010 – Aquatics
4050 – Senior Center
4060 – Sr. Center Advisory Board
4500 – Central Services
4800 – Debt Service
5400 – Community Enhancement

All Other Funds

003 - Riverside County MOU
100 – Gas Tax Street Fund
101 – Measure A Street Fund
103 – SB 300 Street Fund
104 – Article 3 Sidewalk Fund
110 – CDBG Fund
111 – Landscape Maintenance
132 – Air Quality Improvement Fund
140 – Asset Forfeiture-Police Fund
144 – Local Law Enforcement Block Grant
146 – San Gorgonio Gang Task Force
148 – Supplemental Law Enforcement
149 – Public Safety Sales Tax Fund
150 - State Park Bond Fund
200 – Special Donation Fund
201 – Sr. Center Activities Fund
202 – Animal Control Reserve Fund
203 – Police Volunteer Fund
204 – D.A.R.E. Donation Fund
300 – City Administration COP Debt Service
360 – Sun Lakes CFD #86-1
365 – Wilson Street #91-1 Assessment Debt
370 – Area Police Computer Fund
375 – Fair Oaks #2004-01 Assessment Debt
376 – Cameo Homes
400 – Police Facilities Development
410 – Fire Facility Development
420 – Traffic Control Facility Fund
421 – Ramsey/Highland Home Road Signal
430 – General Facilities Fund
441 - Sunset Grade Separation Fund
444 - Wilson Median Fund
451 – Park Development Fund

470 – Capital Improvement Fund
475 – Fair Oaks #2004-01 Assessment District
600 – Airport Fund
610 – Transit Fund
660 – Water Fund
661 – Water Capital Facilities
662 – Irrigation Water Fund
663 – BUA Water Capital Project Fund
669 – BUA - Water Debt Service
670 – Electric Fund
672 – Rate Stability Fund
673 – Electric Improvement Fund
674 - '07 Elec Revenue Bond Project Fund
675 – Public Benefit Fund
678 - '07 Elec Revenue Bond Debt Service Fund
680 – Wastewater Fund
681 – Wastewater Capital Facility Fund
683 – BUA Wastewater Capital Project Fund
685 – State Revolving Loan Fund
689 – BUA Wastewater Debt Service Fund
690 – Refuse Fund
700 – Insurance Fund
702 – Fleet Maintenance
703 – Information Systems Services
761 – Utility Billing Administration
810 – CRA – Low/Mod Fund
830 – CRA – Debt Service Fund
850 – CRA - Administration Fund
854 – CRA Low/Mod Bond Fund
855 - 2007 TABS Bond Proceeds
856 – 2003 TABS Bond Proceeds
857 – 2003 TABS Bond Proceeds Low/Mod
860 – CRA - Project Fund

CITY COUNCIL AGENDA

Date: February 22, 2010

TO: City Council

FROM: June Overholt, Administrative Services Director/Deputy City Manager

SUBJECT: Report of Investments for December 2010

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

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

BACKGROUND: This report includes investments on hand at the end of December 2010. As of December 31, 2010, the City's operating funds totaled \$65,345,794. Included in operating funds is \$2,735,337 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Treasurer's Report. As of December 31, 2010 approximately 44% of the City's unrestricted cash balances were invested in investments other than LAIF.

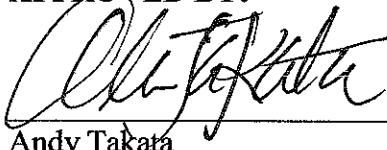
Presented are three months of Investment Reports. December is a first issue, while October and November are included to provide multiple months of statements for comparison.

FISCAL DATA: The latest reports from the State indicate that the average interest achieved by the Local Agency Investment Fund (LAIF) increased to 0.462 % in December. The average rate for all investments in December was 0.640%.

RECOMMENDED BY:


June Overholt
Administrative Services Director/
Deputy City Manager

APPROVED BY:


Andy Takata
City Manager

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

Wells Fargo Bank

Wells Fargo Bank-Investment Account

Bank of America-Airport

Bank of America-Parking Citations

Bank of America-CNG Station

Amount

2,305

InterestRateAmount

0.000% 1,870

0.100% 1,737,690

0.300% 3,681

0.300% 3,071

0.300% 3,047

Money Market and Bank Account Sub-Total

1,749,359

Government Pools

Local Agency Investment Fund: Account #1 0.462% 31,370,908

Account #2 Operating Amount 3,412,560

Account #2 CRA Bond Cash Bal 2,735,337

Local Agency Investment Fund: Account #2 0.462% 6,147,898

Government Pool Sub-Total

37,518,806

Operating Cash Balance**39,270,470**Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund 0.040%

740,510

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2 0.939%

25,334,813

Operating Funds Total**65,345,794****Fiscal Agent**

BNY Western Trust Company

US Bank

Amount

538,762

43,884,626

Fiscal Agent Total**44,423,388**

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City of Banning Investment Report

December 31, 2010

Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Cost	Discount or (Premium) Amortization	Market Value
<i>Bank Accounts</i>								
1,870	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	1,870	n/a	1,870
1,737,690	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	1,737,690	n/a	1,737,690
3,681	Bank of America-Airport	n/a	0.30%	daily	varies	3,681	n/a	3,681
3,071	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,071	n/a	3,071
3,047	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,047	n/a	3,047
	Sub-total							1,749,359
<i>Government Pools</i>								
31,370,908	L.A.I.F. account #1	n/a	0.462%	daily	varies	31,370,908	n/a	31,370,908
6,147,898	L.A.I.F. account #2	n/a	0.462%	daily	varies	6,147,898	n/a	6,147,898
								37,518,806
<i>Investments-US Bank/Piper Jaffray</i>								
2,000,000	FNMA MTN	n/a	0.750%	4/23/2013	10/5/2010	2,000,000		1,990,800
3,000,000	FNMA MTN	n/a	1.000%	10/21/2013	10/5/2010	3,000,000		2,959,890
2,000,000	Federal Home Loan Banks	n/a	1.625%	1/7/2013	4/7/2010	2,000,000		2,000,200
3,000,000	Federal Home Loan Banks	n/a	1.200%	8/5/2013	8/5/2010	3,000,000		3,006,420
4,000,000	FHLMC MTN	n/a	1.150%	4/26/2013	7/26/2010	4,000,000		4,001,600
4,000,000	FHLMC MTN	n/a	1.150%	9/3/2013	9/3/2010	4,000,000		3,990,360
3,000,000	FHLMC MTN	n/a	1.100%	12/9/2013	12/9/2010	3,000,000		2,980,800
4,404,743	Money Market	n/a	0.000%	daily	varies	4,404,743	0	4,404,743
	US Bank/Piper Jaffray Average Rate=		0.939%					25,334,813

Average Rate All= 0.640%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on July 27, 2010. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 324 days and does not include Bond Reserve Fund Investments.

City of Banning Investment Report

December 31, 2010

Individual Investments with Fiscal Agent

TRUSTEE		Bond Maturity Date	Investment Description	Current Yield	Bond Maturity Date	Minimum Reserve Requirement	Interest Dec-10	Market Value
<u>BNY WESTERN TRUST COMPANY</u>		2020	Republic Bank Investment Agreement Federated U.S. Treasury Money Mkt	6.270%	11/1/2020	522,375	*	522,562
				0.000%	daily			16,200
<u>US BANK</u>								
1991 Wilson St. Assessment District		2012	AIM U.S. Treasury Money Market US Bank Mmkt 4-Ct	0.200%	daily	265,580	4.50	265,603
2005 Fair Oaks Ranch Estates		2035	US Bank Mmkt 4-Ct	0.390%	daily		0.00	3
2003 CRA Tax Allocation Bonds		2028	U S Treasury Bill US Bank Mmkt 4-Ct	0.200%	7/29/2010	188,943	31.13	189,425
			US Bank Mmkt 4-Ct	0.200%	daily			988,504
Surplus Fund			US Bank Mmkt 4-Ct	0.200%	daily		0.02	20,749
				0.025%	daily			99
<u>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007</u>								8
Redevelop Fund		2037	US Bank Mmkt 4-Ct	0.200%	daily	1,958.99	11,919,231	
Reserve Fund			US Bank Mmkt 4-Ct	0.200%	daily	308.49	1,876,982	
Special Fund			US Bank Mmkt 4-Ct	0.200%	daily	0.02	145	
Surplus Fund			US Bank Mmkt 4-Ct	0.210%	daily			9
<u>BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</u>								
Bond Fund			US Bank Mmkt 4-Ct	0.140%	daily			7
Interest Account			US Bank Mmkt 4-Ct	0.230%	daily			9
Principal Account			US Bank Mmkt 4-Ct	0.190%	daily		0.01	52
			US Bank Mmkt 4-Ct	0.200%	daily		605.54	3,684,353
<u>BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</u>								
Bond Fund			US Bank Mmkt 4-Ct	0.200%	daily		0.01	44
Interest Account			US Bank Mmkt 4-Ct	0.210%	daily		0.01	38
Principal Account			US Bank Mmkt 4-Ct	0.200%	daily		0.02	135
Reserve Fund			US Bank Mmkt 4-Ct	0.200%	daily		379.97	2,311,891
Project Fund			US Bank Mmkt 4-Ct	0.200%	daily		689.17	4,193,186
<u>BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</u>								
Reserve Fund			US Bank Mmkt 4-Ct	0.200%	daily	98.16		55,197
Reliance Trust Company # 9AMGGBEZ7				3.650%	11/17/2011	2,961,500		3,016,509
Acquisition & Construction			US Bank Mmkt 4-Ct	0.200%	daily	3.63		0
Reliance Trust Co C D #7AMCD49F7			US Bank Mmkt 4-Ct	0.200%	daily	1,730.49		15,362,448
				0.500%	11/18/2010			0
Total							5,813.57	44,423,388
<i>*Paid Semi-Annually-Deposited into Money Mkt Account</i>								

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

	Interest		Amount
	Rate	Amount	
Wells Fargo Bank	0.000%	209,571	
Wells Fargo Bank-Investment Account	0.100%	1,519,846	
Bank of America-Airport	0.300%	3,494	
Bank of America-Parking Citations	0.300%	3,156	
Bank of America-CNG Station	0.300%	<u>3,316</u>	

Money Market and Bank Account Sub-Total 1,739,383

Government Pools

Local Agency Investment Fund: Account #1 0.454% 31,370,908

Account #2 Operating Amount 4,154,217

Account #2 CRA Bond Cash Bal 2,943,681

Local Agency Investment Fund: Account #2 0.454% 7,097,898

Government Pool Sub-Total 38,468,806

Operating Cash Balance 40,210,494

Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund 0.040% 1,072,592

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2 0.809% 25,401,673

Operating Funds Total 66,684,759

Fiscal Agent

	Amount
BNY Western Trust Company	<u>538,762</u>
US Bank	<u>44,822,244</u>

Fiscal Agent Total 45,361,006

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Operational Portfolio Individual Investments

Government Pools

31,370,908 L.A.I.F. account #1
7,097,898 L.A.I.F. account #2

Investments-US Bank/Piper Jaffray

2,000,000	FNMA MTN	n/a	0.750%	4/23/2013	10/5/2010	2,000,000	1,996,260
3,000,000	FNMA MTN	n/a	1.000%	10/21/2013	10/5/2010	3,000,000	2,978,430
2,000,000	Federal Home Loan Banks	n/a	1.625%	1/7/2013	4/7/2010	2,000,000	2,002,500
3,000,000	Federal Home Loan Banks	n/a	1.200%	8/5/2013	8/5/2010	3,000,000	3,012,180
4,000,000	FHLMC MTN	n/a	1.150%	4/26/2013	7/26/2010	4,000,000	4,003,560
4,000,000	FHLMC MTN	n/a	1.150%	9/3/2013	9/3/2010	4,000,000	4,004,000
7,404,743	Money Market	n/a	0.000%	daily	varies	7,404,743	0

IIS Bank/Piper Jaffray Average Rate

25 101 672
0 8009%

Average Rate All = 0.582%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City a period of six months. The weighted average maturity of the pooled investment portfolio is 280 days and does not include Bond Reserve Fund Investments.

Investments.

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City of Banning Investment Report

November 30, 2010

Individual Investments with Fiscal Agent

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

2,305

Bank Accounts

Wells Fargo Bank

InterestRate

0.000% 104,656

Wells Fargo Bank-Investment Account

0.100% 1,035,167

Bank of America-Airport

0.300% 7,007

Bank of America-Parking Citations

0.300% 3,465

Bank of America-CNG Station

0.300% 4,421

Money Market and Bank Account Sub-Total

1,154,716

Government Pools

Local Agency Investment Fund: Account #1 0.480% 31,370,908

Account #2 Operating Amount 6,344,477

Account #2 CRA Bond Cash Bal 3,053,421

Local Agency Investment Fund: Account #2 0.480% 9,397,898

*Government Pool Sub-Total*40,768,806**Operating Cash Balance****41,925,827**Restricted Operating Funds at Riverside Public Utilities

Highmark U.S. Government Money Market Fund 0.050%

1,018,644

Other Investments

Investments-US Bank/Piper Jaffray - See Page 2 1.031%

25,412,888

Operating Funds Total**68,357,360****Fiscal Agent**BNY Western Trust Company
US BankAmount
927,597
45,658,482***Fiscal Agent Total*****46,586,079**

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City of Banning Investment Report

October 31, 2010

Operational Portfolio Individual Investments

Par Value	Investment Description	Coupon Rate	Interest Rate	Maturity Date	Purchase Date	Purchase Cost	Discount or (Premium) Amortization	Market Value
<u>Bank Accounts</u>								
104,656	Wells Fargo Bank-Operating	n/a	0.00%	daily	varies	104,656	n/a	104,656
1,035,167	Wells Fargo Bank-Investment Acct	n/a	0.10%	daily	varies	1,035,167	n/a	1,035,167
7,007	Bank of America-Airport	n/a	0.30%	daily	varies	7,007	n/a	7,007
3,465	Bank of America-Parking Citations	n/a	0.30%	daily	varies	3,465	n/a	3,465
4,421	Bank of America-Parking Citations	n/a	0.30%	daily	varies	4,421	n/a	4,421
	Sub-total							1,154,716
<u>Government Pools</u>								
31,370,908	L.A.I.F. account #1	n/a	0.480%	daily	varies	31,370,908	n/a	31,370,908
9,397,898	L.A.I.F. account #2	n/a	0.480%	daily	varies	9,397,898	n/a	9,397,898
								40,768,806
<u>Investments-US Bank/Piper Jaffray</u>								
2,000,000	FNMA MTN	n/a	0.750%	4/23/2013	10/5/2010	2,000,000	2,001,260	
3,000,000	FNMA MTN	n/a	1.000%	10/21/2013	10/5/2010	3,000,000	2,999,070	
2,000,000	Federal Home Loan Banks	n/a	1.625%	1/7/2013	4/7/2010	2,000,000	2,004,380	
3,000,000	FHLMC MTN	n/a	1.875%	5/10/2013	5/10/2010	3,000,000	3,001,110	
3,000,000	Federal Home Loan Banks	n/a	1.200%	8/5/2013	8/5/2010	3,000,000	3,016,890	
4,000,000	FHLMC MTN	n/a	1.150%	4/26/2013	7/26/2010	4,000,000	4,006,120	
4,000,000	FHLMC MTN	n/a	1.150%	9/3/2013	9/3/2010	4,000,000	4,007,440	
4,376,618	Money Market	n/a	0.000%	daily	varies	4,376,618	0	4,376,618
	US Bank/Piper Jaffray Average Rate=							25,412,888
								Average Rate All= 0.681%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on July 27, 2010. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 322 days and does not include Bond Reserve Fund Investments.

City of Banning Investment Report

October 31, 2010

Individual Investments with Fiscal Agent

TRUSTEE	Bond	Maturity Date	Investment Description	Current Yield	Bond Maturity Date	Minimum Reserve Requirement	Interest Oct-10	Market Value	10/31/2010
BONY WESTERN TRUST COMPANY									
1997 Admin Building COPs Refunding	2020		Republic Bank Investment Agreement Federated U.S. Treasury Money Mkt	6.270% 0.010%	11/1/2020 daily	522,375	*	522,562	
US BANK								405,035	
1991 Wilson St. Assessment District	2012	AIM U.S. Treasury Money Market		0.200%	daily	265,580	4.50	265,594	
		US Bank Mmkt 4-Ct		0.390%	daily		1.28	3	
2005 Fair Oaks Ranch Estates	2035	US Bank Mmkt 4-Ct		0.200%	daily	188,943	31.78	189,362	
2003 CRA Tax Allocation Bonds	2028	U S Treasury Bill		0.870%	7/29/2010	971,763		989,739	
		US Bank Mmkt 4-Ct		0.200%	daily		3.41	20,742	
		US Bank Mmkt 4-Ct		0.200%	daily		0.02	99	
		US Bank Mmkt 4-Ct		0.025%	daily			8	
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007									
Redevelop Fund	2037	US Bank Mmkt 4-Ct		0.200%	daily		1,958.34	11,915,248	
Reserve Fund		US Bank Mmkt 4-Ct		0.200%	daily		308.39	1,876,355	
Special Fund		US Bank Mmkt 4-Ct		0.200%	daily		0.02	145	
Surplus Fund		US Bank Mmkt 4-Ct		0.200%	daily			9	
BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES									
Bond Fund		US Bank Mmkt 4-Ct		0.200%	daily		0.00	133,746	
Principal Account		US Bank Mmkt 4-Ct		0.200%	daily		21.80	265,022	
		US Bank Mmkt 4-Ct		0.200%	daily		605.34	3,683,122	
BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES									
Bond Fund		US Bank Mmkt 4-Ct		0.200%	daily		0.00	811,069	
Principal Account		US Bank Mmkt 4-Ct		0.200%	daily		56.34	685,056	
Reserve Fund		US Bank Mmkt 4-Ct		0.200%	daily		380.72	2,311,118	
Project Fund		US Bank Mmkt 4-Ct		0.200%	daily		688.94	4,191,784	
BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES									
Reserve Fund		US Bank Mmkt 4-Ct		0.200%	daily		0.03	171	
Acquisition & Construction		Reliance Trust Company # 9AMGGBEZ7		3.650%	11/17/2011	2,961,500		3,016,509	
		US Bank Mmkt 4-Ct		0.190%	daily		0.01	41	
		US Bank Mmkt 4-Ct		0.200%	daily		1,267.70	7,303,541	
		Reliance Trust Co C D #7AMCD49F7		0.500%	11/18/2010			8,000,000	
Total								5,328.62	46,586,079
*Paid Semi-Annually-Deposited into Money Mkt Account									

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**CITY COUNCIL AGENDA
CONSENT CALENDAR**

DATE: **February 22, 2011**

TO: **City Council**

FROM: **June Overholt, Administrative Services Director/Deputy City Manager**

SUBJECT: **International Brotherhood of Electrical Workers Local 47- General and Utility Employees - Side Letter of Agreements**

RECOMMENDATION: Adopt Resolution No. 2011-12 and 2011-13 approving the Side Letter of Agreements between the City of Banning ("City") and the International Brotherhood of Electrical Workers Local 47 ("IBEW") which modify and clarify the IBEW MOUs governing both the Utility Unit employees and the General Unit employees for the period July 1, 2010 through June 30, 2011.

JUSTIFICATION: Section 3505.1 of the Meyers-Milias-Brown Act ("MMBA") (Gov't Code Sections 3500-3511) provides that: "If agreement is reached by the representatives of the public agency and a recognized employee organization or recognized employee organizations, they shall jointly prepare a written memorandum of such understanding, which shall not be binding, and present it to the governing body or its statutory representative for determination." Once approved by the governing body of the local agency, a memorandum of understanding becomes a binding agreement between the employee organization and the local government. *Thus, City Council approval of the proposed IBEW Side Letter of Agreements modifying the terms of existing IBEW MOUs is required by the MMBA in order to be binding on the parties.*

BACKGROUND: The City and IBEW entered into MOUs for both the General Employees Unit and the Meter Reading, Electric and Water Utility Employees Unit dated February 7, 2008 for the period October 1, 2007 through September 30, 2010. Thereafter, the City and IBEW entered into Side Letters of Agreement approved by the City Council on June 23, 2009 which modified the IBEW MOUs. These Side Letters extended the IBEW MOUs through September 30, 2011, changed the agreed upon hours of work, and eliminated the pay-for-performance compensation model effective July, 2010, among other changes. With the elimination of the pay-for-performance compensation model from the IBEW MOUs effective July 2010, the City and IBEW subsequently were required to meet and confer regarding what compensation and performance evaluation model would replace the pay-for-performance compensation model. They also negotiated additional alternative work schedules. The parties reached agreements relative to these issues as reflected in the attached IBEW Side Letter of Agreements 2010-2011, which in sum, replace the pay for performance model with a standard performance evaluation model for advancement within defined ranges and allow for a 4/10 alternative work schedule.

FISCAL DATA: The savings and/or expenses are already reflected in the 2010-2011 fiscal year budget.

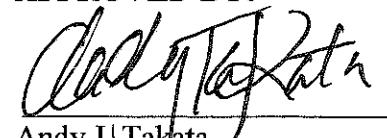
PREPARED BY:


Rita Chapparosa
Deputy Human Resources Director

RECOMMENDED BY:


June A. Overholt
Administrative Services Director

APPROVED BY:


Andy J. Takata
City Manager

RESOLUTION NO. 2011-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING APPROVING THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF BANNING AND INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS-LOCAL 47 REPRESENTING THE GENERAL EMPLOYEES UNIT

WHEREAS, the City of Banning ("City") has formally recognized the International Brotherhood of Electrical Workers -Local 47 ("IBEW") as the exclusive employee organization representing the General Employees Unit; and

WHEREAS, there exists a current Memorandum of Understanding ("MOU") between the City and IBEW governing the General Employees Unit which is effective through June 30, 2011; and

WHEREAS, Section 3505.1 of the Meyers-Milias-Brown Act ("MMBA") (Gov't Code Sections 3500-3511) provides that: "If agreement is reached by the representatives of the public agency and a recognized employee organization or recognized employee organizations, they shall jointly prepare a written memorandum of such understanding, which shall not be binding, and present it to the governing body or its statutory representative for determination"; and

WHEREAS, the parties eliminated a previous pay-for-performance compensation model effective July 1, 2010 from the current IBEW MOU without agreeing on a successor evaluation and compensation model, the City and IBEW subsequently met and conferred regarding what compensation and performance evaluation model would replace the pay-for-performance compensation model. The parties agreed to modify the hours of work to include the right of the City to implement a four/ten (4/10) work schedule for some or all IBEW represented employees. The City retains the right to maintain current work schedules or implement nine-eighty (9/80) work schedules as appropriate in its sole discretion which modify the terms of the existing MOU and reached the agreements reflected in the attached Side Letter and are deemed to require City Council approval.

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

SECTION 1:

1. That the City Council approves the Side Letter Of Agreement Between The City Of Banning And International Brotherhood Of Electrical Workers-Local 47 Representing The General Employees Unit, a copy of which is attached hereto and by this reference made a part hereof.

PASSED, APPROVED AND ADOPTED this 22nd day of February, 2011 at Banning, California.

Barbara Hanna, Mayor
City of Banning, California

APPROVED AS TO FORM AND
LEGAL CONTENT

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

ATTEST:

Marie A. Calderon
City Clerk of the City of Banning

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2011-12 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 22nd day of February, 2011, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**SIDE LETTER OF AGREEMENT
BETWEEN THE CITY OF BANNING AND
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS-LOCAL 47
GENERAL EMPLOYEES UNIT**

The City of Banning ("City") and the International Brotherhood of Electrical Workers, Local 47 ("IBEW") have met and conferred and reached the following agreements relative to wages, hours, and other terms and conditions of employment pursuant to the provisions of the Meyers-Milias-Brown Act ("MMBA") (California Gov't Code § 3500 et seq.). IBEW represents the General Employees Unit as its recognized employee organization. These agreements are meant to affect the General Employees Unit as well as their current memorandum of understanding.

The City and IBEW entered into a Memorandum of Understanding for the General Employees Unit dated February 7, 2008 for the period October 1, 2007 through September 30, 2010 ("IBEW General Unit MOU 2007-2010"). Thereafter, the City and IBEW entered into a Side Letter of Agreement approved by the City Council of the City of Banning on June 23, 2009 which modified the IBEW General Unit MOU 2007-2010. In that Side Letter, the IBEW General Unit MOU 2007-2010 was extended through September 30, 2011. Hours of work were also changed. In addition, the pay-for-performance compensation model was eliminated effective July, 2010, among other changes.

With the elimination of the pay-for-performance compensation model from the IBEW General Unit MOU 2007-2010 effective July 2010, the City and IBEW met and conferred regarding what compensation and performance evaluation model would replace the pay-for-performance compensation model. The parties have reached the following agreements relative thereto:

1. IBEW represented employees shall be subject to annual performance evaluations in the form provided herewith as Attachment A.
2. The IBEW General Unit MOU 2007-2010 and modifying Side Letter Agreement shall be further modified such that Article 14.1 and 14.3a through 14.3e, respectively, shall be replaced with the following provisions:

Wage Increases/Performance Evaluations - Assignment to Ranges — Commencing July 1, 2010, all employees are placed on ranges with defined steps as shown on the salary schedule provided herewith as Attachment B. Range minimum, mid-point and maximum are identical to current ranges. The salary table is calibrated in approximate 2.5% increments. Initially, employees will stay at current salary until their performance evaluation review date (after July 1, 2010) at which time assuming a satisfactory evaluation employee will move up to nearest defined step and then one (1) full step more, which represents at least a 2.5% increase. Subsequent annual increase for satisfactory performance will be two (2) steps or approximately 5%. Unit members will be evaluated using the new employee performance evaluation form.

- (a) No employee shall be granted a step increase unless and until such employee has obtained a satisfactory overall evaluation on the City approved employee evaluation form consistent with the applicable administrative policies of the City.
- (b) A first denial of a step increase shall not be an allowable subject of the exercise of employee rights under the grievance procedure outlined herein. However, an employee may upon request have such first denial reviewed by the Employee Relations Officer. Employee shall have the right to request a hearing with the Employee Relations Officer and to have a representative of his/her choice present. The decision of the Employee Relations Officer shall be final at this stage.

- (c) An employee denied a step increase shall thereafter have monthly meetings to review his/her performance with his/her supervisor and shall have the City approved employee evaluation form completed no later than six months after the date of the performance evaluation which led to the denial of the step increase. If the employee's overall performance is rated satisfactory, then the employee shall be granted the appropriate step increase effective the first pay period following the six month re-evaluation period. Such step increase shall not be retroactive.
- (d) If the employee's performance continues to be unsatisfactory after the six month re-evaluation period, the employee shall be given a final denial of step increase for the remainder of the regular evaluation period. After this final denial the monthly meetings to review his/her performance with his/her supervisor shall continue until the employee's next annual review. Denial of a step increase under this subsection shall be subject to review by an Evaluation Review Committee. The Evaluation Review Committee shall be comprised of the Employee Relations Officer, a non-evaluating Department Head selected by the employee, and an IBEW business representative. The Evaluation Review Committee shall make any adjustment to the evaluation that it deems justified by majority vote and its decision shall be final with no other right of appeal or grievance on the matter.
- (e) An employee at the top of his or her range shall have his or her performance evaluated at least annually within thirty (30) days of her/her anniversary date.

3. The IBEW General Unit MOU 2007-2010 and modifying Side Letter Agreement shall be further modified such that Article 11.1 - HOURS OF WORK shall include the right of the City to implement a four/ten (4/10) work schedule for some or all IBEW represented employees. The City retains the right to maintain current work schedules or implement nine-eighty (9/80) work schedules as appropriate in its sole discretion. The City shall provide at least two weeks (14 calendar days) notice of a change in work schedules.

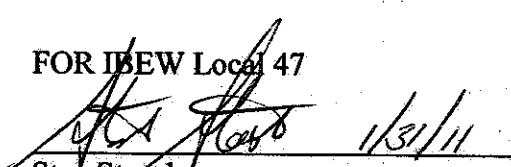
4. All other provisions of the IBEW General Unit MOU 2007-2010 and modifying Side Letter Agreements shall remain unchanged.

This Side Letter of Agreement constitutes a joint recommendation by the City Manager, the Employee Relations Officer and IBEW Local 47 to be submitted to the City Council for its ultimate determination and approval. It is agreed that this Side Letter of Agreement is of no force or effect unless or until approved by the City Council of the City of Banning.

FOR THE CITY OF BANNING

Andy Takata
City Manager

FOR IBEW Local 47


Stan Stesel
IBEW Local 47 Assistant Business Manager

Rita Chapparosa
Deputy Human Resources Director/Employee
Relations Officer



Proud History
Prosperous Tomorrow

City of Banning

Date: _____

Employee Performance Evaluation

Employee's Name: _____ Job Title: _____

Rating Period _____ to _____ Purpose of review: _____

TASK/ASSIGNMENT COMPLETION	
Quality of Work: Accuracy and completeness in the work that is done. Comments:	<input type="checkbox"/> Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory
Quantity of Work: The amount, pacing, and timeliness of completed work; meets deadlines. Comments:	<input type="checkbox"/> Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory
Technical Job Knowledge: Demonstrated specialized skills and abilities as defined and/or required by the employee's job description. Comments:	<input type="checkbox"/> Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory
WORKING RELATIONSHIPS	
Teamwork: Contributes to a positive work environment; builds and maintains effective working relationships; displays flexibility in adapting to change. Comments:	<input type="checkbox"/> Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory
Independence: Works with the appropriate level of supervision. Comments:	<input type="checkbox"/> Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory
Communication: Communicates clearly and fully verbally and in writing, uses correct volume and tone; keeps others informed. Comments:	<input type="checkbox"/> Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory
Customer Service: Responsive to both internal and external customers; demonstrates effective interpersonal skills; courteous and respectful of diversity. Comments:	<input type="checkbox"/> Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory

EXHIBIT "A"
TO Resolution No. 2011-12

WORK HABITS

Attendance: Follows attendance rules and procedures and meets City standards. Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Suitable Attire for the Job: Wears job appropriate clothing and does not create an unsafe working condition. Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Equipment Care and Operation: Uses equipment as intended in accordance with City policy; documents and reports problems. Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>

FOLLOWS THE RULES

Safety: Works in a safe manner, adheres to City safety rules and regulations, and reports unsafe conditions. Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Policies and Procedures: Is familiar with and follows all established rules and policies. Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Ethics: Demonstrates honesty, integrity and truthfulness; acts in a manner that builds public trust and credibility. Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>

AS NEEDED

Supervisory Effectiveness: Manages the performance of others to achieve results; completes performance appraisal in a timely manner Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Job Specific Items: Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>

OVERALL SUMMARY OF PERFORMANCE (Required): Comments:	Satisfactory	<input type="checkbox"/>
	Unsatisfactory	<input type="checkbox"/>

Note: Supporting written comments must be provided to justify any overall summary rating of Unsatisfactory.

<p style="text-align: center;">Development Plan (Required)</p> <p>Suggestions, plans and objectives that are offered to improve or enhance in specific areas. Training and other activities that would develop skills and help the employee become more effective.</p>		
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<p>- Employee's Comments - (Optional)</p>
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<p style="text-align: center;">- Verification -</p> <p>This Employee Performance Evaluation has been discussed with me and I have been given a copy of it.</p>	
Employee's Signature	Date
Supervisor's Signature	Date
Department Head Signature	Date

Note: You may meet with the Department Head to review this Employee Performance Evaluation.

Non-Management Employee Performance Evaluation Instructions

Employee Performance Evaluations for non-management employees are done a minimum of once a year for all full-time, regular employees. These evaluations are to be discussed with the employee privately in a face-to-face discussion. The attached Employee Performance Evaluation form is used to **summarize and record** both the performance of the employee and the discussions that are held between supervisor and employee for the period covered by the evaluation. As part of the process of continuous feedback, performance ratings should never be a surprise to an employee, and each employee must be given a copy of his/her Employee Performance Evaluation form.

Performance evaluations can be given for a variety of reasons. Annual evaluations are the most common, but performance evaluations can be given during probationary periods, after lengthy special projects, or as part of a performance improvement process. Regardless of the reason for a review, supervisors should ensure that the ratings are applied consistently and related to job performance.

Supervisors should rate the employee for each criterion and provide comments about specific behaviors and examples of incidents, which support the rating. The employee's performance should be described in the following manner:

Exceeds Job Requirements: This rating is used to indicate an area where the employee is consistently performing above what is normally expected and above the normal job requirements. Since a certain high level of performance is expected of all City of Banning employees, this rating should be used sparingly to indicate exceptional performance.

Meets Job Requirements: This rating is used to indicate an employee who is consistently doing a good job and consistently fulfilling their job requirements. An employee at this level is meeting the high level of performance expected of City employees. The employee is consistently meeting the agreed upon standards and job requirements of the employee's position.

Needs Improvement: This rating is used to indicate an area where the employee needs to improve in order to consistently meet their job standards, expectations and/or requirements. Every employee has strengths and weaknesses and this section can be used to indicate weaknesses or infrequent failures to consistently meet expectations. Any area checked here should be followed up with comments in the "development plan" section.

Unsatisfactory: This rating is used to show serious and/or consistent weaknesses in performance that impact the overall performance of the job. Any area of performance noted as "unsatisfactory" needs specific comments and directions set forth in the development section, and follow-up steps and review dates outlined.

Job Specific Items: Certain jobs require that the employee be rated in areas that are unique to that position. These are job specific items that can be made part of the performance evaluation and may include such things as:

- Special projects with objectives
- Items related to specific work areas such as "Maintains Security"

Development Plan: Maintaining and improving performance is a responsibility shared by both employees and their supervisors. All performance evaluation documents and discussions should address employee development. Employees will benefit most from the development discussion if at the end of the discussion they have two concrete ideas on how to improve their performance during the next rating period.

Verification: Performance evaluation reviews must be discussed face to face with employees and each should be given a copy of his/her evaluation. In some cases the supervisor's manager may want to review the evaluation form before it is discussed with the employee. **An employee's signature in the "verification" section does not indicate agreement with the Performance Evaluation.** It is intended to indicate that their performance has been discussed with them.

Overall Summary of Performance: For purposes of an employee receiving a merit increase, if warranted, they must have an overall "Satisfactory" rating. An employee who has an unsatisfactory rating in any single category will receive an "Unsatisfactory" overall rating and no merit increase will be warranted per this process.

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

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
01	Hourly Biweekly Annual	5,1500 412.00 10,712.00	5,2814 422.51 10,985.22	5,4161 433.28 11,265.41	5,5542 444.34 11,552.74	5,6959 455.67 11,847.41	5,8411 467.29 12,149.59	5,9901 479.21 12,459.48	6,1429 491.43 12,777.27	6,2996 503.97 13,103.16	6,4603 516.82 13,437.37	6,6251 530.00 13,780.11	6,7940 543.52 14,131.58
02	Hourly Biweekly Annual	5,2784 422.27 10,979.00	5,4130 433.04 11,259.03	5,5511 444.08 11,548.20	5,6926 455.41 11,840.70	5,8378 467.03 12,142.71	5,9867 478.94 12,452.42	6,1394 491.16 12,770.03	6,2980 503.68 13,095.75	6,4586 516.53 13,429.77	6,6213 529.70 13,772.31	6,7902 543.21 14,123.58	6,9634 557.07 14,483.82
03	Hourly Biweekly Annual	5,4108 432.85 11,254.00	5,5486 443.89 11,541.04	5,6801 455.21 11,835.41	5,8352 466.62 12,137.28	5,9841 478.73 12,446.86	6,1367 490.94 12,764.33	6,2932 503.46 13,089.89	6,4537 516.30 13,423.77	6,6183 528.47 13,766.15	6,7871 542.97 14,117.27	6,9603 556.82 14,477.35	7,1378 571.02 14,846.61
04	Hourly Biweekly Annual	5,5457 443.65 11,535.00	5,6871 454.97 11,829.21	5,8322 466.57 12,130.93	5,9809 478.47 12,440.34	6,1335 490.68 12,757.64	6,2899 503.19 13,083.04	6,4504 516.03 13,416.73	6,6149 529.19 13,758.94	6,7836 542.69 14,109.88	6,9566 556.53 14,469.76	7,1341 570.72 14,838.83	7,3160 585.28 15,217.31
05	Hourly Biweekly Annual	5,6846 454.77 11,824.00	5,8298 466.37 12,125.58	5,9783 478.26 12,434.86	6,1308 490.46 12,752.02	6,2872 502.97 13,077.27	6,4475 515.80 13,410.82	6,6120 528.96 13,752.88	6,7806 542.45 14,103.66	6,9536 556.28 14,463.39	7,1309 570.47 14,832.29	7,3128 585.02 15,210.60	7,4993 599.94 15,598.57
06	Hourly Biweekly Annual	5,8264 466.12 12,119.00	5,9751 478.00 12,428.11	6,1275 490.20 12,745.10	6,2837 502.70 13,070.17	6,4440 515.52 13,403.54	6,6084 528.67 13,745.41	6,7769 542.15 14,096.00	6,9498 555.98 14,455.54	7,1270 570.16 14,824.24	7,3088 584.71 15,202.35	7,4952 599.62 15,590.10	7,6884 614.91 15,987.74
07	Hourly Biweekly Annual	5,9721 477.77 12,422.00	6,1244 489.96 12,738.84	6,2807 502.45 13,063.75	6,4408 515.27 13,396.96	6,6051 528.41 13,738.66	6,7736 541.89 14,089.08	6,9464 555.71 14,448.43	7,1235 569.88 14,816.96	7,3052 584.42 15,194.88	7,4916 599.32 15,582.44	7,6828 614.61 15,979.88	7,8786 630.29 16,387.47
08	Hourly Biweekly Annual	6,1216 489.73 12,733.00	6,2778 502.22 13,057.77	6,4379 515.03 13,390.82	6,6021 528.17 13,732.37	6,7705 541.64 14,082.62	6,9432 555.45 14,441.81	7,1203 569.62 14,810.17	7,3019 584.15 15,187.92	7,4881 599.05 15,575.30	7,6791 614.33 15,972.56	7,8750 630.00 16,379.96	8,0758 646.07 16,787.75
09	Hourly Biweekly Annual	6,2745 501.96 13,051.00	6,4346 514.76 13,383.88	6,5987 527.89 13,725.25	6,7670 541.36 14,075.32	6,9398 555.17 14,434.33	7,1166 569.33 14,802.49	7,2981 583.85 15,180.04	7,4842 598.74 15,567.23	7,6751 614.01 15,984.28	7,8709 628.67 16,371.47	8,0717 645.73 16,789.04	8,2775 662.20 17,217.26
10	Hourly Biweekly Annual	6,4313 514.50 13,377.00	6,5953 527.62 13,718.19	6,7635 541.08 14,068.09	6,9360 554.88 14,426.91	7,1129 569.03 14,794.88	7,2943 583.55 15,172.24	7,4804 598.43 15,559.22	7,6712 613.70 15,956.08	7,8669 629.35 16,363.05	8,0675 645.40 16,780.41	8,2733 661.86 17,208.41	8,4843 678.74 17,647.33
11	Hourly Biweekly Annual	6,5923 527.38 13,712.00	6,7605 540.84 14,061.74	6,9329 554.63 14,420.40	7,1097 568.78 14,788.20	7,2911 583.28 15,165.39	7,4770 598.16 15,552.20	7,6677 613.42 15,948.87	7,8633 629.06 16,355.67	8,0639 645.11 16,772.83	8,2695 661.56 17,200.64	8,4805 678.44 17,639.36	8,6968 695.74 18,089.27
12	Hourly Biweekly Annual	6,7572 540.58 14,055.00	6,9296 554.36 14,413.49	7,1063 568.50 14,781.12	7,2876 583.00 15,158.12	7,4734 597.87 15,544.75	7,8641 613.12 15,941.23	8,0695 628.76 16,347.83	8,0600 644.80 16,764.80	8,2656 661.25 17,192.40	8,4764 678.11 17,630.91	8,6926 695.41 18,080.60	8,9163 713.14 18,541.77

EXHIBIT "B"
TO Resolution No. 2011-12

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City of Banning
Salary Schedule
2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
13 Hourly Biweekly Annual	6,9260 554.08	7,1026 588.21	7,2868 582.70	7,4696 587.56	7,6601 612.81	7,8555 628.44	8,0558 644.46	8,2613 660.90	8,4720 677.76	8,6881 695.05	8,9097 712.77	9,1369 730.95	9,3700 749.60
14 Hourly Biweekly Annual	14,4086.00 567.92	14,773.44 582.41	15,150.25 597.26	15,538.67 612.50	15,932.56 628.12	16,339.34 644.14	16,756.09 660.57	17,183.47 677.42	17,621.75 694.70	18,071.21 712.42	18,532.14 730.59	19,004.82 749.22	19,489.55 768.33
15 Hourly Biweekly Annual	14,766.00 582.12	15,142.62 596.96	15,528.85 612.19	15,924.93 627.80	16,331.11 643.82	16,747.65 660.24	17,174.82 677.08	17,612.88 694.35	18,062.11 712.06	18,522.80 730.22	18,985.25 748.84	19,479.74 767.94	19,976.59 787.53
16 Hourly Biweekly Annual	15,135.00 596.89	15,521.03 611.91	15,916.91 627.52	16,322.89 643.52	16,739.22 659.94	17,166.17 676.77	17,604.01 694.03	18,053.02 711.73	18,513.48 729.89	18,985.69 748.50	19,469.93 767.60	19,966.53 787.17	20,475.80 807.25
17 Hourly Biweekly Annual	15,514.00 611.62	16,307.60 627.22	16,723.54 643.21	17,150.09 659.62	17,587.52 676.44	18,036.11 693.70	18,496.13 711.39	18,967.90 729.53	19,451.69 748.14	19,947.83 767.22	20,456.62 786.79	20,978.38 806.86	21,513.46 827.44
18 Hourly Biweekly Annual	16,298.00 626.88	16,714.72 642.87	17,141.05 659.27	17,578.25 676.09	18,026.60 693.33	18,486.38 711.01	18,957.90 729.15	19,441.44 747.75	19,937.31 766.82	20,445.83 786.38	20,967.32 806.44	21,502.12 827.00	22,050.55 848.10
19 Hourly Biweekly Annual	16,707.00 642.58	17,133.13 658.97	17,570.13 675.77	18,018.27 693.01	18,477.84 710.69	18,949.14 728.81	19,432.46 747.40	19,928.10 766.47	20,436.39 786.01	20,957.64 806.06	21,492.18 826.62	22,040.36 847.71	22,602.52 869.33
20 Hourly Biweekly Annual	17,124.00 658.62	17,560.76 675.41	18,008.67 692.64	18,468.00 710.31	18,939.04 728.42	19,422.10 747.00	19,917.48 766.06	20,425.50 785.60	20,946.47 805.63	21,480.73 826.18	22,028.62 847.25	22,590.48 868.86	23,166.67 891.03
21 Hourly Biweekly Annual	17,552.00 675.08	17,998.68 692.30	18,458.78 709.95	18,929.59 728.06	19,412.41 746.63	19,907.54 765.67	20,415.30 785.20	20,936.02 805.23	21,470.01 825.77	22,017.62 846.83	22,579.21 868.43	23,155.11 890.58	23,745.71 913.30
22 Hourly Biweekly Annual	17,991.00 691.96	18,449.88 708.61	18,920.46 727.71	19,403.05 746.27	19,887.94 765.31	20,405.46 784.83	20,925.92 804.84	21,459.66 825.37	22,007.01 846.42	22,568.32 868.01	23,143.94 890.15	23,734.25 912.86	24,339.62 936.14
23 Hourly Biweekly Annual	18,441.00 709.27	18,911.36 727.36	19,393.71 745.91	19,888.37 764.94	20,395.64 784.45	20,915.85 804.46	21,449.33 824.87	21,996.42 846.02	22,557.46 867.59	23,132.81 889.72	23,722.83 912.42	24,327.91 935.69	24,948.41 959.55
24 Hourly Biweekly Annual	18,902.00 727.00	19,384.11 745.54	19,878.53 764.56	20,385.55 784.06	20,905.50 804.06	21,438.72 824.57	21,985.53 845.60	22,546.30 867.17	23,121.36 889.28	23,711.09 911.97	24,315.87 935.23	24,936.07 959.08	25,572.09 983.54

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

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<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>	
25	Hourly Biweekly Annual	9,3149 748.19 19,375.00	9,5525 764.20 19,869.18	9,7961 783.69 20,375.96	10,0460 803.68 20,895.67	10,3022 824.18 21,428.64	10,5650 845.20 21,975.20	10,8345 866.78 22,535.69	11,1108 888.86 23,110.49	11,3942 911.54 23,699.95	11,6848 934.79 24,304.44	11,9829 958.63 24,924.35	12,2885 983.08 25,560.07	12,6019 1,008.15 26,212.00
26	Hourly Biweekly Annual	9,5476 763.81 19,859.00	9,7911 783.29 20,365.52	10,0408 803.27 20,884.97	10,2970 823.76 21,417.66	10,5596 844.77 21,963.94	10,8289 866.31 22,524.15	11,1051 888.41 23,098.65	11,3884 911.07 23,687.80	11,6788 934.31 24,291.99	11,9767 958.14 24,911.58	12,2822 982.58 25,546.97	12,5955 1,007.64 25,198.57	12,9167 1,033.34 26,866.79
27	Hourly Biweekly Annual	9,7861 782.88 20,355.00	10,0357 802.85 20,874.17	10,2916 823.33 21,406.59	10,5541 844.33 21,952.59	10,8233 865.87 22,512.51	11,0994 887.95 23,086.71	11,3825 910.60 23,675.56	11,6728 933.82 24,279.43	11,9705 957.64 24,896.70	12,2759 982.07 25,533.77	12,5890 1,007.12 26,185.04	12,9101 1,032.80 26,852.91	13,2393 1,059.15 27,537.82
28	Hourly Biweekly Annual	10,0308 802.46 20,864.00	10,2866 822.93 21,396.16	10,5490 843.92 21,941.89	10,8180 865.44 22,501.54	11,0940 887.52 23,075.46	11,3769 910.15 23,964.02	11,6671 933.37 24,267.60	11,9647 957.18 24,886.57	12,2699 981.59 25,521.33	12,5828 1,006.63 26,172.27	12,9038 1,032.30 26,839.82	13,2329 1,058.63 27,524.40	13,5704 1,085.63 28,226.44
29	Hourly Biweekly Annual	10,2817 822.54 21,386.00	10,5440 843.52 21,931.47	10,8129 866.03 22,490.86	11,0887 887.10 23,064.51	11,3715 909.72 23,652.79	11,6616 932.93 24,256.08	11,9590 956.72 24,874.75	12,2640 981.12 25,508.21	12,5768 1,006.15 26,159.85	12,8976 1,031.81 26,827.08	13,2266 1,058.13 27,511.33	13,5640 1,085.12 28,213.04	13,9089 1,112.79 28,932.64
30	Hourly Biweekly Annual	10,5389 843.12 21,921.00	10,8077 864.62 22,480.12	11,0834 886.67 23,053.49	11,3661 909.29 23,641.50	11,6560 932.48 24,244.50	11,9533 956.26 24,862.88	12,2582 980.66 25,497.03	12,5708 1,005.67 26,147.36	12,8915 1,031.32 26,814.27	13,2203 1,057.62 27,498.20	13,5575 1,084.60 28,199.57	13,9033 1,112.28 28,918.82	14,2579 1,140.63 29,656.43
31	Hourly Biweekly Annual	10,8024 864.19 22,469.00	11,0778 886.23 23,042.09	11,3605 908.84 23,629.81	11,6502 932.02 24,232.51	11,9474 955.79 24,850.58	12,2521 980.17 25,484.42	12,5646 1,005.17 26,134.43	12,8851 1,030.81 26,801.01	13,2137 1,057.10 27,484.60	13,5508 1,084.06 28,185.62	13,8964 1,111.71 28,904.52	14,2508 1,140.07 29,641.76	14,6143 1,169.15 30,397.80
32	Hourly Biweekly Annual	11,0721 885.77 23,030.00	11,3545 908.36 23,617.40	11,6441 931.53 24,837.54	11,9411 955.29 25,471.04	12,2457 979.66 26,120.71	12,5580 1,004.64 26,786.94	12,8783 1,030.27 27,470.17	13,2068 1,056.55 28,170.83	13,5437 1,083.49 28,889.35	13,8891 1,111.13 29,626.20	14,2434 1,139.47 30,381.85	14,6067 1,168.53 31,156.77	14,9792 1,198.34 31,936.03
33	Hourly Biweekly Annual	11,3490 907.92 23,606.00	11,6385 931.08 24,208.09	11,9354 954.83 24,825.55	12,2398 979.18 25,458.75	12,5520 1,004.16 26,108.10	12,8721 1,029.77 26,774.01	13,2004 1,056.03 27,458.91	13,5371 1,082.97 28,157.22	13,8824 1,110.59 28,875.40	14,2365 1,138.92 29,597.10	14,5996 1,167.97 30,352.01	14,9720 1,197.76 31,126.17	15,3539 1,228.31 31,920.07
34	Hourly Biweekly Annual	11,6327 930.62 24,196.00	11,9294 954.35 24,813.14	12,2337 978.69 25,446.03	12,5457 1,029.26 26,760.63	12,8657 1,055.51 27,443.19	13,1938 1,082.43 28,143.16	13,5304 1,110.04 28,860.98	13,8755 1,138.35 29,597.10	14,2294 1,167.38 30,352.01	14,5923 1,197.16 31,126.17	14,9645 1,227.70 31,920.07	15,3462 1,259.01 32,734.22	15,7376 1,299.01 33,532.71
35	Hourly Biweekly Annual	11,9236 953.88 24,801.00	12,2277 978.21 25,433.57	12,5396 1,003.16 26,082.28	12,8594 1,028.75 26,747.54	13,1874 1,054.99 27,429.76	13,5237 1,081.90 28,129.38	13,8687 1,109.49 28,846.85	14,2224 1,137.79 29,582.62	14,5852 1,166.81 30,337.15	14,9572 1,196.57 31,110.93	15,3387 1,227.09 31,904.45	16,1311 1,258.39 32,718.20	16,5344 1,289.85 33,532.71
36	Hourly Biweekly Annual	12,2216 977.73 25,421.00	12,5334 1,002.67 26,069.39	12,8530 1,028.24 26,734.31	13,1809 1,054.47 27,416.20	13,5171 1,081.36 28,115.48	13,8618 1,108.95 28,567.99	14,2154 1,137.23 29,322.16	14,5780 1,166.24 30,095.55	14,9498 1,195.98 31,095.55	15,3311 1,228.49 31,888.68	15,7221 1,257.77 32,702.03	16,1231 1,289.85 33,532.63	16,5344 1,322.75 34,391.50

City of Banning
Salary Schedule
2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>	
37	Hourly	12,527.4	12,846.9	13,174.6	13,510.6	13,855.2	14,208.6	14,571.0	14,942.7	15,323.8	15,714.7	16,115.5	16,526.5	16,948.0
	Biweekly	1,002.19	1,027.75	1,053.97	1,080.85	1,108.42	1,136.69	1,165.68	1,195.41	1,225.90	1,257.17	1,288.24	1,322.12	1,355.84
38	Hourly	12,840.4	13,167.9	13,503.8	13,848.2	14,201.4	14,563.6	14,935.1	15,316.0	15,706.7	16,107.3	16,518.1	16,938.4	17,371.5
	Biweekly	1,027.23	1,053.43	1,080.30	1,107.85	1,136.11	1,165.09	1,194.81	1,225.28	1,256.53	1,288.58	1,321.45	1,355.15	1,389.72
39	Hourly	13,161.5	13,497.2	13,841.5	14,194.5	14,556.6	14,927.9	15,308.6	15,699.1	16,095	16,510.1	16,931.2	17,363.1	17,805.9
	Biweekly	1,052.92	1,079.78	1,107.32	1,135.56	1,164.53	1,194.23	1,224.69	1,255.93	1,287.96	1,320.81	1,354.50	1,389.05	1,424.48
40	Hourly	13,490.4	13,834.5	14,187.3	14,549.2	14,920.3	15,300.8	15,691.1	16,091.3	16,501.7	16,922.6	17,354.3	17,796.9	18,250.8
	Biweekly	1,079.23	1,106.76	1,134.99	1,163.94	1,193.62	1,224.07	1,255.29	1,287.31	1,320.14	1,353.81	1,388.34	1,423.75	1,460.07
41	Hourly	13,827.9	14,180.6	14,542.3	14,913.2	15,293.6	15,683.6	16,083.7	16,493.9	16,914.6	17,346.0	17,788.4	18,242.1	18,707.4
	Biweekly	1,106.23	1,134.45	1,163.38	1,193.05	1,223.48	1,254.69	1,286.69	1,319.51	1,353.17	1,387.68	1,423.08	1,458.37	1,496.59
42	Hourly	14,173.6	14,535.1	14,905.8	15,286.0	15,675.9	16,075.7	16,485.7	16,906.2	17,337.4	17,779.6	18,233.1	18,698.2	19,175.1
	Biweekly	1,133.88	1,162.81	1,192.46	1,222.88	1,254.07	1,286.06	1,318.88	1,352.50	1,386.99	1,422.37	1,458.65	1,495.85	1,534.01
43	Hourly	14,527.9	14,898.4	15,278.4	15,668.1	16,067.8	16,477.6	16,897.9	17,328.9	17,770.8	18,224.1	18,688.9	19,165.6	19,654.4
	Biweekly	1,162.23	1,191.87	1,222.27	1,253.45	1,285.42	1,318.21	1,351.83	1,386.31	1,421.67	1,457.93	1,495.11	1,533.25	1,572.36
44	Hourly	14,890.9	15,270.7	15,660.2	16,059.6	16,469.2	16,889.3	17,320.1	17,761.8	18,214.8	18,679.4	19,155.9	19,644.5	20,145.5
	Biweekly	1,191.27	1,221.65	1,252.81	1,284.77	1,317.54	1,351.14	1,385.60	1,420.95	1,457.19	1,494.35	1,532.47	1,571.56	1,611.64
45	Hourly	15,263.0	15,652.3	16,051.5	16,460.9	16,880.8	17,311.3	17,752.9	18,205.7	18,670.0	19,146.2	19,634.6	20,135.4	20,648.9
	Biweekly	1,221.04	1,252.18	1,284.12	1,316.87	1,350.46	1,384.91	1,420.23	1,456.45	1,493.60	1,531.70	1,570.77	1,610.83	1,651.92
46	Hourly	15,644.7	16,043.7	16,453.0	16,872.6	17,303.0	17,744.3	18,196.9	18,661.0	19,137.0	19,625.1	20,125.6	20,639.0	21,165.4
	Biweekly	1,251.58	1,283.50	1,316.24	1,349.81	1,384.24	1,419.54	1,455.75	1,492.88	1,530.96	1,570.01	1,610.05	1,651.12	1,693.23
47	Hourly	16,036.1	16,445.1	16,864.5	17,294.7	17,735.8	18,188.2	18,652.1	19,127.8	19,615.7	20,116.0	20,629.1	21,155.2	21,694.8
	Biweekly	1,282.88	1,315.61	1,349.16	1,383.57	1,418.86	1,455.05	1,492.16	1,530.22	1,569.25	1,609.28	1,650.33	1,692.42	1,735.59
48	Hourly	16,437.0	16,856.3	17,286.2	17,727.1	18,179.2	18,642.9	19,118.4	19,606.1	20,106.1	20,619.0	21,144.9	21,654.2	22,237.3
	Biweekly	1,314.96	1,348.50	1,382.90	1,418.17	1,454.34	1,491.43	1,529.47	1,568.49	1,608.49	1,649.52	1,691.59	1,734.74	1,778.98
	Annual	33,355.00	34,205.75	35,078.20	35,905.02	35,990.16	36,908.12	37,849.50	38,814.89	39,804.90	40,820.16	41,861.32	42,887.45	43,981.34
	Annual	34,189.00	35,061.02	35,955.29	36,872.37	37,812.83	38,777.29	39,766.34	40,780.62	41,820.77	42,887.45	43,981.34	45,103.13	46,253.53

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

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
49	Hourly	16,847.6	17,277.3	17,718.0	18,169.9	18,633.3	19,108.6	19,598.0	20,095.8	20,608.4	21,134.0	21,673.0	22,225.8
	Biweekly	1,347.81	1,382.18	1,417.44	1,453.59	1,490.67	1,528.69	1,567.68	1,607.66	1,648.67	1,690.72	1,733.84	1,778.07
50	Hourly	17,268.8	17,709.2	18,160.9	18,624.1	19,099.1	19,586.3	20,085.8	20,598.2	21,123.5	21,662.3	22,214.8	22,781.4
	Biweekly	1,381.50	1,416.74	1,452.87	1,489.93	1,527.93	1,568.90	1,606.87	1,647.85	1,689.88	1,732.88	1,777.19	1,822.52
51	Hourly	17,700.5	18,151.9	18,614.9	19,089.7	19,576.6	20,075.9	20,580.0	21,113.1	21,651.6	22,203.9	22,770.2	23,351.0
	Biweekly	1,416.04	1,452.16	1,489.19	1,527.18	1,568.13	1,606.08	1,647.04	1,689.05	1,732.13	1,776.31	1,821.62	1,868.08
52	Hourly	18,143.3	18,606.0	19,080.6	19,567.3	20,066.3	20,578.2	21,103.0	21,641.3	22,193.3	22,759.3	23,339.8	23,935.1
	Biweekly	1,451.46	1,488.48	1,526.45	1,565.38	1,605.31	1,646.25	1,688.24	1,731.30	1,775.46	1,820.75	1,867.19	1,914.81
53	Hourly	18,598.6	19,071.0	19,557.4	20,056.2	20,567.8	21,092.4	21,630.4	22,182.1	22,747.8	23,328.0	23,923.0	24,533.2
	Biweekly	1,487.73	1,525.68	1,564.59	1,604.50	1,645.42	1,687.39	1,730.43	1,774.56	1,821.99	1,879.40	1,934.56	1,994.84
54	Hourly	18,681.00	38,667.60	40,678.36	41,716.93	42,780.96	43,872.13	44,991.13	46,138.68	47,315.49	48,522.32	49,759.93	51,029.11
	Biweekly												52,330.65
55	Hourly	19,061.5	19,547.7	20,046.3	20,557.6	21,081.9	21,619.7	22,171.1	22,736.6	23,316.5	23,911.2	24,521.1	25,146.5
	Biweekly	1,524.92	1,563.82	1,603.70	1,644.61	1,688.56	1,729.57	1,773.69	1,818.93	1,865.32	1,912.90	1,961.69	2,011.72
56	Hourly	19,538.0	20,036.3	20,547.4	21,071.4	21,608.9	22,160.0	22,725.3	23,304.9	23,899.3	24,508.9	25,134.0	25,775.1
	Biweekly	1,563.04	1,602.91	1,643.79	1,685.72	1,728.71	1,772.80	1,818.02	1,864.39	1,911.94	1,960.71	2,010.72	2,062.01
57	Hourly	20,026.4	20,537.2	21,061.1	21,598.2	22,149.1	22,714.1	23,293.4	23,887.5	24,496.8	25,121.6	25,762.4	26,419.5
	Biweekly	1,602.12	1,642.98	1,684.88	1,727.86	1,771.93	1,817.13	1,863.47	1,911.00	1,959.74	2,009.73	2,060.99	2,113.56
58	Hourly	21,040.4	21,577.0	22,127.4	22,691.8	23,270.5	23,864.1	24,472.8	25,097.0	25,737.1	26,393.5	27,066.7	27,757.1
	Biweekly	1,683.23	1,726.16	1,770.19	1,815.34	1,861.64	1,909.13	1,957.82	2,007.76	2,058.97	2,111.48	2,165.34	2,220.57
59	Hourly	21,566.3	22,116.4	22,680.5	23,259.0	23,852.3	24,460.6	25,084.5	25,724.3	26,380.5	27,053.3	27,743.3	28,451.0
	Biweekly	1,725.31	1,769.31	1,814.44	1,860.72	1,908.18	1,956.85	2,006.76	2,057.95	2,110.44	2,164.26	2,219.47	2,276.08
60	Hourly	22,105.8	22,669.6	23,247.8	23,840.8	24,448.9	25,072.4	25,711.9	26,367.7	27,040.3	27,730.0	28,437.3	29,182.6
	Biweekly	1,768.46	1,813.57	1,859.82	1,907.26	1,955.91	2,005.80	2,056.96	2,109.42	2,163.22	2,218.40	2,274.98	2,333.01
	Annual	44,980.00	47,152.77	48,355.44	49,588.80	50,853.61	52,160.68	53,480.84	54,844.92	56,243.79	57,678.35	59,149.49	60,658.16

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City of Banning
Salary Schedule
2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
61	Hourly	22,6582	23,2361	23,8288	24,4395	25,0598	25,6890	26,3555	27,0267	27,7160	28,4229	29,1479	29,8913
	Biweekly	1,812.65	1,838.89	1,908.30	1,954.92	2,004.78	2,055.92	2,108.36	2,162.13	2,217.28	2,273.83	2,331.83	2,391.31
	Annual	47,128.00	48,331.07	49,563.80	50,827.88	52,124.40	53,453.88	54,817.28	56,215.45	57,649.28	59,119.68	60,627.59	62,173.95
62	Hourly	23,2245	23,8169	24,4244	25,0473	25,6862	26,3413	27,0132	27,7022	28,4088	29,1334	29,8764	30,6385
	Biweekly	1,857.96	1,905.35	1,953.95	2,003.79	2,054.89	2,107.31	2,161.06	2,216.18	2,272.70	2,330.67	2,390.11	2,451.08
	Annual	48,307.00	49,538.12	50,802.86	52,098.44	53,427.26	54,789.97	56,187.45	57,620.56	59,090.23	60,597.39	62,142.99	63,728.01
63	Hourly	23,8053	24,4125	25,0351	25,6737	26,3285	27,0000	27,6887	28,3949	29,1192	29,8619	30,6235	31,4046
	Biweekly	1,904.42	1,953.00	2,002.81	2,053.89	2,108.28	2,160.00	2,215.10	2,271.59	2,329.53	2,388.95	2,449.88	2,512.37
	Annual	49,515.00	50,777.93	52,073.07	53,401.25	54,763.30	56,160.09	57,592.51	59,061.47	60,567.89	62,112.73	63,696.98	65,321.63
64	Hourly	24,4005	25,0228	25,6611	26,3156	26,9868	27,6751	28,3810	29,1049	29,8472	30,6085	31,3892	32,1898
	Biweekly	1,852.04	2,001.83	2,052.89	2,105.25	2,158.94	2,214.01	2,270.48	2,328.39	2,387.78	2,448.68	2,511.14	2,575.19
	Annual	50,753.00	52,047.51	53,375.03	54,738.41	56,132.52	57,564.24	59,032.47	60,538.15	62,082.24	63,655.71	65,289.57	66,954.84
65	Hourly	25,0106	25,6485	26,3027	26,9736	27,6616	28,3671	29,0906	29,8326	30,5935	31,3738	32,1741	32,9947
	Biweekly	2,000.85	2,051.88	2,104.21	2,157.89	2,212.92	2,269.37	2,327.25	2,386.61	2,447.48	2,509.91	2,573.92	2,639.57
	Annual	52,022.00	53,348.87	54,709.59	56,105.01	57,536.03	59,003.54	60,508.48	62,051.81	63,634.51	65,257.57	66,922.03	68,628.94
66	Hourly	25,6356	26,2894	26,9600	27,6476	28,3528	29,0760	29,8176	30,5781	31,3580	32,1578	32,9781	33,8192
	Biweekly	2,050.85	2,103.16	2,156.80	2,211.81	2,268.22	2,326.08	2,385.41	2,446.25	2,508.64	2,572.63	2,638.25	2,705.54
	Annual	53,322.00	54,682.03	56,076.75	57,507.04	58,973.82	60,478.01	62,020.56	63,602.45	65,224.70	66,888.32	68,594.37	70,343.94
67	Hourly	26,2754	26,9466	27,6340	28,3388	29,0616	29,8028	30,5630	31,3425	32,1419	32,9618	33,8025	34,6647
	Biweekly	2,102.12	2,155.73	2,210.72	2,267.10	2,324.93	2,384.23	2,445.04	2,507.40	2,571.36	2,636.94	2,704.20	2,773.17
	Annual	54,655.00	56,049.03	57,478.62	58,944.67	60,448.11	61,989.90	63,571.01	65,192.46	66,855.25	68,560.46	70,309.17	72,102.47
68	Hourly	26,9337	27,6206	28,3251	29,0476	29,7835	30,5482	31,3274	32,1264	32,9459	33,7862	34,6479	35,5317
	Biweekly	2,154.59	2,209.65	2,266.01	2,323.81	2,383.08	2,443.86	2,506.19	2,570.12	2,635.67	2,702.89	2,771.83	2,842.53
	Annual	56,022.00	57,450.80	58,916.24	60,418.96	61,960.00	63,540.36	65,161.02	66,823.01	68,527.40	70,275.26	72,067.70	73,905.86
69	Hourly	27,6057	28,3109	29,0330	29,7735	30,5329	31,3117	32,1103	32,9293	33,7692	34,6305	35,5138	36,4196
	Biweekly	2,208.54	2,264.87	2,322.64	2,381.88	2,442.63	2,504.93	2,568.82	2,634.34	2,701.54	2,770.44	2,841.10	2,913.57
	Annual	57,422.00	58,886.61	60,386.57	61,928.84	63,508.40	65,128.24	66,789.40	68,492.93	70,239.91	72,031.45	73,866.69	75,752.78
70	Hourly	28,2971	29,0189	29,7590	30,5181	31,2964	32,0947	32,9133	33,7528	34,6137	35,4965	36,4019	37,3304
	Biweekly	2,263.77	2,321.51	2,380.72	2,441.44	2,503.72	2,567.58	2,633.06	2,700.22	2,769.09	2,839.72	2,912.15	2,986.43
	Annual	58,858.00	60,359.23	61,898.75	63,477.54	65,096.60	66,756.98	68,459.88	70,205.79	71,996.46	73,832.80	75,715.98	77,647.19
71	Hourly	29,0043	29,7441	30,5028	31,2808	32,0786	32,8968	33,7359	34,5963	35,4788	36,3837	37,3117	38,2634
	Biweekly	2,320.35	2,379.53	2,440.22	2,502.46	2,566.29	2,631.75	2,698.87	2,767.71	2,838.30	2,910.69	2,984.93	3,061.07
	Annual	60,329.00	61,867.75	63,445.75	65,064.00	66,723.52	68,425.37	70,170.63	71,960.40	73,795.82	75,678.06	77,608.30	79,587.78
72	Hourly	29,7298	30,4881	31,2657	32,0632	32,8810	33,7197	34,5797	35,4617	36,3662	37,2937	38,2450	39,2204
	Biweekly	2,378.38	2,439.05	2,501.26	2,565.06	2,630.48	2,697.57	2,766.38	2,836.94	2,909.29	2,983.50	3,059.60	3,137.63
	Annual	61,838.00	63,415.24	65,032.71	66,691.43	68,392.47	70,136.88	71,925.79	73,760.33	75,641.67	77,570.98	79,549.51	81,578.50

**City of Banning
Salary Schedule**

2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>	
73	Hourly	30,473.31	31,260.3	32,047.4	32,864.8	33,703.0	34,562.7	35,444.2	36,348.3	37,275.4	38,226.1	39,201.1	40,201.0	41,228.3
	Biweekly	2,437.85	2,500.03	2,553.79	2,629.18	2,696.24	2,765.01	2,835.54	2,907.86	2,982.03	3,058.09	3,136.09	3,216.08	3,298.11
	Annual	63,384.00	65,000.67	66,658.58	68,358.77	70,102.33	71,880.36	73,724.00	75,604.40	77,532.77	79,510.32	81,558.31	83,618.02	85,750.79
74	Hourly	31,234.6	32,031.3	32,848.3	33,668.1	34,545.3	35,428.4	36,330.0	37,256.6	38,209.9	39,181.4	40,180.8	41,205.6	42,256.6
	Biweekly	2,468.77	2,532.50	2,627.86	2,694.89	2,763.62	2,834.11	2,906.40	2,980.53	3,058.55	3,134.51	3,214.46	3,286.45	3,380.53
	Annual	64,968.00	66,625.07	68,324.41	70,067.10	71,854.23	73,686.94	75,586.40	77,493.80	79,470.35	81,497.32	83,575.99	85,707.68	87,893.74
75	Hourly	32,015.4	32,832.0	33,669.4	34,528.2	35,408.8	36,312.0	37,238.1	38,187.9	39,162.0	40,160.8	41,185.2	42,235.6	43,312.9
	Biweekly	2,561.23	2,628.56	2,693.56	2,762.25	2,832.71	2,904.98	2,979.05	3,055.03	3,132.96	3,212.87	3,294.81	3,378.85	3,465.03
	Annual	66,592.00	68,280.50	70,032.31	71,818.56	73,660.36	75,528.89	77,455.33	79,430.90	81,466.87	83,534.51	85,665.14	87,850.11	90,080.82
76	Hourly	32,815.9	33,652.9	34,511.2	35,391.5	36,294.2	37,219.9	38,169.2	39,142.7	40,141.1	41,165.0	42,214.9	43,291.6	44,395.8
	Biweekly	2,625.27	2,692.23	2,760.90	2,831.32	2,903.53	2,977.59	3,053.54	3,131.42	3,211.29	3,293.20	3,377.19	3,463.33	3,551.67
	Annual	68,257.00	69,997.96	71,783.33	73,614.24	75,491.84	77,417.34	79,391.94	81,416.91	83,493.53	85,623.12	87,807.02	90,046.63	92,343.36
77	Hourly	33,636.5	34,494.5	35,374.3	36,276.5	37,201.8	38,150.7	39,123.8	40,121.6	41,145.0	42,194.4	43,270.6	44,374.3	45,508.1
	Biweekly	2,690.92	2,755.56	2,829.94	2,902.12	2,976.15	3,052.05	3,129.80	3,209.73	3,291.60	3,375.55	3,461.65	3,549.94	3,640.49
	Annual	68,964.00	71,748.50	73,578.52	75,455.21	77,376.77	79,353.42	81,377.41	83,453.02	85,581.58	87,764.42	90,002.94	92,288.55	94,652.72
78	Hourly	34,477.4	35,356.8	36,258.6	37,183.4	38,131.8	39,104.4	40,101.8	41,124.8	42,173.6	43,249.2	44,352.3	45,483.6	46,643.7
	Biweekly	2,758.19	2,828.54	2,900.69	2,974.67	3,050.54	3,128.35	3,208.14	3,289.97	3,373.88	3,459.94	3,548.19	3,638.69	3,731.50
	Annual	71,713.00	73,542.11	75,417.88	77,341.49	79,314.16	81,337.14	83,411.73	85,539.23	87,720.98	89,958.40	92,252.88	94,605.89	97,018.90
79	Hourly	35,339.4	36,240.8	37,165.1	38,113.1	39,085.2	40,082.1	41,104.4	42,152.8	43,228.0	44,330.6	45,461.3	46,620.8	47,809.9
	Biweekly	2,827.15	2,899.26	2,973.21	3,049.05	3,126.82	3,206.57	3,288.35	3,372.23	3,458.24	3,545.45	3,636.90	3,729.66	3,824.79
	Annual	73,506.00	75,380.84	77,303.51	78,275.21	81,287.20	83,370.77	85,497.23	87,577.92	89,914.23	92,207.58	94,559.43	96,971.26	99,444.61
80	Hourly	36,222.6	37,146.5	38,093.9	39,056.6	40,062.0	41,083.8	42,131.7	43,206.3	44,308.3	45,438.4	46,597.4	47,785.9	49,004.7
	Biweekly	2,897.81	2,971.72	3,047.52	3,125.25	3,204.96	3,286.70	3,370.53	3,456.50	3,544.67	3,635.08	3,727.79	3,822.87	3,920.38
	Annual	75,343.00	77,264.70	79,235.41	81,256.39	83,328.92	85,454.30	87,633.90	89,869.09	92,161.29	94,511.96	96,922.58	99,394.69	101,929.85
81	Hourly	37,128.4	38,075.4	39,046.5	40,042.4	41,063.8	42,111.1	43,185.2	44,286.7	45,416.3	46,574.7	47,762.6	48,980.8	50,230.1
	Biweekly	2,970.27	3,046.03	3,123.72	3,203.39	3,285.10	3,368.89	3,454.82	3,542.94	3,633.30	3,725.97	3,821.01	3,918.47	4,018.41
	Annual	77,227.00	79,196.75	81,216.74	83,288.26	85,412.61	87,591.14	89,825.24	92,116.33	94,465.84	96,875.29	99,346.19	101,880.12	104,478.67
82	Hourly	38,056.3	39,026.9	40,022.3	41,043.1	42,090.0	43,163.5	44,264.5	45,393.5	46,551.3	47,738.6	48,956.2	50,204.9	51,485.4
	Biweekly	3,044.50	3,122.15	3,201.79	3,283.45	3,367.20	3,453.08	3,541.16	3,631.48	3,724.10	3,819.09	3,916.50	4,016.39	4,118.84
	Annual	79,157.00	81,175.88	83,246.45	85,369.74	87,547.18	89,780.16	92,070.09	94,418.43	96,826.66	99,296.33	101,828.98	104,426.23	107,089.72
83	Hourly	39,007.7	40,002.6	41,022.9	42,069.3	43,142.3	44,242.7	45,371.1	46,528.4	47,715.1	48,932.1	50,180.2	51,460.1	52,772.8
	Biweekly	3,120.62	3,200.21	3,281.83	3,365.54	3,451.38	3,539.41	3,629.69	3,722.27	3,817.21	3,914.57	4,014.42	4,116.81	4,221.81
	Annual	81,136.00	83,205.45	85,327.69	87,504.06	89,735.94	92,024.74	94,371.93	96,778.98	99,247.42	101,778.83	104,374.80	107,036.98	109,767.07
84	Hourly	39,983.2	41,003.0	42,048.8	43,121.3	44,221.2	45,349.1	46,505.7	47,691.9	48,808.3	50,155.8	51,435.1	52,747.0	54,092.3
	Biweekly	3,198.65	3,280.24	3,363.90	3,449.70	3,537.69	3,627.92	3,720.46	3,815.35	3,912.67	4,012.46	4,114.81	4,219.76	4,327.39
	Annual	83,165.00	85,286.21	87,461.52	89,692.31	91,980.00	94,326.04	96,731.92	99,199.17	101,729.34	104,324.05	106,984.94	109,713.70	112,512.06

City of Banning
Salary Schedule
2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
85	Hourly	40,9827	42,0280	43,1000	44,1993	45,3266	46,4827	47,6683	48,8841	50,1310	51,4096	52,7209	54,0656
	Biweekly	3,278.62	3,362.24	3,448.00	3,535.94	3,626.13	3,718.62	3,813.46	3,910.73	4,010.48	4,112.77	4,217.67	4,325.25
	Annual	85,244.00	87,418.23	89,647.92	91,934.48	94,279.36	96,684.05	99,150.08	101,679.00	104,272.42	106,932.00	109,659.40	112,456.38
86	Hourly	42,0072	43,0786	44,1774	45,3042	46,4597	47,6447	48,8600	50,1062	51,3842	52,6948	54,0388	55,4171
	Biweekly	3,360.58	3,446.29	3,534.19	3,624.34	3,716.78	3,811.58	3,908.80	4,008.49	4,110.74	4,215.68	4,323.11	4,433.37
	Annual	87,375.00	89,603.59	91,889.02	94,232.74	96,636.24	99,101.04	101,628.71	104,220.85	106,879.11	109,605.17	112,400.76	115,267.65
87	Hourly	43,0572	44,1554	45,2817	46,4366	47,6210	48,8356	50,0812	51,3586	52,6686	54,0119	55,3898	56,8023
	Biweekly	3,444.58	3,532.43	3,622.53	3,714.93	3,809.68	3,906.85	4,006.50	4,108.69	4,213.49	4,320.95	4,431.17	4,544.19
	Annual	89,559.00	91,843.29	94,185.85	96,588.15	99,051.73	101,578.14	104,168.99	106,825.93	109,550.63	112,344.83	115,210.30	118,148.85
88	Hourly	44,1337	45,2593	46,4137	47,5975	48,8116	50,0565	51,3333	52,6426	53,9853	55,3623	56,7743	58,2224
	Biweekly	3,530.69	3,620.75	3,713.10	3,807.80	3,904.92	4,004.52	4,106.66	4,211.41	4,318.82	4,426.88	4,541.95	4,657.79
	Annual	91,798.00	94,139.40	96,540.52	99,002.88	101,528.05	104,117.62	106,773.25	109,496.61	112,289.43	115,153.48	118,090.59	121,102.60
89	Hourly	45,2370	46,3908	47,5741	48,7875	50,0319	51,3080	52,6167	53,9587	55,3350	56,7463	58,1937	59,6780
	Biweekly	3,618.96	3,711.27	3,805.93	3,903.00	4,002.55	4,104.64	4,208.33	4,316.70	4,426.80	4,539.71	4,655.50	4,774.24
	Annual	94,083.00	96,492.94	98,954.08	101,478.01	104,066.31	106,720.62	109,442.64	112,234.08	115,096.72	118,032.38	121,042.91	124,130.24
90	Hourly	46,3683	47,5509	48,7638	50,0075	51,2830	52,5911	53,9324	55,3080	56,7187	58,1654	59,6490	61,1704
	Biweekly	3,709.46	3,804.08	3,901.10	4,000.60	4,102.64	4,207.28	4,314.60	4,424.64	4,537.50	4,653.23	4,771.92	4,893.63
	Annual	96,446.00	98,905.95	101,428.65	104,015.69	106,668.71	109,389.40	112,179.49	115,040.74	117,974.97	120,984.04	124,069.86	127,234.38
91	Hourly	47,5274	48,7396	49,9828	51,2577	52,5650	53,9058	55,2807	56,6907	58,1368	59,6194	61,1401	62,6995
	Biweekly	3,802.19	3,899.17	3,998.62	4,100.61	4,205.20	4,312.46	4,422.45	4,535.25	4,650.93	4,769.56	4,891.21	5,015.96
	Annual	98,857.00	101,378.45	103,964.21	106,615.92	109,355.26	112,123.97	114,983.80	117,916.58	120,924.16	124,008.46	127,171.41	130,415.04
92	Hourly	48,7154	49,9579	51,2321	52,5389	53,8789	55,2532	56,6625	58,1077	59,5988	61,1097	62,6683	64,2668
	Biweekly	3,897.23	3,986.63	4,098.57	4,203.11	4,310.31	4,420.25	4,533.00	4,648.61	4,767.18	4,888.77	5,013.47	5,141.34
	Annual	101,328.00	103,912.47	106,562.86	109,280.86	112,068.17	114,926.58	117,857.90	120,863.99	123,946.74	127,108.13	130,350.15	133,674.86
93	Hourly	49,9332	51,2068	52,5128	53,8522	55,2258	56,6344	58,0789	59,5603	61,0794	62,6373	64,2349	65,8733
	Biweekly	3,994.65	4,086.54	4,201.03	4,308.18	4,418.06	4,530.75	4,646.31	4,764.82	4,886.35	5,010.98	5,138.79	5,269.86
	Annual	103,861.00	106,510.08	109,226.72	112,012.68	114,869.66	117,799.52	120,804.12	123,865.35	127,046.17	130,285.58	133,608.64	137,016.47
94	Hourly	51,1817	52,4872	53,8259	55,1988	56,6067	58,0505	59,5311	61,0495	62,6067	64,2035	65,8411	67,5204
	Biweekly	4,094.54	4,198.97	4,306.07	4,415.90	4,528.54	4,644.04	4,762.49	4,883.86	5,008.53	5,136.28	5,267.29	5,401.63
	Annual	106,458.00	109,173.32	111,957.89	114,813.49	117,741.92	120,745.05	123,824.77	126,983.05	130,221.88	133,543.32	136,949.47	140,442.50
95	Hourly	52,4611	53,7981	55,1713	56,5785	58,0216	59,5015	61,0192	62,5755	64,1716	65,8083	67,4868	69,2082
	Biweekly	4,198.88	4,303.93	4,413.71	4,526.28	4,641.73	4,760.12	4,881.53	5,008.04	5,133.73	5,264.67	5,398.95	5,536.65
	Annual	109,119.00	111,902.19	114,756.37	117,683.34	120,684.97	123,763.16	126,919.87	130,157.09	133,476.87	136,881.33	140,372.63	143,952.97
96	Hourly	53,7726	55,1441	56,5506	57,9930	59,4722	60,9891	62,5447	64,1399	65,7759	67,4536	69,1740	70,9384
	Biweekly	4,301.81	4,411.53	4,524.05	4,639.44	4,757.77	4,879.13	5,003.57	5,131.19	5,262.07	5,396.28	5,533.92	5,675.07
	Annual	111,847.00	114,699.77	117,625.30	120,625.45	123,702.13	126,857.27	130,092.89	133,411.04	136,813.83	140,303.40	143,881.98	147,551.83

City of Banning
Salary Schedule

2.5506% Between Steps

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
97	Hourly	55,1173	56,5231	57,9848	59,4433	60,9594	62,5142	64,1087	65,7439	67,4208	69,1404	70,9039	72,7124
	Biweekly	4,409,38	4,521,85	4,637,18	4,755,46	4,876,75	5,001,14	5,128,70	5,259,51	5,393,66	5,531,23	5,672,31	5,816,99
98	Hourly	56,4952	57,9362	59,4139	60,9293	62,4834	64,0771	65,7114	67,3874	69,1062	70,8688	72,6764	74,5301
	Biweekly	4,519,62	4,634,89	4,753,11	4,874,34	4,998,67	5,126,16	5,256,91	5,390,99	5,528,50	5,669,51	5,814,11	5,962,41
99	Hourly	57,9072	59,3842	60,8988	62,4521	64,0450	65,6786	67,3538	69,0717	70,8334	72,6401	74,4929	76,3929
	Biweekly	4,632,58	4,750,74	4,871,91	4,998,17	5,123,60	5,254,29	5,388,30	5,525,74	5,686,67	5,811,21	5,959,43	6,111,43
100	Hourly	58,3553	60,8692	62,4217	64,0139	65,6464	67,3210	69,0381	70,7990	72,6032	74,4566	76,3557	78,3032
	Biweekly	4,748,42	4,869,54	4,993,74	5,121,11	5,251,66	5,385,68	5,523,05	5,683,92	5,808,38	5,956,53	6,108,46	6,264,26
101	Hourly	60,8389	62,3907	63,9820	65,6140	67,2875	69,0037	70,7638	72,5687	74,4196	76,3177	78,2643	80,2605
	Biweekly	4,887,12	4,991,26	5,118,56	5,249,12	5,383,00	5,520,30	5,661,10	5,805,49	5,953,57	6,105,42	6,261,14	6,420,84
102	Hourly	62,3601	63,9507	65,5818	67,2545	68,9699	70,7290	72,5331	74,3831	76,2803	78,2259	80,2211	82,2673
	Biweekly	4,988,81	5,116,05	5,246,54	5,380,36	5,517,59	5,658,32	5,802,64	5,950,65	6,102,42	6,258,07	6,417,69	6,581,38
103	Hourly	63,9188	65,5491	67,2210	68,9355	70,6938	72,4968	74,3460	76,2423	78,1869	80,1811	82,2262	84,3235
	Biweekly	5,113,50	5,243,92	5,377,68	5,514,84	5,655,50	5,799,76	5,947,68	6,099,38	6,254,95	6,414,49	6,578,10	6,745,88
104	Hourly	65,5168	67,1879	68,9016	70,6590	72,4612	74,3094	76,2048	78,1484	80,1417	82,1858	84,2820	86,4317
	Biweekly	5,241,35	5,375,03	5,512,13	5,652,72	5,798,90	5,944,75	6,096,38	6,251,87	6,413,34	6,574,86	6,742,56	6,914,54
105	Hourly	67,1548	68,8677	70,6242	72,4255	74,2728	76,1672	78,1099	80,1022	82,1453	84,2405	86,3891	88,5926
	Biweekly	5,372,38	5,509,41	5,649,94	5,794,04	5,941,83	6,093,38	6,248,80	6,408,18	6,571,62	6,739,24	6,911,13	7,087,41
106	Hourly	68,8337	70,5893	72,3898	74,2361	76,1298	78,0714	80,0627	82,1047	84,1989	86,3465	88,5488	90,8074
	Biweekly	5,506,69	5,647,15	5,791,18	5,938,89	6,090,37	6,245,71	6,405,01	6,568,38	6,735,91	6,907,72	7,083,91	7,264,59
107	Hourly	70,5543	72,3539	74,1993	76,0919	78,0327	80,0230	82,0640	84,1572	86,3037	88,5049	90,7623	93,0773
	Biweekly	5,644,35	5,788,31	5,935,95	6,087,35	6,242,61	6,401,84	6,565,12	6,732,57	6,904,29	7,080,40	7,260,99	7,446,19
108	Hourly	72,3183	74,1628	76,0544	77,9943	79,9836	82,0236	84,1157	86,2612	88,4614	90,7177	93,0315	95,4044
	Biweekly	5,785,46	5,933,03	6,084,35	6,239,54	6,398,69	6,561,89	6,729,26	6,900,90	7,076,91	7,257,41	7,442,52	7,632,35
	Annual	146,753,00	150,496,08	154,334,64	168,271,09	162,307,96	168,447,78	170,693,20	175,046,90	179,511,65	184,050,27	188,785,68	193,600,85
	Annual	150,422,00	154,258,66	158,193,19	162,228,06	166,365,85	170,609,18	174,960,73	179,423,28	183,899,65	188,692,75	193,505,55	198,441,10
	Annual	150,422,00	154,258,66	158,193,19	162,228,06	166,365,85	170,609,18	174,960,73	179,423,28	183,899,65	188,692,75	193,505,55	198,441,10

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

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
109	Hourly Biweekly Annual	74,1264 5,930,12 154,183,00	76,0171 6,081,37 158,115,59	77,9560 6,236,48 162,148,49	78,9443 6,395,55 168,284,25	81,9834 6,558,67 170,525,49	84,0745 6,725,96 174,874,92	86,2189 6,897,51 178,335,28	88,4180 7,073,44 183,909,40	90,6732 7,253,85 188,600,19	92,9859 7,438,87 193,410,63	95,3576 7,628,61 198,343,76	97,7789 7,823,18 203,402,72
110	Hourly Biweekly Annual	75,9793 6,078,35 158,037,00	77,9173 6,233,38 162,067,89	79,9046 6,392,37 166,201,60	81,9427 6,555,41 170,440,73	84,0327 6,722,62 174,787,99	86,1760 6,894,08 178,246,14	88,3740 7,069,92 183,817,99	90,5281 7,250,25 188,506,45	92,9397 7,435,17 193,314,50	95,3102 7,624,81 198,245,18	97,7412 7,819,29 203,301,62	100,2341 8,018,73 208,487,03
111	Hourly Biweekly Annual	77,8788 6,230,31 161,988,00	79,8652 6,389,22 166,119,67	81,8023 6,552,18 170,356,71	83,9913 6,719,30 174,701,83	86,1335 6,890,68 179,157,78	88,3305 7,066,44 183,727,38	90,5834 7,246,67 188,413,53	92,9838 7,431,51 193,219,20	95,2632 7,621,06 198,147,45	97,6930 7,815,44 203,201,40	100,1847 8,014,78 208,384,25	102,7400 8,219,20 213,699,30
112	Hourly Biweekly Annual	78,8260 6,386,08 166,038,00	81,8620 6,548,96 170,272,97	83,9500 6,716,00 174,615,95	86,0912 6,887,30 179,069,70	88,2870 7,062,96 183,637,05	90,5389 7,243,11 188,320,90	92,8482 7,427,85 193,124,21	95,2164 7,617,31 198,050,04	97,6450 7,811,60 203,101,50	100,1355 8,010,84 208,281,81	102,6895 8,215,16 213,594,25	105,3087 8,424,70 219,042,18
113	Hourly Biweekly Annual	81,8216 6,545,73 170,189,00	83,9086 6,712,69 174,529,84	86,0487 6,883,90 178,981,40	88,2435 7,059,48 183,546,50	90,4942 7,239,54 188,228,04	92,8024 7,424,19 193,028,98	95,1694 7,613,55 197,952,38	97,5968 7,807,74 203,001,35	100,0861 8,006,89 208,179,10	102,6389 8,211,11 213,488,92	105,2568 8,420,54 218,934,17	107,9415 8,635,32 224,518,30
114	Hourly Biweekly Annual	83,8673 6,709,38 174,444,00	86,0064 6,880,51 178,893,37	88,2001 7,056,01 183,456,22	90,4497 7,235,98 188,135,46	92,7568 7,420,54 192,934,04	95,1226 7,609,81 197,855,02	97,5488 7,803,90 202,901,51	100,0369 8,002,95 208,076,71	102,5884 8,207,07 213,383,92	105,2050 8,416,40 218,826,49	107,8884 8,631,07 224,407,87	110,6402 8,851,22 230,131,52
115	Hourly Biweekly Annual	85,9639 6,877,12 178,805,00	88,1565 7,052,52 183,365,60	90,4051 7,232,40 188,042,52	92,7109 7,416,87 192,838,74	95,0756 7,506,05 197,757,28	97,5006 7,800,05 202,801,28	99,9875 7,998,00 207,973,93	102,5377 8,203,02 213,278,51	105,1531 8,412,25 218,718,39	107,8351 8,626,81 224,297,02	110,5855 8,846,84 230,017,94	113,4061 9,072,49 235,884,78
116	Hourly Biweekly Annual	88,1130 7,049,04 183,275,00	90,3604 7,228,83 187,949,61	92,6651 7,413,21 192,743,45	95,0286 7,602,29 197,659,57	97,4524 7,796,20 202,701,07	99,9381 7,995,04 207,871,17	102,4871 8,198,97 213,173,13	105,1011 8,408,09 218,610,32	107,7818 8,622,55 224,186,20	110,5309 8,842,47 229,904,28	113,3501 9,068,01 235,768,23	116,2412 9,299,30 241,781,74

RESOLUTION NO. 2011-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING APPROVING THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF BANNING AND INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS-LOCAL 47 REPRESENTING THE METER READING, ELECTRIC AND WATER UTILITY EMPLOYEES UNIT

WHEREAS, the City of Banning ("City") has formally recognized the International Brotherhood of Electrical Workers-Local 47 ("IBEW") as the exclusive employee organization representing the Meter Reading, Electric and Water Utility Employees Unit; and

WHEREAS, there exists a current Memorandum of Understanding ("MOU") between the City and IBEW governing the Meter Reading, Electric and Water Utility Employees Unit which is effective through June 30, 2011; and

WHEREAS, Section 3505.1 of the Meyers-Milias-Brown Act ("MMBA") (Gov't Code Sections 3500-3511) provides that: "If agreement is reached by the representatives of the public agency and a recognized employee organization or recognized employee organizations, they shall jointly prepare a written memorandum of such understanding, which shall not be binding, and present it to the governing body or its statutory representative for determination"; and

WHEREAS, the parties eliminated a previous pay-for-performance compensation model effective July 1, 2010 from the current IBEW MOU without agreeing on a successor evaluation and compensation model, the City and IBEW subsequently met and conferred regarding what compensation and performance evaluation model would replace the pay-for-performance compensation model. The parties agreed to modify the hours of work to include the right of the City to implement a four/ten (4/10) work schedule for some or all IBEW represented employees. The City retains the right to maintain current work schedules or implement nine-eighty (9/80) work schedules as appropriate in its sole discretion which modify the terms of the existing MOU and reached the agreements reflected in the attached Side Letter and are deemed to require City Council approval.

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

SECTION 1:

1. That the City Council approves the Side Letter Of Agreement Between The City Of Banning And International Brotherhood Of Electrical Workers-Local 47 Representing The Meter Reading, Electric And Water Utility Employees Unit, a copy of which is attached hereto and by this reference made a part hereof.

PASSED, APPROVED AND ADOPTED this 22nd day of February, 2011 at Banning, California.

Barbara Hanna, Mayor
City of Banning, California

APPROVED AS TO FORM AND
LEGAL CONTENT

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

ATTEST:

Marie A. Calderon
City Clerk of the City of Banning

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2011-13 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 22nd day of February, 2011, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**SIDE LETTER OF AGREEMENT
BETWEEN THE CITY OF BANNING AND
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS-LOCAL 47
UTILITY UNIT**

The City of Banning ("City") and the International Brotherhood of Electrical Workers, Local 47 ("IBEW") have met and conferred and reached the following agreements relative to wages, hours, and other terms and conditions of employment pursuant to the provisions of the Meyers-Milias-Brown Act ("MMBA") (California Gov't Code § 3500 et seq.). IBEW represents the Meter Reading, Electric and Water Utility Employees Unit as its recognized employee organization. These agreements are meant to affect the Meter Reading, Electric and Water Utility Employees Unit as well as their current memorandum of understanding.

The City and IBEW entered into a Memorandum of Understanding for the Meter Reading, Electric and Water Utility Employees Unit dated January 7, 2008 for the period October 1, 2007 through September 30, 2010 ("IBEW Utility Unit MOU 2007-2010"). Thereafter, the City and IBEW entered into a Side Letter of Agreement approved by the City Council of the City of Banning on June 23, 2009 which modified the IBEW Utility Unit MOU 2007-2010. In that Side Letter, the IBEW Utility Unit MOU 2007-2010 was extended through September 30, 2011. Hours of work were also changed. In addition, the pay-for-performance compensation model was eliminated effective July, 2010, among other changes.

With the elimination of the pay-for-performance compensation model from the IBEW Utility Unit MOU 2007-2010 effective July 2010, the City and IBEW met and conferred regarding what compensation and performance evaluation model would replace the pay-for-performance compensation model. The parties have reached the following agreements relative thereto:

1. IBEW represented employees shall be subject to annual performance evaluations in the form provided herewith as Attachment A.
2. The IBEW Utility Unit MOU 2007-2010 and modifying Side Letter Agreements shall be further modified such that Article 14.1- Salary (14.1a through 14.1f will not be affected) and 14.2a through 14.2e, respectively, shall be replaced with the following provisions:

Wage Increases/Performance Evaluations - Assignment to Ranges — Commencing July 1, 2010, all employees are placed on ranges with defined steps as shown on the salary schedule provided herewith as Attachment B. Range minimum, mid-point and maximum are identical to current ranges. The salary table is calibrated in approximate 2.5% increments. Initially, employees will stay at current salary until their performance evaluation review date (after July 1, 2010) at which time assuming a satisfactory evaluation employee will move up to nearest defined step and then one (1) full step more, which represents at least a 2.5% increase. Subsequent annual increase for satisfactory performance will be two (2) steps or approximately 5%. Unit members will be evaluated using the new employee performance evaluation form.

- (a) No employee shall be granted a step increase unless and until such employee has obtained a satisfactory overall evaluation on the City approved employee evaluation form consistent with the applicable administrative policies of the City.
- (b) A first denial of a step increase shall not be an allowable subject of the exercise of employee rights under the grievance procedure outlined herein. However, an employee may upon request have such first denial reviewed by the Employee Relations Officer. Employee shall have the right to request a hearing with the Employee Relations Officer and to have a representative of his/her choice present. The decision of the Employee Relations Officer shall be final at this stage.

- (c) An employee denied a step increase shall thereafter have monthly meetings to review his/her performance with his/her supervisor and shall have the City approved employee evaluation form completed no later than six months after the date of the performance evaluation which led to the denial of the step increase. If the employee's overall performance is rated satisfactory, then the employee shall be granted the appropriate step increase effective the first pay period following the six month re-evaluation period. Such step increase shall not be retroactive.
- (d) If the employee's performance continues to be unsatisfactory after the six month re-evaluation period, the employee shall be given a final denial of step increase for the remainder of the regular evaluation period. After this final denial the monthly meetings to review his/her performance with his/her supervisor shall continue until the employee's next annual review. Denial of a step increase under this subsection shall be subject to review by an Evaluation Review Committee. The Evaluation Review Committee shall be comprised of the Employee Relations Officer, a non-evaluating Department Head selected by the employee, and an IBEW business representative. The Evaluation Review Committee shall make any adjustment to the evaluation that it deems justified by majority vote and its decision shall be final with no other right of appeal or grievance on the matter.
- (e) An employee at the top of his or her range shall have his or her performance evaluated at least annually within thirty (30) days of her/her anniversary date.

3. The IBEW Utility Unit MOU 2007-2010 and modifying Side Letter Agreements shall be further modified such that Article 11 - HOURS OF WORK shall include the right of the City to implement a four/ten (4/10) work schedule for some or all IBEW represented employees. The City retains the right to maintain current work schedules or implement nine-eighty (9/80) work schedules as appropriate in its sole discretion. The City shall provide at least two weeks (14 calendar days) notice of a change in work schedules.

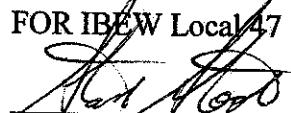
4. All other provisions of the IBEW Utility Unit MOU 2007-2010 and modifying Side Letter Agreements shall remain unchanged.

This Side Letter of Agreement constitutes a joint recommendation by the City Manager, the Employee Relations Officer and IBEW Local 47 to be submitted to the City Council for its ultimate determination and approval. It is agreed that this Side Letter of Agreement is of no force or effect unless or until approved by the City Council of the City of Banning.

FOR THE CITY OF BANNING

Andy Takata
City Manager

FOR IBEW Local 47


Stan Stosel 1/31/11
IBEW Local 47 Assistant Business Manager

Rita Chapparosa
Deputy Human Resources Director/Employee
Relations Officer



City of Banning

Date: _____

Employee Performance Evaluation

Employee's Name: _____ Job Title: _____

Rating Period _____ to _____ Purpose of review: _____

TASK/ASSIGNMENT COMPLETION	
Quality of Work: Accuracy and completeness in the work that is done. Comments:	<input type="checkbox"/> Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory
Quantity of Work: The amount, pacing, and timeliness of completed work; meets deadlines. Comments:	<input type="checkbox"/> Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory
Technical Job Knowledge: Demonstrated specialized skills and abilities as defined and/or required by the employee's job description. Comments:	<input type="checkbox"/> Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory
WORKING RELATIONSHIPS	
Teamwork: Contributes to a positive work environment; builds and maintains effective working relationships; displays flexibility in adapting to change. Comments:	<input type="checkbox"/> Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory
Independence: Works with the appropriate level of supervision. Comments:	<input type="checkbox"/> Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory
Communication: Communicates clearly and fully verbally and in writing, uses correct volume and tone; keeps others informed. Comments:	<input type="checkbox"/> Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory
Customer Service: Responsive to both internal and external customers; demonstrates effective interpersonal skills; courteous and respectful of diversity. Comments:	<input type="checkbox"/> Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory

EXHIBIT "A"
TO Resolution No. 2011-13

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WORK HABITS

Attendance: Follows attendance rules and procedures and meets City standards. Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Suitable Attire for the Job: Wears job appropriate clothing and does not create an unsafe working condition. Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Equipment Care and Operation: Uses equipment as intended in accordance with City policy; documents and reports problems. Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>

FOLLOWS THE RULES

Safety: Works in a safe manner, adheres to City safety rules and regulations, and reports unsafe conditions. Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Policies and Procedures: Is familiar with and follows all established rules and policies. Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Ethics: Demonstrates honesty, integrity and truthfulness; acts in a manner that builds public trust and credibility. Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>

AS NEEDED

Supervisory Effectiveness: Manages the performance of others to achieve results; completes performance appraisal in a timely manner Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Job Specific Items: Comments:	Exceeds Job Requirements <input type="checkbox"/> Meets Job Requirements <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>

OVERALL SUMMARY OF PERFORMANCE (Required): Comments:	<input checked="" type="checkbox"/> Satisfactory	<input type="checkbox"/>
	<input type="checkbox"/> Unsatisfactory	<input checked="" type="checkbox"/>

Note: Supporting written comments must be provided to justify any overall summary rating of Unsatisfactory.

<p style="text-align: center;">Development Plan (Required)</p> <p>Suggestions, plans and objectives that are offered to improve or enhance in specific areas. Training and other activities that would develop skills and help the employee become more effective.</p>

<p style="text-align: center;">- Employee's Comments - (Optional)</p>

<p style="text-align: center;">- Verification -</p>
--

This Employee Performance Evaluation has been discussed with me and I have been given a copy of it.

Employee's Signature _____ Date _____

Supervisor's Signature _____ Date _____

Department Head Signature _____ Date _____

Note: You may meet with the Department Head to review this Employee Performance Evaluation.

Non-Management Employee Performance Evaluation Instructions

Employee Performance Evaluations for non-management employees are done a minimum of once a year for all full-time, regular employees. These evaluations are to be discussed with the employee privately in a face-to-face discussion. The attached Employee Performance Evaluation form is used to **summarize and record** both the performance of the employee and the discussions that are held between supervisor and employee for the period covered by the evaluation. As part of the process of continuous feedback, performance ratings should never be a surprise to an employee, and each employee must be given a copy of his/her Employee Performance Evaluation form.

Performance evaluations can be given for a variety of reasons. Annual evaluations are the most common, but performance evaluations can be given during probationary periods, after lengthy special projects, or as part of a performance improvement process. Regardless of the reason for a review, supervisors should ensure that the ratings are applied consistently and related to job performance.

Supervisors should rate the employee for each criterion and provide comments about specific behaviors and examples of incidents, which support the rating. The employee's performance should be described in the following manner:

Exceeds Job Requirements: This rating is used to indicate an area where the employee is consistently performing above what is normally expected and above the normal job requirements. Since a certain high level of performance is expected of all City of Banning employees, this rating should be used sparingly to indicate exceptional performance.

Meets Job Requirements: This rating is used to indicate an employee who is consistently doing a good job and consistently fulfilling their job requirements. An employee at this level is meeting the high level of performance expected of City employees. The employee is consistently meeting the agreed upon standards and job requirements of the employee's position.

Needs Improvement: This rating is used to indicate an area where the employee needs to improve in order to consistently meet their job standards, expectations and/or requirements. Every employee has strengths and weaknesses and this section can be used to indicate weaknesses or infrequent failures to consistently meet expectations. Any area checked here should be followed up with comments in the "development plan" section.

Unsatisfactory: This rating is used to show serious and/or consistent weaknesses in performance that impact the overall performance of the job. Any area of performance noted as "unsatisfactory" needs specific comments and directions set forth in the development section, and follow-up steps and review dates outlined.

Job Specific Items: Certain jobs require that the employee be rated in areas that are unique to that position. These are job specific items that can be made part of the performance evaluation and may include such things as:

- Special projects with objectives
- Items related to specific work areas such as "Maintains Security"

Development Plan: Maintaining and improving performance is a responsibility shared by both employees and their supervisors. All performance evaluation documents and discussions should address employee development. Employees will benefit most from the development discussion if at the end of the discussion they have two concrete ideas on how to improve their performance during the next rating period.

Verification: Performance evaluation reviews must be discussed face to face with employees and each should be given a copy of his/her evaluation. In some cases the supervisor's manager may want to review the evaluation form before it is discussed with the employee. **An employee's signature in the "verification" section does not indicate agreement with the Performance Evaluation.** It is intended to indicate that their performance has been discussed with them.

Overall Summary of Performance: For purposes of an employee receiving a merit increase, if warranted, they must have an overall "Satisfactory" rating. An employee who has an unsatisfactory rating in any single category will receive an "Unsatisfactory" overall rating and no merit increase will be warranted per this process.

**City of Banning
Salary Schedule
2. 5506% Between Steps**

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
01	Hourly Biweekly	5,1500	5,2814	5,4461	5,5542	5,6959	5,8411	5,9901	6,1429	6,2996	6,4603	6,6351	6,7940
	Annual	10,712.00	10,985.22	11,265.41	11,552.74	11,847.41	12,149.59	12,459.48	12,777.27	13,103.16	13,437.37	13,780.11	14,131.58
02	Hourly Biweekly	5,2784	5,4130	5,5511	5,6926	5,8378	5,9867	6,1394	6,2960	6,4566	6,6213	6,7902	6,9634
	Annual	10,979.00	11,259.03	11,546.20	11,840.70	12,142.71	12,452.42	12,770.03	13,095.75	13,429.77	13,772.31	14,123.58	14,483.82
03	Hourly Biweekly	5,4106	5,5486	5,6901	5,8352	5,9841	6,1367	6,2932	6,4537	6,6183	6,7871	6,9603	7,1378
	Annual	11,254.00	11,541.04	11,835.41	12,137.28	12,446.86	12,764.33	13,089.89	13,423.77	13,766.15	14,117.27	14,477.35	14,846.61
04	Hourly Biweekly	5,5457	5,6871	5,8322	5,9809	6,1335	6,2899	6,4504	6,6149	6,7836	6,9566	7,1341	7,3160
	Annual	11,535.00	11,829.21	12,130.93	12,440.34	12,757.64	13,083.04	13,416.73	13,758.94	14,108.88	14,469.76	14,838.83	15,217.31
05	Hourly Biweekly	5,6846	5,8298	5,9783	6,1308	6,2872	6,4475	6,6120	6,7806	6,9536	7,1309	7,3128	7,4993
	Annual	11,824.00	12,125.58	12,434.86	12,752.02	13,077.27	13,410.82	13,752.88	14,103.66	14,463.39	14,832.29	15,210.60	15,598.57
06	Hourly Biweekly	5,8264	5,9751	6,1275	6,2837	6,4440	6,6084	6,7769	6,9498	7,1270	7,3088	7,4952	7,6864
	Annual	12,119.00	12,428.11	12,745.10	13,070.17	13,403.54	13,745.41	14,096.00	14,455.54	14,824.24	15,202.35	15,590.10	15,987.74
07	Hourly Biweekly	5,9721	6,1244	6,2807	6,4408	6,6051	6,7736	6,9464	7,1235	7,3052	7,4916	7,6826	7,8786
	Annual	12,422.00	12,738.84	13,063.75	13,396.96	13,738.66	14,089.08	14,448.43	14,810.17	15,187.92	15,575.30	15,982.44	15,979.88
08	Hourly Biweekly	6,1216	6,2778	6,4379	6,6021	6,7705	6,9432	7,1203	7,3019	7,4881	7,6791	7,8750	8,0758
	Annual	12,733.00	13,057.77	13,390.82	13,732.37	14,082.62	14,441.81	14,810.17	15,187.92	15,575.30	15,972.56	16,379.96	16,797.75
09	Hourly Biweekly	6,2745	6,4346	6,5987	6,7670	6,9396	7,1166	7,2881	7,4642	7,6551	7,8709	8,0717	8,2775
	Annual	13,051.00	13,383.88	13,725.25	14,075.32	14,434.33	14,802.49	15,180.04	15,567.23	15,984.28	16,371.47	16,789.04	17,217.26
10	Hourly Biweekly	6,4313	6,5953	6,7635	6,9360	7,1129	7,2943	7,4804	7,6712	7,8669	8,0675	8,2733	8,4843
	Annual	13,377.00	13,718.19	14,068.09	14,426.91	14,794.88	15,172.24	15,559.22	15,956.08	16,363.05	16,780.41	17,208.41	17,647.33
11	Hourly Biweekly	6,5923	6,7605	6,9329	7,1097	7,2911	7,4770	7,6677	7,8633	8,0639	8,2995	8,4805	8,6968
	Annual	13,712.00	14,061.74	14,420.40	14,788.20	15,165.39	15,552.20	15,948.87	16,355.67	16,772.83	17,200.64	17,639.36	18,089.27
12	Hourly Biweekly	6,7572	6,9296	7,1063	7,2878	7,4734	7,6841	7,8595	8,0600	8,2656	8,4764	8,6926	8,9143
	Annual	14,055.00	14,413.49	14,781.12	15,158.12	15,544.75	15,941.23	16,347.83	16,764.80	17,192.40	17,630.91	18,080.60	18,541.77

EXHIBIT "B"
TO Resolution No. 2011-13

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

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
13 Hourly Biweekly Annual	6,9260 554.08 14,406.00	7,1026 568.21 14,773.44	7,2838 582.70 15,150.25	7,4666 597.56 15,536.67	7,6601 612.81 15,932.95	7,8555 628.44 16,339.34	8,0568 644.46 16,756.09	8,2613 660.90 17,163.47	8,4720 677.76 17,621.75	8,6881 695.05 18,071.21	8,9097 712.77 18,532.14	9,1369 730.95 19,004.82	9,3700 749.60 19,489.55
14 Hourly Biweekly Annual	7,0980 567.92 14,766.00	7,2801 582.41 15,142.62	7,4658 597.26 15,528.85	7,6582 612.50 15,924.93	7,8515 628.12 16,331.11	8,0518 644.14 16,747.65	8,2571 660.57 17,174.82	8,4677 677.42 17,612.88	8,6837 694.70 18,062.11	8,9052 712.42 18,522.80	9,1323 730.59 18,995.26	9,3653 749.22 19,478.74	9,6041 768.33 19,976.59
15 Hourly Biweekly Annual	7,2764 582.12 15,135.00	7,4620 596.98 15,521.03	7,6524 612.19 15,916.91	7,8475 627.80 16,322.88	8,0477 643.82 16,739.22	8,2530 660.24 17,166.17	8,4635 677.08 17,604.01	8,6793 694.35 18,053.02	8,9007 712.08 18,513.48	9,1277 730.22 18,985.69	9,3605 748.84 19,468.83	9,5983 767.94 19,966.53	9,8441 787.53 20,475.80
16 Hourly Biweekly Annual	7,4587 596.68 15,514.00	7,6489 611.91 15,909.70	7,8440 627.52 16,315.49	8,0441 643.52 16,731.64	8,2492 659.94 17,158.39	8,4596 676.77 17,596.03	8,6754 694.03 18,044.84	8,8967 711.73 18,505.09	9,1236 729.89 18,977.08	9,3563 748.14 19,461.11	9,5949 767.60 19,957.49	9,8397 787.17 20,466.52	10,0906 807.25 20,988.54
17 Hourly Biweekly Annual	7,6452 611.62 15,902.00	7,8402 627.22 16,307.60	8,0402 643.21 16,723.54	8,2452 659.62 17,150.09	8,4555 676.44 17,587.52	8,6712 693.70 18,036.11	8,8924 711.39 18,496.13	9,1192 729.53 18,967.90	9,3518 748.14 19,451.69	9,5903 767.22 19,947.83	9,8349 786.79 20,456.62	10,0858 806.85 20,978.38	10,3430 827.44 21,513.46
18 Hourly Biweekly Annual	7,8361 626.83 16,289.00	8,0359 642.87 16,714.72	8,2409 659.27 17,141.05	8,4511 676.09 17,578.25	8,6663 693.33 18,026.60	8,8877 711.01 18,486.38	9,1144 729.15 18,957.90	9,3463 747.75 19,441.44	9,5852 766.82 19,937.31	9,8287 786.38 20,445.83	10,0804 808.44 20,967.32	10,3378 827.00 21,502.12	10,6012 848.10 22,050.55
19 Hourly Biweekly Annual	8,0322 642.68 16,707.00	8,2371 658.97 17,133.13	8,4472 675.77 17,570.13	8,6626 693.01 18,018.27	8,8836 710.69 18,477.84	9,1102 728.81 18,949.14	9,3425 747.40 19,432.46	9,5808 766.47 19,928.10	9,8252 786.01 20,436.39	10,0758 808.06 20,957.64	10,3328 826.62 21,492.18	10,5963 847.71 22,040.36	10,8666 869.33 22,602.52
20 Hourly Biweekly Annual	8,2327 658.62 17,124.00	8,4427 675.41 17,560.76	8,6580 692.64 18,008.67	8,8783 710.31 18,468.00	9,1053 728.42 18,939.04	9,3375 747.00 19,422.10	9,5757 766.67 19,917.48	9,8200 785.60 20,425.00	10,0704 805.63 20,946.47	10,3273 826.18 21,480.73	10,5907 847.25 22,028.62	10,8608 868.86 22,590.48	11,1378 891.03 23,166.67
21 Hourly Biweekly Annual	8,4385 675.08 17,552.00	8,6537 692.30 17,998.68	8,8744 709.95 18,458.73	9,1008 728.03 18,929.59	9,3329 746.63 19,412.41	9,5709 765.67 19,907.54	9,8150 785.20 20,415.30	10,0654 805.23 20,936.02	10,3221 825.77 21,470.01	10,5854 846.83 22,017.62	10,8554 868.43 22,579.21	11,1323 890.58 23,155.11	11,4162 913.30 23,745.71
22 Hourly Biweekly Annual	8,6495 691.98 17,991.00	8,8701 709.61 18,449.88	9,0964 727.71 18,920.46	9,3284 746.31 19,403.05	9,5663 764.83 19,897.94	9,8103 784.83 20,405.46	10,0605 804.84 20,925.92	10,3171 825.37 21,459.66	10,5803 846.42 22,007.01	10,8502 868.01 22,568.32	11,1269 880.15 23,143.94	11,4107 901.15 23,734.25	11,7017 912.86 24,339.62
23 Hourly Biweekly Annual	8,8659 708.27 18,441.00	9,0920 727.36 18,911.36	9,3239 745.91 19,393.71	9,5617 764.94 19,888.37	9,8056 784.45 20,395.64	10,0557 804.46 20,915.85	10,3122 824.97 21,449.33	10,5752 846.02 21,996.42	10,8449 867.59 22,557.6	11,1215 889.72 23,132.81	11,4052 912.42 23,722.83	11,6961 935.69 24,327.91	11,9944 959.55 24,948.41
24 Hourly Biweekly Annual	9,0875 727.00 18,902.00	9,3193 745.54 18,384.11	9,5570 764.56 19,878.53	9,8007 784.06 20,385.55	10,0507 804.66 20,905.50	10,3071 824.57 21,438.72	10,5700 845.60 21,985.53	10,8396 867.17 22,546.30	11,1160 889.28 23,121.36	11,3996 911.97 23,711.09	11,6903 935.23 24,315.87	11,9885 959.08 24,936.07	12,2343 983.54 25,572.09

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

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	
25	Hourly Biweekly Annual	9,3149 745.19 19,375.00	9,5523 764.20 19,869.18	9,7961 783.69 20,375.98	10,0460 803.68 20,885.87	10,3022 824.18 21,428.64	10,5650 845.20 21,975.20	10,8345 866.76 22,535.69	11,108 888.86 23,110.49	11,3942 911.54 23,699.95	11,6848 934.79 24,304.44	11,9828 958.63 24,924.35	12,2885 983.08 25,560.07	12,6019 1,008.16 26,212.00
26	Hourly Biweekly Annual	9,5476 763.81 19,859.00	9,7911 783.29 20,365.52	10,0408 803.27 20,884.97	10,2870 823.76 21,417.66	10,5596 844.77 21,963.94	10,8289 866.31 22,524.15	11,1051 888.41 23,098.65	11,3884 911.07 23,687.80	11,6788 934.31 24,281.99	11,9767 958.14 24,911.58	12,2822 982.56 25,546.97	12,5955 1,007.64 26,198.57	12,9167 1,033.34 26,868.79
27	Hourly Biweekly Annual	9,7861 782.88 20,355.00	10,0357 802.85 20,874.17	10,2916 823.33 21,466.59	10,5541 844.33 21,952.59	10,8233 865.87 22,512.51	11,0994 887.95 23,086.71	11,3825 910.60 23,675.56	11,6728 933.82 24,278.43	11,9705 957.64 24,888.70	12,2759 982.07 25,533.77	12,5890 1,007.12 26,185.04	12,9101 1,032.60 26,852.91	13,2393 1,059.15 27,537.82
28	Hourly Biweekly Annual	10,0308 802.46 20,864.00	10,2866 822.93 21,396.16	10,5490 843.92 21,941.89	10,8180 865.44 22,501.54	11,0940 887.52 23,075.46	11,3769 910.15 23,664.02	11,6647 933.37 24,267.60	11,9647 957.18 24,886.57	12,2699 981.59 25,521.33	12,5828 1,006.63 26,172.27	12,9038 1,032.30 26,839.82	13,2328 1,058.63 27,524.40	13,5704 1,085.63 28,226.44
29	Hourly Biweekly Annual	10,2817 822.54 21,386.00	10,5440 843.52 21,931.47	10,8129 865.03 22,480.88	11,0887 887.10 23,064.51	11,3715 909.72 23,652.79	11,6616 932.93 24,258.08	11,9590 956.72 24,874.75	12,2640 981.12 25,509.21	12,5768 1,006.15 26,159.85	12,8976 1,031.81 26,827.08	13,2266 1,058.13 27,511.33	13,5640 1,105.12 28,213.04	13,9099 1,112.79 28,932.64
30	Hourly Biweekly Annual	10,5399 843.12 21,921.00	10,8077 864.62 22,480.12	11,0834 886.67 23,053.49	11,3665 908.29 23,641.50	11,6550 932.48 24,244.50	11,9523 956.26 24,862.88	12,2582 980.68 25,497.03	12,5798 1,005.67 26,147.36	12,8915 1,031.32 26,814.27	13,2203 1,057.62 27,498.20	13,5575 1,084.60 28,198.57	13,9033 1,112.26 28,918.82	14,2579 1,140.63 29,656.43
31	Hourly Biweekly Annual	10,8024 864.19 22,469.00	11,0779 886.23 23,042.09	11,3605 908.84 23,629.81	11,6502 932.02 24,232.51	11,9474 957.78 24,850.58	12,2521 980.17 25,484.42	12,5646 1,005.17 26,134.43	12,8851 1,030.81 26,801.01	13,2137 1,057.10 27,484.60	13,5508 1,084.06 28,185.62	13,8964 1,111.71 28,904.52	14,2503 1,140.07 29,641.76	14,6143 1,169.15 30,397.80
32	Hourly Biweekly Annual	11,0721 885.77 23,030.00	11,3545 908.38 23,617.40	11,6441 931.53 24,219.76	11,9411 955.28 24,837.54	12,2457 975.66 25,471.04	12,5580 1,004.64 26,120.71	12,8783 1,030.27 26,786.94	13,2068 1,056.55 27,470.17	13,5437 1,083.49 28,170.83	13,8891 1,111.13 28,889.35	14,2434 1,139.47 29,626.20	14,6067 1,168.53 30,381.85	14,9792 1,198.34 31,156.77
33	Hourly Biweekly Annual	11,3490 907.92 23,606.00	11,6335 931.06 24,208.09	11,9354 954.83 24,825.56	12,2398 979.18 25,458.75	12,5520 1,004.16 26,108.10	12,8721 1,029.77 26,774.01	13,2004 1,056.03 27,458.81	13,5371 1,082.97 28,157.22	13,8824 1,110.59 28,875.40	14,2385 1,138.92 29,611.80	14,5996 1,167.97 30,367.18	14,9720 1,197.73 31,141.72	15,3539 1,228.31 31,936.03
34	Hourly Biweekly Annual	11,6327 930.62 24,196.00	11,9294 954.35 24,813.14	12,2337 978.69 25,446.03	12,5457 1,003.66 26,095.05	12,8657 1,029.26 26,760.63	13,1938 1,055.51 27,443.19	13,5304 1,082.43 28,143.16	13,8755 1,110.04 28,860.98	14,2294 1,138.35 29,597.10	14,5923 1,167.38 30,352.01	14,9645 1,197.16 31,126.17	15,3462 1,227.70 31,920.07	15,7376 1,259.01 32,734.22
35	Hourly Biweekly Annual	11,9236 953.88 24,801.00	12,2277 978.21 25,433.57	12,5396 1,003.16 26,082.28	12,8594 1,028.75 26,747.54	13,1874 1,054.99 27,429.76	13,5237 1,081.90 28,129.38	13,8687 1,109.49 28,846.85	14,2224 1,137.79 29,582.62	14,5852 1,166.81 30,337.15	14,9572 1,196.57 31,110.83	15,3387 1,227.09 31,904.45	15,7299 1,258.39 32,718.20	16,1311 1,290.49 33,552.71
36	Hourly Biweekly Annual	12,2216 977.73 25,421.00	12,5334 1,002.67 26,069.39	12,8530 1,054.47 26,734.31	13,1809 1,081.36 28,115.48	13,5171 1,108.85 28,832.59	13,8618 1,137.23 29,567.99	14,2154 1,166.24 30,322.16	14,9498 1,195.98 31,095.55	15,3311 1,226.49 31,888.68	15,7221 1,257.77 32,702.03	16,1231 1,289.85 33,536.13	16,5344 1,322.75 34,391.50	17,100

City of Banning
Salary Schedule
2 5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>	
37	Hourly Biweekly	12,5274	12,8469	13,1746	13,5106	13,8552	14,2086	14,5710	14,9427	15,3338	15,7147	16,1155	16,5265	16,9480
	Annual	1,00218	1,02775	1,05397	1,08085	1,10842	1,13669	1,16588	1,19541	1,22590	1,25717	1,28924	1,32212	1,35584
38	Hourly Biweekly	12,8404	13,1679	13,5038	13,8482	14,2014	14,5636	14,9351	15,3160	15,7067	16,1073	16,5181	16,9394	17,3715
	Annual	1,02723	1,05343	1,08030	1,10785	1,13611	1,16509	1,19481	1,22528	1,25653	1,28858	1,32145	1,35515	1,38972
39	Hourly Biweekly	13,1615	13,4972	13,8415	14,1945	14,5566	14,9279	15,3086	15,6991	16,0995	16,5101	16,9312	17,3931	17,8059
	Annual	1,05292	1,07978	1,10732	1,13556	1,16453	1,19423	1,22469	1,25593	1,28796	1,32081	1,35450	1,38905	1,42448
40	Hourly Biweekly	13,4904	13,8345	14,1873	14,5492	14,9203	15,3008	15,6911	16,0913	16,5017	16,9226	17,3543	17,7969	18,2508
	Annual	1,07923	1,10676	1,13499	1,16394	1,19362	1,22407	1,25529	1,28731	1,32014	1,35381	1,38834	1,42375	1,46007
41	Hourly Biweekly	13,8279	14,1806	14,5423	14,9132	15,2936	15,6836	16,0637	16,4339	16,9146	17,3460	17,7884	18,2421	18,7074
	Annual	1,10623	1,13445	1,16338	1,19305	1,22348	1,25469	1,28669	1,31951	1,35317	1,38768	1,42308	1,45937	1,49859
42	Hourly Biweekly	14,1736	14,5351	14,9058	15,2660	15,6759	16,0757	16,4657	16,9082	17,3374	17,7796	18,2331	18,6882	19,1751
	Annual	1,13388	1,16281	1,19246	1,22288	1,25407	1,28606	1,31886	1,35250	1,38698	1,42237	1,46865	1,49585	1,53401
43	Hourly Biweekly	14,5279	14,8884	15,2784	15,6881	16,0678	16,4776	16,8879	17,3289	17,7708	18,2241	18,6889	19,1656	19,6544
	Annual	1,16223	1,19187	1,22227	1,25345	1,28542	1,31821	1,35183	1,38631	1,42187	1,45793	1,49511	1,53325	1,57236
44	Hourly Biweekly	14,8809	15,2707	15,6602	16,0596	16,4682	16,8893	17,3201	17,7618	18,2148	18,6794	19,1559	19,6445	20,1455
	Annual	1,19127	1,22165	1,25281	1,28477	1,31754	1,35114	1,38560	1,42095	1,45719	1,49435	1,53247	1,57156	1,61164
45	Hourly Biweekly	15,2630	15,6523	16,0515	16,4689	16,8808	17,3113	17,7529	18,2057	18,6700	19,1462	19,6346	20,1354	20,6439
	Annual	1,22104	1,25218	1,28412	1,31687	1,35048	1,38491	1,42023	1,45645	1,48360	1,53170	1,57077	1,61083	1,65192
46	Hourly Biweekly	15,6447	16,0437	16,4530	16,8726	17,3030	17,7443	18,1968	18,6610	19,1370	19,6251	20,1256	20,6390	21,1654
	Annual	1,25158	1,28350	1,31624	1,34981	1,38424	1,41954	1,45575	1,49288	1,53096	1,57001	1,61005	1,65112	1,69323
47	Hourly Biweekly	16,0381	16,4451	16,8645	17,2947	17,7558	18,1682	18,6521	19,1278	19,6157	20,1160	20,6291	21,1552	21,6948
	Annual	1,28288	1,31561	1,34916	1,38357	1,41886	1,45505	1,49216	1,53022	1,56925	1,60928	1,65033	1,69242	1,73559
48	Hourly Biweekly	16,4370	16,8853	17,2662	17,7271	18,1792	18,6429	19,1184	19,6061	20,1061	20,6190	21,1448	21,6842	22,2373
	Annual	1,31496	1,35290	1,38434	1,41817	1,45143	1,58947	1,60849	1,64952	1,68959	1,73447	1,77898	1,81744	1,86253

**City of Banning
Salary Schedule**

2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
49	Hourly	16,8476	17,2773	17,7180	18,1699	18,6333	19,1086	19,5960	20,0958	20,6084	21,1340	21,6730	22,2258
	Biweekly	1,347.81	1,382.18	1,417.44	1,453.59	1,490.67	1,528.69	1,567.68	1,607.66	1,648.67	1,680.72	1,733.84	1,778.07
	Annual	35,043.00	35,938.81	36,853.41	37,793.39	38,757.35	39,745.90	40,759.68	41,799.27	42,865.40	43,958.73	45,079.94	46,229.75
50	Hourly	17,2688	17,7092	18,1609	18,6241	19,0991	19,5863	20,0858	20,5982	21,1235	21,6623	22,2148	22,7814
	Biweekly	1,381.50	1,416.74	1,452.87	1,489.93	1,527.93	1,566.90	1,606.87	1,647.85	1,689.88	1,732.98	1,777.19	1,822.52
	Annual	35,919.00	36,835.15	37,774.67	38,738.15	39,726.20	40,739.46	41,778.56	42,844.16	43,936.95	45,057.60	46,206.84	47,385.39
51	Hourly	17,7005	18,1519	18,6149	19,0897	19,5766	20,0759	20,5880	21,1131	21,6516	22,2039	22,7702	23,3510
	Biweekly	1,416.04	1,452.16	1,489.19	1,527.18	1,566.13	1,606.08	1,647.04	1,689.05	1,732.13	1,776.31	1,821.62	1,868.08
	Annual	36,817.00	37,756.05	38,719.06	39,706.63	40,718.39	41,757.97	42,823.05	43,915.30	45,035.40	46,184.07	47,362.05	48,570.06
52	Hourly	18,433	18,6060	19,0806	19,5673	20,0663	20,5782	21,1030	21,6413	22,1933	22,7593	23,3398	23,9351
	Biweekly	1,451.46	1,488.48	1,526.45	1,565.38	1,605.31	1,646.25	1,688.24	1,731.30	1,775.46	1,820.75	1,867.19	1,914.81
	Annual	37,738.00	38,700.55	38,687.64	40,699.91	41,738.01	42,802.58	43,894.30	45,013.87	46,161.99	47,339.40	48,546.84	49,785.07
53	Hourly	18,5986	19,0710	19,5574	20,0562	20,5678	21,0924	21,6304	22,1821	22,7478	23,3280	23,9230	24,5332
	Biweekly	1,487.73	1,525.68	1,564.59	1,604.50	1,645.42	1,687.39	1,730.43	1,774.56	1,819.83	1,866.24	1,913.84	1,962.66
	Annual	38,681.00	39,667.60	40,679.36	41,716.93	42,780.96	43,872.13	44,981.13	46,138.68	47,315.49	48,522.32	49,759.93	51,029.11
54	Hourly	19,0815	19,5477	20,0463	20,5576	21,0819	21,6197	22,1711	22,7366	23,3165	23,9112	24,5211	25,1465
	Biweekly	1,524.92	1,563.82	1,603.70	1,644.61	1,686.56	1,729.57	1,773.68	1,818.93	1,865.32	1,912.90	1,961.69	2,011.72
	Annual	39,648.00	40,659.26	41,686.32	42,759.82	43,860.46	44,986.91	46,115.88	47,292.11	48,498.35	49,735.35	51,003.89	52,304.80
55	Hourly	19,5380	20,0363	20,5474	21,0714	21,6089	22,1600	22,7253	23,3049	23,8993	24,5089	25,1140	25,7751
	Biweekly	1,563.04	1,602.91	1,643.79	1,685.72	1,728.71	1,772.80	1,818.02	1,864.39	1,911.94	1,960.71	2,010.72	2,062.01
	Annual	40,639.00	41,675.54	42,738.51	43,828.60	44,946.50	46,092.90	47,268.55	48,474.18	49,710.56	50,978.48	52,278.73	53,612.16
56	Hourly	20,0364	20,5372	21,0611	21,5882	22,1491	22,7141	23,2934	23,8875	24,4968	25,1216	25,7624	26,4195
	Biweekly	1,602.12	1,642.98	1,684.88	1,727.86	1,771.93	1,817.13	1,863.47	1,911.00	1,959.74	2,009.73	2,050.99	2,113.56
	Annual	41,685.00	42,717.45	43,807.00	44,924.35	46,070.19	47,245.25	48,450.29	49,686.06	50,953.35	52,252.97	53,585.74	54,952.49
57	Hourly	20,5274	21,0510	21,5879	22,1385	22,7032	23,2823	23,8761	24,4851	25,1098	25,7500	26,4068	27,0804
	Biweekly	1,642.19	1,684.08	1,727.03	1,771.08	1,816.26	1,862.58	1,910.09	1,958.81	2,008.77	2,050.00	2,112.55	2,166.43
	Annual	42,697.00	43,786.03	44,802.84	46,048.13	47,222.63	48,427.09	49,662.27	50,928.96	52,227.95	53,660.08	54,926.18	56,327.13
58	Hourly	21,0404	21,5770	22,1274	22,6918	23,2705	23,8641	24,4728	25,0970	25,7371	26,3935	27,0667	27,7571
	Biweekly	1,683.23	1,726.16	1,770.19	1,815.34	1,861.84	1,909.13	1,957.82	2,007.76	2,058.97	2,111.48	2,165.34	2,220.57
	Annual	43,764.00	44,880.24	46,024.96	47,198.87	48,402.73	49,637.29	50,903.34	52,201.68	53,533.13	54,898.55	56,298.79	57,734.75
59	Hourly	21,5663	22,1164	22,6805	23,2590	23,8523	24,4606	25,0945	25,7243	26,3905	27,0533	27,7433	28,4510
	Biweekly	1,725.31	1,769.31	1,814.44	1,860.72	1,908.18	1,958.85	2,006.76	2,057.95	2,110.44	2,164.26	2,219.47	2,276.08
	Annual	44,858.00	46,002.15	47,175.48	48,378.74	49,612.68	50,878.11	52,175.80	53,506.60	54,871.34	56,270.88	57,706.13	59,177.98
60	Hourly	22,1058	22,6696	23,2478	23,8408	24,4499	25,0724	25,7119	26,3677	27,0433	27,7300	28,4373	29,1626
	Biweekly	1,768.46	1,813.57	1,859.82	1,907.26	1,955.91	2,005.80	2,056.96	2,109.42	2,163.22	2,218.40	2,274.98	2,333.01
	Annual	45,980.00	47,152.77	48,355.44	49,588.80	50,853.61	52,150.68	53,480.84	54,844.92	56,243.79	57,678.35	59,149.49	60,658.16

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**City of Banning
Salary Schedule**

2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>	
61	Hourly Biweekly Annual	22,6582 1,812.65 47,129.00	23,2361 1,858.89 48,331.07	23,8288 1,906.30 49,563.80	24,4365 1,954.92 50,827.98	25,0598 2,004.78 52,124.40	25,6890 2,055.92 53,453.88	26,3145 2,108.36 54,817.28	27,0287 2,162.13 56,215.45	27,7160 2,217.28 57,649.28	28,4229 2,273.83 59,119.68	29,1479 2,331.83 60,627.59	29,8913 2,391.31 62,173.95	30,6537 2,462.30 63,759.76
62	Hourly Biweekly Annual	23,2245 1,857.96 48,307.00	23,8169 1,905.35 49,539.12	24,4244 1,953.95 50,802.66	25,0473 2,003.79 52,058.44	25,6862 2,054.89 53,427.28	26,3413 2,107.31 54,759.97	27,0343 2,161.06 56,187.45	27,7022 2,216.18 57,820.58	28,4088 2,272.70 59,090.23	29,1334 2,339.53 60,597.39	29,8764 2,398.95 62,142.99	30,6385 2,449.88 63,728.01	31,4199 2,512.37 65,353.45
63	Hourly Biweekly Annual	23,8053 1,904.42 49,515.00	24,4125 1,953.00 50,777.93	25,0351 2,002.81 52,073.07	25,6737 2,053.89 53,401.25	26,3285 2,106.28 54,763.30	27,0000 2,160.00 56,160.09	27,6887 2,215.10 57,592.51	28,3949 2,271.59 59,061.47	29,1192 2,339.53 60,567.89	29,8619 2,398.95 62,112.73	30,6235 2,449.88 63,698.98	31,4046 2,512.37 65,321.63	32,2056 2,576.45 66,987.73
64	Hourly Biweekly Annual	24,4005 1,952.04 50,753.00	25,0228 2,001.83 52,047.51	25,6611 2,052.89 53,376.03	26,3156 2,105.25 54,766.41	26,9888 2,158.94 56,132.52	27,6751 2,214.01 57,564.24	28,3810 2,270.48 59,032.47	29,1049 2,327.48 60,538.15	29,8472 2,387.78 62,082.24	30,6035 2,448.68 63,666.71	31,3832 2,511.14 65,289.57	32,1886 2,575.19 66,954.84	33,0106 2,640.87 68,662.59
65	Hourly Biweekly Annual	25,0106 2,000.85 52,022.00	25,6485 2,051.88 53,348.87	26,3027 2,104.21 54,769.59	26,9736 2,157.89 56,105.01	27,6616 2,212.92 57,536.03	27,6616 2,269.37 59,003.54	28,3871 2,327.25 60,508.48	29,0906 2,386.61 62,051.81	29,8326 2,447.48 63,634.51	30,5935 2,509.91 65,257.57	31,3738 2,573.92 66,922.03	32,1741 2,639.57 68,628.84	32,9947 2,706.90 70,378.39
66	Hourly Biweekly Annual	25,6356 2,050.85 53,322.00	26,2834 2,103.16 54,682.03	26,9600 2,158.80 56,076.75	27,6476 2,211.81 57,507.04	28,3528 2,268.22 58,979.82	29,0760 2,326.08 60,478.01	29,8176 2,385.41 62,020.56	30,5781 2,446.25 63,602.45	31,3580 2,508.64 65,224.70	32,1578 2,572.63 66,888.32	32,9781 2,638.25 68,594.37	33,8192 2,705.54 70,343.94	34,6818 2,774.54 72,138.13
67	Hourly Biweekly Annual	26,2784 2,102.12 54,655.00	26,9466 2,159.73 56,049.03	27,6340 2,210.72 57,478.62	28,3388 2,267.10 58,944.67	29,0616 2,324.93 60,448.11	29,8028 2,384.23 61,989.90	30,5630 2,445.04 63,571.01	31,3425 2,507.40 65,192.46	32,1419 2,571.36 66,855.25	32,9618 2,636.94 68,560.46	33,8025 2,704.20 70,309.17	34,6647 2,773.17 72,102.47	35,5488 2,843.90 73,841.52
68	Hourly Biweekly Annual	28,9337 2,154.59 56,022.00	27,6206 2,208.65 57,450.90	28,3251 2,266.07 58,916.24	29,0476 2,323.81 60,419.96	29,7885 2,383.68 61,960.00	30,5482 2,443.86 63,540.36	31,3274 2,506.19 65,161.02	32,1264 2,570.12 66,823.01	32,9459 2,635.67 68,527.40	33,7862 2,702.89 70,275.35	34,6479 2,771.83 72,067.70	35,5317 2,842.53 73,905.86	36,4379 2,915.03 75,790.90
69	Hourly Biweekly Annual	27,6067 2,208.54 57,422.00	28,3169 2,264.87 58,886.61	29,0330 2,322.64 60,388.57	29,7735 2,381.88 61,928.84	30,5329 2,442.63 63,508.40	31,3117 2,504.93 65,128.24	32,1103 2,568.82 66,789.40	32,9283 2,634.34 68,492.93	33,7692 2,701.54 70,239.81	34,6305 2,770.44 72,031.45	35,5138 2,841.10 73,868.66	36,4196 2,913.57 75,752.78	37,3485 2,987.88 77,684.93
70	Hourly Biweekly Annual	28,2971 2,263.77 58,858.00	29,0189 2,321.51 60,359.23	29,7590 2,380.72 61,898.75	30,5181 2,441.44 63,477.54	31,2984 2,503.72 65,096.60	32,0947 2,567.53 66,756.95	32,9133 2,633.06 68,459.66	33,7528 2,700.22 70,205.79	34,6137 2,769.09 71,996.46	35,4965 2,839.72 73,832.80	36,4019 2,912.15 75,715.88	37,3304 2,986.43 77,647.19	38,2825 3,062.60 79,627.66
71	Hourly Biweekly Annual	29,0043 2,320.35 60,329.00	29,7441 2,379.53 61,867.75	30,5028 2,440.22 63,445.75	31,2803 2,502.46 65,084.00	32,0786 2,566.28 66,723.52	32,8968 2,631.75 68,425.37	33,7359 2,698.87 70,170.63	34,5963 2,767.11 71,960.40	35,4788 2,838.30 73,795.82	36,3837 2,910.68 75,678.06	37,3117 2,984.93 77,608.30	38,2634 3,061.07 79,587.78	39,2393 3,139.14 81,617.75
72	Hourly Biweekly Annual	29,7293 2,378.33 61,838.00	30,4881 2,439.05 63,415.24	31,2657 2,501.26 65,032.71	32,0632 2,565.06 66,691.43	32,8810 2,630.48 68,392.47	33,7197 2,697.57 70,136.88	34,5797 2,766.38 71,925.79	35,4617 2,836.94 73,760.33	36,3662 2,909.29 75,641.67	37,2937 2,983.50 77,570.98	38,2450 3,059.60 79,549.51	39,2204 3,137.63 81,578.50	40,2208 3,217.66 83,659.24

**City of Banning
Salary Schedule**

2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
73	Hourly Biweekly	30,473.31 2,437.85	31,260.03 2,500.03	32,047.47 2,563.79	32,834.48 2,629.18	33,703.00 2,696.24	34,592.77 2,765.01	35,444.42 2,835.54	36,348.33 2,907.86	37,275.54 2,982.03	38,226.81 3,058.09	39,201.11 3,136.09	40,201.0 3,216.08
	Annual	63,384.00	65,000.67	66,658.58	66,358.77	70,102.33	71,890.36	73,724.00	75,604.40	77,532.77	79,510.32	81,538.31	83,618.02
74	Hourly Biweekly	31,234.6 2,498.77	32,031.3 2,562.50	32,848.3 2,627.86	33,686.1 2,694.89	34,545.3 2,763.62	35,426.4 2,834.11	36,330.0 2,906.40	37,256.6 2,980.53	38,206.9 3,056.55	39,181.4 3,134.51	40,180.8 3,214.46	41,205.6 3,286.45
	Annual	64,968.00	66,625.07	68,324.41	70,087.10	71,854.23	73,588.94	75,566.40	77,493.80	79,470.35	81,487.32	83,575.99	85,707.68
75	Hourly Biweekly	32,015.4 2,561.23	32,832.0 2,626.56	33,689.4 2,693.55	34,528.2 2,762.25	35,408.8 2,832.71	36,312.0 2,904.96	37,298.1 2,979.05	38,187.9 3,055.03	39,162.0 3,132.96	40,160.8 3,212.87	41,185.2 3,284.81	42,235.6 3,378.85
	Annual	66,592.00	68,280.50	70,032.31	71,818.56	73,650.36	75,528.89	77,455.33	79,430.90	81,456.87	83,534.51	85,665.14	87,850.11
76	Hourly Biweekly	32,815.9 2,625.27	33,652.9 2,692.23	34,511.2 2,760.90	35,391.5 2,831.32	36,294.2 2,903.53	37,219.9 2,977.59	38,169.2 3,053.54	39,142.7 3,131.42	40,141.1 3,211.29	41,165.0 3,293.20	42,214.9 3,377.19	43,281.6 3,463.33
	Annual	68,257.00	69,987.96	71,783.33	73,614.24	75,491.84	77,417.34	79,391.94	81,416.91	83,493.53	85,633.12	87,807.02	90,046.63
77	Hourly Biweekly	33,636.5 2,690.92	34,494.5 2,759.56	35,374.3 2,829.94	36,276.5 2,892.12	37,201.8 2,976.15	38,150.7 3,052.05	39,123.8 3,129.90	40,121.6 3,209.73	41,145.0 3,291.60	42,194.4 3,375.55	43,270.6 3,461.65	44,374.3 3,549.94
	Annual	69,984.00	71,748.50	73,578.52	75,455.21	77,379.77	79,353.42	81,377.41	83,453.02	85,581.58	87,764.42	90,002.94	92,288.55
78	Hourly Biweekly	34,477.4 2,758.19	35,356.8 2,828.54	36,258.6 2,900.69	37,183.4 2,974.67	38,131.8 3,050.54	39,104.4 3,128.35	40,101.8 3,208.14	41,145.0 3,288.97	42,173.6 3,373.88	43,249.2 3,459.94	44,342.3 3,548.19	45,436.6 3,638.69
	Annual	71,713.00	73,542.11	75,417.88	77,341.49	79,314.16	81,337.14	83,411.73	85,539.23	87,720.99	89,958.40	92,252.88	94,605.89
79	Hourly Biweekly	35,339.4 2,827.15	36,240.8 2,889.26	37,165.1 2,973.21	38,113.1 3,049.05	39,085.2 3,126.82	40,082.1 3,206.57	41,104.4 3,288.35	42,152.8 3,372.23	43,228.0 3,458.24	44,330.6 3,548.45	45,461.3 3,636.90	46,620.8 3,729.66
	Annual	73,506.00	75,380.84	77,303.51	79,275.21	81,287.20	83,370.77	85,497.23	87,677.92	89,914.23	92,207.58	94,559.43	96,971.26
80	Hourly Biweekly	36,222.6 2,897.81	37,146.5 2,971.72	38,093.9 3,047.52	39,055.6 3,125.25	40,062.0 3,204.96	41,053.8 3,286.70	42,131.7 3,370.53	43,206.3 3,456.50	44,308.3 3,544.67	45,438.4 3,635.08	46,597.4 3,727.79	47,785.9 3,822.87
	Annual	75,343.00	77,264.70	79,235.41	81,256.39	83,328.92	85,454.30	87,633.90	89,869.09	92,161.29	94,511.96	96,922.58	99,394.69
81	Hourly Biweekly	37,128.4 2,970.27	38,075.4 3,046.03	39,046.5 3,123.72	40,042.4 3,203.39	41,063.8 3,285.10	42,111.1 3,368.89	43,185.2 3,454.82	44,286.7 3,542.94	45,416.3 3,633.30	46,547.4 3,725.97	48,574.7 3,821.01	49,762.6 3,918.47
	Annual	77,227.00	79,196.75	81,216.74	83,288.26	85,412.61	87,591.14	89,823.24	92,116.33	94,465.84	96,875.29	99,346.19	101,880.12
82	Hourly Biweekly	38,056.3 3,044.50	39,026.9 3,122.15	40,022.3 3,201.79	41,043.1 3,283.45	42,090.0 3,367.20	43,163.5 3,453.08	44,204.5 3,541.16	45,393.5 3,631.48	46,551.3 3,724.10	47,738.6 3,819.09	48,956.2 3,916.50	50,204.9 4,016.39
	Annual	79,157.00	81,175.98	83,246.45	85,369.74	87,547.18	89,760.16	92,070.09	94,418.43	96,826.66	99,298.33	101,828.98	104,426.23
83	Hourly Biweekly	39,007.7 3,120.62	40,002.6 3,200.21	41,022.9 3,281.83	42,059.3 3,305.54	43,142.3 3,351.38	44,242.7 3,529.41	45,371.1 3,629.69	46,528.4 3,722.27	47,715.1 3,817.21	48,932.1 3,914.57	50,180.2 4,014.42	51,460.1 4,116.81
	Annual	81,136.00	83,205.45	85,327.69	87,504.06	89,735.94	92,024.74	94,371.93	96,778.98	99,247.42	101,778.83	104,374.80	107,036.98
84	Hourly Biweekly	39,933.2 3,198.65	40,003.0 3,280.24	42,048.8 3,383.90	43,121.3 3,537.69	44,212.2 3,627.92	45,349.1 3,720.46	46,505.7 3,815.35	47,691.9 3,912.67	48,908.3 4,012.46	50,155.8 4,114.81	52,747.0 4,219.76	54,092.3 4,327.38
	Annual	83,165.00	85,286.21	87,461.52	89,692.31	91,980.00	94,326.04	96,731.92	99,199.17	101,729.34	104,324.05	106,984.94	109,713.70

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

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
85	Hourly Biweekly	40,9827 3,278.62	42,0280 3,362.24	43,1000 3,448.00	44,1993 3,535.94	45,3266 3,626.13	46,4827 3,718.62	47,6883 3,813.46	48,8841 3,910.73	50,1310 4,010.48	51,4096 4,112.77	52,2209 4,217.67	54,0856 4,325.25
	Annual	85,244.00	87,418.23	89,647.92	91,934.48	94,279.36	96,684.05	99,150.08	101,679.00	104,272.42	106,932.00	109,659.40	112,456.38
86	Hourly Biweekly	42,0072 3,360.58	43,0786 3,446.29	44,1774 3,534.19	45,3042 3,624.34	46,4597 3,716.78	47,6447 3,811.58	48,8600 3,908.80	50,1082 4,008.49	51,3842 4,110.74	52,6948 4,215.58	54,0368 4,323.11	55,4171 4,433.37
	Annual	87,375.00	89,603.59	91,889.02	94,232.74	96,636.24	99,101.04	101,928.71	104,220.85	106,879.11	109,605.17	112,400.76	115,287.65
87	Hourly Biweekly	43,0572 3,444.58	44,1554 3,532.43	45,2817 3,622.53	46,4366 3,714.93	47,6210 3,809.68	48,8356 3,906.85	50,0812 4,006.50	51,3586 4,108.69	52,6686 4,213.49	54,0119 4,320.95	55,3896 4,431.17	56,8023 4,544.19
	Annual	89,559.00	91,843.29	94,185.85	96,588.15	99,051.73	101,578.14	104,168.99	106,825.93	109,550.63	112,344.83	115,210.30	118,148.85
88	Hourly Biweekly	44,1337 3,530.69	45,2593 3,620.75	46,4137 3,713.10	47,5975 3,807.80	48,8116 3,904.92	50,0565 4,004.52	51,3333 4,106.66	52,6426 4,211.41	53,9853 4,318.82	55,3623 4,428.98	56,7743 4,541.95	58,2224 4,657.79
	Annual	91,798.00	94,139.40	96,540.52	98,002.88	101,528.05	104,117.62	106,773.25	109,498.61	112,289.43	115,153.48	118,090.59	121,102.60
89	Hourly Biweekly	45,2370 3,618.96	46,3908 3,711.27	47,5741 3,805.93	48,7875 3,903.08	50,0319 4,002.55	51,3080 4,104.64	52,6167 4,209.33	53,9587 4,316.70	55,3350 4,426.80	56,7463 4,539.71	58,1937 4,655.50	59,6780 4,774.24
	Annual	94,093.00	96,492.94	98,954.08	101,478.01	104,066.31	106,720.62	109,442.64	112,234.08	115,096.72	118,032.38	121,042.91	124,130.24
90	Hourly Biweekly	46,3983 3,708.46	47,5509 3,804.08	48,7638 3,901.10	50,0075 4,000.60	51,2830 4,102.64	52,5911 4,207.28	53,9324 4,314.60	55,3080 4,424.64	56,7187 4,537.50	58,1654 4,653.23	59,6490 4,771.92	61,1704 4,893.63
	Annual	96,446.00	98,805.95	101,428.65	104,015.69	106,668.71	109,389.40	112,179.49	115,040.74	117,974.97	120,984.04	124,069.86	127,234.38
91	Hourly Biweekly	47,5274 3,802.19	48,7396 3,899.17	49,9828 3,998.62	51,2577 4,100.61	52,5650 4,205.20	53,9058 4,312.46	55,2807 4,422.45	56,6807 4,535.25	58,1366 4,650.93	59,6194 4,769.56	61,1401 4,891.21	62,6995 5,015.96
	Annual	98,857.00	101,378.45	103,964.21	106,615.92	109,335.26	112,123.97	114,983.80	117,916.58	120,924.16	124,008.45	127,171.41	130,415.04
92	Hourly Biweekly	48,7154 3,897.23	49,9579 3,996.63	51,2321 4,098.57	52,5389 4,203.11	55,2532 4,310.31	56,6625 4,420.25	58,1077 4,533.00	59,5898 4,648.61	61,097 4,767.18	61,1097 4,888.77	62,6683 5,013.47	64,2668 5,141.34
	Annual	101,328.00	103,912.47	106,562.86	109,280.86	112,068.17	114,926.58	117,857.90	120,883.99	123,946.74	127,108.13	130,350.15	133,674.86
93	Hourly Biweekly	49,8332 3,994.65	51,2068 4,096.54	52,5128 4,201.03	53,8522 4,308.18	55,2258 4,418.06	56,6344 4,530.75	58,0789 4,636.31	59,5803 4,764.82	61,0794 4,886.35	62,6373 5,010.98	64,2949 5,138.79	65,8733 5,289.86
	Annual	103,861.00	106,510.08	109,226.72	112,012.68	114,869.66	117,799.52	120,804.12	123,885.35	127,045.17	130,285.58	133,808.64	137,016.47
94	Hourly Biweekly	51,1817 4,094.54	52,4872 4,198.97	53,8259 4,306.07	55,1988 4,415.90	56,6067 4,528.54	58,0505 4,644.04	59,5311 4,762.49	61,0495 4,883.96	62,6067 5,008.53	64,2035 5,136.28	65,8411 5,267.29	67,5204 5,401.63
	Annual	106,458.00	109,173.32	111,957.89	114,813.49	117,741.92	120,745.05	123,824.77	126,983.05	130,221.88	133,543.32	136,949.47	140,442.50
95	Hourly Biweekly	52,4611 4,196.88	53,7991 4,303.93	55,1713 4,413.71	56,5785 4,526.28	58,0216 4,641.73	59,5015 4,760.12	61,0192 4,881.53	62,5755 5,008.04	64,1716 5,133.73	65,8083 5,264.67	67,4668 5,398.95	69,0856 5,538.65
	Annual	109,119.00	111,902.19	114,756.37	117,883.34	120,684.97	123,763.16	126,919.87	130,157.09	133,476.87	136,881.33	140,372.63	143,652.87
96	Hourly Biweekly	53,7726 4,301.81	55,1441 4,411.53	56,5506 4,524.05	57,9830 4,639.44	58,4722 4,757.77	59,4791 4,879.13	60,9891 5,003.57	62,5447 5,131.19	64,1399 5,262.07	65,7759 5,396.28	67,4636 5,533.92	69,1740 5,675.07
	Annual	111,847.00	114,899.77	117,625.30	120,625.45	123,702.13	126,857.27	130,092.89	133,411.04	136,813.83	140,303.40	143,881.98	147,551.83

City of Banning
Salary Schedule
2 5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>	
97	Hourly	55,1173	56,5231	57,9848	59,4433	60,9594	62,5142	64,1087	65,7439	67,4208	69,1404	70,9839	72,7124	74,5570
	Biweekly	4,409.38	4,521.85	4,637.18	4,755.46	4,876.75	5,001.14	5,128.70	5,259.51	5,393.66	5,531.23	5,672.31	5,816.99	5,985.36
	Annual	114,644.00	117,568.11	120,566.80	123,641.98	126,795.59	130,029.64	133,346.18	136,747.30	140,235.18	143,812.02	147,480.09	151,241.71	155,989.29
98	Hourly	56,4952	57,9362	59,4139	60,9293	62,4834	64,0771	65,7114	67,3874	69,1062	70,9888	72,6764	74,5301	76,4311
	Biweekly	4,519.62	4,634.89	4,753.11	4,874.34	4,998.67	5,126.16	5,256.91	5,390.99	5,528.50	5,669.51	5,814.11	5,982.41	6,114.49
	Annual	117,510.00	120,507.21	123,580.87	128,732.92	129,965.37	133,280.27	136,679.71	140,165.87	143,740.94	147,407.19	151,166.96	155,022.63	158,976.63
99	Hourly	57,9072	59,3842	60,8988	62,4621	64,0450	65,6786	67,3538	69,0717	70,8334	72,6401	74,4929	76,3929	78,3414
	Biweekly	4,632.58	4,750.74	4,871.91	4,996.17	5,123.60	5,254.29	5,388.30	5,525.74	5,666.67	5,811.21	5,959.43	6,111.43	6,267.31
	Annual	120,447.00	123,519.12	126,689.80	129,900.43	133,213.68	136,611.42	140,095.83	143,669.12	147,333.54	151,091.43	154,945.17	158,972.20	162,850.03
100	Hourly	59,3553	60,8692	62,4217	64,0339	65,6466	67,3210	69,0381	70,7990	72,6048	74,4566	76,3557	78,3032	80,3094
	Biweekly	4,748.42	4,869.54	4,993.74	5,121.11	5,251.73	5,385.68	5,523.05	5,663.92	5,808.38	5,956.53	6,108.46	6,284.26	6,424.03
	Annual	123,459.00	126,607.95	129,837.21	133,148.84	136,544.93	140,027.64	143,599.19	147,261.83	151,017.89	154,869.75	158,819.86	162,870.72	167,024.80
101	Hourly	60,8389	62,3907	63,9820	65,6140	67,2875	69,0037	70,7638	72,5687	74,4196	76,3177	78,2843	80,2805	82,3076
	Biweekly	4,867.12	4,991.26	5,118.56	5,249.12	5,383.00	5,520.30	5,661.10	5,805.49	5,953.57	6,105.42	6,261.14	6,420.84	6,584.61
	Annual	125,545.00	128,772.66	133,082.64	136,477.04	139,958.03	143,527.80	147,188.62	150,942.81	154,792.76	158,140.90	162,889.75	166,941.86	171,199.88
102	Hourly	62,3601	63,9507	65,5818	67,2545	68,9899	70,7290	72,5331	74,3831	76,2803	78,2259	80,2211	82,2673	84,3956
	Biweekly	4,988.81	5,116.05	5,246.54	5,380.36	5,517.59	5,658.32	5,802.64	5,950.65	6,102.42	6,258.07	6,417.69	6,581.38	6,749.25
	Annual	129,709.00	133,017.36	136,410.10	139,889.37	143,457.39	147,116.42	150,868.77	154,716.83	158,663.03	162,709.89	166,859.97	171,115.90	175,480.39
103	Hourly	63,9188	65,5491	67,2210	68,9355	70,6938	72,4969	74,3460	76,2423	78,1869	80,1811	82,2262	84,3735	86,4742
	Biweekly	5,113.50	5,243.92	5,377.68	5,514.84	5,655.50	5,798.75	5,947.68	6,098.38	6,254.95	6,414.49	6,578.10	6,745.88	6,917.94
	Annual	132,951.00	136,342.05	139,819.59	143,385.83	147,043.03	150,793.51	154,639.64	158,583.88	162,828.72	166,776.73	171,030.54	175,392.84	179,856.41
104	Hourly	65,5168	67,1879	68,9016	70,6590	72,4612	74,3094	76,2048	78,1484	80,1417	82,1858	84,2820	86,4317	88,6362
	Biweekly	5,241.35	5,375.03	5,512.13	5,652.72	5,796.90	5,944.75	6,096.38	6,251.87	6,411.34	6,574.86	6,742.56	6,914.54	7,080.90
	Annual	136,275.00	139,750.83	143,315.31	146,970.72	150,719.35	154,563.80	158,505.90	162,548.75	166,894.72	170,946.43	175,308.59	179,777.96	184,363.38
105	Hourly	67,1548	68,8677	70,6242	72,4255	74,2728	76,1672	78,1099	80,1022	82,1453	84,2405	86,3391	88,5326	90,8522
	Biweekly	5,372.38	5,509.41	5,649.34	5,784.04	5,941.83	6,093.38	6,248.80	6,408.18	6,571.62	6,739.24	6,911.13	7,087.41	7,288.18
	Annual	139,682.00	143,244.73	146,898.33	150,645.12	154,487.47	158,427.83	162,468.69	166,612.62	170,862.24	175,220.25	179,689.42	184,272.58	188,972.83
106	Hourly	68,8337	70,5893	72,3898	74,2361	76,1296	78,0714	80,0627	82,1047	84,1989	86,3465	88,5488	90,8074	93,1235
	Biweekly	5,506.69	5,647.15	5,791.18	5,938.89	6,090.37	6,245.71	6,405.01	6,568.38	6,735.91	6,907.72	7,083.91	7,264.59	7,449.88
	Annual	143,174.00	146,825.80	150,570.73	154,411.19	158,349.60	162,388.47	166,530.35	170,777.87	175,133.73	179,600.69	184,181.59	188,879.32	193,696.88
107	Hourly	70,5543	72,3539	74,1993	76,0919	78,0327	80,0230	82,0640	84,1572	86,3037	88,5049	90,7623	93,0773	95,4514
	Biweekly	5,644.35	5,788.31	5,935.95	6,087.35	6,242.61	6,401.84	6,565.12	6,732.57	6,904.29	7,080.40	7,260.99	7,446.19	7,636.11
	Annual	146,753.00	150,496.08	154,334.64	158,271.09	162,307.96	166,447.78	170,693.20	175,046.90	179,511.65	184,080.27	188,785.68	193,600.85	198,538.83
108	Hourly	72,3183	74,1628	76,0544	77,9843	79,9836	82,0336	84,1157	86,2612	88,4614	90,7177	93,0315	95,4044	97,8378
	Biweekly	5,785.46	5,933.03	6,084.35	6,239.54	6,398.69	6,561.89	6,729.26	6,900.90	7,076.91	7,257.41	7,442.52	7,632.35	7,827.02
	Annual	150,422.00	154,258.66	158,193.19	162,228.06	166,365.85	170,609.18	174,960.73	179,423.28	183,899.65	188,692.75	193,505.55	198,441.10	203,502.54

City of Banning
Salary Schedule
2.5506% Between Steps

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>	
109	Hourly Biweekly	74,1264 5,930.12	76,0171 6,081.37	77,9560 6,236.48	79,9443 6,395.55	81,9834 6,558.67	84,0745 6,723.96	86,2189 6,897.51	88,4180 7,073.44	90,6732 7,253.85	92,9859 7,438.87	95,3576 7,628.61	97,7898 7,823.18	100,2840 8,022.72
110	Hourly Biweekly	75,9793 6,078.35	77,9173 6,233.38	79,9046 6,392.37	81,9427 6,555.41	84,0327 6,722.62	86,1760 6,894.08	88,3740 7,069.92	90,6281 7,250.25	92,9397 7,435.17	95,3102 7,624.81	97,7412 7,819.29	100,2341 8,018.73	102,7907 8,223.26
111	Hourly Biweekly	77,8788 6,230.31	79,8652 6,389.22	81,9023 6,552.18	83,9913 6,719.30	86,1335 6,890.68	88,3305 7,086.44	90,5834 7,246.67	92,8938 7,431.51	95,2632 7,621.06	97,6930 7,815.44	100,1847 8,014.78	102,7400 8,219.20	105,3605 8,428.84
112	Hourly Biweekly	79,8260 6,386.08	81,8620 6,548.96	83,9500 6,716.00	86,0912 6,887.30	88,2870 7,062.96	90,5389 7,243.11	92,8482 7,427.85	95,2164 7,617.31	97,6450 7,811.60	100,1355 8,010.84	102,6895 8,215.16	105,3087 8,424.70	107,9947 8,639.58
113	Hourly Biweekly	81,8216 6,545.73	83,9086 6,712.69	86,0487 6,883.90	88,2435 7,059.48	90,4942 7,239.54	92,8024 7,424.19	95,1694 7,613.55	97,5968 7,807.74	100,0861 8,008.89	102,6389 8,211.11	105,2568 8,420.54	107,9415 8,635.32	110,6946 8,855.57
114	Hourly Biweekly	83,8673 6,709.38	86,0064 6,880.51	88,2001 7,056.01	90,4497 7,235.98	92,7568 7,420.54	95,1226 7,609.81	97,5488 7,803.90	100,0369 8,002.95	102,5884 8,207.07	105,2050 8,416.40	107,8884 8,631.07	110,6402 8,851.22	113,4622 9,076.98
115	Hourly Biweekly	85,9639 6,877.12	88,1565 7,052.52	90,4051 7,232.40	92,7109 7,416.87	95,0756 7,606.05	97,5006 7,800.05	99,9875 7,998.00	102,5377 8,203.02	105,1531 8,412.25	107,8351 8,626.81	110,3855 8,846.84	113,4661 9,072.49	116,2412 9,303.89
116	Hourly Biweekly	88,1130 7,049.04	90,3604 7,228.83	92,6651 7,413.21	95,0286 7,602.29	97,4524 7,796.20	99,9381 7,995.04	102,4871 8,198.97	105,1011 8,408.09	107,7818 8,622.55	110,5309 8,842.47	113,3501 9,068.01	116,2412 9,298.30	119,2061 9,536.49
	Annual	183,275.00	187,949.61	192,743.45	197,659.57	202,701.07	207,871.17	213,173.13	218,610.32	224,186.20	229,904.29	235,768.23	241,781.74	247,948.62

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**CITY COUNCIL
REPORT OF OFFICERS**

DATE: February 22, 2011

TO: Mayor and City Council Members

FROM: Andy Takata, City Manager

SUBJECT: Amendment to Title 6 of the Banning Municipal Code to Regulate and Control the Keeping of Animals

RECOMMENDATION:

That the City Council adopt Ordinance No. 1437 amending Title 6 of the Banning Municipal Code by adopting by reference the entirety of the Title 6 of the Beaumont Municipal Code entitled "Animals" to regulate and control the keeping of animals and introduce the first reading of Ordinance No. 1437.

JUSTIFICATION:

The City's current animal control regulations codified in Title 6 "Animals" of the Banning Municipal Code have not been updated since their adoption in 1965. The City currently contracts with the City of Beaumont for animal control services. It is efficient and convenient for the Beaumont animal control officers to enforce the regulations since they are already familiar with the Code. Adoption by reference the entirety of the Beaumont Municipal Code Title 6 provisions allows the enforcement officers to facilitate consistency and ease of enforcement between rules that apply in Banning and Beaumont to residents who wish to keep animals. Additionally, the ordinance updates the Banning animal control regulations and brings them into compliance with existing law.

BACKGROUND/DISCUSSION:

The City entered into a contract services agreement with the City of Beaumont on July 1, 2010 for providing animal control services. The Beaumont Police Department is the department within the City of Beaumont that enforces animal regulations. Since the Beaumont animal control officers are already familiar with their Municipal Code, it is more efficient and convenient for them to enforce the same code in Banning. Additionally, the City of Beaumont fully revised and amended to their animal ordinance in November 2009, which is fairly recent. By adopting by reference the entirety of the Beaumont Code would help not only to provide consistent and ease of enforcement between the two cities but also will update the Banning Animal Section of the Code, which has not been updated since 1965.

The most significant changes to the ordinance include a mandatory spaying or neutering of all dogs and cats within the City, or the requirement to obtain an unaltered license if the owner is unable to spay or neuter their animal; and mandatory micro-chipping of all dogs and cats that are licensed within the City. Certain exemptions apply, which include animals that are unable to be spayed, neutered, or micro-chipped as certified by a licensed veterinarian. For clarification, mandatory micro-chipping of cats applies only to cats that

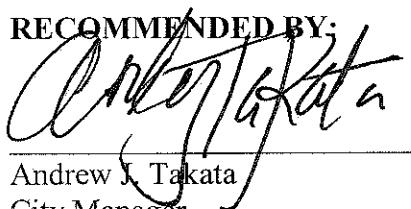
have been impounded and transported to the shelter will be required to be micro-chipped prior to their release back to their owner. The new ordinance prohibits owners from allowing unspayed or unaltered cats from remaining outdoors.

Fees for enforcing this ordinance will be evaluated and adopted as part of the City-wide fee evaluation/review.

FISCAL DATA:

The cost associated with the preparation of the ordinance is absorbed in the current staffing and budget.

RECOMMENDED BY:



Andrew J. Takata
City Manager

Attachments:

1. Ordinance No. 1437
2. Title 6 "Animals" of the Beaumont Municipal Code

ORDINANCE NO. 1437

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AMENDING TITLE 6 OF THE BANNING MUNICIPAL CODE BY ADOPTING BY REFERENCE THE ENTIRETY OF TITLE 6 OF THE BEAUMONT MUNICIPAL CODE, ENTITLED "ANIMALS", RELATIVE TO ANIMAL CONTROL AND REGULATION

WHEREAS, the City of Banning ("City") has established in its municipal code standards which protect the general health, safety and welfare of City residents; and

WHEREAS, strict compliance with the provisions of the municipal code, including those provisions which regulate and control the keeping of animals, will enhance the quality of life and help maintain property values in the City; and

WHEREAS, the City currently contracts with the City of Beaumont for animal control services; and

WHEREAS, the City finds that utilizing the City of Beaumont's ordinances and regulations is efficient and convenient for the animal control enforcement officers who are already familiar with the relevant provisions of the City of Beaumont's ordinance and regulations; and

WHEREAS, the City's current animal control regulations, codified in Title 6 "Animals" of the Banning Municipal Code, have not been updated since their adoption in 1965. However, Title 6 "Animals" of the Beaumont Municipal Code was fully revised and updated in 2009 to comply with applicable state laws and regulations pertaining to animal control; and

WHEREAS, the City Council is hereby adopting by reference the entirety of Beaumont Municipal Code Title 6 provisions relating to animal control for the purposes of (i) facilitating consistency and ease of enforcement as between the rules that apply to Beaumont and Banning residents who wish to keep animals, and (ii) updating Banning's animal control regulations to bring them into compliance with existing law.

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

SECTION 1. Title 6 of the Banning Municipal Code relating to "Animals" is hereby amended by deleting the existing Title 6 (including Chapters 6.04, 6.08, 6.12, 6.16, 6.20, 6.24, 6.28, 6.32 and 6.36) in its entirety and adopting a new Title 6 to read as follows in its entirety:

"Title 6 -- **ANIMALS**

Chapter 6.04:

Sections

- 6.04.010 Incorporation by Reference.
- 6.04.020 Definitions; Amendments to Adopted Animal Code.
- 6.04.030 Delegation of Authority to Other Municipality; Interpretation.
- 6.04.040 Roosters, Peacocks and Flocks Prohibited; Amendments.
- 6.04.050 Abandonment; Amendments.
- 6.04.060 Application Requirements; Amendments.
- 6.04.070 Violations – Penalties; Amendments.
- 6.04.080 Failure to Quarantine; Amendments.
- 6.04.090 Deletions.

6.04.010 Incorporation by Reference.

A. Except as otherwise provided in this chapter, the following chapters of that certain document entitled, "Title 6. Animals, Beaumont Municipal Code," and all appendices, tables, and indices thereto, as the same existed on December 14, 2010, (hereafter "Animal Code"), are hereby adopted by reference and incorporated as if fully set out herein, and the provisions thereof shall be controlling within the limits of the city, pursuant to the provisions of Section 50022.1 *et seq.* of the California Government Code:

1. Chapter 6.02. Regulations Generally.
2. Chapter 6.04. Dogs and Cats – General Provisions.
3. Chapter 6.06. Animal Licenses.
4. Chapter 6.08. Seizure or Impoundment of Animals.
5. Chapter 6.10. Potentially Dangerous Dogs.
6. Chapter 6.12. Dangerous Animals.
7. Chapter 6.14. Rabid Animals.
8. Chapter 6.16. Kennels, Catteries, and Animal Rescue Facilities.
9. Chapter 6.18. Large Animal.
10. Chapter 6.20. Apiaries.
11. Chapter 6.22. Animal Control Hearings

B. One copy of the Animal Code, described in this Section, has been deposited in the office of the city clerk and shall be at all times maintained by the city clerk for use and examination by the public.

6.04.020 Definitions; Amendments to Adopted Animal Code.

Whenever any of the following names or terms are used in the Animal Code, each such name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

- A. "Animal Services Officer" means any person or entity designated under this Chapter as the animal services officer for the City, including, but not limited to, any Beaumont animal services employee designated to enforce the animal control regulations of this Chapter.
- B. "City" is the City of Banning.
- C. "Chief of Police" or "Police Chief" means the Chief of Police for the City of Beaumont.
- D. "Planning Director" is the Director of the Community Development Department for the City of Banning or his/her designee.

6.02.030 Delegation of Authority to Other Municipality; Interpretation.

Section 6.02.020 of the Animal Code is amended in its entirety to read as follows:

The City reserves the right to delegate its authority over animal control administration and the enforcement of this Title to another duly-authorized and qualified municipality operating an animal control program or contractor. In the event of such a delegation of authority to another municipality or contractor, the provisions, terms and definitions established by this Title shall, to the extent reasonably possible, be construed in maximal consistency with any agreed, written contractual arrangements between the City of Banning and the municipality providing animal control services or the contractor. If this Title cannot be reasonably construed in consistency with a written contractual arrangement between the City of Banning and another municipality providing animal control services or contractor, then the written contract provisions shall control.

6.02.040 Roosters, Peacocks and Flocks Prohibited; Amendments.

Section 6.02.0160 of the Animal Code is amended in its entirety to read as follows:

Except as provided in this Section, no person, either as owner, agent or employee, shall keep any roosters, peacocks, or flocks of 5 or more pigeons, doves, ducks or other birds or fowl, domestic or otherwise within the City of Banning. The keeping of such birds and other fowl is hereby declared to be a nuisance.

Roosters, peacocks, birds or other fowl shall be permitted per Chapter 17.40 of the Banning Zoning Code.

6.04.050 Abandonment; Amendments.

Section 6.02.0180 of the Animal Code is amended in its entirety to read as follows:

It is unlawful for any person to knowingly abandon any animal within the City. Any person violating this Section shall bear full costs and expenses incurred by the City, the Department or any other officer or agency designated by the City in the care of said abandoned animal and the person shall reimburse all costs therefore to the agency that incurred said costs as determined by the Animal Services Officer. Abandonment shall include the owner's failure to redeem animals seized or impounded after proper notification of the seizure or impoundment has been issued.

6.02.060 Application Requirements; Amendments.

The first sentence of the third paragraph in Section 6.16.020 of the Animal Code is amended to read as follows:

Notwithstanding any other provision of this Title, the Animal Services Officer is hereby authorized to enter upon and inspect the premises of any kennel or cattery located in the City for the purpose of determining whether such kennel or cattery is in compliance with the provisions of this Title and the conditions set forth in Title 17 "Zoning" of the Banning Municipal Code.

All other provisions of Section 6.02.060 remain unchanged.

6.02.070 Violation-Penalties; Amendments.

Section 6.12.080, Subpart B, of the Animal Code is amended to read as follows:

B. Violation-Penalties. In the discretion of the Enforcement Officer (as that term is defined in Section 1.20.020 of the Banning Municipal Code), any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Banning Municipal Code Chapter 1.20, or shall be guilty of criminal penalties as provided under Banning Municipal Code Chapter 1.28. Each such violation shall be deemed a separate offense.

6.02.080 Failure to Quarantine; Amendments.

Section 6.14.100 of the Animal Code is amended in its entirety to read as follows:

Failure to comply with quarantine requirements or failure to produce an animal for quarantine shall constitute a violation of this Chapter. Persons who violate a home quarantine, fail to produce an animal for quarantine upon demand, or in any other way interfere with rabies investigation, shall, in the discretion of the Animal Services Officer, be administratively cited under Chapter 1.20 of the Banning Municipal Code, or shall be guilty of the criminal penalties as provided under Banning Municipal Code Chapter 1.28, and/or pursuant to Section 121710 of the California Health and/or Safety Code and

Section 9701 of the California Food and Agriculture Code, which is punishable by imprisonment in the County Jail for a period not to exceed one year, or by a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000) per day of violation, or both fine and imprisonment.

6.02.090 Deletions.

The Animal Code is amended by the following technical deletions:

- A. In Animal Code Section 6.06.130, subpart (d), the phrase “of Beaumont” is deleted.
- B. In Animal Code Section 6.10.040 the phrase “of Beaumont” is deleted.
- C. In Animal Code Section 6.16.030 the phrase “of Beaumont” is deleted.”

SECTION 2. Those amendments and deletions to the Animal Code set forth in Section 1 hereof are made solely for the purpose of facilitating consistency between the Animal Code adopted by reference herein and the existing Banning Municipal Code, its Titles, provisions and procedures.

SECTION 3. Violation of or failure to comply with any of the provisions of the Animal Code shall be subject to those penalty provisions set forth in Attachment “A” hereto. These penalty provisions are so set forth herein to meet the requirements of Government Code Section 50022.4; such penalty provisions are also adopted by reference pursuant to Section 1 without any revisions (unless otherwise specified above) and, therefore, such penalty provisions as printed in Attachment “A” need not be codified in the Banning Municipal Code.

SECTION 4. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall be in full force and effective 30 days after its passage.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Banning, California, this 22nd day of February, 2011.

Barbara Hanna, Mayor
City of Banning

ATTEST:

Marie Calderon, City Clerk
City of Banning

CERTIFICATION:

I, MARIE CALDERON, City Clerk of the City of Banning, California, do hereby certify that the foregoing Ordinance No. 1437 was duly introduced at a regular meeting, on the 22nd day of February 2011, and adopted by the City Council of the City of Banning, California, at a regular meeting held on the _____ day of _____ 2011, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie Calderon, City Clerk
City of Banning

ATTACHMENT "A"

Penalty provisions applicable through Animal Code adopted by reference:

6.02.080 Mandatory Spay and Neutering. No person shall own, keep, or harbor an unaltered dog or cat in violation of this Section. An owner or custodian of an unaltered dog must have the dog spayed or neutered, or provide a certificate of sterility, or obtain an unaltered dog license in accordance with this Title. An owner or custodian of an unaltered cat must have the animal spayed or neutered, or provide a certificate of sterility.

Penalties issued for failure to spay or neuter a dog or cat shall be enforced as set forth below:

a. An administrative citation, infraction, or other such authorized penalty may be issued to an owner or custodian of an unaltered dog or cat for a violation of this section only when the owner or custodian is concurrently cited for another violation under state or local law pertaining to the obligations of a person owning or possessing a dog or cat. Examples of such state law or local violations include, but are not limited to, the following: failure to possess a current canine rabies vaccination of the subject dog; dog or cat at large; failure to license a dog; leash law violations; kennel or cattery permit violations; tethering violations; unhealthy or unsanitary conditions; failure to provide adequate care for the subject dog or cat in violation of the Penal Code; rabies quarantine violations for the subject dog; operating a business without a license and/or lack of State Tax ID Number; fighting dog activity in violation of Penal Code section 597.5; animals left unattended in motor vehicles; potentially dangerous, dangerous or vicious animals; and noisy animals.

b. Should the owner or custodian of an unaltered dog or cat be found in violation of a state or local law, as stated above, in subsection (1), the owner or custodian shall be required to spay or neuter the unaltered animal in accordance with this section.

6.02.180 Abandonment. It is unlawful for any person to knowingly abandon any animal within the City. Any person violating this Section shall bear full costs and expenses incurred by the City in the care of said abandoned animal and the person shall reimburse to the City all costs therefore as determined by the Animal Services Officer. Abandonment shall include the owner's failure to redeem animals seized or impounded after proper notification of the seizure or impoundment has been issued.

6.02.210 Recoupment of Enforcement Costs. The City is hereby authorized to recoup all administrative costs reasonably related to the enforcement of this Title, including costs of staff time.

6.06.130 Denial or Revocation of License for Unaltered Dogs. The Department may deny or revoke an unaltered dog license for one or more of the following reasons:

a. The owner, custodian, applicant or licensee is not in compliance with all of the requirements of this section;

b. The Department has received at least three complaints, verified by the Department, that the owner, custodian, applicant, or licensee has allowed a dog to be stray or run at large or has otherwise been found to be neglectful of his or her or other animals;

c. The owner, custodian, applicant, or licensee has been previously cited for violating a state law, other City or municipal provisions relating to the care and control of animals;

d. The unaltered dog has been adjudicated by a court or an agency of appropriate jurisdiction to be potentially dangerous, dangerous or vicious, or to be nuisance within the meaning of the City of Beaumont Titles or under state law;

e. An unaltered dog license held by the applicant has been revoked;

f. The license application is discovered to contain a material misrepresentation or omission of fact.

6.08.070 Cost of Seizure and Care – Owner Liable. If any animal is properly seized or impounded under this chapter, the owner or keeper shall be personally liable to the seizing/ impounding agency for the cost of the seizure/ impoundment and care of the animal(s). Furthermore, if the charges for the seizure or impoundment, and any other charges permitted under this chapter are not paid within fourteen (14) days of the seizure, or, if the owner, within fourteen (14) days of notice of availability of the animal(s) to be returned, fails to pay charges permitted under this chapter and take possession of the animal(s), the animal(s) shall be deemed to have been abandoned and may be disposed of by the impounding Officer. The cost of caring for and treating any animal properly seized under this chapter shall constitute a lien on the animal and the animal shall not be returned to its owner until the charges are paid, unless the hearing officer determines that the seizure was unjustified.

6.08.080 Noncompliance with Order to Provide Veterinary Care. If the animal requires veterinary care and the seizing agency is not assured, within fourteen (14) days of the seizure of the animal(s), that the owner will provide the necessary care, the animal(s) shall not be returned to its owner and shall be deemed to have been abandoned and may be disposed of by the impounding Officer. A veterinarian or properly trained Animal Services Officer may humanely destroy an impounded animal without regard to the prescribed holding period when it has been determined that the animal has incurred severe injuries or is incurably ill or crippled. A veterinarian or properly trained Animal Services Officer may also immediately humanely destroy an impounded animal afflicted with a serious contagious disease unless the owner or his or her agent immediately authorizes treatment of the animal(s) by a veterinarian at the expense of the owner or agent.

6.10.040 Pre-Hearing Seizure and Impoundment of Dog. If upon investigation it is determined by the Animal Services Officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the Animal Services Officer may seize and impound the dog pending the hearings to be held pursuant to this Chapter. The owner or keeper of the dog shall be liable to the City of Beaumont where the dog is impounded for the costs and expenses of keeping the dog, if the dog is later adjudicated potentially dangerous.

6.12.060 Dangerous Animals-Disposition.

A. The owner of an animal which has bitten any person or a domestic animal, or has otherwise been determined, after a hearing, to be dangerous, may be required as a condition of the release of the animal from confinement or impoundment, in addition to paying all costs of any impoundment, to comply with the written disposition of the hearing officer which contains any or all of the following conditions requiring the owner:

1. Registration. To immediately register the animal that is found to be dangerous with the animal services officer, to comply with the animal services officers requirements for dangerous animals (including, but not limited to, requiring the animal to wear a visible, dangerous animal tag), and to keep such animal properly vaccinated at all times. The owner shall pay a fee to keep or maintain one dangerous animal for a twelve-month term and an additional fee for each additional dangerous animal. The fee shall be paid for each twelve-month term. Should the animal die in any four (4) month term, the owner shall notify the animal services officer of the death within two (2) working days of the death. The owner shall provide proof of the death to the satisfaction of the animal services officer. The amount of the fees shall be established from time-to-time by resolution of the City Council.
2. Confinement. To keep the animal securely confined on its premises in a locked enclosure approved by the hearing officer or the animal services officer from which the animal cannot escape and into which children cannot trespass. Such a kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine the animal must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the side of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house an animal must comply with all zoning and building regulations of the City. All such structures must be adequately lighted, ventilated, and kept in a cleaned sanitary condition.
3. Confinement While on Leash. To keep the animal securely muzzled, restrained by a substantial leash of appropriate length and under the control of a responsible person eighteen (18) years of age or older who is physically capable of restraining the animal when the animal is not contained in a locked, secure enclosure.
4. Spay or Neuter the Animal. To have the animal spayed or neutered by a licensed veterinarian and to present proof to the animal services officer.
5. Insurance. To provide and maintain financial responsibility for injuries to the public by obtaining and showing proof of liability insurance in the form and amount deemed to be acceptable by the hearing officer in light of all the circumstances. Such insurance policy shall provide that no cancellation of the policy will be made unless thirty days written notice is first given to the Animal Services Officer and the City Clerk's office.
6. Notification. To immediately inform any City, county, postmaster and utility company meter reader and anyone-else that lawfully comes onto the property, of the animal's dangerousness and to inform the animal services officer and/or the hearing officer if the animal is moved to another location inside or outside the City limits as provided in Section 6.06.150 of this Chapter.

7. Signs. To display in a prominent place on the premises a sign easily readable by the public using the words "Beware of Dog" or "Beware of Animal" in letters at least three (3) inches high.

8. Identification. To have a registration number assigned to such animal tattooed by a licensed veterinarian on the animal's inner thigh or inserted by a licensed veterinarian under the animal's skin by means of an electronic identification device. The manner and method of identification to be used hereunder shall be determined by the hearing officer. For the purposes of this Section, "tattoo" shall be defined as any permanent numbering of an animal by means of indelible or permanent ink.

9. Inspection. To consent and agree to the entry upon the premises to any Animal Services Officer for the purpose of inspecting the animal and/or premises.

10. Payment of Costs. To make reasonable payment of one-half of the costs incurred by the City and the Animal Services Officer in the hearing process, not to exceed one thousand dollars (\$1,000.00).

11. Other. To take any other steps deemed reasonably necessary to prevent injuries to the public.

The owner of the animal shall comply with the conditions imposed by the hearing officer within the time limit specified in Section 6.12.070 of this Chapter.

B. No dangerous animal shall be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or screen doors are the only obstacle preventing the animal from exiting the structure.

C. If, following the hearing, the subject animal is found to be dangerous and such a threat to public safety that even if reasonable conditions were imposed to release the animal to the owner it would create a significant threat to the public health, safety, or welfare, such animal may be destroyed. Such remedy shall be in addition to all other remedies at law or in equity and shall not limit or restrict such other remedies, including, but not limited to, Section 6.12.080(A), which authorizes the hearing officer to order an animal destroyed for violation of this Chapter or failure to meet a condition imposed by the hearing officer.

D. Any decisions made by the hearing officer shall be final.

E. If, after notice, the owner of an impounded animal fails to appear or be represented at the required hearing, then the animal may be considered abandoned. If the subject animal does not appear to be validly licensed and no owner can be found, and if the animal has been determined to be dangerous, then the animal may be considered abandoned and may be handled in the same manner as any other unclaimed stray animal.

F. If such an unlicensed animal has not been determined to be dangerous, it shall be returned to the owner, subject to the issuance of a citation for failure to obtain a license. A non-dangerous stray animal will be handled as any other stray animal.

G. In such cases where an impounded licensed animal is found to be dangerous, the animal may be released subject to the conditions set forth in Subsection A of this Section.

6.12.080 Enforcement and Penalties.

A. Failure to Comply. It is unlawful for the owner of an animal deemed dangerous under this Chapter to fail to comply with the requirements and conditions set forth in this Chapter. Any animal found to be the subject of a violation of this Chapter or of any condition imposed by the hearing officer pursuant to Section 6.12.060 of this Chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the destruction of the animal. No such animal however, may be destroyed until the owner of the animal has received written notice from the hearing officer that the animal will be destroyed unless, within fourteen (14) days from the date of the notice:

1. The owner has demonstrated to the satisfaction of the hearing officer that the owner has fully complied with the requirements and conditions set forth in this Chapter, including, but not limited to, the conditions imposed by the hearing officer pursuant to Section 6.12.060 of this Chapter; or
2. The owner has filed in a court of competent jurisdiction a petition that seeks to stay destruction of the animal and has served a copy of such petition upon the hearing officer.

The notice from the hearing officer shall be served upon the owner either personally or by prepaid first-class mail. If, after (14) fourteen days from the date of such notice, the owner has not complied with the provisions of Subdivisions 1 or 2 of this Subsection, the hearing officer may, without further notice or process, have the animal destroyed.

B. Violation-Penalties. In the discretion of the Enforcement Officer (as that term is defined in Section 1.20.020 of the Banning Municipal Code), any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Banning Municipal Code Chapter 1.20, or shall be guilty of criminal penalties as provided under Banning Municipal Code Chapter 1.28. Each such violation shall be deemed a separate offense.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve any person from the responsibility for correcting the violation

C. Ownership of Dangerous Animals. The owner of an animal determined to be dangerous under this Chapter shall be prohibited from owning, possessing, controlling or having custody of any other animal of the type, species, group or family to which the violation applies for a period of three years from the date of violation when it is found after the hearing conducted pursuant to Section 6.12.070 of this Chapter that ownership or possession of such animal by that person would create a significant threat to public health, safety or welfare.

D. Enforcement. Any provision of this Chapter may be enforced by the Police Department, Fire Department, the animal services officer or any authorized designee of the City Manager. Complaints of any violations of this Chapter which are subject to penalties under this Section may be presented to the District Attorney's office or to the City Attorney for prosecution.

E. Nuisance Abatement Lien. The costs of abating a public nuisance pursuant to the provisions of this Chapter may be recovered from the owner of the animal causing the public nuisance. If the owner fails to pay such costs within thirty days from the date of invoice or within an extended period of time agreed to in writing by the hearing officer, the costs may be collected by a nuisance abatement lien, as provided by Section 38773.1 of the California Government Code. Notice of the lien shall be given to the owner of record of the parcel of land on which the nuisance is maintained prior to recordation of the lien and in the manner specified in said Section 38773.1.

F. Penalties and Remedies Cumulative. The penalties and remedies specified herein shall not be exclusive but shall be cumulative with all other remedies at law or in equity. The City may, in its discretion, elect to pursue anyone or more of the penalties or remedies provided for herein or at law or in equity.

Title 6
Animals

Chapters:

- 6.02 Regulations Generally
- 6.04 Dogs and Cats – General Provisions
- 6.06 Animal Licenses
- 6.08 Seizure or Impoundment of Animals
- 6.10 Potentially Dangerous Dogs
- 6.12 Dangerous Animals
- 6.14 Rabid Animals
- 6.16 Kennels, Catteries, and Animal Rescue Facilities
- 6.18 Large Animal
- 6.20 Apiaries
- 6.22 Animal Control Hearings

Chapter 6.02
Regulations Generally

Sections:

- 6.02.005 Definitions
- 6.02.010 Fees by Resolution
- 6.02.020 (Reserved)
- 6.02.030 Provisions Supplementary to Other Laws
- 6.02.040 (Reserved)
- 6.02.050 Interference with Enforcement
- 6.02.060 Entry upon Private Property
- 6.02.070 Animal Keeping Requirements
- 6.02.080 Mandatory Spay and Neutering
- 6.02.090 Mandatory Spay and Neutering-Exemptions
- 6.02.100 Mandatory Micro-chipping of Dogs
- 6.02.105 Mandatory Micro-chipping of Cats
- 6.02.110 Mandatory Micro-chipping of Dogs and Cats-Exemptions
- 6.02.120 Transfer or Sale of Dogs, Cats or other Animals-Requirements
- 6.02.130 Transfer, Sale, and Breeding of Unaltered Dog or Cat
- 6.02.140 Transfer or Sales of Animals on Public Property Prohibited
- 6.02.150 Animals in Vehicles
- 6.02.160 Roosters, Peacocks and Flocks Prohibited
- 6.02.170 Wild Animals and Mammals, Poisonous Snakes and Other Reptiles
- 6.02.180 Abandonment
- 6.02.190 Duties and Powers of Officers
- 6.02.200 Transport of Injured Animals to Veterinarian
- 6.02.210 Recoupment of Enforcement Costs
- 6.02.220 Waiver of Fees
- 6.02.230 Severability

6.02.005 Definitions. For the purposes of Title 6 of the Beaumont Municipal Code, the following words and phrases shall have the meanings:

- a. "Abused" means any animal which is mistreated, beaten, tormented or teased; deprived of water, food or shelter; kept under unsanitary conditions; abandoned; or trained for fighting or attacking other animals or human beings.
- b. "Adoption" refers to the process of taking guardianship of and responsibility for a pet that a previous owner has abandoned or otherwise abdicated responsibility for.
- c. "Altered" means a male animal that has been neutered or a female animal that has been spayed. Also referred to as a sterile animal.
- d. "Animal Rescuer" means any individual possessing a rescue permit from the Department, who routinely obtains a dog or cat from the rightful owner of said animal, or any animal from an animal shelter that has been retained in accordance with this Title.
- e. "Animal Rescue Operation" means any building, structure, enclosure or premises run by an Animal Rescuer, whether or not a valid nonprofit corporation formed pursuant to the provisions of the California Corporations Code for the prevention of cruelty to animals, which meets all requirements and standards referred to in Chapter 6 of this Title."
- f. "Animal Services Officer" means any person or entity designated under this Chapter as the animal services officer for the City, including, but not limited to, any City employee designated to enforce the animal control regulations of this Chapter.
- g. "Apairy" means a place where bee colonies are kept.
- h. "Assistance Dog" refers to any dog as defined in Section 30508 (a) of the California Food and Agriculture Code.
- i. "At large" means any dog which is off the premises of its owner, custodian or caretaker and which is not under physical restraint by a leash of a size and material appropriate to the size and temperament of the dog and which is held by a person capable of restraining such dog, or is not otherwise physically restrained by some other device or instrumentality, except that such device or instrumentality shall not include voice control, eye control or signal control of the dog by any person, device or instrumentality. Also refers to any dog which is on the premises of its owner, custodian or caretaker which is not being maintained by physical restraint, fence, kennel, voice command, or in such a way that the animal may not leave the property of the owner; or that persons, without permission, may not wander into the confined area of the dog without intentional trespass.
- j. "Bee" means any stage of the common domestic honey bee, *Apis mellifera* species.
- k. "Cattery" refers to any building, structure, enclosure or premises whereupon, or within which, ten (10) or more cats, four (4) months of age or older, are kept or maintained.
- l. "City" is the City of Beaumont

m. "Class I Kennel" refers to any building, structure, enclosure, or premises whereupon, or within which, five (5) to ten (10) dogs, four (4) months of age or older, are kept or maintained. A Class I Kennel shall not include a Sentry Dog Kennel or an Animal Rescue Operation that meets the definition and requirements set forth in this Title.

n. "Class II Kennel" refers to any building, structure, enclosure or premises whereupon, or within which, eleven (11) to twenty-five (25) dogs, four (4) months of age or older, are kept or maintained.

o. "Class III Kennel" refers to any building, structure, enclosure or premises whereupon, or within which, twenty-six (26) to forty (40) dogs, four (4) months of age or older, are kept or maintained.

p. "Class IV Kennel" refers to any building, structure, enclosure or premises whereupon, or within which, forty-one (41) or more dogs, four (4) months of age or older, are kept or maintained.

q. "Colony" means a hive and its equipment and appurtenances including bees, comb, pollen, and brood.

r. "Custodian" means any person who intentionally provides care or sustenance for any animal, including but not limited to a dog or cat, on behalf of another, or represents the interests of the owner.

s. "Department" refers to the City of Beaumont Animal Services Department.

t. "Domestic Animals" refers to small and/or non-dangerous wild animals such as dogs, cats, rodents, birds, non-poisonous snakes, rabbits and similar species that do not constitute a public nuisance.

u. "Enclosure" means a fence or structure of at least six (6) feet in height forming or causing an enclosure suitable to prevent the entry of young children and suitable to humanely confine an animal with adequate exercise area, and posted with an appropriate warning sign, in conjunction with other measures which may be taken by the owner of the animal. The enclosure shall be designed in order to prevent the animal from escaping. The animal shall be housed pursuant to Section 597t of the California Penal Code.

v. "Exigent Circumstances" refers to circumstances in which the officer, in his/her reasonable judgment, determines that a life threatening or serious injury may occur if immediate action is not taken, i.e., animal may die if not immediately transported to a veterinarian, or animal may bite and seriously injure a human or animal if not immediately impounded, or animal may die if officer does not immediately enter property and rescue, etc.

w. "Exotic Animal" is defined as any animal which is not normally domesticated in the United States including, but not limited to, any lion, tiger, bear, non-human primate (monkey, chimpanzee, etc.), wolf, coyote, cougar, bobcat, ocelot, wildcat, skunk, boa, python, reptile, amphibian, bird, or venomous snake, irrespective of its actual or asserted state of docility, tameness or domesticity.

x. "Hearing officer" means the person appointed by the Chief of Police to serve as the hearing officer under this Title.

y. "Hybrid Animal" means any animal which is part wild animal and is capable of transmitting rabies, except livestock hybrids, and for which no rabies prophylaxis is recognized or authorized by the State of California.

z. "Impounded" means having been received into the custody of any animal control center, animal services officer, animal control vehicle, or peace officer duly authorized by the "City" to receive such animal.

aa. "Incapable of breeding" means any dog or cat which has been examined by a California licensed Veterinarian and determined to not be capable of reproducing. A certificate of sterility, signed by the Veterinarian must be provided upon demand."

bb. "Large Animals" means any livestock including, but not limited to, horses, donkeys, mules, pigs, and other equine cattle and cows.

cc. "Owner" means any person who intentionally provides care or sustenance for any animal, including but not limited to a dog or cat, for any period exceeding a total of thirty days.

dd. "Person" means any individual, firm, business, partnership, joint venture, corporation, limited liability company, profit or non-profit association, club, or organization.

ee. "Public entity" means any state, or any political subdivision, municipal corporation profit or non-profit or agency thereof.

ff. "Sentry dog" refers to any dog trained to work without supervision in a fenced facility and to deter or detain unauthorized persons found within the facility. The term "guard dog" shall also mean "sentry dog".

gg. "Sentry Dog Kennel" means any building structure, enclosure, or premises whereupon, or within which, five or more guard or sentry dogs are kept or maintained.

hh. "Tract" means a contiguous parcel of land under common ownership.

ii. "Unaltered and Unspayed" means a dog or cat, four (4) months of age or older, that has not been spayed or neutered. A condition that exists in an animal which permits the producing of offspring.

jj. "Underdeveloped property" means any idle land that is not improved or actually in the process of being improved with structures or improvements intended for human use occupancy. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

kk. "Unlicensed" means any animal for which no valid license is currently in force.

ll. "Vaccination" means an inoculation against rabies of any dog or cat, four months of age or older, with any vaccine prescribed for that purpose by the California Department of Health Services.

mm. "Veterinarian" means a person holding a currently valid license to practice veterinary medicine issued by the state of California pursuant to Chapter 11 of the California Business and Professions Code.

nn. "Vicious dog/vicious cat" means any dog or cat which has bitten a person or animal without provocation or direction or which has a disposition or propensity to attack or bite any person or animal without provocation or direction. (Ord. 960, 10/20/09; Section 1)

6.02.010 Fees by Resolution. All fees authorized in this title shall be established, and may be amended from time-to-time, by resolution. (Ord. 960, 10/20/09; Section 1)

6.02.020 Reserved

6.02.030 Provisions Supplementary to Other Laws. The provisions of this Title shall be in addition to all other laws, or the provisions in other Titles of the City governing or regulating the keeping of animals and livestock in the City and not a limitation thereof. (Ord. 960, 10/20/09; Section 1)

6.02.040 Reserved

6.02.050 Interference with Enforcement. No person shall interfere with, oppose or resist an Animal Services Officer while engaged in the performance of the duties prescribed in this Title. (Ord. 960, 10/20/09; Section 1)

6.02.060 Entry upon Private Property. Unless otherwise prohibited by law, all persons whose duty it is to enforce the provisions of this Title, are hereby empowered to enter upon private property, where any dog, cat, or animal is kept or reasonably believed to be kept, for the purpose of ascertaining whether such animal is being kept in violation of any provision of this Title, other Title governing animals, or California State law relating to the regulation, care and/or keeping of animals.

Notwithstanding any provision in this Title relating to entry upon private property for any purpose under this Title, no such entry may be conducted: (a) without the express or implied consent of the property owner or the person having lawful possession thereof, or (b) unless an inspection warrant has been issued and the entry is conducted in accordance with California Code of Civil Procedure, Sections 1812.50 through 1812.56, inclusive, or (c) except as may otherwise be expressly or impliedly permitted by law. (Ord. 960, 10/20/09; Section 1)

6.02.070 Animal Keeping Requirements. Any property where animals are kept shall comply with all the requirements of this Title, Title 8, and Title 17, in addition to any other applicable codes relating to the keeping of animals. (Ord. 960, 10/20/09; Section 1)

6.02.080 Mandatory Spay and Neutering. No person shall own, keep, or harbor an unaltered dog or cat in violation of this Section. An owner or custodian of an unaltered dog must have the dog spayed or neutered, or provide a certificate of sterility, or obtain an unaltered dog license in accordance with this Title. An owner or custodian of an unaltered cat must have the animal spayed or neutered, or provide a certificate of sterility.

Penalties issued for failure to spay or neuter a dog or cat shall be enforced as set forth below:

a. An administrative citation, infraction, or other such authorized penalty may be issued to an owner or custodian of an unaltered dog or cat for a violation of this section only when the owner or custodian is concurrently cited for another violation under state or local law pertaining to the obligations of a person owning or possessing a dog or cat. Examples of such state law or local violations include, but are not limited to, the following: failure to possess a current canine rabies vaccination of the subject dog; dog or cat at large; failure to license a dog; leash law violations; kennel or cattery permit violations; tethering violations; unhealthy or unsanitary conditions; failure to provide adequate care for the subject dog or cat in violation of the Penal Code; rabies quarantine violations for the subject dog; operating a business without a license and/or lack of State Tax ID Number; fighting dog activity in violation of Penal Code section 597.5; animals left unattended in motor vehicles; potentially dangerous, dangerous or vicious animals; and noisy animals.

b. Should the owner or custodian of an unaltered dog or cat be found in violation of a state or local law, as stated above, in subsection (1), the owner or custodian shall be required to spay or neuter the unaltered animal in accordance with this section. (Ord. 960, 10/20/09; Section 1)

6.02.090 Mandatory Spay and Neutering-Exemptions. This section shall not apply to any of the following:

a. A dog with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a California licensed Veterinarian. If the dog is able to be safely spayed or neutered at a later date, that date must be stated in the written confirmation; should this date be later than thirty (30) days, the owner or custodian must apply for an unaltered dog license.

b. A cat with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a California licensed Veterinarian. If the cat is able to be safely spayed or neutered at a later date; that date must be stated in the written confirmation.

c. Animals owned by city-licensed dog or cat breeders. (Ord. 960, 10/20/09; Section 1)

6.02.100 Mandatory Micro-chipping of Dogs. All dogs over the age of four months must be implanted with an identifying microchip. The owner or custodian is required to provide the microchip number to the Department, and shall notify the Department of any change of ownership of the dog or cat, or any change of address or telephone number. Nothing in this section supersedes, eliminates, or alters the requirements of any other licensing requirements of this Title. (Ord. 960, 10/20/09; Section 1)

6.02.105 Mandatory Micro-chipping of Cats. All cats who have been found at-large and have been transported to a shelter for redemption shall be implanted with an identifying micro-chip prior to release. The owner or custodian is required to provide the microchip number to the Department, and shall notify the Department of any change of ownership of the dog or cat, or any change of address or telephone number. Nothing in this section supersedes, eliminates, or alters the requirements of any other licensing requirements of this Title. (Ord. 960, 10/20/09; Section 1)

6.02.110 Mandatory Micro-chipping of Dogs and Cats-Exemptions. The mandatory microchipping requirements shall not apply to any of the following:

a. A dog or cat with a high likelihood of suffering serious bodily injury, if implanted with the microchip identification, due to the health conditions of the animal. The owner or custodian must obtain written confirmation of that fact from a California licensed Veterinarian. If the dog or cat is able to be safely implanted with an identifying microchip at a later date, the date must be stated in the written confirmation.

b. A dog or cat which would be impaired of its athletic ability or performance if implanted with the microchip identification. The owner or custodian must obtain written confirmation of that fact from a California licensed Veterinarian. If the dog or cat is able to be safely implanted with an identifying microchip at a later date, the date must be stated in the written confirmation.

c. A dog or cat that is kenneled or trained in the City, but is owned by an individual that does not reside in the City. The owner or custodian must keep and maintain the animal in accordance with the applicable laws of the jurisdiction in which the owner or custodian of the animal permanently resides, including but not limited to the applicable licensing and rabies vaccination requirements of that jurisdiction. (Ord. 960, 10/20/09; Section 1)

6.02.120 Transfer or Sales of Dogs, Cats or other Animals- Requirements. An owner or custodian who offers any dog, cat or other animal, over the age of four months, for sale, trade, or adoption must provide the microchip identification number and the valid license number where applicable with the offer of sale, trade or adoption. The license and microchip numbers must appear on a document transferring the animal to the new owner. The owner or custodian shall also advise the Department of the name and address of the new owner or custodian in accordance with this Title. An owner or custodian who offers any dog, cat, or other animal, over the age of four months, for sale, trade, or adoption and fails to provide the Department with the name

and address of the new owner is in violation of this Title and shall be subject to the penalties set forth herein.

When a puppy or kitten under the age of four months implanted with microchip identification is sold or otherwise transferred to another person, the owner or custodian shall advise the Department of the name and address of the new owner or custodian, and the microchip number of the puppy or kitten within ten days after the transfer. If it is discovered that an owner or custodian has failed to provide the Department with the name and address of the new owner and the microchip number of the puppy or kitten, the owner or custodian shall be subject to the penalties set forth in this Title.

Additionally, any person who within the City, or any business entity or other organization located in or doing business in the City which, advertises or offers in any manner, puppies or dogs for sale, trade, barter or to be given away for free, must display in such advertisements, announcement or flyer the following information:

- a. The license number and name of the licensing agency of each of the mother animals any of whose offspring are so offered (in the case of puppies under four months of age).
- b. The license number and name of licensing agency of each of the dogs (in the case of dogs four months or more of age).
- c. The kennel and/or rescue permit number and name of the permitting agency of the owner of each of the mother animals any of whose offspring are so offered (in the case of puppies under four months of age).
- d. The kennel permit and/or rescue number and name of the permitting agency of the owner of each of the dogs so offered (in the case of dogs four months or more of age).

This Section shall not apply to public animal shelters or nonprofit humane societies which are in compliance with Food and Agricultural Code Sections 30503 and 31751, nor shall it apply to persons who relinquish animals to such shelters or societies. (Ord. 960, 10/20/09; Section 1)

6.02.130 Transfer, Sale, and Breeding of Unaltered Dog or Cat. An owner or custodian who offers any unaltered dog for sale, trade, or adoption must include a valid unaltered dog license number with the offer of sale, trade or adoption, or otherwise state and establish compliance with this section. The unaltered license and microchip numbers must appear on a document transferring the animal to the new owner. An owner or custodian of an unaltered cat must notify the Department of the name and address of the transferee within ten days after the transfer. The microchip numbers must appear on a document transferring the animal to the new owner. (Ord. 960, 10/20/09; Section 1)

6.02.140 Transfer or Sales of Animals on Public Property Prohibited. No person shall, in the City, transfer, offer for sale, or sell any animal, cat, kitten, dog or puppy on any public street, public sidewalk or public park. This prohibition does not apply to animal shelters or authorized organizations who conduct adoptions within the City. (Ord. 960, 10/20/09; Section 1)

6.02.150 Animals in Vehicles. No person shall leave an animal in an unattended vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures which adversely affect the animal's health and welfare. If after a search of the area the owner cannot be found, the animal services officer/police officer feels the animal's health is in danger, the animal may be removed from the vehicle and transported to a veterinarian for treatment per Chapter 6.08 of this Title. (Ord. 960, 10/20/09; Section 1)

6.02.0160 Roosters, Peacocks and Flocks Prohibited. Except as provided in this Section, no person, either as owner, agent or employee, shall keep any roosters, peacocks, or flocks of 5 or more pigeons, doves, ducks or other birds or fowl, domestic or otherwise within the City of Beaumont. The keeping of such birds and other fowl is hereby declared to be a nuisance.

Roosters, peacocks, birds or other fowl shall be permitted on parcels of one (1) acre or larger in the Rural-Residential (R-R) Zone, provided that the number of roosters or peacocks shall not exceed one (1) per acre, and the number of other types of birds or fowl shall not exceed five (5) per acre. (Ord. 960, 10/20/09; Section 1)

6.02.170 Wild Animal and Mammals, Poisonous Snakes and Other Reptiles. A non-domestic animal which is wild and potentially dangerous in its natural state and as defined in Section 1406 of the Fish and Game Code of the state, shall not be kept or maintained within the City without complying with all requirements as set forth in this and any other Titles of the City, in addition to the following:

A. Such person desiring to keep or maintain a wild animal, poisonous snake or reptile shall first obtain a permit from the State pursuant to Section 1450 of the Fish and Game Code of the State and shall meet any and all conditions required by the permit.

B. In addition thereto, the possessor shall obtain public liability insurance in the amount of one million dollars (\$1,000,000.00) in which the City shall be named an additional insured.

C. The wild animal, snake or reptile may be transported through the City if it is confined in such a manner as to pose no threat, injury or harm to persons in this city. The animal must at all times be properly caged or tethered. In addition the person shall comply with all requirements as set forth in the Fish and Game Code of the State. (Ord. 960, 10/20/09; Section 1)

6.02.180 Abandonment. It is unlawful for any person to knowingly abandon any animal within the City. Any person violating this Section shall bear full costs and expenses incurred by the City in the care of said abandoned animal and the person shall reimburse to the City all costs therefore as determined by the Animal Services Officer. Abandonment shall include the owner's failure to redeem animals seized or impounded after proper notification of the seizure or impoundment has been issued. (Ord. 960, 10/20/09; Section 1)

6.02.190 Duties and Powers of Officers. It shall be the duty of the Animal Services Officer to enforce all of the provisions of this Title, and other local and State laws relating to the regulation, care and/or keeping of animals. Animal Services Officers shall be empowered to:

- a. Receive, take up and impound any dog or other animal found running at large in violation of this Title, any other Title or of any law of the State of California.
- b. Issue a warning notice for, citation for, or investigate any violation of any provisions of any City Title or California law regarding the care or keeping of animals.
- c. Investigate whether a dog is licensed in compliance with the requirements of this Title.
- d. Seize or impound any animal as authorized by this Title or any other laws. When the animal to be taken or seized is located inside a private residence or in its curtilage, judicial order directing seizure of the animal shall, absent exigent circumstances, be obtained prior to seizure.
- e. Regularly and adequately feed, water and otherwise care for any animals impounded under the provisions of this Title or any other law, or to provide for such feeding and/or watering and care.
- f. Humanely provide emergency care, or destroy as needed, sick or injured animals.

Any Animal Services Officer may arrest a person without warrant whenever he/she has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in his/her presence, or a felony which is in violation of this Title or any other laws governing animals or regulating the care and/or keeping of animals. In any case in which a person arrested, does not demand to be taken before a magistrate: 1) regarding any infraction, such officer or employee making the arrest shall prepare a written Notice to Appear and shall release the person on his/her promise to appear, as prescribed by Sec. 853.5 of the California Penal Code; 2) regarding a misdemeanor, such officer or employee may prepare a written Notice to Appear and may release the person on his/her written promise to appear, as prescribed by California Penal Code Section 853.6. Nothing in this Title shall prevent the Animal Services Officer from acting, when he/she deems it appropriate to do so, under the applicable provisions of California Penal Code, Section 597, et seq.

The City Council may enter into a written agreement or agreements with any veterinarian, organized humane society, association, person, corporation or organization which will undertake to carry out the provisions of this Title and maintain and operate a shelter, and which will license, take up, impound and dispose of animals. Any such veterinarian or society or association which shall enter into such an agreement shall carry out all of the provisions of this Title in the manner herein prescribed. (Ord. 960, 10/20/09; Section 1)

6.02.200 Transport of Injured Animals to Veterinarian. Any peace officer, humane society officer, or animal services officer shall convey all injured cats and dogs found without their owners in a public place directly to a veterinarian known by the officer to be a veterinarian who ordinarily treats dogs and cats for a determination of whether the animal shall be immediately and humanely destroyed or shall be hospitalized under proper care and given emergency treatment. If the animal is treated and recovers from its injuries, the animal will be put up for adoption after the prescribed period of time and no owner is found. If an owner for the animal is found they will be liable to all cost incurred for the care and treatment of the animal. The costs for the care and treatment of the animal will be required to be paid prior to the animal being returned to the owner. No veterinarian shall be criminally or civilly liable for any decision which he or she makes or for services which he or she provides pursuant to this section. An animal services officer who takes possession of an animal pursuant to this section shall keep records of the whereabouts of the animal for a seventy-two (72) hour period from the time of possession, and those records shall be available for inspection by the public upon request. (Ord. 960, 10/20/09; Section 1)

6.02.210 Recoupment of Enforcement Costs. The CITY is hereby authorized to recoup all administrative costs reasonably related to the enforcement of this Title, including costs of staff time. (Ord. 960, 10/20/09; Section 1)

6.02.220 Waiver of Fees. At the discretion of the Animal Services Officer, the impoundment fees recoverable under this Title may be waived by the Animal Services Officer based upon indigent circumstances of the owner of the impounded animal that are verified by the Department of Animal Services, so long as the animal is being kept and maintained in accordance with all other provisions of this Title or any other applicable laws. (Ord. 960, 10/20/09; Section 1)

6.02.230 Severability. If any provision, clause, sentence or paragraph of this Title or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Title which can be given effect without the invalid provision or application, and to this end, the provisions of this Title are hereby declared to be severable. (Ord. 960, 10/20/09; Section 1)

Chapter 6.04
DOGS and CATS - GENERAL PROVISIONS

Sections:

- 6.04.010 Running at Large Prohibited
- 6.04.020 Running at Large-Citizens May Capture and Notify Proper Authority
- 6.04.030 Control of Unaltered Cats
- 6.04.040 Cat Trapping
- 6.04.050 Permitting Animal to Make Nuisance Prohibited
- 6.04.060 Permitting Animal to Make Nuisance Prohibited-Exemptions
- 6.04.070 Entering, Swimming in Ditches, Canals and Pools
- 6.04.080 Annoying or Barking Dogs Constitute a Nuisance
- 6.04.090 Guard or Sentry Dogs-Signage Requirements
- 6.04.100 Traps and Barking Control Devices-Rental Fees

6.04.010 Running at Large. No dog shall run at large in the City. No person owning or having the control or custody of any dog shall permit or allow such dog to run at large within the City. (Ord. 960, 10/20/09; Section 1)

6.04.020 Capture of Dogs Running at Large. In the interest of public health and safety, it shall be lawful for any person to capture, in a humane manner, any dog running at large in violation of this Title and to promptly deliver such dog to the Animal Services Officer who shall impound such dog. (Ord. 960, 10/20/09; Section 1)

6.04.030 Control of and Unaltered Cats. It shall be unlawful for any person who owns, harbors, or keeps any unaltered cat four (4) months of age or older within the City to allow or permit such unaltered cat to be or remain outdoors within the City. (Ord. 960, 10/20/09; Section 1)

6.04.040 Cat Trapping. It is unlawful for any person to set or maintain an operating trap for a cat unless a sign is posted on the property stating that such a trap is in use on the property. The sign shall be clearly visible from the road serving the property on which the trap is set or maintained and shall remain posted and visible at all times while the trap is in use. Trapping shall not continue for more than ten (10) days in a thirty (30) day period. If a person maintains a trap should trap a lactating female cat, the person shall immediately release the cat thereby eliminating the chance of removing a cat that may be nursing kittens. This section shall not apply when the trap is being used for rabies control as determined by the animal services officer. (Ord. 960, 10/20/09; Section 1)

6.04.050 Permitting Animal to Make Nuisance Prohibited. No person shall permit or allow an animal to make a nuisance on any public property or any private property without consent of the owner of the property.

6.04.060 Permitting Animal to Make Nuisance Prohibited-Exemptions.

Persons with defective sight, while relying on a dog specifically trained as a Service Dog, shall be exempt from this section. (Ord. 960, 10/20/09; Section 1)

6.04.070 Entering, Swimming in Ditches, Canals and Pools. No

person shall allow or permit any dog belonging to, or under the control of such person to enter, swim or remain in any drainage ditch within the City, or in any settling tank, ditch, canal or reservoir within the City, or any public swimming pool within the City. (Ord. 960, 10/20/09; Section 1)

6.04.080 Annoying or Barking Dogs Constitutes a Nuisance. The

repeated barking of any dog within the City is declared to be a public nuisance. Every person who owns, keeps, maintains or permits to be maintained any dog on any premises within the City, whose repeated barking, whining, or creation of loud or unusual noises disturbs the peace and quiet of any neighborhood or of any person, shall be deemed guilty of a violation of this section if such person after having been requested to restrain such dog from creating such a public nuisance, suffers or permits such public nuisance to continue. (Ord. 960, 10/20/09; Section 1)

6.04.090 Guard or Sentry Dog-Signage Requirements. Any person or

business using the services of a guard or sentry dog shall keep posted in a conspicuous place at or near the entrance of the premises, a sign having letters at least three (3) inches in height reading "Guard Dog or "Sentry Dog." (Ord. 960, 10/20/09; Section 1)

6.04.100 Traps and Barking Control Devices-Rental Fees. The

Department shall make available for residents cat traps and barking control devices for rental for a fee and term as set by resolution. (Ord. 960, 10/20/09; Section 1)

Chapter 6.06
ANIMAL LICENSES

Sections:

- 6.06.010 Dog License Required
- 6.06.020 Optional Licensing of Cats
- 6.06.030 Issuance of Tags and Certificates
- 6.06.040 Transfer of License Prohibited
- 6.06.050 Tag-Replacement
- 6.06.060 Display of License Required
- 6.06.070 Tag-Removal Prohibited
- 6.06.080 Use of Unauthorized License, Tags, or Other Documents Prohibited
- 6.06.090 Term of License
- 6.06.100 Fees; Fee Exemptions
- 6.06.110 Anti-Rabies Vaccination Required
- 6.06.120 Transfer of Ownership
- 6.06.130 Denial or Revocation of License for Unaltered Dogs
- 6.06.140 Re-application for Unaltered Dog License
- 6.06.150 Appeal of Denial or Revocation of Unaltered Dog License

6.06.010 Dog License Required. No person within the City owning, possessing, controlling, harboring, or keeping any dog over four (4) months of age shall fail, refuse or neglect to procure a dog license tag for each dog, from the animal services officer or his authorized agent.

The owner shall state at the time application is made, and upon standard printed forms of application provided for such purpose, his/her name and address, the name, breed, color, age, and sex of each dog for which application is made, and the grounds for exemption from fees, if applicable.

When a person moves into the City from another community who owns a dog which is currently vaccinated against rabies and for which dog a license was issued by such other community, such license shall be deemed valid for a period of one (1) year from the date such person moves into the City or on the date of expiration of the license issued by such other community, whichever is earlier.

The owner shall notify the City within thirty (30) days of moving into the City, and a City license shall be issued for the remainder of the license period as indicated, at no cost. If an application for a license from the Animal Services Officer is made more than thirty (30) days after such license is required, the applicant shall pay, in addition to the applicable license fee, a late fee. (Ord. 960, 10/20/09; Section 1)

6.06.020 Optional Licensing for Cats. An owner of a cat may be issued a license and tag for such cat upon presentation to the Animal Services Officer of a certificate of vaccination signed by a veterinarian certifying that such a cat has been vaccinated, and upon the payment of a license fee. Said license shall be valid for the period of immunity indicated in the certificate of vaccination. (Ord. 960, 10/20/09; Section 1)

6.06.030 Issuance of Tags and Certificates. A metallic tag and license certificate with corresponding number shall be furnished by the Animal Services Officer upon compliance with all applicable requirements and payment of the appropriate fee. The Animal Services Officer shall keep a record of the owner or person making payment of the license fee and to whom a certificate and tag has been issued, and the number and date of the certificate and the tag. (Ord. 960, 10/20/09; Section 1)

6.06.040 Transfer of License Prohibited. No license or license tag issued to one dog shall be transferred to another dog. (Ord. 960, 10/20/09; Section 1)

6.06.050 Tag-Replacement. If a valid license tag is lost or destroyed, a duplicate thereof may be procured from the Animal Services Officer upon submission to the Animal Services Officer of a statement signed by the owner of the dog containing the date and circumstances of such loss or destruction and the payment of a fee. (Ord. 960, 10/20/09; Section 1)

6.06.060 Display of License Required. A valid license shall be displayed upon the dog's collar pursuant to Section 30951 (b) of the California Food and Agriculture Code.

Upon request of the Animal Services Officer, any owner of a dog which a license is required under the provisions of this Title shall present to the Animal Services Officer a currently valid certificate of rabies vaccination or license tag. (Ord. 960, 10/20/09; Section 1)

6.06.070 Tag-Removal Prohibited. No person shall remove from any dog any collar, harness, or other device to which is attached a registration tag for the current license year, or remove the tag there from without the express written permission of the Animal Services Officer. (Ord. 960, 10/20/09; Section 1)

6.06.080 Use of Unauthorized License, Tags, or other Documents Prohibited. It shall be unlawful for any person to make use of a stolen, counterfeit or unauthorized license, tag, certificate or any other document or thing for the purpose of evading the provisions of this Title. (Ord. 960, 10/20/09; Section 1)

6.06.090 Term of License. The term of each license issued shall terminate as of the termination date of the subject dog's most recent anti-rabies vaccination, and shall be renewed within thirty (30) days after such period terminates, except that where the current vaccination for the dog which is the subject of the license shall expire prior to the expiration date of the license being applied for, the Animal Services Officer may upon request of the owner or custodian of such dog, backdate such license so that its expiration date occurs concurrent with or prior to the expiration date of the vaccination; provided, however, that where such backdating is performed, there shall be no reduction or discount of the license fee applicable to the license applied for, and such license shall be renewed within thirty (30) days after the date of its expiration.

"Lifetime" license shall only refer to the waiver of licensing fees. Certificates of vaccinations as required by this Title shall be the determining factor if a license is valid as defined in this Title.

If an application for a license is made more than thirty (30) days after the date a dog license is required under this Title, the applicant shall pay, in addition to the applicable license fee, a late fee.

Whenever a dog validly licensed under this Title shall have died more than three (3) months before the expiration date of the license, the owner of such dog may return the license tag to the Animal Services Officer, accompanied by a statement signed by a veterinarian or a declaration signed under penalty of perjury by the owner, indicating that such dog is dead and specifying the date of death. In such event, the license shall be canceled and a pro-rata credit of the license fee by full calendar quarters of the original license period remaining after the death of the dog may be applied during said remaining period to the license fee for another dog acquired by the same owner.

The fees for a "lifetime" license shall be issued a pro-rata credit during only the first year of issuance. (Ord. 960, 10/20/09; Section 1)

6.06.100 Fees; Fee Exemptions. All license fees due and payable hereunder shall be fixed from time to time by resolution of the City Council. No fee shall be charged for:

a. No fee shall be required for a license for any "assistance dog" as defined in California Food and Agriculture Code, Section 30805 (a), if such dog is in the possession and under the control of, in the case of a guide dog, a blind person, or in the case of a signal dog, a deaf or hearing-impaired person, or in the case of a service dog, a physically disabled person, or where such dog is in the possession and under the control of a bona fide organization having as its primary purpose the furnishing and training of guide dogs for the blind, signal dogs for the deaf or hearing-impaired, or service dogs for the physically disabled. However this provision does not remove the owner's responsibility to vaccinate said dogs against rabies and attach a current license tag to the dog's collar. Whenever a person applies for an assistance dog identification

tag, the person shall sign an affidavit as defined in California Food and Agriculture Code, Section 30805 (b).

- b. No fee shall be required for a license for any dog owned by a public entity.
- c. Any dog owned by, or in the care of, any person who is a nonresident or who is traveling through the City, or who is temporarily sojourning therein, provided the dog is kept within the City for less than thirty (30) days.

6.06.110 Anti-Rabies Vaccination Required. It shall be unlawful for any person to own, harbor or keep any dog, four (4) months of age or older, within the incorporated area of the City, for a period longer than thirty (30) days, which has not been vaccinated against rabies. Any person in the City who owns, harbors or keeps any dog over four (4) months of age for a period longer than thirty (30) days shall have such dog vaccinated against rabies as provided herein, by a veterinarian of his choice and such vaccination shall be renewed in accordance with the applicable laws and regulations of the State of California.

Each veterinarian after vaccinating any dog shall sign a certificate of vaccination in triplicate in the form required by the Animal Services Officer. The veterinarian shall keep one (1) copy, shall give one (1) copy to the owner of the vaccinated dog and shall send one (1) copy to the Department within thirty (30) of vaccination.

The Animal Services Officer shall issue a license only upon presentation of a certificate of vaccination indicating therein that the date of expiration of the vaccination immunity is not earlier than the date of expiration of the license being issued or renewed, and upon payment of the applicable license fee as specified in this Title; provided, however, that where the vaccinated dog is between the ages of four (4) months and twelve (12) months, the period of vaccination immunity required for licensing shall be as specified by State law.

In the event a dog has a short-term illness, is pregnant, or suffers from a long-term debilitating illness which in the opinion of a veterinarian contraindicates vaccination for rabies, such dog shall not be required to undergo vaccination during the period of such illness or pregnancy where a request for vaccination deferral has been approved by the Animal Services Officer. Such request shall specify the duration of the requested deferral, the reason for the requested deferral, and shall be signed by a veterinarian. The Animal Services Officer shall issue a license for such dog upon approval of the request for vaccination deferral and payment for the applicable license fee. The owner or person having custody of such dog shall confine and shall keep such dog confined, for the duration of the deferral. Within fourteen (14) days after the expiration of the deferral, the owner or person having custody of such dog shall present to the Animal Services Officer a certificate of vaccination in accordance with the provisions of this Title. (Ord. 960, 10/20/09; Section 1)

6.06.120 Transfer of Ownership. Upon transfer of ownership of any dog validly licensed under this Title, the new owner shall notify the Animal Services Officer of such transfer within thirty (30) days of such transfer, on a form prescribed by the Animal Services Officer, accompanied by a transfer fee. (Ord. 960, 10/20/09; Section 1)

6.06.130 Denial or Revocation of License for Unaltered Dogs. The Department may deny or revoke an unaltered dog license for one or more of the following reasons:

- a. The owner, custodian, applicant or licensee is not in compliance with all of the requirements of this section;
- b. The Department has received at least three complaints, verified by the Department, that the owner, custodian, applicant, or licensee has allowed a dog to be stray or run at large or has otherwise been found to be neglectful of his or her or other animals;
- c. The owner, custodian, applicant, or licensee has been previously cited for violating a state law, other City or municipal provisions relating to the care and control of animals;
- d. The unaltered dog has been adjudicated by a court or an agency of appropriate jurisdiction to be potentially dangerous, dangerous or vicious, or to be nuisance within the meaning of the City of Beaumont Titles or under state law;
- e. An unaltered dog license held by the applicant has been revoked;
- f. The license application is discovered to contain a material misrepresentation or omission of fact. (Ord. 960, 10/20/09; Section 1)

6.06.140 Re-application for Unaltered Dog License. When an unaltered dog license is denied, the applicant may re-apply for a license upon changed circumstances and a showing that the requirements of this Title have been met. The Department shall refund one-half of the license fees when the application is denied. The applicant shall pay the full fee upon re-application.

When an unaltered dog license is revoked, the owner or custodian of the dog may apply for a new license after a thirty (30) day waiting period upon showing that the requirements of this Title have been met. No part of an unaltered dog license fee is refundable when a license is revoked and the applicant shall pay the full fee upon reapplication. (Ord. 960, 10/20/09; Section 1)

6.06.150 Appeal of Denial or Revocation of Unaltered Dog License. The Department shall mail to the owner, custodian, licensee, or applicant a written notice of its intent to deny or revoke the license for an unaltered dog which includes the reason(s) for the denial or revocation. The owner, custodian, licensee or applicant may request a hearing to appeal the denial or revocation. The hearing shall be conducted in accordance with Chapter 6.22 of this Title. If the dog is moved before or during the appeal process, the owner, custodian, licensee, or applicant shall provide the Department with information as to the dog's whereabouts, including the current owner or custodian's name, address, and telephone number.

Chapter 6.08
Seizure or Impoundment of Animals

Sections:

- 6.08.010 Seizure or Impoundment of Animals
- 6.08.020 Capture of Animals Running At-Large-Private Persons
- 6.08.030 Notice of Impoundment-Requirements
- 6.08.040 Length of Confinement
- 6.08.050 Post-Seizure/ Impound Hearing
- 6.08.060 Hearing Prior to Seizure of Animal(s)
- 6.08.070 Cost of Seizure and Care – Owner Liable
- 6.08.080 Noncompliance with Order to Provide Veterinary Care
- 6.08.090 Return to Owner – Conditions
- 6.08.100 Authority of the Hearing Officer

6.08.010 Seizure or Impoundment of Animals.

A. Emergency Seizure or Impoundment: When the Animal Services Officer has reasonable grounds to believe that prompt action is required to protect the health or safety of an animal, or the health or safety of others, the Officer shall immediately seize the animal and comply with the procedure established in Section 6.08.050.

B. Non-Emergency Seizure: In all other cases, the officer shall comply with the provisions of Section 6.08.060. (Ord. 960, 10/20/09; Section 1)

6.08.020 Capture of Animals Running At-Large-Private Persons. In the interest of public health and safety, it shall be lawful for any person to take up, in a humane manner, any animal running at-large in violation of this Title and to promptly deliver such animal to the Animal Services Department. (Ord. 960, 10/20/09; Section 1)

6.08.030 Notice of Impoundment-Requirements. In the event that there is attached to any impounded animal a current license tag of the City, or if the animal has a micro-chip inserted, it shall be the duty of the Animal Services Officer to give notice of the impoundment of such animal to the owner or person claiming to own such animal, or to the person to whom such tag shall have been issued, or micro-chip registered as shown by the records of the City. This notice shall be accomplished within three (3) business days after impoundment, and given by mailing, postage pre-paid, stating the fact that the animal has been impounded and the manner in which the animal may be redeemed. (Ord. 960, 10/20/09; Section 1)

6.08.040 Length of Confinement. The Animal Services Officer shall cause for the confinement of the animal as required by this Title for the period of time as required by statute. (Ord. 960, 10/20/09; Section 1)

6.08.050 Post-Seizure/ Impound Hearing. Whenever an Animal Services Officer seizes, impounds, or receives an animal based on a reasonable belief that prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall, prior to the commencement of any enforcement proceedings, provide the owner or keeper of the animal, if known or ascertained after reasonable investigation, with the opportunity for a post-seizure hearing as hereinafter provided to determine the validity of the seizure or impoundment, or both.

A. The Animal Services Department shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice of the seizure or impoundment, or both, to the owner or keeper within 48 hours, excluding weekends and holidays. The notice shall include all of the following:

1. The name, business address, and telephone number of the officer providing the notice;
2. A description of the animal(s) seized, including any identification upon the animal(s);
3. The authority and purpose for the seizure, or impoundment, including the time, place and circumstances under which the animal was seized;
4. A statement that, in order to receive a post-seizure hearing, the owner or person authorized to keep the animal, or his or her agent, shall request the hearing by signing and returning an enclosed declaration of ownership or right to keep the animal to the animal control officer within ten (10) days, including weekends and holidays, of the date of the notice. The declaration may be returned by personal delivery or mail;
5. A statement that the cost of caring for and treating any animal properly seized under this section is a lien on the animal and that the animal shall not be returned to the owner until the charges are paid, and that failure to request or to attend a scheduled hearing shall result in liability for this cost.

B. The post-seizure hearing shall be conducted pursuant to Chapter 6.22 of this Title.

C. Failure of the owner or keeper, or of his or her agent, to request a hearing within the prescribed time period, or to attend a scheduled hearing, shall result in forfeiture of any right to a post-seizure hearing or right to challenge his or her liability for costs incurred.

D. The City shall be responsible for the costs incurred for caring and treating the animal(s), if it is determined in the post-seizure hearing that the seizing officer did not have reasonable grounds to believe prompt seizure of the animal(s), was required to protect the health or safety of the animal or the health or safety of others. If it is determined the seizure was justified, the owner or keeper shall be personally liable to the City for the cost of the seizure and care of the animal(s), and the animal(s) shall not be returned to its owner until the charges are paid and the City or hearing officer has determined that the animal(s) is physically fit or the owner demonstrates to the City's or the hearing officer's satisfaction that the owner can and will provide the necessary care.

6.08.060 Hearing Prior to Seizure of Animal(s). Where the need for immediate seizure is not present and prior to the commencement of any criminal proceedings, the animal services officer shall provide the owner or keeper of the animal(s), if known or ascertained after reasonable investigation, with the opportunity for a hearing prior to any seizure or impoundment of the animal(s). The owner shall produce the animal(s) at the time of the hearing unless, prior to the hearing, the owner has made arrangements with the animal services officer to view the animal(s) upon request of the animal services officer, or unless the owner can provide verification that the animal was humanely destroyed. It is a violation of this Section if such person willfully fails to produce the animal or provide the verification.

A. The Animal Services Officer shall cause a notice to be affixed to a conspicuous place where the animal(s) was situated or personally deliver a notice stating the grounds for believing the animal(s) should be seized. The notice shall include all of the following:

1. The name, business address, and telephone number of the Officer providing the notice;
2. A description of the animal(s) to be seized, including any identification upon the animal(s);
3. The authority and purpose for the possible seizure or impoundment;
4. A statement that, in order to receive a hearing prior to any seizure, the owner or person authorized to keep the animal(s), or his or her agent, shall request the hearing by signing and returning the enclosed declaration of ownership or right to keep the animal(s) to the officer providing the notice within two (2) days, excluding weekends and holidays, of the date of the notice;

5. A statement that the cost of caring for and treating any animal properly seized is a lien on the animal, that any animal seized shall not be returned to the owner until the charges are paid, and that failure to request a hearing within the prescribed time period, or to attend a scheduled hearing shall result in a conclusive determination that the animal(s) may properly be seized and that the owner shall be liable for the charges.

B. The pre-seizure hearing shall be conducted pursuant to Chapter 6.22 of this Title.

C. Failure of the owner or keeper, or his or her agent, to request a hearing within the prescribed time period or to attend a scheduled hearing, shall result in a forfeiture of any right to a pre seizure hearing or right to challenge his or her liability for costs incurred to this chapter. (Ord. 960, 10/20/09; Section 1)

6.08.070 Cost of Seizure and Care – Owner Liable. If any animal is properly seized or impounded under this chapter, the owner or keeper shall be personally liable to the seizing/ impounding agency for the cost of the seizure/ impoundment and care of the animal(s). Furthermore, if the charges for the seizure or impoundment, and any other charges permitted under this chapter are not paid within fourteen (14) days of the seizure, or, if the owner, within fourteen (14) days of notice of availability of the animal(s) to be returned, fails to pay charges permitted under this chapter and take possession of the animal(s), the animal(s) shall be deemed to have been abandoned and may be disposed of by the impounding Officer. The cost of caring for and treating any animal properly seized under this chapter shall constitute a lien on the animal and the animal shall not be returned to its owner until the charges are paid, unless the hearing officer determines that the seizure was unjustified. (Ord. 960, 10/20/09; Section 1)

6.08.080 Noncompliance with Order to Provide Veterinary Care. If the animal requires veterinary care and the seizing agency is not assured, within fourteen (14) days of the seizure of the animal(s), that the owner will provide the necessary care, the animal(s) shall not be returned to its owner and shall be deemed to have been abandoned and may be disposed of by the impounding Officer. A veterinarian or properly trained Animal Services Officer may humanely destroy an impounded animal without regard to the prescribed holding period when it has been determined that the animal has incurred severe injuries or is incurably ill or crippled. A veterinarian or properly trained Animal Services Officer may also immediately humanely destroy an impounded animal afflicted with a serious contagious disease unless the owner or his or her agent immediately authorizes treatment of the animal(s) by a veterinarian at the expense of the owner or agent. (Ord. 960, 10/20/09; Section 1)

6.08.090 Return to Owner – Conditions. No animal properly seized under this chapter shall be returned to its owner until, in the determination of the seizing agency or hearing officer, the animal is physically fit or the owner can demonstrate to the seizing agency's or hearing officer's satisfaction that the owner can and will provide the necessary care, and that the owner has complied with all requirements of this and any other Titles in this Code. (Ord. 960, 10/20/09; Section 1)

6.08.100 Authority of the Hearing Officer. All hearings conducted pursuant to this chapter shall be conducted in accordance with the provisions of Chapter 6.22 of this Title. In the event a sufficient quantum of evidence presented at the hearing supports a determination for seizure, impoundment and/or termination of the owner's rights of the animal(s), the hearing officer as a part of his decision may order, but is not limited to ordering, that one or more of the following actions be undertaken:

1. That the owner's and/or custodian's rights in and to the dog, cat or other animal(s) is terminated;
2. That the owner or custodian of the dog, cat or other animal(s) shall remove the animal(s) from the premises by a specified date;
3. That animal control personnel, after a specified date, shall impound the animal(s).
4. That animal control personnel shall sell, give away, or otherwise dispose of, the animal(s) with the owner or custodian of the animal(s) being responsible to reimburse the city or agency as designated by the City for all costs and expenses including, but not limited to, board, care, veterinary services, and costs of disposal. If the animal(s) are sold, the proceeds from the sale shall go to the City or agency designated by the City.

A decision upholding seizure or impoundment shall become effective upon issuance. A decision terminating an owner's rights in the animal(s) shall become effective thirty (30) days from the date the decision is mailed unless a stay of execution is granted. (Ord. 960, 10/20/09; Section 1)

Chapter 6.10
Potentially Dangerous Dogs

Sections:

- 6.10.010 Definitions
- 6.10.020 Applicability
- 6.10.030 Procedure for Declaring a Dog Potentially Dangerous
- 6.10.040 Pre-Hearing Seizure and Impoundment of Dog
- 6.10.050 When a Dog May Not Be Declared Potentially Dangerous

6.10.010 Definitions. For the purposes of this Chapter, the following words and phrases shall have the meanings:

a. **“Potentially Dangerous Dog”** means any of the following:

(1) Any dog which, when unprovoked, on two separate occasions within the prior six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.

(2) Any dog which, when unprovoked, bites a person causing a less severe injury than as defined in subparagraph B below.

(3) Any dog which, when unprovoked, on two separate occasions within the prior six month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.

b. **“Severe Injury”** means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery. (Ord. 960, 10/20/09; Section 1)

6.10.020 Applicability. This chapter does not apply to licensed kennels, humane society shelters, animal control facilities, or veterinarians; or any dogs while utilized by any police department or any law enforcement officer in the performance of police work. (Ord. 960, 10/20/09; Section 1)

6.10.030 Procedure for Declaring a Dog Potentially Dangerous.

a. If the Animal Services Officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous, the Officer shall prepare and serve a “Notice of Hearing” on the owner or keeper of such dog.

b. The “Notice of Hearing” shall be served on the owner or keeper of the dog, by personal service or by first-class mail with return receipt requested.

c. Any and all complaints received from a member of the public which serves as an evidentiary basis for the Animal services officer's finding of probable cause shall be signed by the complainant and served concurrently with the Notice of Hearing.

d. The hearing shall be held pursuant to Chapter 6.22 of this Title. The hearing officer may find, upon a preponderance of the evidence, that the dog is potentially dangerous and may make such orders as are necessary to protect the public health, safety and welfare. (Ord. 960, 10/20/09; Section 1)

6.10.040 Pre-Hearing Seizure and Impoundment of Dog. If upon investigation it is determined by the Animal Services Officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the Animal Services Officer may seize and impound the dog pending the hearings to be held pursuant to this Chapter. The owner or keeper of the dog shall be liable to the City of Beaumont where the dog is impounded for the costs and expenses of keeping the dog, if the dog is later adjudicated potentially dangerous. (Ord. 960, 10/20/09; Section 1)

6.10.050 When A Dog May Not Be Declared Potentially Dangerous. No dog may be declared potentially dangerous if the following conditions exist:

- a. If any injury or damage is sustained by a person who, at the time of the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime.
- b. If the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.
- c. If an injury or damage was sustained by a domestic animal which at the time of the injury or damage was sustained was teasing, tormenting, abusing, or assaulting the dog.
- d. If the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

Chapter 6.12
DANGEROUS ANIMALS

Sections:

6.12.010	Purpose
6.12.020	Inspection
6.12.030	Animals at Large
6.12.040	Temporary Impoundment or Confinement
6.12.050	Hearing Procedures
6.12.060	Dangerous Animals-Disposition
6.12.070	Transfer and Training of Dangerous Animals
6.12.080	Enforcement and Penalties
6.12.090	Exemptions

6.12.010 Purpose. The keeping of an animal defined as dangerous shall be declared a public nuisance and shall be abated in accordance with the provisions of this Chapter. The procedure for abatement set forth in this Chapter shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City Titles or abating public nuisances in any other manner provided by law including, but not limited to, California Civil Code Section 3062.5. Further, this Chapter shall not preempt or preclude a person from filing a private lawsuit seeking to abate as a private nuisance an animal that is dangerous. (Ord. 960, 10/20/09; Section 1)

6.12.020 Inspection. Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Chapter, or whenever an Animal Services Officer has probable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Chapter or other applicable law, an Animal Services Officer is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the Animal Services Officer by this Code or other applicable law; provided that:

A. If such property is occupied, he/she shall first present proper credentials to the occupant and request entry explaining the reasons therefore. If such entry is refused, the Animal Services Officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property, including an inspection warrant.

B. If such property is unoccupied, he/she shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry, explaining the reasons therefore. If such entry cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the Animal Services Officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property, including an inspection warrant.

C. Notwithstanding the foregoing, if an Animal Services Officer has probable cause to believe that the keeping or maintaining of any animal is so dangerous as to require immediate inspection to safeguard the life or safety of the animal, other animals, or the public, he/she shall have the right immediately to enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property be occupied or unoccupied and whether or not permission to inspect has been obtained. If the property be occupied, he/she shall first present proper credentials to the occupant and demand entry, explaining the reasons therefore and purpose of the inspection.

D. No person shall interfere with, hinder, fail or refuse, after proper demand has been made upon him or her as provided in Subsection C of this Section, to permit any Animal Services Officer to make any inspection provided by Subsection C of this Section. Any person violating this Section may be charged with a misdemeanor. (Ord. 960, 10/20/09; Section 1)

6.12.030 Animals at Large.

A. A person who owns or is in charge of or controls or who possesses an animal who permits, allows, or causes the animal to run, stray, be uncontrolled or in any manner be in, upon, or at large upon a public street, sidewalk, park or other public property or in or upon the premises or private property of another person shall be guilty as provided in Subsection B of Section 6.12.080 of this Chapter if such animal bites, attacks or causes injury to any human being or other animal.

B. Any person who convicted of violating Subsection A of this Section shall not own, possess, control or have custody of any animal of the type, species, group or family which caused the bite, attack or injury for a period of three (3) years after the date of conviction. (Ord. 960, 10/20/09; Section 1)

6.12.040 Temporary Impoundment or Confinement.

A. The Animal Services Officer shall have the power to summarily and immediately impound an animal where there is evidence that the animal is an immediate danger to public safety pending:

1. Any court proceeding; or
2. A hearing to be held pursuant to Chapter 6.22 of this Title. The owner of the animal shall be liable for the costs and expenses of impounding and keeping the animal if the animal is later determined to be dangerous.

B. Failure to surrender to the Animal Services Officer upon demand an animal which is subject to being impounded pursuant to this Section shall be penalized as provided in Subsection B of Section 6.12.080.

C. An animal impounded pursuant to the authority of this Section shall be returned to the owner as provided by Section 6.12.060 of this Chapter, or when the animal is no longer required as evidence, or if a notice of a hearing pursuant to Section 6.12.050 of this Chapter to declare the animal a dangerous animal has not been served on the owner or custodian within fifteen (15) working days after the impoundment.

D. In lieu of impounding and if not contrary to public safety, the Animal Services Officer may permit the animal to be confined at the owner's expense in an Animal Services Officer-approved kennel or veterinary facility or at the owner's residence provided the owner:

1. Shall not remove the animal from the kennel, veterinary facility, or residence without the prior written approval of the Animal Services Officer; and

2. Shall make the animal available for observation and inspection by the Animal Services Officer or members of law enforcement or their authorized representatives. The Animal Services Officer shall dictate to the owner the exact way the animal is to be restrained while awaiting the hearing.

E. The Animal Services Officer may have an animal that has been impounded or confined permanently identified by means of photo identification prior to release from impoundment or confinement.

F. If there is no reasonable method available to determine ownership of the animal, then the animal may be considered a stray. (Ord. 960, 10/20/09; Section 1)

6.12.050 Hearing Procedures.

A. Petition. If the animal services officer has investigated and determined that there exists probable cause to believe that an animal is dangerous, the Animal Services Officer shall petition the Chief of Police for a hearing for the purpose of determining whether the animal should be declared dangerous. The hearing shall be conducted pursuant to the provisions of Chapter 6.22 of this Title.

B. Determinations of Dangerous Animals-Evidence. In making a determination that an animal is or is not dangerous, evidence of the following shall be considered:

1. Any previous history of the animal attacking, biting or causing injury to a human being or other domestic animal;
2. The nature and extent of injuries inflicted and the number of victims involved;
3. The place where the bite, attack or injury occurred;

4. The presence or absence of any provocation for the bite, attack or injury;
5. The extent to which property has been damaged or destroyed;
6. Whether the animal exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting;
7. Whether the animal exhibits any characteristics aggressive or unpredictable temperament or behavior in the presence of human beings or other domestic animals;
8. Whether the animal can be effectively trained or retrained to change its temperament or behavior;
9. The manner in which the animal had been maintained or cared for by its owner;
10. Any other relevant evidence concerning the maintenance or care of the animal; and;
11. Any other relevant evidence regarding the ability of the owner or the animal services officer, to protect the public safety in the future if the animal is permitted to remain in the City.

C. Dangerous Animal Declared. After the hearing, the hearing officer may find, upon a preponderance of the evidence, that the animal is dangerous and may make other orders authorized by this Chapter and other law.

6.12.060 Dangerous Animals-Disposition.

A. The owner of an animal which has bitten any person or a domestic animal, or has otherwise been determined, after a hearing, to be dangerous, may be required as a condition of the release of the animal from confinement or impoundment, in addition to paying all costs of any impoundment, to comply with the written disposition of the hearing officer which contains any or all of the following conditions requiring the owner:

1. Registration. To immediately register the animal that is found to be dangerous with the animal services officer, to comply with the animal services officers requirements for dangerous animals (including, but not limited to, requiring the animal to wear a visible, dangerous animal tag), and to keep such animal properly vaccinated at all times. The owner shall pay a fee to keep or maintain one dangerous animal for a twelve-month term and an additional fee for each additional dangerous animal. The fee shall be paid for each twelve-month term. Should the animal die in any four (4) month term, the owner shall notify the animal services officer of the death within two (2) working days of the death. The owner shall provide proof of the death to the satisfaction of the animal services officer. The amount of the fees shall be established from time-to-time by resolution of the City Council.

2. Confinement. To keep the animal securely confined on its premises in a locked enclosure approved by the hearing officer or the animal services officer from which the animal cannot escape and into which children cannot trespass. Such a kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine the animal must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the side of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house an animal must comply with all zoning and building regulations of the City. All such structures must be adequately lighted, ventilated, and kept in a cleaned sanitary condition.
3. Confinement While on Leash. To keep the animal securely muzzled, restrained by a substantial leash of appropriate length and under the control of a responsible person eighteen (18) years of age or older who is physically capable of restraining the animal when the animal is not contained in a locked, secure enclosure.
4. Spay or Neuter the Animal. To have the animal spayed or neutered by a licensed veterinarian and to present proof to the animal services officer.
5. Insurance. To provide and maintain financial responsibility for injuries to the public by obtaining and showing proof of liability insurance in the form and amount deemed to be acceptable by the hearing officer in light of all the circumstances. Such insurance policy shall provide that no cancellation of the policy will be made unless thirty days written notice is first given to the Animal Services Officer and the City Clerk's office.
6. Notification. To immediately inform any City, county, postmaster and utility company meter reader and anyone-else that lawfully comes onto the property, of the animal's dangerousness and to inform the animal services officer and/or the hearing officer if the animal is moved to another location inside or outside the City limits as provided in Section 6.06.150 of this Chapter.
7. Signs. To display in a prominent place on the premises a sign easily readable by the public using the words "Beware of Dog" or "Beware of Animal" in letters at least three (3) inches high.
8. Identification. To have a registration number assigned to such animal tattooed by a licensed veterinarian on the animal's inner thigh or inserted by a licensed veterinarian under the animal's skin by means of an electronic identification device. The manner and method of identification to be used hereunder shall be determined by the hearing officer. For the purposes of this Section, "tattoo" shall be defined as any permanent numbering of an animal by means of indelible or permanent ink.

9. Inspection. To consent and agree to the entry upon the premises to any Animal Services Officer for the purpose of inspecting the animal and/or premises.

10. Payment of Costs. To make reasonable payment of one-half of the costs incurred by the City and the Animal Services Officer in the hearing process, not to exceed one thousand dollars (\$1,000.00).

11. Other. To take any other steps deemed reasonably necessary to prevent injuries to the public.

The owner of the animal shall comply with the conditions imposed by the hearing officer within the time limit specified in Section 6.12.070 of this Chapter.

B. No dangerous animal shall be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or screen doors are the only obstacle preventing the animal from exiting the structure.

C. If, following the hearing, the subject animal is found to be dangerous and such a threat to public safety that even if reasonable conditions were imposed to release the animal to the owner it would create a significant threat to the public health, safety, or welfare, such animal may be destroyed. Such remedy shall be in addition to all other remedies at law or in equity and shall not limit or restrict such other remedies, including, but not limited to, Section 6.12.080(A), which authorizes the hearing officer to order an animal destroyed for violation of this Chapter or failure to meet a condition imposed by the hearing officer.

D. Any decisions made by the hearing officer shall be final.

E. If, after notice, the owner of an impounded animal fails to appear or be represented at the required hearing, then the animal may be considered abandoned. If the subject animal does not appear to be validly licensed and no owner can be found, and if the animal has been determined to be dangerous, then the animal may be considered abandoned and may be handled in the same manner as any other unclaimed stray animal.

F. If such an unlicensed animal has not been determined to be dangerous, it shall be returned to the owner, -subject to the issuance of a citation for failure to obtain a license. A non-dangerous stray animal will be handled as any other stray animal.

G. In such cases where an impounded licensed animal is found to be dangerous, the animal may be released subject to the conditions set forth in Subsection A of this Section. (Ord. 960, 10/20/09; Section 1)

6.12.070 Transfer and Training of Dangerous Animals.

A. Sale or Transfer within City. No person shall sell, transfer or in any other way dispose of an animal deemed dangerous under this Chapter to any person within the City, including, but not limited to, temporary housing in privately-owned and commercial kennels unless the recipient person resides permanently in the same household and on the same premises as the owner of such animal.

B. Sale or Transfer Outside City. The owner of an animal that has been deemed dangerous under this Chapter may sell, transfer, or otherwise dispose of such animal or the offspring thereof to persons who do not reside within the City, provided the owner first notifies the hearing officer and the Animal Services Officer of the proposed sale or transfer. Such notice shall be given not less than fifteen (15) days in advance of the sale or transfer and shall specify the name and address of the recipient person. Upon receipt of such notice, the hearing officer or the Animal Services Officer may notify the governmental jurisdiction in which the recipient person is located or resides. Failure to comply with these notification provisions shall be grounds for immediate impoundment of the animal by the Animal Services Officer.

C. Sale or Transfer Into City. It is unlawful for a person to possess, own or control any animal for the purpose of either temporary or permanent care in the City limits that has been deemed by another governmental jurisdiction to be potentially dangerous, dangerous, vicious, or a threat to the safety of human beings or domestic animals. The animal services officer may order the person having possession, ownership or control of the animal to remove the animal immediately from the City. Should such person fail to comply with the Animal Services Officer's order, the Animal Services Officer may summarily and immediately impound the animal. The owner of the animal shall be liable for the costs and expenses of impounding and keeping the animal. Such impounded animals may then be disposed of in accordance with the provisions of this Chapter.

D. Fight Training and Animal Abuse Prohibited. It is unlawful to use, train, keep, harbor, own or in any way possess or transport through the City an animal for the purpose of animal fight exhibitions. Scars and wounds are rebuttal evidence of participation in animal fight exhibitions or training. "Fight training" is defined to include, but not limited to:

1. The use or possession of treadmills for fight training;
2. Actions designed to torment, badger or bait any animal for purpose of encouraging said animal for fight exhibitions;
3. The use of weights on the animal for fight training;
4. The use of other animals for blood sport training;

5. Any other activity, the primary purpose of which is the training of animals for animal fight exhibitions.

It is further unlawful for anyone to knowingly abuse any animal within the City limits.

E. Rewards. Subject to the budgetary and fiscal provisions of this Code, the City is authorized to offer rewards not exceeding two hundred fifty dollars (\$250.00) to any person providing information leading to the arrest of any person for violations of prohibitions against the training of an animal for fight exhibitions. The City Council may authorize said rewards by resolution upon the request of the City Manager, Animal Services Officer or the Mayor. (Ord. 960, 10/20/09; Section 1)

6.12.080 Enforcement and Penalties.

A. Failure to Comply. It is unlawful for the owner of an animal deemed dangerous under this Chapter to fail to comply with the requirements and conditions set forth in this Chapter. Any animal found to be the subject of a violation of this Chapter or of any condition imposed by the hearing officer pursuant to Section 6.12.060 of this Chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the destruction of the animal. No such animal however, may be destroyed until the owner of the animal has received written notice from the hearing officer that the animal will be destroyed unless, within fourteen (14) days from the date of the notice:

1. The owner has demonstrated to the satisfaction of the hearing officer that the owner has fully complied with the requirements and conditions set forth in this Chapter, including, but not limited to, the conditions imposed by the hearing officer pursuant to Section 6.12.060 of this Chapter; or

2. The owner has filed in a court of competent jurisdiction a petition that seeks to stay destruction of the animal and has served a copy of such petition upon the hearing officer.

The notice from the hearing officer shall be served upon the owner either personally or by prepaid first-class mail. If, after (14) fourteen days from the date of such notice, the owner has not complied with the provisions of Subdivisions 1 or 2 of this Subsection, the hearing officer may, without further notice or process, have the animal destroyed.

B. Violation-Penalties. In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Beaumont Municipal Code Sections 1.17.100 et seq., or shall be guilty of an infraction pursuant to Beaumont Municipal Code Section 1.06.010. In either case, the amount of the fine shall be in the appropriate amount set forth in Section 1.06.030 of this Code. Each such violation shall be deemed a separate offense as specified in Beaumont Municipal Code Section 1.06.010.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve any person from the responsibility for correcting the violation

C. Ownership of Dangerous Animals. The owner of an animal determined to be dangerous under this Chapter shall be prohibited from owning, possessing, controlling or having custody of any other animal of the type, species, group or family to which the violation applies for a period of three years from the date of violation when it is found after the hearing conducted pursuant to Section 6.12.070 of this Chapter that ownership or possession of such animal by that person would create a significant threat to public health, safety or welfare.

D. Enforcement. Any provision of this Chapter may be enforced by the Police Department, Fire Department, the animal services officer or any authorized designee of the City Manager. Complaints of any violations of this Chapter which are subject to penalties under this Section may be presented to the District Attorney's office or to the City Attorney for prosecution.

E. Nuisance Abatement Lien. The costs of abating a public nuisance pursuant to the provisions of this Chapter may be recovered from the owner of the animal causing the public nuisance. If the owner fails to pay such costs within thirty days from the date of invoice or within an extended period of time agreed to in writing by the hearing officer, the costs may be collected by a nuisance abatement lien, as provided by Section 38773.1 of the California Government Code. Notice of the lien shall be given to the owner of record of the parcel of land on which the nuisance is maintained prior to recordation of the lien and in the manner specified in said Section 38773.1.

F. Penalties and Remedies Cumulative. The penalties and remedies specified herein shall not be exclusive but shall be cumulative with all other remedies at law or in equity. The City may, in its discretion, elect to pursue anyone or more of the penalties or remedies provided for herein or at law or in equity. (Ord. 960, 10/20/09; Section 1)

6.12.090 Exemptions. The provisions contained in this Chapter shall not apply to:

- A. Any dog while utilized by any police department or any law enforcement officer in the performance of police work;
- B. Any animal shelter owned, operated or maintained by the animal services officer; or
- C. Any humane society shelter, animal control facility or veterinarian.

Chapter 6.14
RABID ANIMALS

Sections:

- 6.14.010 Destruction of Rabid Dog or Animal
- 6.14.020 Suspect Animal - Confinement and Treatment
- 6.14.030 Quarantine of Rabid Animals
- 6.14.040 Animals Bitten by Rabid Animals-Confinement by Owners
- 6.14.050 Animals Bitten by Rabid Animals-Quarantine by Animal services officer
- 6.14.060 Immunization for Dogs Over Four Months
- 6.14.070 Immunization Method
- 6.14.080 Certificate of Rabies Vaccination-Issuance
- 6.14.090 Certificate of Rabies Vaccination-Prerequisite to Issuance of License
- 6.14.100 Failure to Quarantine

6.14.010 Destruction of Rabid Dog or Animal. If it appears to the animal services officer, upon examination, that any dog or other animal has rabies, he/she shall cause such animal to be destroyed forthwith. (Ord. 960, 10/20/09; Section 1)

6.14.020 Suspect Animal-Confinement and Treatment.

A. Officers or persons capturing a dog or other animal which is suspected of being afflicted with rabies may separately confine such dog or other animal in some safe place and report the capture to the chief of police or his representative and submit such a dog or other animal to the chief of police or his representative for examination.

B. The Animal Services Officer, when called upon, shall examine or have examined every such animal and ascertain whether such animal is infected with rabies.

C. Owners of animals impounded for quarantine at a City or county facility shall be charged a daily quarantine fee in addition to the regular daily boarding fee.

D. Animal Services Officers investigating and authorizing a home quarantine shall collect a fee from the owner or custodian of the animal in an amount established from time-to-time by resolution of the City Council. (Ord. 960, 10/20/09; Section 1)

6.14.030 Quarantine of Rabid Animals.

A. Whenever it is shown that any dog or other animal has bitten any person, the owner or person having custody or possession of such biting dog or other animal shall, upon order of the Animal Services Officer, quarantine it and keep confined for a period not to exceed fourteen days, and shall allow the animal services officer to make an inspection or examination of such dog or other animal at any time during such period; provided, that upon request of the owner, who shall assume any charges therefore, any dog or other animal with a valid vaccination may be confined by a licensed veterinary for observation, and a written release from such veterinary shall be required.

B. It is unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off his premises or beyond the city limits without the written permission of the Animal Services Officer. Every owner or other person having custody or control of the dog or other animal knowing the same is rabid shall immediately notify the animal services officer or a police officer who shall make the determination to remove the dog or animal from the premises, leave it, or destroy it. (Ord. 960, 10/20/09; Section 1)

6.14.040 Animals Bitten by Rabid Animals - Confinement by Owners.

Whenever any animal has been bitten by another animal having or suspected of having rabies, the owner or person having the custody or possession of the animal so bitten shall immediately notify the animal services officer and shall restrain or confine such animal so as to make it impossible for such animal to bite any other animal or person. (Ord. 960, 10/20/09; Section 1)

6.14.050 Animals Bitten by Rabid Animals - Quarantine by Animal services officer. The animal services officer shall have the power to quarantine any animal bitten or suspected of having been bitten by a rabid animal. Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal or has been in intimate contact with a rabid or suspected rabid animal shall be quarantined in a place and manner approved by the animal services officer, for a period of up to six months or destroyed, with the exception that the following alternatives are permitted in the case of dogs and cats as follows:

A. If a dog over one year of age has been vaccinated against rabies within eight (8) months but not less than 30 days with a rabies vaccine of a type approved by the animal services officer for a maximum immunity duration of at least eight (8) months, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the animal services officer and quarantined in a place and manner approved by the animal control officer for a period of 30 days following revaccination.

B. If a dog under one year of age has been vaccinated against rabies within 04 months but not less than 30 days with a rabies vaccine of a type approved by the animal services officer, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the animal services officer and quarantined in a place and manner approved by the animal control officer for a period of 30 days.

All costs of quarantine shall be paid for by the owner. (Ord. 960, 10/20/09; Section 1)

6.14.060 Immunization for Dogs Over Four Months. All dogs over four (4) months of age shall be immunized against rabies in the manner set forth in Sections 6.14.070 through 6.14.090. (Ord. 960, 10/20/09; Section 1)

6.14.070 Immunization Method. Immunization or vaccination with the canine rabies vaccine, one injection or other approved method may be performed by any duly qualified, licensed physician or veterinarian. (Ord. 960, 10/20/09; Section 1)

6.14.080 Certificate of Rabies Vaccination-Issuance. The person vaccinating each dog described in Section 6.16.070 shall issue a certificate of rabies vaccination. (Ord. 960, 10/20/09; Section 1)

6.14.090 Certificate of Rabies Vaccination-Prerequisite to Issuance of License. At the time of issuing the license required under Section 6.06.010 for all dogs in the city, the license collector or other proper official shall require the applicant for such a license to produce a certificate of rabies vaccination. The validity of such rabies certificate must extend through the license period. (Ord. 960, 10/20/09; Section 1)

6.14.100 Failure to Quarantine. Failure to comply with quarantine requirements or failure to produce an animal for quarantine shall constitute a violation of this Chapter. Persons who violate a home quarantine, fail to produce an animal for quarantine upon demand, or in any other way interfere with rabies investigation, shall, in the discretion of the Animal Services Officer, be administratively cited under section 1.17.100 et seq., or shall be guilty of a misdemeanor, pursuant to Section 041710 of the California Health and Safety Code and Section 9701 of the California Food and Agriculture Code, which is punishable by imprisonment in the County Jail for a period not to exceed one year, or by a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000) per day of violation, or both fine and imprisonment. (Ord. 960, 10/20/09; Section 1)

Chapter 6.16
KENNELS, CATTERIES and ANIMAL RESCUE FACILITIES

Sections:

- 6.16.010 Commercial Kennel/ Cattery License Required
- 6.16.020 Application Requirements
- 6.16.030 Fees, Fee Exemptions
- 6.16.040 Animal Rescue Facilities
- 6.16.050 Denial, Suspension, Revocation and Appeal of License

6.16.010 Commercial Kennel/ Cattery License Required. In addition to a business license as required, every person engaged in the business of operating or maintaining a Class I Kennel, Class II Kennel, Class III Kennel, Class IV Kennel, Sentry Dog Kennel, or cattery shall obtain an appropriate license from the Animal Services Department. Such license shall be valid for a period of either one (1) or two (2) years from the date of issuance. Said license shall be renewed within thirty (30) days after the date of expiration. Where a kennel license has been issued and is in effect, the dogs contained in such kennel shall be exempt from the requirements of individual license tags as required by this Title. (Ord. 960, 10/20/09; Section 1)

6.16.020 Application Requirements. An application for a kennel or cattery license shall be filed with the Animal Services Officer on a form prescribed by him/her not later than ten (10) days after obtaining written verification from the City planning department that the operation of the kennel or cattery is in compliance with the applicable zoning regulations. Said application form, when completed, shall contain such information as may reasonably be required by the Animal Services Officer for the purposes of enforcement of this Title, including but not limited to the current home telephone number of the caretaker of the subject kennel or cattery and another current telephone number for emergency use or messages when such caretaker is absent from the subject kennel or cattery. Where a kennel or cattery is sought to be operated upon leased or rented premises, a letter of consent from the owner of the premises to the effect that the kennel or cattery may be maintained and operated on such premises shall be submitted to the Animal Services Officer at the time the application for the kennel or cattery license is submitted.

After receipt of a kennel or cattery license application, the Animal Services Officer shall make an inspection of the premises of the kennel or cattery for which a license is requested. No kennel or cattery license shall be issued, nor shall any such license be renewed, unless and until the kennel or cattery, in the opinion of the Animal Services Officer, satisfies the applicable laws and regulations of the State of California, the applicable Titles of the City and any other applicable conditions as set forth in this Chapter or any other applicable Chapters. Notwithstanding any other provision of this Title, the Animal Services Officer or the Planning Director may, in their respective discretion, limit the numbers of dogs or cats over the age of four (4) months which are

kept or maintained in any kennel or cattery, and such limitation may be imposed at such time as an application for an initial kennel or cattery license is considered or at such time as an application for renewal of a kennel or cattery license is considered.

Notwithstanding any other provision of this Title, the Animal Services Officer is hereby authorized to enter upon and inspect the premises of any kennel or cattery located in the CITY for the purpose of determining whether such kennel or cattery is in compliance with the provisions of this Title and the conditions set forth in Chapter 17.09 of the Municipal Code. As a condition of the issuance of a kennel or cattery license, each owner and operator of a kennel or cattery shall agree to allow such entry and inspection and such agreement shall be made a part of the license application. Such inspections shall be made during reasonable hours at times when the owner or operator of the kennel or cattery is present on the kennel or cattery premises, and with such frequency as the Animal Services Officer shall deem appropriate, and such inspections may, at the discretion of the Animal Services Officer, be made without prior notice to the owner or operator of the subject kennel or cattery. Willful refusal on the part of a kennel or cattery owner or operator to allow such inspection shall be grounds for summary denial of an application for a kennel or cattery license or for summary suspension or revocation of a kennel or cattery license. (Ord. 960, 10/20/09; Section 1)

6.16.030. Fees, Fee Exemptions. The Class I Kennel, Class II Kennel, Class III Kennel, Class IV Kennel, Sentry Dog Kennel, cattery, and Animal Rescue Facility license fees, and late fees, shall be as set by separate Resolution of the City Council of the City of Beaumont. If an application for a license or renewal of a license is made more than thirty (30) days after the date such license is required or such previous license has expired, a late fee shall be added.

A nonprofit corporation formed pursuant to the provisions of the California Corporations Code commencing with Section 10100 for the prevention of cruelty to animals, shall not be required to pay a fee for the licenses required by this Title; provided, however, that all other provisions of this Title shall be applicable to any such nonprofit corporation, as well as the provisions of Section 6.16.040 of this Title if the nonprofit corporation is an animal rescuer. (Ord. 960, 10/20/09; Section 1)

6.16.040. Animal Rescue Facilities. Any person engaged in the rescue of animals, shall first obtain a rescue permit from the Department and shall meet all requirements and standards for a kennel/cattery license.

a. For an animal rescuer that is not a valid nonprofit corporation formed pursuant to the provisions of the California Corporations Code commencing with Section 10100 for the prevention of cruelty to animals, the animal rescuer may keep two (2) dogs with a rescue permit and no minimum land requirement so long as all other requirements and standards for a kennel license, referred in this Title, are met.

b. For an animal rescuer that is a valid nonprofit formed pursuant to the provisions of the California Corporations Code commencing with Section 10100 for the prevention of cruelty to animals, the animal rescuer may maintain up to ten (10) dogs with a rescue permit and no minimum land requirement so long as all other requirements and standards for a kennel license are met. Such animal rescuer shall not need to obtain a Class I Kennel permit.

c. For an animal rescuer maintaining eleven (11) or more dogs a Class II Kennel License is required, and the minimum land requirement shall be one acre.

d. For an animal rescuer maintaining ten (10) or more cats, a cattery license is required; and the minimum land requirement shall be one acre.

e. An animal rescuer may keep a maximum of four (4) personal (not for adoption or sale) dogs and nine (9) personal (not for adoption or sale) cats and must include these animals as "personal pets" on the animal rescue permit application.

f. Personal dogs (not for adoption or sale) shall be individually licensed in accordance with this Title.

g. All rescued dogs and rescued cats older than four (4) months must be spayed/ neutered prior to releasing to an adopting party. In any event, the animal must be altered within 30 days of receipt by the rescuer.

h. Accurate and complete records of all animals shall be maintained by the animal rescuer on forms which will be made available to Department for inspection upon request.

i. An animal rescuer may recoup, from the adopting party, the cost of any inoculations, the cost incurred by having the animal altered prior to adoption, and any costs related to the treatment of illness or injury. (Ord. 960, 10/20/09; Section 1)

6.16.050 Denial, Suspension, Revocation and Appeal of License. The Animal Services Officer may, in his/her discretion, deny any application for a kennel, cattery or rescue facility license whether such application is for an original license or renewal of a license, and may suspend or revoke any license if it is found that the kennel, cattery or rescue facility fails to meet any or all of the Standards as set forth in this Title, or is in violation of any law of the State of California or any provision of this Title, any provision of any other CITY Title or provision of a Conditional Use Permit.

When such denial, suspension or revocation occurs, the Animal Services Officer shall prepare a written notice of such denial, suspension or revocation which shall contain a brief statement of the reason or reasons for such denial, suspension or revocation. The Animal Services Officer shall serve such notice upon the applicant or licensee by hand-delivery or by registered or certified mail, postage prepaid, return receipt requested. Denial, suspension or revocation shall be effective thirty (30) days after service of such notice. Where an application for a kennel or cattery license is denied or where a kennel or cattery license issued pursuant to this Title is revoked, no application for a new license for such kennel or cattery shall be considered for a period of one (1) year from the effective date of such denial or revocation; provided, however, that for good cause shown the City Council may direct that there be a lesser period of time before such application will be considered.

Any person whose application has been denied or whose license has not been renewed, or whose license has been suspended or revoked, may appeal such denial, nonrenewal, suspension or revocation by filing with the City Clerk of the within fifteen (15) days after notice of such denial, suspension or revocation, a written notice of appeal briefly setting forth the reasons why the appellant alleges such denial, non-renewal, suspension or revocation is improper. Within five (5) days of the receipt by the said Clerk of such notice of appeal, the Clerk shall set a hearing date for the appeal and shall give written notice of the date, time and place of such hearing to the appellant, and such notice shall be sent by registered or certified mail, postage prepaid, return receipt requested. The date of hearing shall be not less than twenty (10) days from the date of mailing of the notice of the date, time and place of the hearing, and the hearing shall be conducted not later than forty-five (45) days from the date of mailing of the notice of denial, non-renewal, suspension or revocation; provided, however, that at the request of the appellant, the City Clerk may extend the hearing date for a reasonable period beyond the aforementioned forty-five (45) day limit. The appeal shall be heard by the City Council which may affirm, modify, or reverse the denial, non-renewal, suspension or revocation. In conducting the hearing, the City Council shall not be limited by the technical rules relating to evidence & witnesses, as applicable in courts of law. To be admissible, evidence shall be of the type upon which responsible persons are accustomed to rely in the conduct of serious affairs. During the pendency of the appeal, there shall be in effect an automatic stay of the denial, non-renewal, suspension or revocation; provided, however, that during said period of pendency the Animal Services Officer may take such action as he/she deems appropriate under this Title, or any other provision of law respecting the subject kennel or cattery, including but not limited to the abatement of public nuisances, inspection of the kennel or cattery premises, or the prosecution of any violation of this Title, or any other provision of law not related to the failure of the subject kennel or cattery to be currently and otherwise validly licensed. (Ord. 960, 10/20/09; Section 1)

Chapter 6.18
LARGE ANIMALS

Sections:

- 6.18.010 Running at Large—Impoundment
- 6.18.020 Notice of Impoundment - Required
- 6.18.030 Fees and Charges - Impounded Animals -Redemption
- 6.18.040 Right to Redeem
- 6.18.050 Sale of Impounded Animal - Terms - Time
- 6.18.060 Sale of Impounded Animal - Bill of Sale
- 6.18.070 Sale of Impounded Animal - Proceeds
- 6.18.080 Records

6.18.010 Running at Large—Impoundment. No person owning or having the care, custody, or control of any horse, mule, jack, cow, sheep, goat, or other domestic animal or livestock shall permit the same to be at large and not be under the immediate control of some person. No person shall picket such animal in such a manner that the animal can go upon any of the streets, alleys, or public parks, or public grounds within the city. It shall be the duty of the animal services officer to impound any animal that may be found running at large. (Ord. 960, 10/20/09; Section 1)

6.18.020 Notice of Impoundment - Required. Within not less than two (2), nor more than five (5) days from the impoundment of any animal under this Chapter, it shall be the duty of the animal services officer to give notice of the impounding of such animal to the owner or person claiming to own such animal. If the owner cannot be ascertained, a notice shall be posted for five days in a conspicuous place in the City therein giving a description of each animal impounded and stating that if such animal is not sooner redeemed, the animal services officer will at a time and place named in such notice, sell such animal at public auction to pay the charges and costs provided for in this Chapter.

6.18.030 Fees and Charges - Impounded Animals-Redemption. Any person owning or claiming to own any animal under the provisions of this Chapter may redeem such animal by payment of the fees and charges established in amounts by resolution of the City Council:

a. Impoundment. The City shall charge a fee for impoundment, plus the actual costs of transporting the animal, veterinary care and related services rendered to the animal while impounded, the actual costs for the animal services officer, as well as any other agencies involved, the actual costs of sale incurred, actual costs of any extraordinary measures required in or for the handling and maintaining of the animal while impounded. Upon impounding any bovine animal, horse, mule or burro, the animal services officer shall comply with Food and Agriculture Code Section 17003 and immediately notify the Secretary of Food and Agriculture.

b. Feeding and Keeping. For feeding and keeping any animal, a fee for each day or fraction thereof the same shall remain in the animal services officer's custody. (Ord. 960, 10/20/09; Section 1)

6.18.040 Right to Redeem. Any animal impounded under this Chapter may at any time be redeemed upon payment to the animal services officer of such fees and charges as may have already been incurred per Section 6.20.030. (Ord. 960, 10/20/09; Section 1)

6.18.050 Sale of Impounded Animal - Terms - Time. At the time and place set forth in the notice of sale, the animal services officer shall cause the sale of the impounded animal at public sale, to the highest bidder, for cash. If no bid is offered for such animal, the animal services officer may cause the sale of such animal at private sale or humanely destroy such animal, or otherwise dispose of it as permitted by law. (Ord. 960, 10/20/09; Section 1)

6.18.060 Sale of Impounded Animal - Bill of Sale. The animal services officer, upon receiving the purchase money for an animal sold under this Chapter shall provide the purchaser with a bill of sale signed by the animal services officer. (Ord. 960, 10/20/09; Section 1)

6.18.070 Sale of Impounded Animal - Proceeds. All money received for the sale of an animal under the provisions of this Chapter shall be deposited in the general fund of the City. (Ord. 960, 10/20/09; Section 1)

6.18.090 Records. It shall be the duty of the animal services officer to maintain accurate records on all animals impounded, redeemed or sold under the provisions of this Chapter. (Ord. 960, 10/20/09; Section 1)

Chapter 6.20
APIARIES

Sections:

- 6.20.010 Purpose and Intent
- 6.20.020 Hives
- 6.20.030 Fencing of Flyways
- 6.20.040 Water
- 6.20.050 General Maintenance
- 6.20.060 Queens
- 6.20.070 Colony Densities
- 6.20.080 Marking Hives, Presumption of Beekeeping
- 6.20.090 Inspection
- 6.20.100 Compliance

6.20.010 Purpose and Intent. The city Council finds that honey bees are of benefit to mankind by providing agriculture, fruit, and garden pollination services and by furnishing honey, wax, and other useful products. The City Council recognizes that gentle strains of honey bees can usually be maintained within populated areas within reasonable densities without causing a nuisance if the bees are properly located and carefully managed. The purpose of this Chapter is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas. (Ord. 960, 10/20/09; Section 1)

6.20.020 Hives. All bee colonies shall be kept in Langstroth type hives with removable frames, which shall be kept in sound and useable condition. (Ord. 960, 10/20/09; Section 1)

6.20.030 Fencing of Flyways. In each instance in which any colony is situated within twenty-five (25) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest establishment, the beekeeper shall maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation, or combination thereof that is parallel to the property line and extends ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in vicinity of the apiary. It is a defense to prosecution under this section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least twenty-five (25) feet from the property line of the apiary tract. (Ord. 960, 10/20/09; Section 1)

6.20.040 Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcock, pet watering bowls, bird baths, or other water sources where they may cause human, bird, or domestic pet contact. (Ord. 960, 10/20/09; Section 1)

6.20.050 General Maintenance. Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their removal from the hive all such materials shall promptly be disposed in a sealed container or placed within a building or other bee proof enclosure.

6.20.060 Queens. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to promptly requeen the colony. Queens shall be selected from stock bred for gentleness and non-swarming characteristics. (Ord. 960, 10/20/09; Section 1)

6.20.070 Colony Densities.

A. It shall be unlawful to keep more than the following number of colonies on any tract within the City, based upon the size of configuration of the tract on which the apiary is situated:

1. One quarter acre or less tract size two (2) colonies.
2. More than one-quarter acre but less than one-half acre tract size four (4) colonies.
3. One-half acre but less than one acre tract size six (6) colonies.
4. One acre or larger tract size eight (8) colonies.

Regardless of tract size, where all hives are situated at least two hundred (100) feet in any direction from the property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.

Regardless of tract size, so long as all property, other than the tract upon which the hives are situated, that is within a radius of at least two hundred (200) feet from any hive remains undeveloped property, there shall be no limit to the number of colonies.

B. For each two (2) colonies authorized under Colony densities (Subsection A) there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one standard 9 5/8 inch depth ten-frame hive body with no supers attached as required from time to time for management of swarm. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days after the date it is acquired.

6.20.080 Marking Hives, Presumption of Beekeeping.

A. In apiaries, name and telephone numbers shall be branded, painted, or otherwise clearly marked upon the structure of at least two (2) hives at opposite ends of the apiary. Instead of marking the hives, the beekeeper may conspicuously post a sign setting forth the name and telephone number of the beekeeper. It is a defense to prosecution under this subsection that a colony is kept upon the same tract upon which the owner resides.

B. Unless marked in accordance with Subsection (A) it shall be presumed for purposes of this article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper. (Ord. 960, 10/20/09; Section 1)

6.20.090 Inspection. The Animal services officer shall have the right to inspect any apiary between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the beekeeper if he resides at the apiary or if his name is marked on the hives. (Ord. 960, 10/20/09; Section 1)

6.20.100 Compliance.

A. Upon receipt of information that any colony situated within the City is not being kept in compliance with this Title, the Department shall cause an investigation to be conducted. If he finds that grounds exist to believe that one or more violations have occurred he shall cause a written notice of hearing to be issued to the beekeeper.

B. The notice of hearing shall set forth:

1. The date, time and place at which the hearing will be conducted.
2. The violation(s) alleged,
3. That the beekeeper may appear in person or through counsel, present evidence, cross examine witnesses, and request a court reporter.
4. That the bees may be ordered destroyed or removal from the City if the hearing officer finds that they have been kept in violation of this article.

Notice shall be given by certified United States Mail or personal delivery. However, if the City is unable to locate the beekeeper, then the notice may be given by publication one time in a newspaper of general circulation at least five (5) days prior to the date of the hearing.

C. The hearing shall be conducted by the Hearing Officer . The burden shall be on the city to demonstrate by a preponderance of credible evidence that the colony or colonies have in fact been kept in violation of this Title. If the hearing officer finds that the colony or colonies have been kept in violation of this Chapter, then he may order that the bees be destroyed or removed from the City, not to exceed twenty (10) days, and that bees not thereafter be kept upon the tract for a period of two (2) years. In instances where the hearing officer finds that the violations were not intentional and that the beekeeper has employed corrective actions that will probably be effective to cure the violations alleged, then he may issue a warning in lieu of ordering the bees be removed or destroyed. Upon failure of the beekeeper to comply with the order, the officer may cause the bees to be destroyed and the hive structures to be removed. In each instance in which a bee colony is destroyed all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall upon the beekeeper's request be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expense for their return.

D. The decision of the hearing officer may be appealed to the City Council by filing a notice to appeal with the City within ten (10) days following the date that the hearing officer announces his decision, or if the decision is not announced at the conclusion of the hearing, then within fifteen (15) days following the date that the hearing officer places written notice of his decision in the mail to the beekeeper. An appeal shall not sway the hearing officer's decision, and it shall be the responsibility of the beekeeper to remove the bees from the City pending the determination of the appeal.

E. The provisions of the section shall not be construed to require a hearing for the destruction of (1) any bee colony not residing in a hive structure intended for beekeeping or (2) any swarm of bees or (3) any colony residing in a standard or man-made hive, which by virtue of its condition, has obviously been abandoned by the beekeeper.

Chapter 6.22
Animal Control Hearings

Section:

6.22.010	Purpose
6.22.020	Neutral Hearing Officer
6.22.030	Scheduling the Hearing
6.22.040	Hearing Procedures
6.22.050	Recording
6.22.060	Hearing Officer's Decision
6.22.070	Appeal to the Riverside County Superior Court
6.22.080	Failure to Appeal

6.22.010 Purpose. It is the purpose of this Chapter to provide standardized animal control hearing procedures concerning the seizure and impoundment of animals. Specifically, the hearings required by Chapter 6.08 regarding seizure and impoundment, Chapter 6.10 regarding potentially dangerous dogs and Chapter 6.12 regarding dangerous animals, shall be conducted in accordance with the procedures set forth in this Chapter 6.22. (Ord. 960, 10/20/09; Section 1)

6.22.020 Neutral Hearing Officer. All hearings conducted pursuant to this Chapter shall be conducted by the Chief of Police or his designee who shall not have been directly involved in the subject action and shall not be subordinate in rank to the person seizing or impounding the animal(s). The name of the candidate hearing officer shall be promptly communicated to the owner of the animal, and the owner shall have 24 hours to disqualify the candidate on the grounds that the owner reasonably believes that the candidate is prejudiced against the owner or the interests of the owner. (Ord. 960, 10/20/09; Section 1)

6.22.030 Scheduling the Hearing. The designated hearing officer shall schedule the hearing, and the hearing shall be conducted, within 10 business days of the date the hearing officer is appointed; provided, however, that the hearing officer may continue the hearing for a reasonable period of time if he/she deems such continuance to be necessary and proper, or if the owner or custodian of the animal shows good cause for such continuance. (Ord. 960, 10/20/09; Section 1)

6.22.040 Hearing Procedures. To the extent applicable and feasible, the hearing officer shall conduct the hearing in compliance with the following guidelines:

A. The Animal Services Officer shall have the burden of proof to establish, by a preponderance of the evidence, the existence of the condition or conditions which gave rise to the need for seizure or impoundment or otherwise.

B. The Animal Services Officer shall present its case first, following by the party against whom the seizure or impoundment is being proposed. The Animal Services Officer may present rebuttal in the discretion of the hearing officer.

C. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any other matter relevant to this issue even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness, and to rebut evidence.

D. Oral evidence shall be taken only on oath.

E. The hearing need not be conducted according to technical rules of evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be irrelevant and unduly repetitious evidence shall be excluded.

6.22.050 Recording. The hearing may be recorded if ordered by the hearing officer or requested by the owner or custodian of the animal. A stenographic report shall also be made of the proceedings if ordered by the hearing officer or requested by the owner or custodian, with the costs thereof to be borne by the person making the order or request. A copy of the recording or transcript of the proceeding shall be made available to person upon request and upon payment of the cost of the preparation thereof.

6.22.060 Hearing Officer's Decision. Within 3 business days after the conclusion of the hearing, the hearing officer shall render, in writing, his/her findings, decision and order thereon, and shall give notice, in writing, of the determination and orders issued, either personally or by first-class mail, postage prepaid. Specific findings that shall be made by the hearing officer, and a more complete statement of the hearing officer's disposition authority may be found in Chapters 6.08, 6.10 and 6.12 of this Title.

6.22.070 Appeal to the Riverside County Superior Court. If the owner or custodian of the animal contests the hearing officer's determination, he/she may, within 5 days of the receipt of the notice of determination, appeal the decision to the Riverside County Superior Court and shall pay a fee for filing such appeal to the Clerk of the Court, as provided in Section 70826(b) of the Government Code.

The owner or custodian of the dog shall serve personally, or by first-class mail, postage prepaid, the notice of appeal on the Chief of Police.

The Court hearing the appeal shall conduct a hearing in accordance with the provisions of Section 30612(b) of the Flood and Agriculture Code. The determination of the Court hearing the appeal shall be final and conclusive upon all parties.

6.22.080 Failure to Appeal. If the owner or custodian of the animal fails to appear at the hearing, the hearing officer, and the Superior Court hearing the appeal, may decide all issued for or against such absent owner or custodian.

**CITY COUNCIL
PUBLIC HEARING**

DATE: **February 22, 2011**

TO: **Honorable Mayor and City Council**

FROM: **Phil Holder, Lieutenant**

SUBJECT: **ORDINANCE 1436 OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AMENDING BANNING MUNICIPAL CODE CHAPTER 8.32 AND 8.48 RELATING TO GRAFFITI PREVENTION, REMOVAL AND COST RECOVERY.**

RECOMMENDATION:

Introduce and give first reading to the attached Ordinance amending Banning Municipal Code Chapter 8.32 relating to graffiti prevention and removal.

BACKGROUND:

The City's Graffiti Ordinance was enacted in 1965 and includes provisions that are outdated and inadequate to deal with the City's current graffiti problem. The City desires to amend its Graffiti Ordinance in order to address its growing graffiti problem, institute safeguards to further prevent opportunities for graffiti vandals, and discourage them through penalties and restitution. Several cities in Southern California have graffiti ordinances that include provisions that help further these goals. Cities such as Irwindale, West Covina and Diamond Bar have graffiti ordinances that include sections on parental civil liability for minors, restitution to victim, community service requirements, and rewards for those who assist in apprehending graffiti vandals. These sections address accountability and discourage recidivism. As graffiti vandals have found more ways to deface property, local agencies are now turning to the stronger use of parental civil liability and restitution to combat graffiti, to pay for damages to victims and to deter graffiti violations. The following is a brief summary of the principal provisions of the proposed amendment:

1. It is unlawful for a property owner to allow graffiti to remain on their property for a period of seven (7) days after notice of the same.
2. The City may abate graffiti and pursue cost recovery for the expense of abatement which includes all costs incurred by the city in abating graffiti including the recordation of a lien against the property where the graffiti is maintained.
3. Any gas, telephone, water, sewer, cable, telephone and other utility operating in the city, other than an electric utility, shall paint their above-surface metal fixtures installed after the effective date of this Ordinance with a uniform paint type and color as directed by the city manager or his or her designee.

4. In imposing conditions upon conditional use permits, variances, building permits, the City may impose graffiti removal requirements.
5. If the person causing the graffiti nuisance is a minor, then the parent or legal guardian of the minor shall be jointly and severally liable with the minor, and the expense of abating the graffiti shall be a personal obligation and a lien against the property of the parent or guardian having custody or control of the minor.
6. Any commercial retail store selling aerosol paint containers or actuators shall store such items in an area that is viewable, but not accessible to the public in the regular course of business without employee assistance.
7. Any commercial retail store selling graffiti implements shall place signs in direct view of store employees accepting customer payment for graffiti implement that states "Pursuant to the Banning Municipal Code, selling graffiti implements to persons less than eighteen (18) years of age is against the law and punishable by six (6) months in jail and/or fine of \$1,000."
8. The City offers a reward of up to two thousand dollars (\$2,000.00) for information leading to the arrest and conviction of any person in violation of Penal Code 594 or any section of this chapter.

DISCUSSION:

Graffiti results in blight and deterioration of property values and contributes to the overall detriment of the City. The proposed ordinance amendment will provide the City with more ways to combat and deter graffiti offenses. The ordinance amendment will include a more comprehensive list of definitions of graffiti implements and provide further restrictions on accessibility of graffiti implements and signage requirements. It will also add new sections pertaining to restitution to the victim(s), including the authority for the City to place a lien on property, give authority for the chief of police to reward a person who provides credible information regarding graffiti violations, expand cost recovery procedures, impose community service requirements and impose harsher penalties for violations.

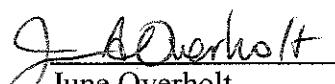
FISCAL DATA: None

RECOMMENDED BY:



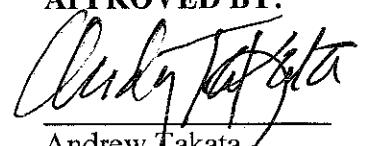
Leonard Purvis
Chief of Police

REVIEWED BY:



June Overholt
Administrative Services Director

APPROVED BY:



Andrew Takata
City Manager

ORDINANCE NO. 1436

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
BANNING, CALIFORNIA, AMENDING BANNING
MUNICIPAL CODE CHAPTER 8.32 AND CHAPTER 8.48
RELATING TO GRAFFITI PREVENTION, REMOVAL.**

WHEREAS, the City Council of the City of Banning ("City") finds that the increase of graffiti, on both public and private property, is creating a condition within the City which results in blight and deterioration of property values and of the comfortable enjoyment of life and property for adjacent and surrounding residents and owners, and contributes to the overall detriment of the City; and

WHEREAS, the City Council finds that graffiti constitutes a public nuisance and a threat to public safety which must be abated to alleviate the detrimental impact of such graffiti on the City, and to prevent the further spread of graffiti; and

WHEREAS, the City Council finds that there exists an increasing number of graffiti implements with which individuals can deface public and private property by writing, painting, and/or drawing on surfaces and the City's municipal code provisions must be expanded to include definitions of these graffiti implements; and

WHEREAS, the City Council finds that holding parents and legal guardians liable for graffiti caused by their minor children will encourage the active involvement of parents and legal guardians in preventing graffiti within the City; and

WHEREAS, the City Council finds that issuing a monetary reward for information leading to the arrest and/or filing of a criminal complaint will contribute to the punishment of and deterrence against graffiti offenses; and

WHEREAS, the City Council finds that a process for recoupment of costs for abatement of graffiti will reimburse the City for some of its costs associated with the graffiti and encourage property owners to maintain their property free of graffiti; and

WHEREAS, Government Code Section 53069.3 authorizes the City of Banning to enact ordinances to provide for the use of City funds to remove graffiti from public or private property, and in order to promote expeditious removal of graffiti; and

NOW THEREFORE, the City Council of the City of Banning, California, does hereby ordain as follows:

Section 1. Chapter 8.32 of the Banning Municipal Code consisting of Sections 8.32.010 to 8.32.090 is hereby repealed in their entirety and a new Chapter 8.32 is hereby adopted consisting of sections 8.32.010 to 8.32.110 to read as follows:

8.32.010 - Purpose and intent.

The city council specifically finds that graffiti on public or private property is a blighting factor which not only depreciates the value of property which has been the target of such vandalism but also depreciates the value of the adjacent and surrounding properties so as to create a negative impact on the entire city. The purpose of this chapter is to provide a program for abatement of graffiti from public and private property to reduce blight and deterioration within the city, protect public safety, and for expeditious removal at public expense of graffiti from structures on both public and private property.

8.32.020 – Graffiti and other inscribed material defined.

- A. "Adhesive stickers" means any sheet of paper, fabric, plastic or other substance or material with an adhesive backing.
- B. "Aerosol paint container" means any aerosol container, regardless of the material from which it is made, which is adapted or made for the purpose of spraying paint or other substances capable of being applied to public or private property in a manner that defaces the property.
- C. "City" shall mean the city of Banning.
- D. "City council" means the city council of the city of Banning.
- E. "City manager" means the city manager of the city of Banning or his/her designee
- F. "Continuously viewable to store employees" means within line of sight of an employee or store manager at all times during business hours. Continuously viewable to store employees shall include viewable via closed circuit security cameras.
- G. "Etch cream or etching cream" means any caustic cream, gel, liquid, or solution capable, by means of a chemical action, of defacing, damaging, or destroying hard surfaces.
- H. "Etchers or etching tools" means any sharp or pointed instrument, device or other mechanism, including but not limited to, glass etchers, metal etchers, cutting and grinding instruments, awls, chisels, glass cutters, drill bits or any other instrument that is capable of scratching or otherwise marking any surface, including but not limited to, glass, mirrors, windows, steel, aluminum, brass, tin, fiberglass, wood, plastic, concrete or any other surface.

- I. "Graffiti" means any unauthorized inscription, word, figure, symbol, configuration of letters and/or numbers or design that is marked, etched, scratched, drawn, written, scribed, stained, stuck on, adhered or affixed to or on any real or personal property, including but not limited to, buildings, walls, windows, signs, structures, places, rocks, landscape materials, or other surfaces and/or the interior or exterior of any other structure, regardless of the nature of the material of which the surface is composed.
- J. "Graffiti implement" means an adhesive sticker, aerosol paint container, etching cream, etching tool, marking pen, a paint or graffiti stick, spray actuators, or other similar devices that may be used to scar or deface property.
- K. "Marking pen" means any marker pen or any similar implement containing an ink, paint, or other pigmented liquid.
- L. "Official" means city official or official authorized to take action with regards to the abatement of a nuisance on behalf of the city including building official, chief, city manager, health officer, code enforcement officer manager and their designees.
- M. "Paint stick or graffiti stick" means a device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of leaving a visible mark on a surface.
- N. "Spray actuator" means an object or device that is capable of being attached to an aerosol or other paint container for the purpose of spraying the substance contained therein.

8.32.030 – Graffiti prohibited.

- A. It shall be unlawful for any person to apply graffiti on any surface of any trees, buildings, walls, fences, poles, signs or any other public or privately owned real or personal property within the city.
- B. It shall further be unlawful for any person to solicit or command another person to apply graffiti, or for any person to aid or abet, or agree to aid or abet another person to plan to apply graffiti, including but not limited to, acting as a "lookout."
- C. The parent or legal guardian of a child under the age of eighteen (18) that engage in any of the activities set forth in subsection A or B of this section shall be personally responsible for such activities.

8.32.040 – Graffiti removal provisions – Right of city to require removal.

- A. It is unlawful for any person, who is the owner or who has primary responsibility for control of property or who has primary responsibility for the repair or maintenance of property ("responsible party"), to permit property which is defaced with graffiti to remain so defaced for a period of seven (7) days after

notice of same, unless: (i) said person shall demonstrate by a preponderance of evidence that he or she does not have the financial or physical ability to remove the defacing graffiti; or (ii) it can be demonstrated that the responsible party has an active program for the removal of graffiti and has scheduled the removal of the graffiti as part of that program in which case it shall be unlawful to permit such property defaced with graffiti to remain defaced for a period of fifteen (15) days after notice of same.

- B. The existence of any surface of a structure on real property which has been defaced with graffiti after removal more than five (5) times in twelve (12) months by the city at its expense is a public nuisance, and may be abated by modifications to the structure or surface, or to the immediate surrounding area. The surface or surfaces may be required to be retrofitted, at the cost of the property owner of said property, or at the cost of the city at the city's option, with such features or qualities as may be established by the city as necessary to reduce the attractiveness of the surface for graffiti, or as necessary to permit more convenient or efficient removal thereof.

8.32.050 – Graffiti removal provisions – Right of city to remove.

Whenever the city becomes aware or is notified and determines that graffiti is so located on publicly- or privately-owned property within the city, the city shall be authorized to use public funds for the removal of the graffiti, or painting or repairing the property, but shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, unless the city manager or his or her designee, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the responsible party or the person causing the graffiti, or if a minor, his or her parent or guardian agree to or ordered to pay for the costs of repainting or repairing the more extensive area.

8.32.060 – Graffiti removal provisions – Right of entry on private property.

- A. Prior to entering upon private property or property owned by a public entity other than the city, for the purposes of removal of graffiti, the city shall attempt to secure the consent of the responsible party, and a release of the city from liability for private or public property damage.
- B. If a responsible party fails to remove the offending graffiti within the time herein specified, or if the city shall have requested consent to remove or paint over the offending graffiti and the responsible party shall have refused consent for entry on terms acceptable to the city consistent with the terms of this section, the city may commence abatement of the graffiti and recover costs for the abatement of the graffiti in accordance with Chapter 8.48, which procedures authorize the recovery of all costs incurred by the city in abating graffiti.

including the recordation of a lien against the property where the graffiti was maintained.

8.32.070 – Graffiti removal provisions – Preservation of evidence.

The Banning Police Department may promulgate procedures for pre-removal preservation of sufficient evidence of the graffiti for criminal prosecutions or proceedings pursuant to Section 602 of the Welfare and Institutions Code pertaining to the person or persons who inscribed the graffiti. These procedures shall be followed by the city prior to or during removal of the graffiti.

8.32.080 – Graffiti removal provisions – Conditions of permits.

- A. Any gas, telephone, water, sewer, cable, telephone and other utility operating in the city, other than an electric utility, shall paint their above-surface metal fixtures which are installed after the effective date of the Ordinance codified in this chapter with a uniform paint type and color as directed by the city manager or his or her designee;
- B. Encroachment permits issued by the city may, among other things, be conditioned on:
 1. The permittee applying an anti-graffiti material to the encroaching object or structure of a type and nature that is acceptable to the city manager, or his or her designee;
 2. The immediate removal by the permittee of any graffiti;
 3. The right of the city to remove graffiti or to paint the encroaching object or structure;
 4. The permittee providing the city with sufficient matching paint and/or anti-graffiti material on demand for use in the painting of the encroaching object or structure containing graffiti.
- C. In imposing conditions upon conditional use permits, variances, building permits to the extent permitted by this Code, or other similar land use entitlements or development or design applications, the city may impose graffiti removal requirements or any or all of the following conditions, or other similar or related conditions:
 1. Applicant shall apply an anti-graffiti material of a type and nature that is acceptable to the city manager, or his or her designee, to such of the publicly viewable surfaces to be constructed on the site deemed by the city manager, or designee, to be likely to attract graffiti ("graffiti attracting surfaces" hereinafter in this Section);

2. Applicant shall grant in writing, the right of entry over and access to such parcels, upon forty-eight (48) hours' posted notice, by authorized city employees or agents, for the purpose of removing or painting over graffiti on graffiti attracting surfaces previously designated by the city manager, or designee. Such grant shall be made an express condition of approval and shall be deemed to run with the land;
3. Applicant, and any and all successors in interest, shall, for a specified period of years after approval, provide the city with sufficient matching paint and/or anti-graffiti material on demand for use in the painting over or removal of designated graffiti-attracting surfaces;
4. Persons applying for subdivision maps shall, as part of any conditions, covenants and restrictions, covenant, which covenant shall run with the land, in a form satisfactory to the city, that the owners of the lots shall immediately remove any graffiti placed on publicly viewable trees and structures thereon to the city's satisfaction.
5. The city and the redevelopment agency shall, as part of any conditions, covenants and restrictions, covenant, which covenant shall run with the land, that the owners of the lots shall immediately remove any graffiti placed on publicly viewable trees and structures thereon to the city's satisfaction.

8.32.090 – Sale of graffiti implement to minors.

- A. It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any graffiti implement to any person under the age of eighteen (18) years.
- B. No person shall sell any graffiti implement without first obtaining from the purchaser a "bona fide evidence of majority and identity" as defined by Penal Code Section 594.1(a)(3).

8.32.100 – Display and storage of graffiti implement.

- A. Every person who owns, conducts, operates or manages a retail commercial establishment selling any aerosol paint containers or actuators shall store or cause such supplies to be stored in an area viewable by, but not accessible to, the public in the regular course of business without employee assistance, pending legal sale or disposition of such supplies. "Not accessible to the public" means that such supplies must be (i) stored under lock and key, and only the store manager or his/her designee shall have access to the supplies, or (ii) stored behind or under a store counter that is only accessible to authorized store personnel.

- B. Every person who owns, conducts, operates or manages a retail commercial establishment selling any paint sticks, marking pens, etching creams or etching tools shall store or cause such supplies to be stored in an area continuously viewable to store employees.
- C. Nothing herein shall relieve such person or business entity from, at all times, complying with the requirements of Penal Code Section 594.1(c) by posting signs as described therein.
- D. Every retail commercial establishment selling graffiti implements shall place a sign in the direct view of such persons responsible for accepting customer payment for graffiti implements stating: "Pursuant to the Banning Municipal Code, selling graffiti implements to persons less than eighteen (18) years of age is against the law and punishable by six (6) months in jail and/or a fine of \$1,000."
- E. Upon request of a Banning police officer or code enforcement officer, any person who owns, conducts, operates or manages a retail commercial establishment selling any graffiti implements shall provide copies of any merchandise inventory that relates to graffiti implements.

8.32.110 – Possession of graffiti implements.

No person shall have in his or her possession any graffiti implement, with intent to apply graffiti, while upon public or private property.

8.32.120 – Possession of graffiti implements by minors.

It shall be unlawful for any person under the age of eighteen (18) years to have in his or her possession any graffiti implement, with intent to apply graffiti, while upon public or private property.

8.32.130 – Declaration of nuisance.

The existence of graffiti within the city limits is a public nuisance and may be abated in accordance with the procedures set forth in Chapter 8.48. The cost for the abatement of graffiti may be recovered in accordance with the cost recovery provisions also set forth in Chapter 8.48.

8.32.140 – Civil penalties.

- A. Pursuant to Civil Code Section 1714, any person that causes any injury to or the defacement of the property of another by any act of graffiti shall be personally liable for any damages resulting from the graffiti.
- B. Pursuant to Civil Code Section 1714.1, any parent or legal guardian, whose child under the age of eighteen (18) possesses a graffiti implement, shall be personally liable for any and all costs to any person incurred in connection with

the removal of graffiti caused by said child, or by said graffiti implement, and for all attorney's fees and court costs incurred in connection with the civil prosecution of any claim for damages, up to twenty five thousand dollars (\$25,000.00).

8.32.150 – Rewards.

- A. Pursuant to Section 53069.5 of the Government Code, the city does hereby offer a reward of up to two thousand dollars (\$2,000.00) for information leading to the arrest and conviction of any person for violation of Penal Code Section 594 or any section of this chapter, not to exceed one (1) reward of two thousand dollars (\$2,000.00) per violation. The specific amount of the reward shall be determined by the chief of police up to the two thousand dollar (\$2,000.00) maximum, provided that a greater amount may be authorized by the city council by resolution. In the event of multiple contributors of information for a single violation, the reward amount shall be divided by the city in the manner deemed appropriate by the city police chief. For the purposes of this section, diversion of the offending violator to a community service program, or a plea bargain to a lesser offense, shall constitute a conviction.
- B. Claims for rewards under this section shall be filed, processed, and paid in accordance with procedures established by the police chief.
- C. The person convicted of committing the graffiti offense shall be liable for any rewards paid pursuant to this section and, if that person is an unemancipated minor, the custodial parent of said minor shall be jointly and severally liable for any rewards paid pursuant to this section.

8.32.160 – Criminal penalties.

- A. Any violation of this chapter shall be a misdemeanor offense punishable by either six (6) months in jail, a one thousand dollar (\$1,000.00) fine, or both such fine and imprisonment.
- B. In lieu of, or in addition to the penalties specified in this section, a minor or other person who is convicted of or pleads guilty or nolo contendere to graffiti violations shall be required to perform community service as described by the court, based on the following minimum requirements:
 1. The minor or adult shall perform not less than forty (40) hours of community service.
 2. The period of community service shall be performed under the supervision of a community service provider approved by the chief of police or his or her designee.

Section 2. Sections 8.48.590, 8.48.600 and 8.48.610 of Chapter 8.48 is hereby amended to read as follows:

8.48.590 – Graffiti abatement – General provisions.

- A.** The abatement of any nuisance resulting from the defacement of the property of another by graffiti or any other inscribed material as prescribed in this Code shall be at the sole expense of the person, minor or other person creating, causing or committing the nuisance.
- B.** If the person creating, causing or committing the nuisance is a minor, the parent or guardian having custody and control of the minor shall be jointly and severally liable with the minor. The city shall make the expense of abatement of any nuisance, resulting from the defacement by a minor of the property of another by graffiti or any other inscribed material, a lien against the property of a parent or guardian having custody and control of the minor and/or a personal obligation against the parent or guardian having custody and control of the minor.
- C.** The prevailing party in any action, administrative proceeding or special procedure to abate a nuisance pursuant to this section may recover its reasonable attorneys' fees in those individual actions or proceedings wherein the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to any prevailing party to exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.
- D.** The city may collect the cost of abatement of any nuisance, resulting from the defacement of the property of another by graffiti or any other inscribed material, and related administrative costs by either: (1) obtaining a court order stating that this reimbursement requirement is a personal obligation of the minor or other person or parent or guardian having custody and control over the minor who committed the defacement, recoverable by the city in the same manner as any civil judgment; (2) recording a nuisance abatement lien against a parcel of land owned by the minor or other person or parent or guardian having custody and control over the minor who committed the defacement; or (3) making the cost of abatement of a nuisance resulting from the defacement of the property of another, a special assessment against a parcel of land owned by the minor or other person or parent or guardian having custody and control over the minor who committed the defacement.
- E.** Alternatively, the property owner of the property maintaining the graffiti nuisance may be liable for the expense of abatement. In such case, the expense of abatement of the graffiti nuisance may be a lien against the property on which it is maintained and a personal obligation against the property owner.

- F. If the property owner maintaining the graffiti nuisance is liable for the expense of abatement, the property owner may request the city for a release from any lien and/or personal obligation for such expense upon showing proof that another person has been convicted of causing the graffiti nuisance on the property. For the purposes of this section, diversion of the offending violator to a community service program or a plea bargain to a lesser offense shall constitute a conviction.
- G. The city manager or his designee shall keep an accounting of the cost, including incidental expenses, of abatement of such nuisance for each separate lot, or parcel of land where the work has been done and shall render an itemized report in writing to the city council showing the cost of abatement, including salvage value, if applicable, for each separate lot or parcel of land; provided, that before the report is submitted to the city council for approval, a copy of the same shall be posted for at least five days upon the premises or property upon which such building(s) or structure(s) were situated, together with a notice of the time when the report shall be submitted to the city council for confirmation; a copy of the report and notice shall be served upon minor or other person or parent or guardian having custody and control over the minor who committed the defacement, and the owner of the property, in accordance with Section 415.10 et. seq. of the Code of Civil Procedure, at least five (5) days prior to submitting the same to the council; proof of the posting and service shall be made by affidavit and filed with the city clerk of the city. The term "incidental expenses" includes, but is not limited to, the actual expenses and costs of the city in the preparation of notices, specifications and contracts, and in inspecting the work, and the costs of printing and mailings required under this chapter.
- H. At the time and place fixed for receiving and considering the report, the city council shall hear and pass upon the report of the city manager or his designee, together with any objections or protests, which must be in writing, raised by any of the persons liable to be assessed for the cost of abating such nuisance. Thereupon the city council may make such revision, correction or modification to the report as it may deem just, after which, by resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed; provided, that the hearing or consideration may be continued from time to time. The decision of the city council on all protests and objections which may be made shall be final and conclusive.

8.48.600 – Graffiti – Nuisance abatement lien.

- A. Prior to the recordation of a graffiti nuisance abatement lien, notice shall be given to the person or parent or guardian having custody and control over the minor who committed the defacement by graffiti or any other inscribed material, and/or the owner of the abated property on which the graffiti was maintained as shown on the last equalized assessment roll or supplemental roll, whichever is more current. Such notice shall be served in the same manner as a summons

- in a civil action in accordance with Sections 415.10 et seq., of the Code of Civil Procedure. The date upon which service is made shall be entered on or affixed to the face of the copy of the notice at the time of service. However, service of such notice without such date shall be valid and effective.
- B. A graffiti nuisance abatement lien shall be recorded in the Riverside County recorder's office and from the date of recording shall have the force, effect, and priority of a judgment lien.
- C. A graffiti nuisance abatement lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.
- D. If the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection B of this section shall be recorded by the city. A graffiti nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.
- E. A graffiti nuisance abatement lien may be satisfied through foreclosure in an action brought by the city. The city may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien or as a condition of releasing the lien upon payment.

1.48.610 – Graffiti Special assessment.

- A. As an alternative to the recordation of a graffiti nuisance abatement lien, the city may make the cost of the abatement of any nuisance resulting from the defacement by a minor or other person of property of another by graffiti or other inscribed material, and related administrative costs, a special assessment against a parcel of land owned by the minor or other person or by the parent or guardian having custody and control of the minor, or the owner of the abated property on which the graffiti was maintained.
- B. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attached thereon, prior to the date on which the first instalment of the taxes would become delinquent, then

the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

- C. Notices or instruments relating to the abatement proceeding or special assessment may be recorded.
- D. Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding a minor or other person or parent or guardian having custody and control of a minor responsible for a condition that may be abated as a nuisance pursuant to subsection A of this section, the court may order such minor or other person or parent or guardian having custody and control of such minor to pay treble the costs of the abatement.

Section 3. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The city council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 4. The Mayor shall sign this Ordinance and the city clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in the Record Gazette, a newspaper published and circulated in the city. Thereupon this Ordinance shall take effect thirty (30) days after adoption and be in force and effect according to law.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Banning, California, on this 22nd day of February 2011.

Barbara Hanna, Mayor
City of Banning

ATTEST:

Marie A. Calderon, City Clerk

APPROVED AS TO FORM
AND LEGAL CONTENT

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1436 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 8th day of February, 2011, and was duly adopted at a regular meeting of said City Council on the 22nd day of February, 2011, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**CITY COUNCIL AGENDA
PUBLIC HEARING**

Date: **February 22, 2011**

TO: **City Council**

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

SUBJECT: **Resolution No. 2011-10, A Resolution of the City Council of the City of Banning Approving Adoption of the Banning Parks and Recreation Master Plan Update**

RECOMMENDATION: The Council adopt Resolution No. 2011-10, Approving Adoption of the Banning Parks and Recreation Master Plan Update.

JUSTIFICATION: The proposed Parks and Recreation Master Plan encompassed an extensive process to identify both current and future needs for recreation facilities, parks and programs and provides a strategy for addressing these needs in a fiscally responsible manner. This Plan will become a working document for City Staff, the Parks and Recreation Advisory Committee, Planning Commission and City Council.

BACKGROUND: The City of Banning Parks and Recreation Master Plan was created and adopted in 1990. The document had a fifteen year plan for the development of the park system. However, sufficient funding to implement the plan was not identified and the plan essentially not implemented. In 2006 City Council directed staff to move forward with an update to the existing Master Plan.

In fall of 2008 Council approved a proposal from RJM Design Group, Inc to develop an update of the Master Plan. The kick-off meeting for the update was held with City Staff and Consultants in February 2009 and a project schedule was set. The update process included the following elements:

- Workshop with City Staff and Parks and Recreation Advisory Committee
- Compilation of existing recreation programs offered to residents
- Consultant/City Staff tour of city park and recreation facilities and school district sites to inventory existing facilities.
- Recreation Needs Assessment conducted through telephone survey and Sports Organization Questionnaires
- Community Workshop
- Joint Meeting of the City Council, Planning Commission and Parks and Recreation Advisory Committee with a presentation of the draft Master Plan Update.
- For review and comment, Draft Master Plan distributed to member of the Banning Unified School Board through the office of the Superintendent

Parks and Recreation Advisory Committee's Recommendation

On October 20, 2010 at the regularly scheduled meeting of the Parks and Recreation Advisory Committee the Committee recommended that City Council approve the adoption of the proposed Parks and Recreation Master Plan.

FISCAL DATA: The adoption of the Parks and Recreation Master Plan has no immediate fiscal impact. Any future projects and programs that are proposed in accordance with the Master Plan will be taken to Council for consideration and approval before implementation, at which the funding source for such would be identified.

RECOMMENDED BY:


Heidi Meraz
Community Services Director

REVIEWED BY:


June Overholt
Administrative Services Director/
Deputy City Manager

APPROVED BY:


Andy Takata
City Manager

RESOLUTION NO. 2011-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING APPROVING ADOPTION OF THE BANNING PARKS AND RECREATION MASTER PLAN UPDATE

WHEREAS, The current Banning Parks and Recreation Master Plan was created and adopted in 1990; and

WHEREAS, the Banning City Council approved funding and selected RJM Design Group, Inc. to prepare an update of the current Parks and Recreation Master Plan; and

WHEREAS, RJM Design Group, Inc has prepared a Parks and Recreation Master Plan Update, which identifies both current and future needs for recreation facilities, parks and programs; and

WHEREAS, This Plan will become a working document for City Staff, the Parks and Recreation Advisory Committee, Planning Commission and City Council.

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

The Council adopts Resolution No. 2011-10, Approving Adoption of the Banning Parks and Recreation Master Plan Update.

PASSED, APPROVED, AND ADOPTED this 22nd day of February, 2011.

Barbara Hana, Mayor
City of Banning

APPROVED AS TO FORM AND
LEGAL CONTENT:

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

ATTEST:

Marie A. Calderon, City Clerk

CERTIFICATION

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2011-10, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 22nd day of February, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

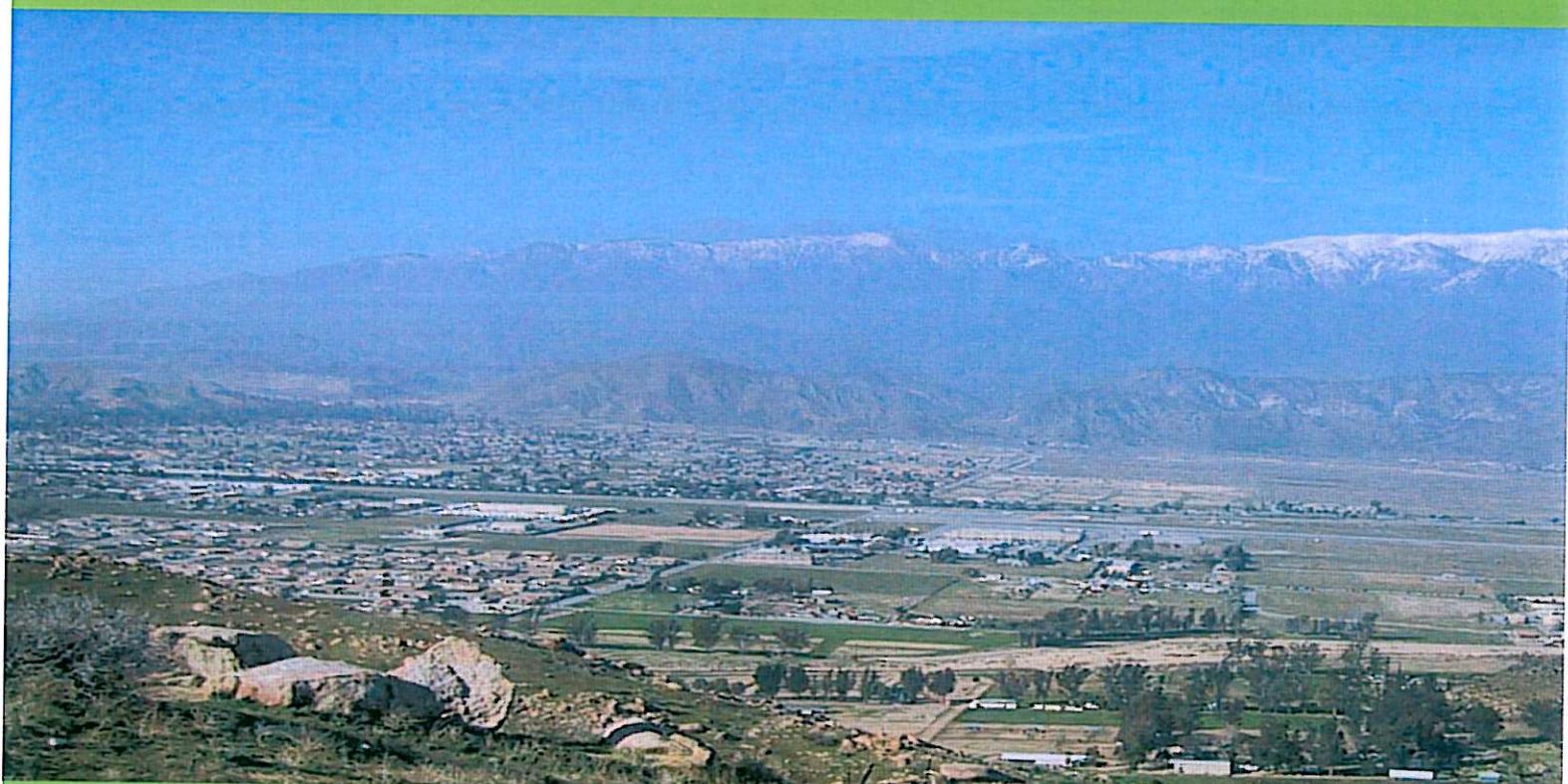
Clerk

Marie A. Calderon, City
City of Banning, California

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City of Banning

Parks and Recreation Master Plan



2010



EXECUTIVE SUMMARY

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Executive Summary



Executive Summary

What is the Master Plan?

This Parks and Recreation Master Plan (Master Plan) is based on the vision that parks, recreation facilities, programs, and trails are important resources within the City of Banning. These resources enhance community health, enrich the lives of residents, and contribute to a unique community identity and quality of life.

The purpose of the Master Plan is to provide a realistic guide for the creative, orderly development and management of recreation facilities and programs for the City, now and into the future.

The Master Plan is based on the Vision that Parks, Recreation Facilities, Programs and Trails Enhance Community Health, Enrich the Lives of Residents, and Contribute to a Unique Community Identity and Quality of Life

Why are Parks and Recreation Important?

In addition to residents having access to parks, recreation facilities, and trails the availability of a wide-range of recreation programs and leisure opportunities is a major component to the quality of life in any community. Recreation programs benefit households, families, businesses, neighborhoods, and individuals of all ages, income levels, cultures, and abilities by creating environments that engage people in positive activities.

Recreation programs and services that are developed, designed, and delivered effectively can provide the following benefits:

- Create a unique sense of place
- Promote economic vitality
- Protect and steward the environment
- Provide for safety and security
- Create strong families



Community Event at
Repplier Park Amphitheater

- Foster youth development
- Promote healthy lifestyles
- Advance lifelong learning
- Create fun and celebration
- Strengthen cultural unity

What was the Master Plan Process?

This Master Plan provides a blueprint for the planning, and development of recreation facilities and programs now and into the future. In order to establish this blueprint, the Master Plan process included an extensive inventory of existing parks, facilities, and recreation programs provided in the City. In addition, the Master Plan summarizes and incorporates the results of a community involvement and outreach process that ensures the community's vision for recreation and parks are met. The heart of the Master Plan is a detailed community needs assessment, which is based on the results of numerous forms of community outreach and input. The community's needs are compared with the City's inventory of existing facilities and programs to establish service gaps, surpluses and deficiencies, priorities and recommendations for recreation, parks, trails, and programs.

The Master Plan document is organized into the following sections:

Section One: Introduction. This section summarizes the Master Plan purpose, process, demographic context, and related documents.

Section Two: Existing Recreation Facilities.

Understanding the existing conditions in the community is an essential first step in the Master Plan process. Section Two provides an inventory of City recreation facilities and other recreation facilities open to the public and includes discussion of public school facilities, private recreation facilities and a listing of



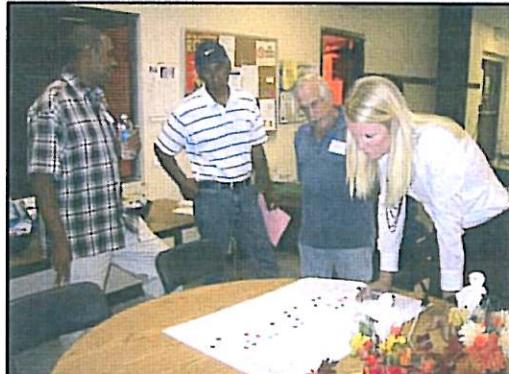
other publicly owned lands within and surrounding the City limits. A brief discussion on possible opportunity sites is also included in this section.

Section Three: Recreation Programs. Section Three provides an inventory of City recreation programs and services and a discussion of other recreation programs and services open to the public through private and non-profit providers. Section Three also includes the needs assessment for recreation classes and activities, and recommendations for the recreation programs offered to the community.



Section Four: Recreation Facility Needs Assessment. Section Four provides a detailed assessment of the recreation facility needs in Banning. Using the existing conditions and program needs assessment described in Sections Two and Three as a base of information; data from the community was obtained to develop an understanding of the demand for various facilities. The Needs Assessment utilizes the following needs assessment tools to generate this understanding:

Community Outreach: Information gathered from Banning residents and stakeholders through a focus group, Citywide telephone survey, sports organization data, and a community workshop. The Citywide survey provides current, statistically valid information specific to Banning that provides detailed information on the types of recreation facilities and programs most often utilized by Banning residents. A total of 200 randomly selected, geographically distributed telephone interviews were completed with adult household heads living in the City of Banning representing over 500 community residents of all ages and ethnicities.



Executive Summary

Recreation Demand and Needs Analysis: Quantitative evaluation of Banning facility needs based on the statistically valid Resident Telephone Survey, facility inventory, relevant demographics, and sports organization data.

Service Area Analysis: Evaluation of where parkland is located and how it is distributed throughout Banning compared to current and future residential land uses.

Acreage Analysis: Evaluation of parkland acreage needs in Banning based on the General Plan standard of 5 acres/1,000 population, identified recreation needs, and available parkland supply.

Program Analysis: Understanding program needs and supply and how these influence facility needs.

Section Five: Recreation Facility Recommendations. Section Five provides recommendations with respect to existing and proposed parks, unimproved parkland, and joint use and collaborative or partnering opportunities. Recommendations are intended to address the recreation facility needs identified in the Facility Needs Assessment section and are the result of analysis of existing inventory, analysis of demand, community input, and consideration of established goals and policies in the 2004 General Plan's Parks and Recreation Element.

As referenced above, the recommendations within the Master Plan are organized by the following five goals:

1. Improve the Quality of Recreation Facilities and Programs
2. Increase Parkland Acreage
3. Provide for Current and Future Recreation Needs Identified
4. Provide Trails and Connectivity throughout the City
5. Increase Budget and Support for Community Services Department

Costs to develop new parks and facilities recommended are included in this Section.

Existing Recreation Resources

What Recreation Facilities Exist in Banning?

Within Banning unique and diverse recreation opportunities are available in City facilities:

- *Four (4) Community Parks totaling more than 55 acres.*
- *Two (2) Neighborhood Parks totaling over 11 acres.*
- *One (1) Mini Park, Carpenter-Hamilton Park located at City Hall.*
- *The total acreage of developed parkland in Banning is approximately 67 acres*
- *Aquatic Center with recreation play elements and Skateboard Park located at Repplier Park*
- *Community Center and Senior Center located at Repplier Park*



In addition, there are private recreation facilities, facilities outside the City, and schools that all contribute to the recreation opportunities for Banning residents. The City has an established Joint Use Agreement with the school district that allows the City to utilize some of the school campus facilities.

An accurate quantification and evaluation of existing resources is the foundation of the needs assessment effort of Section Four of the Master Plan.

Are there undeveloped sites in Banning that represent future public park opportunities?

There are sites identified that could become recreation facilities in the future:

- *Smith Creek Ranch Park site*
- *Lincoln Street site*
- *Possible acquisition/partnership opportunity with the County of Riverside at the Gilman Historic Ranch Park*
- *Butterfield planned community/residential development*

Recreation Programs

A wide variety of experiences and opportunities are available to the community through the programs and services provided by the Community Services Department. According to annual program and activities participation records, the highest participation level is in adult softball; the next three highest levels of participation were in youth basketball, teen open gym and martial arts classes. In addition to the recreation programs and classes offered, the City hosts a number of community and special events throughout the year.

A focus group, Citywide telephone survey, and a community workshop provided qualitative and quantitative information that helped establish top program needs. Current demographics were also compared with regional and national recreation trends to determine future recreation trends and implications in Banning.

A focus group, Citywide telephone survey, and a community workshop provided qualitative and quantitative information that helped establish top program needs.

What do Recreation and Social Trends tell us about Program Needs in Banning?

Included in the appendix document there is a Report entitled Recreation Trends and Implications for the City of Banning. Based on those trends and the implications that are indicated, there are a number of Recreation Programs that should be highlighted, for the City of Banning.

- *With a median age of 38.2 the pressure and priority for more educational and recreational programs for older adults will be high over the next decade.*
- *The Community of Banning, with their older populations is ideally positioned to provide "Staycations", the amphitheater could provide year round events for residents. The aquatic center can provide combination opportunities for families by having a movie night at the*

In the current economy, people are traveling less and seeking recreational opportunities and cultural experiences close to home.

pool. The region surrounding Banning also has several ideal spots for stay home vacations, day trips to the mountains, or Oak Glen for apple harvesting, shopping at one of the largest discount malls in Southern California, or into Palm Springs for day trips, that might include a tram ride to the top of the mountain, or a visit to any one of the many museums or art galleries located in the region.

- Multi-disciplinary health partnerships are needed to prevent obesity and to successfully promote physical activity across entire communities. By facilitating partnerships with employers, health care providers, such as local hospitals, public health agencies and schools, the City can develop programs that address the health and fitness issues its children and adults face.
- Increasing family offerings, cultural arts events, community based arts activities, and concerts should be an important part of the recreation program development plan over the next five years.

What Programs and Services Are Needed?

A variety of needs assessment tools were utilized to determine what additional programs and services are needed in Banning. The highest priority recreation program needs, listed in order of priority, in Banning are:

- Community Events
- Aerobics/Spinning/Fitness Classes
- Arts and Crafts Classes
- Dance Lessons
- Basketball (youth)
- Computer/Technology Classes
- Concerts
- Gymnastics
- Senior Programs
- Soccer (youth)
- Yoga/Meditation/Stress Relief classes



Based on qualitative and quantitative data collected during the Master Plan process and the review and analysis of current programs, there are no significant gaps in programming. Staff has responded well to meeting the program interests of the community. However, it is timely to review programs offerings; eliminate any duplication, focus on core programs, and strengthen existing program offerings to respond to changing demographics and recreation preferences.

It is timely to review programs offerings; eliminate any duplication, focus on core programs, and strengthen existing program offerings to respond to changing demographics and recreation preferences.

The Department is challenged to keep up with the growing population and the public's demand for diverse recreation programs. The demand increases on many fronts from different age segments. Banning's median age is 38.2 years and the older adult population will continue to grow as "baby boomers" age.

There is a keen interest in cultural arts programs and events that provide entertainment such as concerts as well as those that develop skills in dancing, drama, music, and the arts. This interest will continue to grow as residents of all ages seek these opportunities close to home.

The Department can build on its past successes and sustain both active and passive recreation programs for youth and teens. Continuity in programs for before and after school care as well as active sports and fitness, and arts education will remain a priority.

Recreation Facility Needs Assessment

A diverse set of needs assessment tools provides both qualitative and quantitative information that leads to an understanding of recreation facility needs in Banning.

Community Outreach: What do Residents say about Recreation Facility Needs?

Information was gathered from residents and stakeholders through a variety of methods.

Parks and Recreation Committee Focus Group:

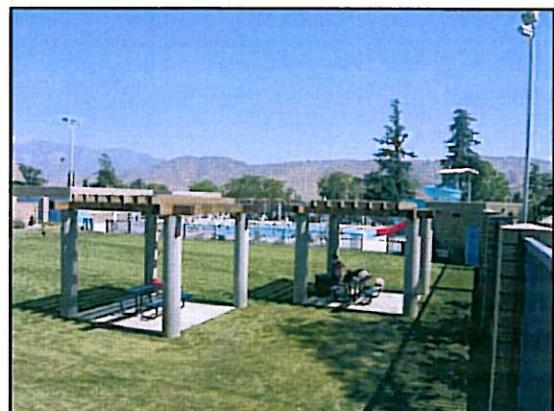
The consensus response to the question, "What is the one recreation facility you would most like to see added in Banning to meet the needs of the Community?" were:

- Sports Fields
- Community Center (on the west side)
- Teen Center
- Armory Building Use (as a possible community center)



Citywide Telephone Survey: A total of 200 interviews were completed with adult household heads living in the City of Banning representing over 500 community residents of all ages and ethnicities. The purpose was to provide a statistically valid basis for determining how residents participate in recreation activities. Highlights include:

- *Twenty-six percent (26%) described themselves as a "Frequent User" (patrons of facilities at least three times per month and thirty-two percent (32%) described themselves as a "Moderate User" (patrons of facilities at least two to twenty-four times annually) of parks and recreation facilities during the past year*
- *Repplier Park was reported as the most-often used facility by the highest percentage of households*
- *Picnicking in Public Parks; Walking/Jogging/Running on Public Trails; Swimming in Public Pools; Bicycling on Public Trails or Paths; Walking or Exercising a Dog at a Dog Park Area; Use of Play Equipment/Tot Lots in Public Parks; Playing Tennis at Public Courts; Skateboarding at a Skateboard Park; and Horse Riding on Public Trails or Paths were the most popular activities over the last year.*



Executive Summary

- *Banning is the location for 73% or more of the reported recreation activity in thirteen of the seventeen tested activities (exceptions being Horseback Riding on Public Trails or Paths, Horseback Riding for Competition in an Arena, Ring, Corral, or Court, Organized League Soccer for Youth; and Organized League Soccer for Adults).*
- *Seventy-one percent (71%) of households surveyed indicated their household members have a desire for new recreation facilities. The top recreation facilities desired by Banning residents were a Bowling Alley, Dog Park, Soccer Fields, Equestrian Trails, Senior Facilities and Programs, Swimming Pool for Recreation, Baseball Fields, Playgrounds/Tot Lots, Walking/Jogging Paths/Trails, and Facilities for Children's Activities.*

A key element of the telephone survey is actual recreation activity information that generates participation rates in each of seventeen (17) recreational activities analyzed in Section 4.2, Recreation and Demand and Needs Analysis.

Sports Organization Data: To supplement the information regarding participation in organized sports obtained from the telephone survey, City staff provided information about the organized sports groups that use the City facilities. City staff provided information for six (6) sports organizations about participation, needs, and facilities used. This information is used in demands and needs analysis.

Community Workshop: representatives of the community participated in workshop activities involving the prioritization of recreation facility needs that were identified through all community inputs.



According to the workshop participants, the top recreation facility needs in Banning are:

- Community Center
- Soccer Field
- Amphitheater (improvements)
- Teen/Youth Center
- Lighting in Parks

Executive Summary

How Many Fields, Courts, Pools, and other Recreation Elements Does Banning Need Now and in the Future?

Recreation demand is evaluated based on actual participation rates as determined via the telephone survey with Banning residents. Demand for each recreation element type (i.e. soccer field) is then compared to supply to generate a need for that element. Of the activities surveyed, current deficits (2009) are indicated for:

- *Dog Parks (1 area)*
- *Equestrian Trails (2 miles)*
- *Picnic Tables*
- *Public Trails for Walking, Jogging & Running (4 miles)*
- *Public Trails for Biking (3 miles)*
- *Soccer Fields – youth (1 field)*

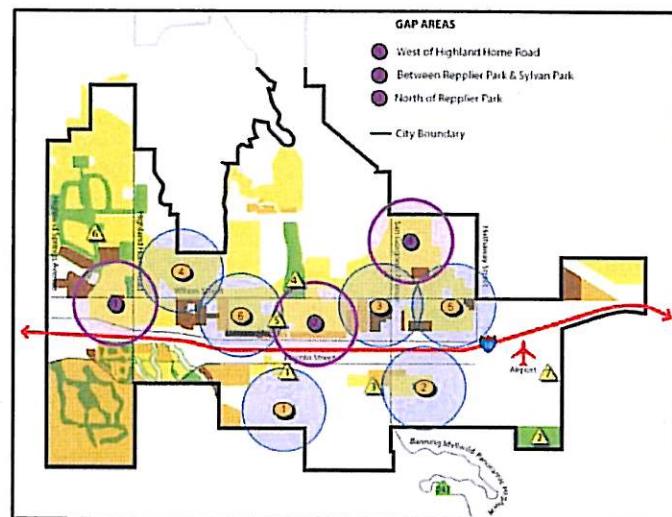
These current recreation facility needs are not considerable; however these deficits will increase over time as the population grows. If the City does not maintain the current facilities and does not provide additional facilities, there will be significant future needs (2020) for:

- *Baseball Fields – youth (2 fields)*
- *Dog Parks (2 areas)*
- *Equestrian Arenas for Competitions (1.5 arenas)*
- *Equestrian Trails (4 miles)*
- *Football Fields (1 field)*
- *Gymnasium Indoor Basketball Court (2 courts)*
- *Picnic Tables*
- *Public Trails for Walking, Jogging & Running (7 miles)*
- *Public Trails for Biking (5 miles)*
- *Skateboard Park (1 area)*
- *Soccer Fields – youth (3 fields)*
- *Softball Fields – adult (1 field)*
- *Tennis Courts (2 courts)*

Are Neighborhood Parks Conveniently and Appropriately Distributed throughout the City?

Proximity to parks is more than a convenience issue. It helps to establish an excellent city park system by providing improved air quality, circulation, social interactions, community identity, and community health benefits. Proximity to parkland is also one of the elements identified as predicting levels of physical activity in the community. A recent survey of U.S. adults finds that people with access to neighborhood parks were twice as likely to be physically active as those without access to parks.

In addition to providing appropriate quantities and types of recreation facilities, the City strives to provide them in useful and appropriate locations. Generally, this is taken to mean that most residences should be within .5 miles, a convenient walking distance for most people, of a neighborhood park or other park facility that may satisfy common recreation needs. This .5 mile radius around parks and recreational facilities is defined in the



Master Plan as a "service area". Service area analysis demonstrates that there are three (3) significant residential areas outside of the established .5 mile service radius from a developed neighborhood recreation facility, including:

- *Gap Area #1: On the western boundary, north of the freeway and generally west of Highland Home Road*
- *Gap Area #2: Between Sylvan Park and Repplier Park*
- *Gap Area #3: North of Repplier Park*

Acreage Analysis: Is There Sufficient Parkland Acreage in Banning? How much parkland will be needed in the future?

The City's General Plan establishes a parkland acreage standard of 5 acres per 1000 residents. Using this standard, a current deficit of 75 acres of parkland exists. A future deficit of 171 acres will occur if no new parkland is added and the City continues to grow as anticipated. These are significant shortages.

Are there Recreation Program Needs that Require Additional Recreation Facilities?

Program needs identified in this Master Plan indicate what type of facilities will be needed to support these program and activity needs. High priority program needs and the associated new facilities which will serve them are:

- *A Community Center, Senior Center and/or Teen/Youth Center that will provide for:*
 - Fitness/Aerobics/Spinning Classes
 - Arts and Crafts Programs
 - Computer/Technology Courses
 - Dance Lessons
 - Gymnastics
 - Senior Programs
 - Yoga/Meditation/Stress Relief Classes
- *Soccer Fields for:*
 - Youth Soccer Programs

What Are the Top Priority Recreation Facility Needs?

Combining all needs identification tools, Exhibit 4.6-1 Facility Needs Summary indicates which recreation elements are needed in Banning. The top priority recreation facility needs include (in order of priority) are:

- *Walking/Jogging Path or Trails*
- *Bike Trails*
- *Dog Park*
- *Soccer Fields (for Youth)*
- *Picnic Facilities*
- *Equestrian Center / Arena*
- *Equestrian Trails*

Recreation Facility Recommendations

Based on the Needs Assessment component of this project, a set of key issues has been identified to guide the process of developing the Master Plan. These issues are the focus of the goals, policies, and recommendations set forth in this Master Plan. The key issues identified are:

- Improve the quality of recreational facilities and programs to meet current and future needs of the City residents.
- Increase Parkland Acreage.
- Provide for current and future recreation needs identified by the Needs Assessment including; baseball fields (youth), dog parks, equestrian facilities, football fields (youth), picnic tables, skate park, soccer fields (youth), softball fields (adult), and tennis courts.
- Trails and Connectivity: 1) bike paths on streets and off road trails, 2) equestrian staging areas and trails, and 3) pedestrian trails and linkages throughout community.
- Budget for Community Services Department: 1) to provide quality programs, 2) to hire adequate support staff, and 3) to maintain parks and facilities.

What Overall Strategies are Recommended to Address Identified Needs?

Satisfaction of identified needs does not appear to be an overly daunting task compared to many other communities. The City will need to effectively maintain the current parks, pursue park improvement projects, and develop new parkland and/or joint use partnerships to meet the current and future parkland acreage and recreation needs of the community. It is intended that

Executive Summary

the City pursue satisfaction of recreation facility needs using the following key strategies and improvements:

- Satisfaction of significant sports field needs should be pursued with new partnership opportunities, by increased joint use of school sites.
- Increased trail connectivity and opportunities should be emphasized, focusing on corridors and links to adjacent natural open space, parks, schools, and commercial areas.
- Neighborhood Parks should be within reasonable walking distance of most homes.
- Design and use of opportunity sites should be pursued in order to meet recreation needs and goals (parkland acreage and recreation element quantities).
- New residential development should be planned to include park and recreation facilities that adequately serve the planned population and complements and enhances the City park system as a whole.
- The existing community center should be upgraded and an additional community center should be developed in the western portion of the City.

What Specific Projects Should be Pursued?

The identified Key Issues and current quantity needed as identified in the demand/needs analysis (Exhibit 4.3-1) is compared to the proposed recommendations in order to meet the current facility needs in Banning.

Priority Projects (to meet current needs identified in this Master Plan):

- Create a Parks and Recreation Commission to communicate effectively the Community Services Department's needs and issues in Banning.
- Renovate Dysart Park by upgrading existing equestrian arena and adding multi-use areas.
- Position Parks and Recreation to be able to bring the community together by providing multi-cultural and multi-generational events, as well as clean, well maintained and safe parks.
- Increase joint use of school properties, especially Nicolet Middle School after the Banning High School sports facility expansion is completed.

Mid-Term Projects:

- Community based planning effort for the parks and recreation facilities in the proposed Butterfield residential development area.
- Renovate existing senior center and community center.
- Provide new community center in western portion of City.
- Acquisition or joint use of County land at the Gilman Historic Ranch.

Long Term Projects (to meet future needs identified in this Master Plan):

- Develop Smith Creek Ranch Park as a regional park with equestrian facilities and Regional events. This has been held up in the past due to limited access. The Riverside County Flood Control Supervisor has indicated an Arizona-type crossing at Smith Creek would be acceptable.

What are the Estimated Construction Costs for Implementation?

- Implementation costs for recommendations to address current needs could total \$5,274,000.
- Implementation costs for recommendation to address future needs could total \$14,493,000.

Section 1
Introduction

Section 1: Introduction

Section 2
Recreation
Facilities



Section 3
Recreation
Programs

Section 4
Needs
Assessment

Section 5
Recommendations



Section One: Introduction

This Parks and Recreation Master Plan (Master Plan) is based on the vision that parks, recreation facilities, programs, and trails are important resources within the City of Banning. These resources enhance community health, enrich the lives of residents, and contribute to a unique community identity and quality of life. The Master Plan is consistent with the 2004 General Plan's goals, policies, and programs.

Parks, recreation facilities, programs and trails enhance community health, enrich the lives of residents, and contribute to a unique community identity and quality of life

Some of the key questions that will be discussed and answered in this Master Plan are: What recreational facilities and programs does Banning have? Who uses the City's facilities and programs? What role does parks and recreation have in the lives of Banning residents? What type of facilities and programs does the City need? Where will these facilities and programs be located?

Through a comprehensive inventory of the public recreation resources available in Banning, and an understanding of resident demand, the Master Plan provides a blueprint for how to meet the anticipated recreation needs of the community and to enhance quality of life for all Banning residents now and in the future.

1.1 Purpose of the Master Plan

The purpose of the Master Plan is to provide a guide for the creative, orderly development and management of recreation facilities and programs for the City. Over the years the City of Banning has actively undertaken a variety of planning efforts pertaining to individual park master plans, land use studies, and specific plans. This Master Plan builds on many of these previous planning efforts while obtaining new community input

The purpose of the Master Plan is to provide a guide for the creative, orderly development and management of recreation facilities and programs for the City

that has resulted in a current understanding of recreation needs and opportunities unique to Banning.

1.2 Context

Historically Banning served as a stagecoach and railroad stop between the Arizona territories and Los Angeles. This history has contributed to the present day spirit of pioneer resourcefulness and "can do" attitude that is still evident in the community today. Banning is a friendly community with a small town atmosphere. A wide variety of relatively affordable housing is available.

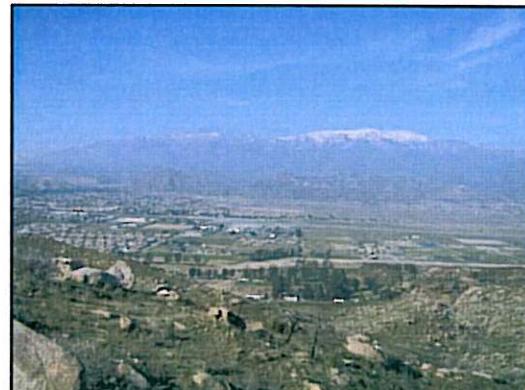
Much of the growth in the recent past has been due to the age-restricted community of Sun Lakes Country Club located in the southwest corner of the City. Other new housing projects in the north and western portions of the community have been greatly affected by the recent economic slow down. A number of specific plans are in place but the timing of actual development is unknown due to the uncertainty of the economy and availability of infrastructure.

Much of the growth in the recent past has been due to the age-restricted community of Sun Lakes Country Club located in the southwest corner of the City

Many of the parks are well used and tired looking. There are two (2) very popular new recreation amenities at Repllier Park, the Aquatic Center and the Skate Park, which were both completed in the past few years.

Physical Setting

The City of Banning is strategically located along Interstate 10 in the San Gorgonio Pass between two major employment areas, the Inland Empire to the west and the Coachella Valley to the east.



Introduction

Clean clear air, the dramatic winds and weather patterns, and the memorable and inspiring scenic vistas of both Mt. San Gorgonio and Mt. San Jacinto (the two tallest peaks in Southern California) coupled with location and affordability have made the City of Banning a logical choice for snowbirds, retirees, and local commuters.

History

The City, incorporated in 1913, has a rich and colorful history. Various tribes of Indians, notably the Serano and Cahuilla, were well established in the region when Mexican and Spanish expeditions reached the area around 1774. It is believed that a pre-historic lake existed here since a bone fossil of a Mastodon of the Pliocene Age was discovered in 1965 (Banning Daily Record, May 19, 1965). By 1824, the San Gabriel Mission Fathers established a branch of the Mission at the highest point in the Pass, along the foothills northwest of Banning, where they raised cattle, sheep and pursued land cultivation. By that time, the area was known as Rancho San Gorgonio, so named by the padres after St. Gorgonio, a Latin martyr.

In the 1860's James Gilman came to the West Coast from New Hampshire. In 1869, he built Banning's first permanent landmark now on the National Register of Historic Places, Gilman Ranch. In 1871 he married Martha "Maggie" Benoit Smith. The Gilman Ranch was ultimately used as a stage stop by the Colorado Stage & Express Line on its route to the Colorado River, where gold had been discovered. The route ran through the foothills a half-mile north of downtown Banning, then north of Cabazon and Whitewater, which was the last stop before reaching Palm Springs (Dos Palmas).

The railroad replaced the stagecoach in 1876, but Banning is still known as "STAGECOACH TOWN, U.S.A." and is famous for its annual Stagecoach Days Celebration featuring a parade, carnival and rodeo.

The City is named in honor of General Phineas T. Banning, who traveled over the Mormon trail from Salt Lake to San Bernardino and Los Angeles. General Banning also figures prominently in the



history of the town of Wilmington, California. He developed a shipping company there between San Pedro and Los Angeles, as well as operating the stage line from Wilmington to Yuma, Arizona through the Banning Pass.

Demographic Summary

The benchmark data most commonly employed for population in the U.S. is the Decennial Census. This is a commonly accepted database, which describes the make-up of a community and how it is changing over time, using many demographic factors, such as age, household size, ethnicity and income. The 2000 Census data is the most recent available and is now nine years out of date. Since that time, Banning has experienced growth of over 20 percent. Therefore, estimates of the 2009 population characteristics prepared by *Claritas, Inc.* are also included to define more recent trends. It should be noted that these data are based on estimates prepared by *Claritas* and do not represent as reliable a benchmark as the data from the census. Exhibit 1.2-1 compares measures of growth since the 2000 census data and as indicated by the *Claritas* estimates for 2009. Specific characteristics of the City of Banning's population are highlighted and compared with aggregate data for Riverside County.

The City of Banning is fairly ethnically diverse and has a profile similar to the County as a whole. The percentage of white population in the City in 2009 (59.3 percent) is similar to that found in the County (59.1 percent). The fastest growing ethnic population in Banning is the Hispanic population, which grew from 23.3 percent in 1990 to an estimated 36.9 percent in 2009. Riverside County estimates indicate that the Hispanic population represented 44.2 percent of the total County population in 2009. The City's proportion of homeowners has increased significantly between 1990 and 2009 from 65.5 percent to 73.4 percent and is somewhat above that in the County, which was estimated to be 70.2 percent in 2009. The estimated median housing value of \$211,431 in Banning in 2009 is slightly lower than the median value of \$282,673 in the County as a whole. Median rental rates in the City were also lower than those in Riverside County in 2000 (\$564 in Banning compared

The fastest growing ethnic population in Banning is Hispanic, which grew from 23.3% in 1990 to an estimated 36.9% in 2009

with \$660 in the County). The homeownership rate in Banning is slightly above average and home values, rents, and income levels are somewhat below average.

Table 1.2-1: City Population Growth Compared to County (2000 to 2009)

	City of Banning			Riverside County		
	2000	2009	Trend	2000	2009	Trend
Total Population	23,562	28,457	↑ 20.8%	1,545,387	2,107,653	↑ 36.4%
Median Age	40.7	38.2	↓ 6.1%	33.1	32.1	↓ 3.0%
Persons per Household	2.60	2.64	↑ 1.5%	2.98	3.06	↑ 2.7%
Median Household Income	\$32,076	\$43,595	↑ 35.9%	\$42,887	\$57,929	↑ 35.1%
Median Housing Value	\$110,000	\$211,431	↑ 92.2	\$146,500	\$282,673	↑ 93.0%

The percentage of households with children was 27.8% in 2009. This is significantly below Riverside County which had 43.0% of households with children under 18 in 2009. The varying rates of participation in recreation activities by the different demographic segments of the population are taken into account when preparing the demand and needs projections.

Banning has a below average proportion of the population under 18 years of age and an above average proportion of the population over 65 years of age

Table 1.2-2: City Population by Age Compared to County (2009)

Population by Age (2009)	City of Banning	Riverside County
Under 5 years	7.1%	8.1%
5 to 9 years	6.6%	7.6%
10 to 14 years	6.6%	7.7%
15 to 17 years	4.2%	4.8%
18 to 20 years	3.9%	4.5%
21 to 24 years	4.6%	5.8%
25 to 34 years	13.8%	16.2%
35 to 44 years	10.1%	13.8%
45 to 54 years	9.2%	12.3%
55 to 64 years	8.6%	8.1%
65 and over	25.4%	11.1%

Banning has a below average proportion of population under 18 years of age which is reflected in the significantly smaller proportion of households with children. There is also an above average proportion of population over 65 years of age. This older population is primarily living in

age-restricted housing developments, which have many private recreation amenities within the development. These demographic characteristics help define the demand profile for the various types of City recreation facilities.

Introduction

Exhibit 1.2-3 incorporates estimates of the population base in the City of Banning from 1990 through 2009, with projections to 2035 as prepared by the Southern California Association of Governments (SCAG). Population as reported in the 2000 Census is 23,562. Population growth over the ten-year period from 1990 to 2000 averaged 1.37 percent per year compounded or an average of 299 persons per year. The most recent estimate of population and housing units, prepared by the State of California, Department of Finance, shows population increasing to 28,457 as of January 2009, an annual increase of 559 persons since the 2000 census. The City Planning Department estimates that the City will have a build-out population of 67,787, which indicates an additional population of almost 40,000 persons will be added to the City by the time it reaches build-out.

The City's Planning Department estimates a build-out population of 67,787.

Table 1.2-3: City of Banning Population Estimates and Projections

Year	Population	Annual Change		Households	Population/ Household
		Number	Percent (cpd)		
<u>Census*</u>					
1990	20,570			7,431	2.72
2000	23,562	299	1.37	8,923	2.60
2009**	28,457	559	2.18	10,643	2.64
<u>Projections</u>					
2015***	42,121	2,277	6.75	14,616	2.85
2020***	47,683	1,112	2.51	17,127	2.75
2025***	53,713	1,206	2.41	20,197	2.63
2030***	59,392	1,136	2.03	22,794	2.57
2035***	63,787	879	1.44	24,668	2.56
Build-Out****	67,697	n.a	n.a	n.a.	n.a.

Sources: * 1990 and 2000 Censuses of Population.
 ** State of California, Department of Finance estimate.
 *** SCAG Adopted 2008 RTP Growth Forecast by City.
 ****City of Banning General Plan

Introduction

The projections prepared by SCAG show population growing to 47,683 by 2020. This is the year used for the projections of demand for recreation facilities in Banning presented in this analysis. Due to the current economic slowdown, the 2020 target year for achieving this level of population may not be realistic, however, growth can be monitored in the near future and the year in which this level of demand will be reached can be determined to adjust the time frame in which the additional facilities will be needed – essentially when almost 20,000 more people have been added in the City.

2020 is the year used for the projections of demand for recreation facilities in Banning presented in this analysis

In summary, Banning is a City which is expected to experience higher rates of growth in the future than they have over the past 19 years, with potential growth of an additional 20,000 residents within the City limits over the next 11 plus years. The demographic profile of the City is expected to remain fairly stable over the next ten years based on planned housing developments for which information is available. There are plans for additional age restricted communities within the future development as well as moderately priced housing for families. It is expected that Banning will experience a slowly increasing ethnic diversity. Household sizes should remain stable or rise slightly in the near future and the percentage of children under 18 years of age could increase somewhat. As development materializes and the results of the 2010 census become available, it will be possible to adjust the projections of facility demand utilizing the participation rates from the telephone survey as tabulated by selected demographic measures.

There are plans for additional age-restricted communities, as well as moderately priced housing for families, within future developments

1.3 Relationship to Other Documents

As described previously, the General Plan's goals, policies and programs help to guide the Master Plan. In addition to the General Plan, there are a number of other existing documents and plans that relate to the Master Plan and provide significant input regarding parks and recreation. Each of these documents and plans are briefly discussed below, along with a description of their relationship to the Master Plan.

The City of Banning General Plan

The Parks and Recreation Element of the General Plan

Prepared in 2004, the Parks and Recreation Element was intended to plan and provide for a diverse and integrated parks and recreation system. The element includes an inventory of existing parks, trails and recreational amenities, as well as an assessment of other suitable lands to be incorporated into the system. This element also includes a section on bikeways and trails, which have the potential to service as an essential component of the park and recreation system within the City enhancing the quality of life and adding to recreational opportunities. The element also provides implementation strategies and describes potential funding sources. The goals, policies and programs set forth in this Element help to plan for and provide sufficient parkland and recreational space that reflects and is responsive to the needs of the City.

The Land Use Element of the General Plan

This element of the General Plan provides for sufficient and appropriately located public facilities to serve the need of the City's residents, businesses and visitors. Some public facilities are not under the control of the City, such as schools and fire stations. Open space land uses are discussed in the Land Use Element which includes lands preserved for natural resources, lands preserved for hillside preservation, and lands preserved for recreation. Under the Land Use Designations for Resources and Hillside Preservation it states that this may include passive parks and trails. The parks category includes lands for existing and proposed City parks; and lands for existing and proposed golf courses. The element states that there are 346.6 park acres developed and 877.5 acres of vacant land (Private parks, the Counties Gilman Ranch & Museum, and the undeveloped Smith Creek property are included in the General Plan's number of 346.6 park acres developed.)

A private park, Gilman Historic Ranch Park, and the undeveloped Smith Creek Property are included in the General Plan's number of 346.6 developed parkland acreage

Downtown Revitalization Plan

In August 2006, the City entered into a 2-year contract for assistance with the Downtown revitalization. During the term of the contract, the Banning Cultural Alliance provided the following services:



- Develop a 5-Year Downtown Revitalization District Implementation Plan;
- Create, Develop and Implement a Downtown Marketing and Promotion Plan;
- Produce and present an annual "Art Hop"
- Produce and present an annual Western Art show in cooperation with Stagecoach Days; and
- Develop an artistic opportunities program for youth to develop safe gang-free activities through art.

The Downtown Revitalization Plan currently is assisting businesses with grant opportunities to improve their exterior appearance.

Smith Creek Ranch Park Master Plan

The Stagecoach Days Committee was looking to secure a site for the annual Stagecoach Days celebration in 1989 and approached the City Council with their idea to acquire and develop the Smith Creek property. The City acquired the site from the owners, Mr. And Mrs. Tomas Lozano, who donated a large portion of the site and sold the remaining land to the City in 1991. The planning process for the site was



Introduction

initiated in January 1992 and after a series of meetings and community workshops, the Master Plan was developed.

A Master Plan was created in 1993 for a 150-Acre Community Equestrian Park and associated golf course. The Master Plan included a review of the site, preparation of conceptual studies and a preliminary development plan; participation in staff and community workshops; and a Design Development Report indicating design intent, estimated development costs, environmental impacts, and phasing strategy.

The Smith Creek Ranch Park Master Plan proposes the following recreation elements to be included at the site; equestrian arena, stables, equestrian trails, equestrian staging area, driving range, tennis courts, swimming pool, lake, camping, amphitheater, concessions building, restrooms, and a community center. A golf course, commercial retail areas, a restaurant and hotel were also proposed for the area surrounding the park. SCE easements, storm channel improvements, as well as sewer and water improvements will be needed if this site is developed.

Equestrian trails, equestrian staging areas, driving range, tennis courts, swimming pool, lake, camping, amphitheater, concessions building, restrooms, community center, golf course, commercial retail areas, a restaurant and hotel were also proposed for the area surrounding the park

Parks and Recreation Master Plan (1990)

This Master Plan, prepared in 1990, was a result of concentrated efforts from the Community Task Force, Director of Community Services, City staff, and the consultant. The Master Plan is focused on organizing Parks and Recreation Services based on community needs, enhancing park facilities, and acquiring land and developing new parks as the population changes and needs increase. The study included two workshops with the Task Force, User Group Surveys from thirteen organizations, and analysis of existing conditions.

In 1990, the divisions of Community Services included: administration, parks, recreation, transit, senior citizens, and airport. At the time of this study there were five (5) developed parks in the City; Repllier Park, Sylvan Park, Pass Valley Park (now called Roosevelt Williams Park),

Carpenter Hamilton Park and Lions Park. The report's projected population for Banning in 2010 was 85,590, well above the actual population in 2009 of 28,457.

Recommendations for recreation amenities that should be provided according to park classification were identified. The City was divided into five (5) sections or service areas for the needs assessment. Recommendations from the 1990 Master Plan that have been implemented include: the development of Dysart Park as a special event facility, and the development of Richard Sanchez Park as a neighborhood park. Recommendations from 1990 that have not been implemented include: acquiring a portion of the County-owned Gilman Ranch and Museum site, developing the Smith Creek property, and developing a trail network throughout the City.

Recommendations that have not been implemented since the 1990 Master Plan include: acquiring a portion of the County owned Gilman Historic Ranch Park, developing the Smith Creek property, and developing a trail network throughout the City

1.4 Key Issues

Based on the needs assessment component of this project, a set of key issues has been identified to guide the process of developing the Master Plan. These issues are the focus of the goals, and recommendations set forth in this Master Plan. The key issues identified are:

Based on the needs assessment component of this project, a set of key issues has been identified to guide the process of developing the Master Plan

- Improve the quality of recreational facilities and programs to meet current and future needs of the City residents;
- Increase parkland acreage;
- Provide for current and future recreation needs identified by the 2009 needs assessment including; baseball fields (youth), dog parks, equestrian facilities, football fields (youth), picnic tables, skate park, soccer fields (youth), softball fields (adult), and tennis courts;
- Trails and Connectivity: 1) bike paths on streets and off road trails, 2) equestrian staging areas and trails, and 3) pedestrian trails and linkages throughout community; and

- Evaluate budget for Community Services Department: 1) to provide quality programs, 2) to hire adequate support staff, and 3) to maintain parks and facilities.

1.5 Approach and Document Organization

This Master Plan provides a blueprint for the planning, and development of recreation facilities and programs now and into the future. In order to establish this blueprint, the Master Plan process included an extensive inventory of existing parks, facilities, and recreation programs provided in the City. In addition, the Master Plan summarizes and incorporates the results of a community involvement and outreach process that ensures the community's vision for recreation and parks are met. The heart of the Master Plan is a detailed community needs assessment, which is based on the results of numerous forms of community outreach and input. The community's needs are compared with the City's inventory of existing facilities and programs to establish service gaps, surpluses and deficiencies, priorities and recommendations for recreation, parks, trails, and programs.

The Master Plan summarizes and incorporates the results of a community involvement and outreach process that ensures the community's vision for recreation and parks are met

The Master Plan document is organized into the following sections:

Section Two: Existing Recreation Facilities

Understanding the existing conditions in the community is an essential first step in the Master Plan process. Section Two provides an inventory of city recreation facilities and other recreation facilities open to the public and includes discussion of public school facilities, private recreation facilities and a listing of other publicly owned lands within and surrounding the City limits. A brief discussion on possible opportunity sites is also included in this section

Section Three: Recreation Programs

Section Three provides an inventory of City recreation programs and services and a discussion of other recreation programs and services open to the public through private and non-profit providers. Section Three also includes the needs assessment for recreation classes and activities, and recommendations for the recreation programs offered to the community.

Section Four: Recreation Facility Needs Assessment

Section Four provides a detailed assessment of the recreation facility needs in Banning. Using the existing conditions and program needs assessment described in Sections Two and Three as a base of information, data from the community was obtained to develop an understanding of the demand for various facilities. The Needs Assessment utilizes the following needs assessment tools to generate this understanding:

Community Outreach: Information gathered from Banning residents and stakeholders through a focus group, citywide telephone survey, sports organization data, and a community workshop. The citywide survey provides current, statistically valid information specific to Banning that provides detailed information on the types of recreation facilities and programs most often utilized by Banning residents. A total of 200 randomly selected, geographically distributed telephone interviews were completed with adult household heads living in the City of Banning representing over 500 community residents of all ages and ethnicities.

Recreation Demand and Needs Analysis: Quantitative evaluation of Banning facility needs based on the statistically valid Resident Telephone Survey, facility inventory, relevant demographics, and sports organization data.

Service Area Analysis: Evaluation of where parkland is located and how it is distributed throughout Banning compared to current and future residential land uses.

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Acreage Analysis: Evaluation of parkland acreage needs in Banning based on the General Plan standard of 5 acres/1,000 population, identified recreation needs, and available parkland supply.

Program Analysis: Understanding program demand and supply and how these influence facility needs.

Section Five: Recreation Facility Recommendations

Section Five provides recommendations with respect to existing and proposed parks, unimproved parkland, and joint use and collaborative or partnering opportunities. Recommendations are intended to address the recreation facility needs identified in the Facility Needs Assessment section and are the result of analysis of existing inventory, analysis of demand, community input, and consideration of established goals and policies in the 2004 General Plan's Parks and Recreation Element.

As referenced above, the recommendations within the Master Plan are organized by the following five goals:

1. Improve the Quality of Recreation Facilities and Programs
2. Increase Parkland Acreage
3. Provide for Current and Future Recreation Needs Identified
4. Provide Trails and Connectivity throughout the City
5. Increase Budget and Support for Community Services Department

Costs to develop new parks and facilities recommended are included in this Section.



Section 2: Existing Recreation Facilities



Section Two:

Existing Recreation Facilities

To some, parkland is an active sports field; others have images of passive green spaces where one can walk, rest, and enjoy nature; still others may envision parks as places for community gatherings and events. Indeed, parks are used for all of these purposes. Recreational facilities are used for a multitude of purposes by people from all walks of life. Accordingly, the needs of park users are so diverse that an individual recreational facility cannot typically meet the recreational needs of all users. Therefore, a diverse system of facilities is necessary to provide a wide range of recreational opportunities. Existing publicly and privately operated recreational facilities, both inside and outside the City of Banning, offer a wide range of recreational experiences.



Repplier Park

Existing publicly and privately operated recreational facilities, both inside and outside the City of Banning, offer a wide range of recreational experiences

This portion of the Master Plan provides an overview of existing recreation facilities in and around Banning. Facility types are defined and briefly described and portions of the recreation system are quantified. Additional issues affecting recreational facilities such as large scale events, joint use of public schools, and sports organization usage are also discussed.

2.1 Park Definition

Title 17, of the Banning Municipal Code describes open space and parks as:

"Open Space - Parks (OS-PA). Allows public and private parks and recreational facilities, including golf courses, tot lots, dog parks, neighborhood, community and regional parks, sports fields, and passive parks."

For purposes of this Master Plan report, the term "park" is broadly defined. This report will use the term "park" and "recreation facility" interchangeably and, consistent with the General Plan, the terms refer to all six City park types described in section 2.3.

Areas not generally considered as "parkland" include: street medians and parkways; natural preserved or conserved open space areas without access or improvements; unimproved land zoned for uses other than recreation; and flood zones.

2.2 New Parks and Recreation Facilities Since Previous Master Plan

Since 1990, when the previous Master Plan was adopted, the City has pursued and/or facilitated the design and implementation of several recreation facility projects. The following is a list of public facilities added to the park and recreation system between 1990 and 2009:

- Dysart Park
- Repplier Park Aquatic Center
- Skate Park At Repplier Park
- Richard Sanchez Park



Skate Park at Repplier Park

These facilities represent an addition of over 20 gross acres to the park system. There have also been some improvements in the existing parks since 1990, as an example, the gymnasium in the community center at Repplier Park recently received new basketball court flooring.

2.3 Park Types

Parks can be classified by type based on their size, function and character. The General Plan (2004) contains six park type classifications: 1) Tot Lots/Mini Parks/Pocket Parks or Plazas; 2) Neighborhood Parks; 3) School Parks; 4) Community Parks; 5) Regional Parks; and 6) Special Use Park Lands.

Park classifications are useful in a number of ways. They can help define a set of characteristics to serve as a guide when parks are constructed or renovated. They can also restrict incompatible activities by limiting those activities to only certain types of parks.

The following are brief descriptions of Banning's park classification categories from the 2004 General Plan, Parks and Recreation Element:

Tot Lots, Mini Parks, Pocket Parks and Plazas

Mini parks or pocket parks are 0.5 to three acres in size, and are typically used for limited, isolated or unique purposes. They are generally very popular in new housing developments and are sometimes called "tot lots" or "sitting parks." Facilities vary depending on the location and function of the park, but generally they are not designed for structured or organized play. In addition to the traditional residential setting, mini parks may be situated in office, business or commercial centers, and utilized as a space for rest, relaxation and socializing. They may also be located inside a neighborhood, within or in close proximity to apartment complexes, townhouse developments, senior housing or other development that requires recreational space. The needs assessment prepared for the Parks Master Plan (1990) identified the need for acquisition of parkland for development of additional pocket parks in the City.



Carpenter-Hamilton Park

Neighborhood Parks

The typical size of neighborhood parks ranges from about five to ten acres, and is dependent on available land and the size and relationship of the neighborhood to be served. Neighborhood parks remain the basic unit of the park system. They are intended to provide for the active and passive recreation needs of nearby residents, serving as a social focus of the neighborhood. Neighborhood parks are generally located within walking distance of residences. Park facilities are usually oriented toward the recreational needs of children, but may also include volleyball courts, half-size basketball courts, and picnic and play areas that serve all age groups. Restrooms or off-street parking are also usually available. Neighborhood parks are an important feature within a community, and should be designed to provide for a wide range of leisure and recreational activities. The design of neighborhood parks must carefully consider the physical proximity to adjacent homes, while avoiding adverse impacts to surrounding lands from noise, traffic or lights. They should be located on public streets to facilitate convenient access, and designed to address a full range of safety and security issues. In particular, they should serve as a focal point within a neighborhood, attracting nearby residents and visitors for social activity, special events and to help develop a sense of community.

Neighborhood parks are an important feature within a community, and should be designed to provide for a wide range of leisure and recreational activities

School Parks

This classification consists of parks or playgrounds built "adjacent to but separate from" educational facilities that may serve either a neighborhood or a larger area. Park facilities on school grounds may be equivalent to neighborhood parks (as described above), but may also include sports fields for soccer or baseball.

Community Parks

Community parks provide active and passive recreation opportunities on a larger scale than neighborhood parks. The desirable size for community parks ranges from 20 to 50 acres, and they are designed to serve an area within a three to five-mile radius. Community parks serve all ages. Facilities may include low-intensity or passive recreational opportunities, lighted fields, tennis and sports courts, swimming pools and areas or buildings for community festivals and

civic events, as well as for organized indoor sport and athletic competitions. Generally, restrooms and off-street parking are provided. While community parks serve larger areas of the City than do neighborhood parks, they often also fulfill a neighborhood function.

Regional Parks

Regional parks are usually at least 50 acres in size and serve the entire City or region. While regional parks can provide for varying intensities of recreational activity, a portion of the park is generally maintained in a natural setting for passive recreation use or preservation of the environment. Facilities within regional parks are similar to those in community parks, often on a larger scale, or including active or organized recreational activities that would not fit in a community park. Regional parks may also include natural areas that provide passive recreational opportunities in a more natural environment. This distinguishes regional parks from natural resource areas that are essentially open space conservation areas, where "use" is incidental to their conservation and protection.

Special Use Park Lands

Special use lands are most often linked to special events or types of activities, and can vary greatly in size and amenities. These lands can include fair grounds, public riding stables and facilities, skate parks or similar recreational facilities whose function is very specific. These types of parks can also be combined with other parks, and occupy a portion of a larger park area.

2.4 Existing City Recreation Facilities

Responses regarding what facilities are the most often used, from those polled in the Citywide telephone survey, were Repplier Park and Senior Center (33%), Sylvan Park (12%), Sun Lakes (10%), Beaumont Parks Mentions (8%), Bogart Park (4%), Lions Park (3%), and Coombs Middle School (3%). The remaining parks mentioned each garnered less than 2% of the responses received. Exhibit 2-4.1 is a map showing the location of each park and Exhibit 2-4.2 is a matrix that describes size and features of each of the seven (7) parks operated and maintained by the City of Banning.

In addition to City's public parks, the City has two other facilities; the Armory Site and the Sportsman's Club. The City currently leases both properties to private organizations. The Armory Site is listed and discussed later in this section under Opportunity Sites.

There are also several joint use public school facilities in the City's inventory of recreational facilities which are listed in Exhibit 2.5-1.

Park Acreage

The total acreage of developed parkland in Banning is 66.67 acres, as summarized in Exhibit 2.4-2. The parkland acreage total is made up of active and passive recreational areas. These areas contain features such as sports fields, picnic and play areas, parking lots and other facilities including structures.

The total acreage of developed parkland in Banning is 66.67 acres

Tot Lots, Mini Parks, Pocket Parks and Plazas (0 – 3 Acres)

Carpenter-Hamilton Park is a 0.33 acre park located at the Banning City Hall. This is the only mini park in the City. The park includes a Veteran's memorial, benches and fountains.

Richard Sanchez Park is approximately 3 acres in size and provides a playground, picnic opportunities, pedestrian trail, and outdoor basketball for the residents in this area.

Neighborhood Parks (5 – 10 Acres)

Neighborhood parks are generally located within residential areas and tend to include a combination of passive and active recreation elements that address daily recreation needs.

Although Roosevelt Williams Park is only 5.5 acres it is currently considered a community park because it provides many community related recreation opportunities including the Boys and



*Boys and Girls Club at
Roosevelt Williams Park*

Exhibit 2.4-1: Map of Existing Recreation Facilities in Banning

LEGEND

CITY OF BANNING PARKS

- 1 Carpenter-Hamilton Park (at City Hall)
- 2 Dysart Park
- 3 Lions Park
- 4 Repplier Park
- 5 Richard Sanchez Park
- 6 Roosevelt Williams Park
- 7 Sylvan Park

CITY OF BANNING COMMUNITY CENTERS

- Community & Senior Center

STATE, COUNTY OR PRIVATE PARK FACILITIES

- 1 Gilman Historic Ranch Park (County)
- 2 Sun Lakes Community Association Golf Course & Parks

JOINT USE SCHOOLS

- 1 Banning High School
- 2 Central Elementary School
- 3 Hemmerling Elementary School
- 4 Hoffer Elementary School
- 5 New Horizons Continuing High School/Coombs Middle School
- 6 Nicolet Middle School

City Boundary

Low Density Residential (0-5 du/ac)

Medium Density Residential (0-10 du/ac)

High Density Residential (11-18 du/ac)

Open Space

(Source: City of Banning, General Plan, 2006)

The map illustrates the spatial distribution of existing recreation facilities in Banning. Residential areas are color-coded by density: Low Density Residential (0-5 du/ac) in yellow, Medium Density Residential (0-10 du/ac) in orange, and High Density Residential (11-18 du/ac) in brown. Open space areas are shown in green. The city boundary is marked by a black line. Numbered markers (1 through 14) indicate the locations of various facilities, including parks, schools, and community centers. A red arrow points from the bottom left towards the center of the map, and a red airplane icon is located near the highway on the right side.

Z-1

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Girls Club. The park is also host to many community events, including the Easter Egg Hunt. Additional facilities include a lighted pedestrian trail that meanders through the park, an outdoor basketball court, playground, and picnic tables. The open grass areas are utilized for informal soccer games and open play.

Sylvan Park is almost 8 acres in size and provides a variety of recreation opportunities including a playground, picnicking, barbeques, ball field, and outdoor basketball. Support facilities at Sylvan Park include parking and a restroom. Open play areas are used for informal volleyball games and unstructured open play.

CITY OF BANNING EXISTING CITY PARK and RECREATION FACILITIES		Parkland Acreage	PARK FACILITIES												SPORTS FACILITIES																
			Amphitheater	Barbeques	Bike Rack	Community Building	Community Garden	Dog Park	Equestrian Arena	Equestrian Staging Area	Kitchen	Meeting Rooms	Parking	Pedestrian Walkway (lighted)	Playground / Tot Lot	Picnic Shelters / Gazebo	Picnic Tables	Restroom	Baseball Field (youth)	Basketball (indoor-in Gymnasium)	Basketball (outdoor)	Concession Building	Football Field	Gymnasium	Multi-Purpose Field	Softball Field (adult)	Softball Field (youth)	State Park	Soccer Field	Spray Play	Swimming Pool
KEY: CITY RECREATION FACILITIES																															
PARKS																															
1	Carpenter Hamilton Park	0.33																													
2	Dysart Park	20.00				1	1	1	1	•						1															
3	Lions Park	16.12									•	1	2	1	2	1	2	1	10P	1	1	1									
4	Reppier Park	13.60	1	6	2						•	1	1	9	1					1L			1	1L	1	10P	1	1	2L		
5	Richard Sanchez Park	3.32													1	1	4														
6	Roosevelt Williams Park	5.50			1						•	1	1	4	1				2				1			10P					
7	Sylvan Park	7.80		•							•	1	1	5	1	0.5P	2L				1	0.5P						1			
COMMUNITY BUILDINGS																															
1	Community Center	n/a			1	1					1	2	1						1			1									
2	Senior Center	n/a				1					1	1	1																		
TOTALS FOR CITY PARKS AND FACILITIES			66.67																												

DEFINITIONS

L = Lighted

P = Practice Field/Court

Used for Games by

Organized Sports

O=Overlay Field

Table 2.4-2: City Parks and Facilities Inventory

Community Parks (20 – 50 Acres)

There are four (4) community parks in Banning. These parks include sports facilities, and generally serve the needs of the entire community.

Existing Recreation Resources

Dysart Park is approximately 20 acres in size and is largely undeveloped. A large portion of the park is used as an informal dog park to exercise and walk dogs of nearby residents. The park has an equestrian arena with support buildings, bleachers, and parking. Dysart is also home to the City's community gardens program. The City's most popular community event, Stagecoach Days, is held at Dysart Park in September every year.

Lions Park is widely used by the baseball and softball organizations in Banning. The two baseball fields and one softball field is heavily used for games and practice by the City's youth baseball/softball program. The Pass Redskins League (youth football) uses the outfield for football practice. The Banning High School Varsity Softball and Baseball Teams also currently use these fields for games.

Repllier Park is Banning's 'Central Park' and is home to most of the recreation facilities in the City limits. The Aquatic Center opened in 2008 and includes a competition pool and a recreation spray play area that is very popular with the young children in the City. An amphitheater is located in the park and can accommodate up to 3,000 people. The City hosts the Summer in the Park concert series, the Holiday Celebration/Santa Visits, and Teen Band Contests at the amphitheater. The amphitheater is also rented out to private organizations for religious events, holiday events, and private parties. The City has plans to renovate the amphitheater in the future. The Banning Senior Center is well used by seasoned citizens. The center offers assistance with legal advice, tax assistance, and health related advice. The free lunch program and community dances are the highest attended programs offered by the Banning Senior Center. The City's only Community Center is also located in Repllier Park. The community center is the location for the Community Services Department offices, conference room, gymnasium (1 full court basketball), and a kitchen. The Police Department's youth program also meets at this site for informal meetings and activities. The popular skate park is located on the west corner of the park and is highly utilized by the teen population in Banning. Repllier Park also includes a playground, picnic facilities with barbeques, a lighted softball field, and two lighted tennis courts, as well as parking and restrooms. The outfield area of the softball field is used for soccer practice.

Regional Parks and Special Use Park Lands

There are currently no Regional Parks or Special Use Park Lands owned and operated by the City of Banning.

School Parks

There are currently no School Parks owned and operated by the City of Banning.

2.5 Joint Use Public School Facilities

There are seven (7) campuses in the Banning Unified School District. A detailed Joint Use Agreement between the City and the Banning Unified School District was executed in 2009 and describes general responsibilities and benefits of each party regarding the use of both City and District facilities. A copy of this agreement can be found in the Appendix document. The Agreement and state law allow the School District and the City to cooperate with each other for the purposes of improving facilities and for organizing, promoting and conducting recreation and education programs for children and adults. While this Agreement is a significant step toward the utilization of schools as recreational facilities, each facility will need more detailed and specific agreements to implement a true joint use program.



*Soccer Fields at
Hemmerling Elementary School*

Please refer to Exhibit 2.4-1 for the locations of public schools and Exhibit 2.5-1 for a list of recreation facilities used by the community, and sports organizations for games on school property.

Many of the joint use schools are used for practice by the local sports organizations, but rarely used for games. When the Banning High School expansion project is completed it will be important for the City to negotiate for use of the new recreation opportunities available.

Exhibit 2.5-1: Joint Use Schools/Recreation Inventory

	PARK FACILITIES			SPORTS FACILITIES									
	Playground / Tot Lot	Picnic Shelters / Gazebos	Picnic Tables	Baseball	Basketball (indoor-in Gymnasium)	Basketball (outdoor)	Concession Building	Football	Gymnasium	Softball	Soccer Field	Tennis Court	Volleyball (Sand)
CITY OF BANNING													
RECREATION FACILITIES AT SCHOOLS													
KEY CITY RECREATION FACILITIES													
JOINT USE SCHOOLS													
1	Banning High School		2	20		2	8		1		8		
2	Central Elementary School	2		6		3							
3	Coombs Middle School			35	3P	4P	1P						2
4	Hemmerling Elementary School	2	1	30						2P	1 overlay		
5	Hoffer Elementary School	1	1	25	1P	2					1 overlay		
6	Nicolet Middle School			10	1	1P	8	1	1	1	2P	2 overlay P	4

NOTE: Nicolet Middle School's baseball field and football field is used by Banning High School teams.

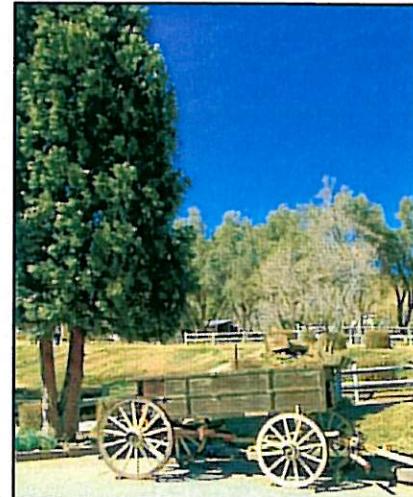
DEFINITIONS

P = Practice Field/Court

Used for Games by Organized Sports Leagues

2.6 Other Recreation Facilities Open to the Public

The Gilman Historic Ranch and Wagon Museum is a Riverside County owned park and is of great historic and recreation value in Banning. The park is approximately 160 acres and includes a historic ranch house, wagon museum, hiking trails and open space. In 2009, the Gilman Ranch and Wagon Museum has undergone improvements to make it more visitor friendly, but at the same time preserve its historic perspective. Visitors can partake in a wide variety of activities. Hiking trails wind through the hills behind the ranch. Wildlife, such as black bear, bobcat, coyote, deer, and hawks, can be seen in the groves of fruit trees, in the hills, and along the creek bed. There's a blacksmith shop for demonstrations; children can pan for gold, and they can use hand tools that date back to the Native American Cahuilla Tribe. One of the major attractions on the ranch is the wagon museum, which stores artifacts and horse-drawn wagons.



Gilman Historic Ranch Park

Significant recreational amenities exist in the communities immediately adjacent to the City of Banning. These facilities offer a diverse set of recreational opportunities. Some examples of these facilities are:

- Beaumont High School (Beaumont Unified School District)
- Beaumont Sports Park (City of Beaumont)
- Bogart Park (County of Riverside)
- Noble Creek Regional Park (Beaumont-Cherry Valley Parks and Recreation District)
- Stewart Park (City of Beaumont)

There are several recreation facilities in the neighboring City of Beaumont that are frequented by Banning residents. Beaumont High School is used for Pass Redskins Football games. Beaumont Parks and Bogart Park were mentioned among the parks visited most frequently in

the 2009 Citywide telephone survey. Bogart Park is a campground facility for equestrians and groups. The Beaumont Sports Park is used by AYSO for soccer games. Stewart Park in Beaumont has a dog park and has an amphitheater that hosts concerts.

2.7 Private Recreation Facilities

Private facilities play a large role in meeting the recreational needs of the residents of Banning, particularly the older adult population.

There are fourteen (14) mobile home parks in Banning, the oldest was built in 1963 and the most recent in 1990. Most serve the 55+ senior communities and offer their own amenities, including pools, spa, and clubhouses and offer recreational activities such as Bingo, billiards, monthly dinners/dances, and travel excursions. The City of Banning Dial-a-Ride services, when scheduled by mobile home park residents, comes right to their door.

Sun Lakes Country Club is a private, gated community that includes 3,327 residential units on 1,000 acres located in Banning. This age-restricted residential development must be considered when factoring in the recreational needs of the overall resident population. Sun Lakes has its own Recreation Department with 3 full-time staff, responsible for programming classes, clubs and events.

Sun Lakes Country Club has its own Recreation Department with 3 full time staff responsible for programming classes, clubs and events

The following amenities and groups are currently offered to residents of Sun Lakes:

- 2 Golf Courses (a Championship course and an Executive course)
- Main Pro shop and Executive Pro shop
- 3 Clubhouses
- Indoor and Outdoor Swimming Pool
- Spas at each pool
- Tennis Courts
- Paddle Tennis

- Fitness Room
- Billiards
- Bocce Ball
- Restaurant/Bar
- Hobby Groups: such as Barbershop Quartet, Photography, Sewing, Book Clubs
- Sports Groups: such as Bicycle, Hiking, Ping-Pong, and of course Golf
- Support Groups: Cancer Self-Help, Diabetes Support, Parkinson's support
- Recreation Clubs: Card Clubs including Bunco, Canasta, Bridge, Bingo; Friendship Club, Garden Club, International Culture Club, Western Dance Club, Ballroom Dinner Dance Club, Big Band Dance Club, Bocce Ball, Bowling, Golf, Tennis, the Art League, the Chorale, the Drama Club, Mystery Theater, Sun Lakes Follies.

Serrano del Vista is another private, gated community serving the 55+ population in Banning. Amenities include pool, sauna, spa, clubhouse, tennis, and game room.

There are also several private golf courses in the area, in addition to the course at Sun Lakes. PGA of Southern California Golf Club and Oak Valley Golf Club are both located in nearby Beaumont.

This Plan does not include a detailed inventory of this private recreation system. Because the City does not control, maintain, or program private facilities, these important recreation resources are not credited toward satisfaction of the City's acreage goals for public parks. However, since they do fill a recreation role for a segment of the population, their influence on the availability of recreation is generally noted. A component of this Master Plan is to review how existing public/private partnerships may be working in the provision of facilities and programs. Recommendations within Section 5 of the Plan include an analysis of how private facilities could assist in meeting the needs for specific types of recreation activities.

The City does not control, maintain, or program private facilities; therefore they are not credited toward satisfaction of the City's acreage goals for parkland. However, these facilities do serve a recreation role for a segment of the population

2.8 Opportunity Sites

Throughout this master plan process numerous sites have been evaluated for the potential to provide recreational opportunities in the community. Some sites are as yet to be designed vacant park sites, and some are currently utilized for other purposes but may become available for recreational sites in the future. Additional opportunities exist with the development of Joint Use Agreements and Partnerships.

There are three (3) categories of opportunity sites indicated:

Future City Facilities: two sites have been identified as future City facilities.

- Lincoln Street Site (unplanned)
- Smith Creek Ranch Site (planned)

Future Partnership / Joint Use Sites: There are multiple agencies with parkland within the City of Banning. State, County and the local School District own existing or planned facilities that can provide recreation support to the community.

- Banning High School Expansion
- Gilman Historic Ranch Park
- National Guard Armory Site
- Butterfield Residential Development

Future Acquisition Sites: One site has been identified as a potential recreation facility pending acquisition.

- Deutch Company Privately Owned Park

Recommendations with respect to these opportunity sites are described in Section 5. Locations of opportunity sites are depicted in Exhibit 2.8-1

Exhibit 2.8-1: Map of Opportunity Sites

LEGEND

CITY OF BANNING OPPORTUNITY SITES
FUTURE CITY FACILITIES

- 1 Lincoln Street Site
- 2 Smith Creek Ranch Park

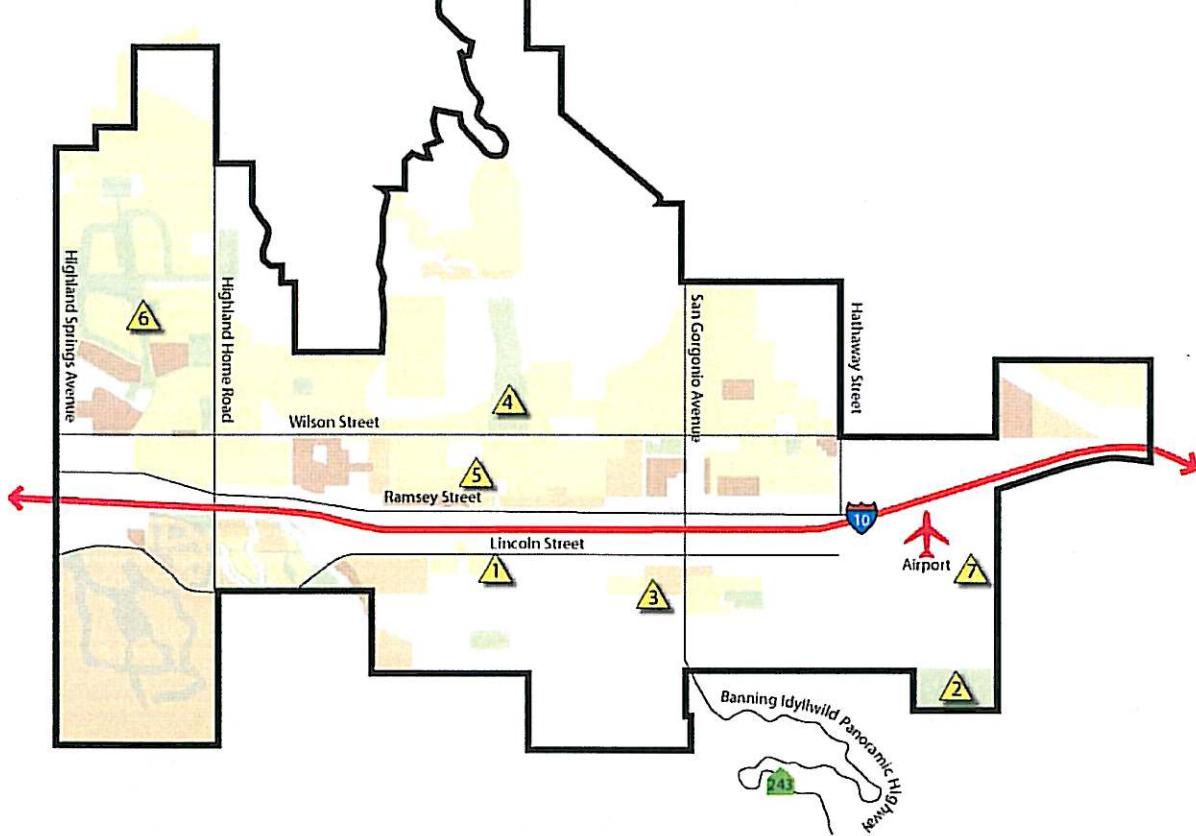
FUTURE PARTNERSHIP/JOINT USE FACILITIES

- 3 Banning High School Expansion
- 4 Gilman Historic Ranch Park
- 5 National Guard Armory Site
- 6 Butterfield Residential Development

FUTURE ACQUISITION SITE

- 7 Deutch Company Private Owned Park

— City Boundary



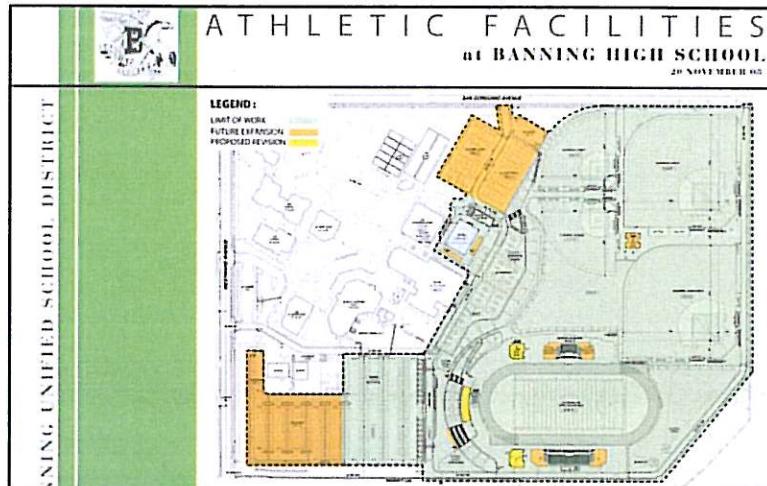
Existing Recreation Resources

Future City Facilities:

1. Lincoln Street Site: The city owns a site located along West Lincoln Street. The site is currently undeveloped with no planned improvements. The eastern side of the site is bordered by a large wash. The wash alignment is identified in the previous Master Plan and in this Master Plan document as a potential for an equestrian and urban trail loop (see Section 5). Nearby residential communities are located within 1 half mile of this site. A detailed analysis of this site would be required to determine its potential for future uses.
2. Smith Creek Ranch Site: The city owns a 150 acre site located in the southeast portion of the city. The site is currently undeveloped but does have an existing Master Plan that was prepared in 1993. The planned improvements are identified as: equestrian facilities, museum, lake development, a commercial retail center, restaurant, hotel, driving range, swimming pool, clubhouse, tennis courts, and multi-use open space. Until recently access (across Smith Creek) has been a constraint to development and utilization of the site. The Riverside County Flood Supervisor has indicated an Arizona-type crossing at Smith Creek to provide park access would be acceptable.

Future Partnership / Joint Use Sites:

3. Banning High School Expansion: The high school currently plans to expand their sports facilities (see approved Plan below). These facilities would include 4 ballfields, 8 full court basketball courts, a football field with soccer overlay, track, aquatics facilities and parking.



4. Gilman Historic Ranch Park: The ranch is owned by the Riverside County Regional Park and Open Space District. The site is currently home to the Historic Gilman Ranch and Wagon Museum. There are multiple opportunities for new sports fields to be constructed in the area surrounding the ranch.
5. National Guard Armory Site: The city currently owns the 2.5 acres of land the Armory is located on. The federally owned Armory building is a ±10,500 square foot building. Several community members have mentioned that this facility has the potential to serve community center needs for the city of Banning.
6. Butterfield Residential Development: The planned development has numerous neighborhood recreation park sites, as well as mini-park sites slated for future development to meet the recreation needs of new residents.

Future Acquisition Sites:

7. Deutch Company Privately Owned Park: The Deutch Company, in the southeast part of the city, owns and maintains a private park provided for its employees. The site could offer multiple recreation opportunities, including softball and picnicking.

Section 1
Introduction

Section 2
Recreation
Facilities

Section 3
Recreation
Programs

Section 4
Needs
Assessment

Section 5
Recommendations



Section 3: Recreation Programs



Section Three: Recreation Programs

Banning's Community Services Department (Parks & Recreation) is striving to develop and implement quality, value-based programs that encourage healthy lifestyles and celebrate the community. The Department provides an array of recreation, social, and cultural programs and events for all segments of the Banning community. This section analyzes the current programs and services offered, summarizes the needs identification tools, and identifies the priority recreation program needs in the City. Recommendations are provided to address the priority program needs that were identified through a combination of quantitative and qualitative methods.



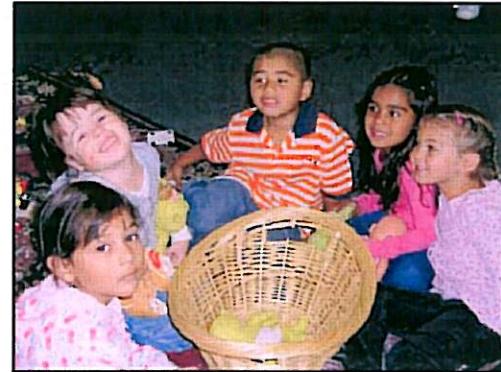
*Community Event at Repplier Park
Amphitheater*

3.1 Recreation Benefits

In addition to residents having access to parks, recreation facilities, and trails the availability of a wide-range of recreation programs and leisure opportunities is a major component to the quality of life in any community. Recreation programs benefit households, families, businesses, neighborhoods, and individuals of all ages, income levels, cultures, and abilities by creating environments that engage people in positive activities. Recreation programs and services that are developed, designed, and delivered effectively can provide the following community benefits:

- Create a unique sense of place
- Promote economic vitality

- Protect and steward the environment
- Provide for safety and security
- Create strong families
- Foster youth development
- Promote healthy lifestyles
- Advance lifelong learning
- Create fun and celebration
- Strengthen cultural unity



Recreation pursuits range from organized activities such as sports, classes, youth activities, family programming, and community events to more passive endeavors such as picnics, hiking, cycling, and walking. Effective recreation programs promote the positive use of leisure time and a lifelong commitment to a healthy lifestyle, personal development, and a strong community.

Effective recreation programs promote the positive use of leisure time and a lifelong commitment to a healthy lifestyle, personal development, and a strong community.

In the Citywide telephone survey, Banning residents most often reported seeking the following benefits when making choices to use recreation programs and facilities:

- 1.) Opportunities, to enhance physical fitness, health, and well-being; and
- 2.) Opportunities to gather and socialize with others.

These priorities will be important to consider when forming the recommendations for new activities and programs.

3.2 Existing Recreation Programs

Banning Community Services Department/Existing Programs and Services

A wide variety of experiences and opportunities are available to the community through the programs and services provided by the Community Services Department.

The Department provides recreation activities and programs at:

Four City Facilities:

- Banning Senior Center
- City's Aquatic Center
- City's Skateboard Park
- Banning Community Center

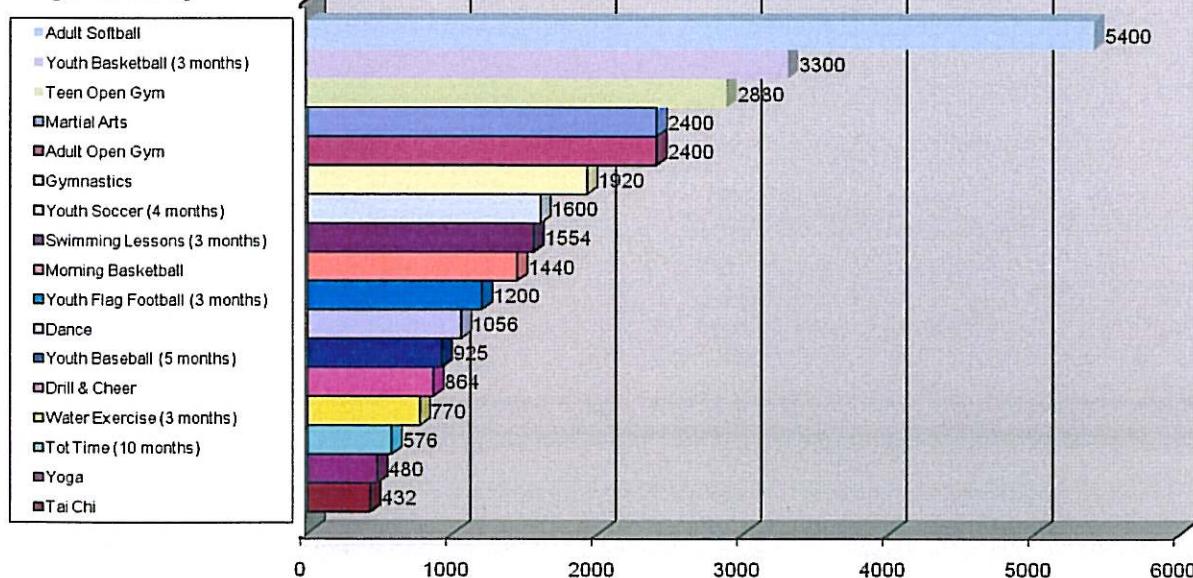
Banning Schools:

- Coombs Middle School
- Banning High School

The City of Banning is committed to the delivery of quality recreation programs. A summary of the program inventory and participation levels for the calendar year 2008 is presented below.

Table 3.2-1: Annual Participation in Programs Offered

Program/Activity



The highest participation level is in adult softball. The next three highest levels of participation were for youth basketball, teen open gym and martial arts. A complete listing of programs offered is located in the Appendix document.

The highest participation level is in adult softball.

In addition to the recreation programs and classes offered, the City hosts a number of community and special events throughout the year. A complete listing of annual events is located in the Appendix document.



Other Service Providers/Existing Programs and Services

The City is not the only community service provider meeting the various needs of Banning residents. The Department frequently works in collaboration with other agencies and organizations to deliver services, and should expand this effort in the future. A listing of key community service providers - both current and potential - is included in Exhibit 3.2-2 below. In an era of tight fiscal resources, it is paramount that public, non-profit, and private businesses work collaboratively to maximize existing resources to deliver public services.

Exhibit 3.2-2: Existing and Potential Service Partners

Potential Community Non-Profit Partners in Recreation:

1	Banning Cultural Alliance
2	Banning Police Activity League
3	Challenger British Soccer League

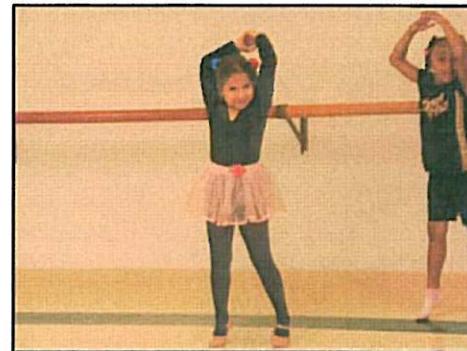
Regional Non-Profit Organizations:

1	Boys and Girls Clubs of San Gorgonio Pass
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Banning Commercial Recreation Service Providers:

1	PASS Redskins Jr. Football and Cheer
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There are some private recreation-oriented businesses that offer instructional classes in the City. For example, the San Gorgonio Ballet Company and Art Gallery include creative movement, classical ballet and other related dance forms, including jazz. Challenger British Soccer offers clinics, soccer camps, and tournaments.



3.3 Program Needs Assessment

In the Master Plan process, a variety of methods and processes were utilized in obtaining public input. The data derived from the public input process was the foundation upon which the program analysis and recommendations were developed. Those methods included:

Community Input: Information gathered from Banning residents through focus group, Citywide telephone survey, and community workshop.

Recreation Trends Analysis: Current demographics are compared with regional and national recreation trends.

Parks and Recreation Committee Focus Group

The focus group participants stated the most important recreation programs to provide in Banning are:

- Quality Programs for Youth and Seniors

The most important recreation programs to provide in Banning are Quality Programs for Youth and Seniors.

When asked what was the one recreation program these stakeholders would most like to see added in Banning to meet the needs of the community the top responses were:

- Summer Youth Programs and Camp
- More Sports Activities
- Amphitheatre Year Round and Evenings
- Equestrian Programs

According to focus group participants, the top recreation programs needed in Banning are:

- Baseball (Youth)
- Basketball (Youth)
- Soccer
- Community Events
- Softball

Citywide Telephone Survey

In July 2009, a total of 200 interviews were completed with adult household heads living in the City of Banning, representing 500 community residents of all ages and ethnicities. These respondents were contacted through the use of a random digit dial sample. Answers to the survey questions provide interesting information and are summarized below:

The tested programs cited as being undertaken by the largest portion of Banning residents currently surveyed were Special Community Events (37%), Fitness, Gymnastic or Wellness Classes (26%), Music, Dance or Performing Arts Classes (21%), Arts, Crafts, or Cooking Lessons (11%), and Computer/Technology Classes or Lessons (10%).

Banning is the location for approximately 73% or more of the reported recreation program activity in each of the five tested program types. Six of every ten respondents (63%) indicated their household members have new recreation program needs. The recreation program types cited as most desired by Banning residents surveyed were Arts and Crafts (6%), Dance (5%), Concerts (4%), Reading, Language, Spelling, Writing instruction or Classes (3%), Aerobics, Spinning, or Fitness Instruction/Classes (3%), Personal Development or Business Instruction or Classes (2%), Yoga, or Meditation or Stress Relief Classes (2%). All remaining mentions received a response volume that was less than 2% of those polled.

Community Workshop – Needs Summary and Prioritization

On October 15, 2009, representatives of the community participated in workshop activities involving the prioritization of recreation program needs that were identified through all community inputs. Information from each of the community inputs described in this Section was provided to participants in an effort to obtain their ideas for the priority of community needs for recreation programs. Participants were given the opportunity to add any program needs that they felt were missing from the list of needs. Participants were organized into groups. Group responses were tabulated and the overall workshop results presented to the participants.



According to the group consensus results, the top recreation program needs in Banning are:

- Youth Soccer
- Summer Youth Programs
- Youth Softball
- Community Events
- Teen Activities

Recreation Trends Analysis

In the appendix of this report there is a section entitled Recreation Trends and Implications for the City of Banning. Based on those trends and the implications that are indicated, there are a number of Recreation Programs that should be highlighted, for the City of Banning.

Baby Boom and Baby Bounce

In 2006 the first wave of baby boomers turned 60 years old. The California Park and Recreation Society strategic action plan discussed the impact of the aging of Californians in the *Trends Analysis 2000 and Beyond*, by Tappan Moore. He stated that by 2020 this group will double in size and will be active older adults 55 to 75 years old.

Banning's boomer demand for recreation services will continue to grow over the next five to ten years.

Implication: With a median age of 38.2 the pressure and priority for more educational and recreational programs for older adults will be high over the next decade.

The City's older population will increase as the "baby boomer" cohort continues to age in place.

Parks Increased Use, Safety, and Security

Crime and personal safety continue to be major issues for Americans. The events of September 11, 2001, were life changing and shook the confidence of Americans. Restoring safety at home, at school, at work, at play, on the road and in the air is paramount. Recreation activities offer the opportunity for people to connect in a non-threatening environment to enjoy time with friends and family. In the current economy, people are traveling less and seeking recreational opportunities and cultural experiences close to home.

In the current economy, people are traveling less and seeking recreational opportunities and cultural experiences close to home.

The new trend in Recreation is "Staycations". This is the latest buzz word defining vacations at home. The increase in the number of families vacationing in place reflects the impact of September 11, 2001, the downturn of the economy, coupled with ever increasing gas prices, leading Americans to stay closer to home and take advantage of programs and facilities in their local area. Seventy three percent (73%) of the residents in the phone survey reported that the recreational activities that they had participated in the last year were in Banning. Six percent (6%) of the Banning residents who responded to the phone survey cited "gangs" as a concern and five percent (5%) of the respondents listed crime as a concern.

***The new trend in
Recreation is
"Staycations,"
the latest buzz word
defining vacations at
home.***

Safe and well maintained parks are a priority for communities, like Banning, as they move to offer "staycations", for their residents. There is also considerable evidence that crime rates drop when open space and recreational opportunities are expanded and improved in local communities.

***Crime rates drop
when open space and
recreational
opportunities are
expanded and improved
in local communities.***

Implication: The Community of Banning, with older populations is ideally positioned to provide "Staycations", the amphitheater could provide year round events for residents. The aquatic center can provide combination opportunities for families by having a movie night at the pool. The region surrounding Banning also has several ideal spots for stay home vacations, day trips to the mountains, or Oak Glen for apple harvesting, shopping at one of the largest discount malls in Southern California, or into Palm Springs for day trips, that might include a tram ride to the top of the mountain, or a visit to any one of the many museums or art galleries located in the region.

Physical Fitness

An important shift in fitness activity shows the trend to kinder gentler approach to fitness that includes stretching, flexibility, balance, and relaxation techniques. Hence the increased popularity of Pilates, Tai Chi, elliptical motion trainers, recumbent cycling, and yoga.



It is not just baby boomers seeking these fitness activities. The average age of pilates participants dropped to 35.1 years in 2002 from 43.6 years in 2000. The age of Yoga participants fell from 41.5 years in 1998 to 37.1 in 2002. Fusion classes like yoga and pilates that combine fitness while incorporating elements of mental and spiritual fitness will continue to grow.

The other trend we are seeing across the United States is an increase in childhood obesity. Childhood obesity is the leading cause of diabetes, and heart disease in youth. It is important for recreation programs and after school programs in playground settings to incorporate more activity that every child can participate in like walking, jumping rope, dodge ball, or games.

Implication: Multi-disciplinary health partnerships are needed to prevent obesity and to successfully promote physical activity across entire communities. By facilitating partnerships with employers, health care providers, such as local hospitals, public health agencies and schools, the City can develop programs that address the health and fitness issues its children and adults face.

Interest in the Arts

In the phone survey conducted for this Master Plan in response to the most desired program the top responses were arts and crafts instruction or classes, dance instruction or classes, and concerts.



The California Arts Council (CAC) conducted an opinion poll on the arts in 2001. Over 1,200 respondents indicated that among Californians there is widespread and deep support for and a solid appreciation of the arts. The arts play an important role in the lives of most Californians, over half (55%) say the arts are extremely, or very important.

Implication: Increasing family offerings, cultural arts events, community based arts activities, and concerts should be an important part of the recreation program development plan over the next five years.

3.4 Program Needs Summary

The evaluation of programs is intended to help focus the strategic direction for community services in the future. The focus of the program analysis is to identify service needs related to recreation interests. These interests may be accommodated in public facilities such as libraries, community centers, schools, public parks, or other private partnerships. The prioritization of program needs helps to facilitate park planning as program needs often drive what facility improvements are required. Program and space needs are interconnected and interdependent.

Exhibit 3.4-1 is a listing of all of the program needs identified through the community process. The programs and/or services with a higher priority of need were identified in three or more of the assessment processes.

Exhibit 3.4-1: Program Needs Summary Chart

(2X)	NEEDS IDENTIFICATION TOOLS					Total # of Tools that Identified Need
	Qualitative Tools					
Banning Program Needs Summary						
<u>Identified Recreation Program Need</u>	Resident Telephone Survey (greater than 10%)	Resident Telephone Survey (Desire)	P & R Committee Focus Group	Community Workshop	Participant Activity Numbers	Recreation Trends
Aerobics, Spinning, or Fitness Instruction/Classes	✓	✓				✓ 4
Arts & Crafts Instruction or Classes	✓	✓			✓	4
Baseball - Youth			✓			1
Basketball - Adult					✓	1
Basketball - Youth			✓	✓	✓	3
Bicycling					✓	1
Community Events	✓		✓	✓	✓	5
Computer and Technology Classes	✓				✓	3
Concerts		✓	✓		✓	3
Cooking Classes/Instruction	✓					2
Dance Lessons	✓	✓			✓	4
Drill & Cheer					✓	1
Equestrian Program			✓			1
Evening Sports Program				✓		1
Flag Football – Youth					✓	1
Gymnastics	✓				✓	3
Language Arts Classes/Instruction		✓				1
Leadership Courses				✓		1
Martial Arts / Tai Chi					✓ ✓	2

	NEEDS IDENTIFICATION TOOLS					Total # of Tools that Identified Need
	(2X)	Qualitative Tools				
	Resident Telephone Survey (greater than 10%)	Resident Telephone Survey (Desire)	P & R Committee Focus Group	Community Workshop	Participant Activity Numbers	Recreation Trends
Identified Recreation Program Need						
Music Lessons	✓					2
Open Gym – Adults				✓		1
Open Gym – Teen				✓		1
Performing Arts	✓					2
Personal/Business Development		✓			✓	2
Picnicking					✓	1
Senior Programs			✓	✓	✓	3
Soccer – Youth		✓	✓	✓		3
Softball – Adult				✓		1
Softball – Youth		✓	✓			2
Summer Camps – Youth		✓	✓			2
Summer Youth Program		✓	✓			2
Teen Activities			✓			1
Tot Time / Playground				✓	✓	2
Walking, Jogging, Running			✓		✓	2
Yoga/Meditation/Stress Relief	✓			✓	✓	3

The highest priority recreation program needs, listed in order of priority, in Banning are:

- Community Events
- Aerobics/Spinning/Fitness Classes
- Arts and Crafts Classes
- Dance Lessons
- Basketball (youth)
- Computer/Technology Classes
- Concerts
- Gymnastics
- Senior Programs
- Soccer (youth)
- Yoga/Meditation/Stress Relief classes

Based on qualitative and quantitative data collected during the Master Plan process and the review and analysis of current programs, there are no significant gaps in programming. Staff has responded well to meeting the program interests of the community. However, it is timely to review program offerings; eliminate any duplication, focus on core programs, and strengthen existing program offerings to respond to changing demographics and recreation preferences.

It is timely to review program offerings; eliminate any duplication, focus on core programs, and strengthen existing program offerings to respond to changing demographics and recreation preferences.

3.5 Program Recommendations

The following program recommendations address the top program needs based on the assessment process. These may address needs of a specific age group or the community in general. There may be some overlap or interdependency among the recommended actions. There is also a relationship between program needs and park and facility needs discussed in other sections of the Master Plan.

Youth Programs/Teen Programs

The Department offers many different programs for youth. The Master Plan Process highlighted the desire of residents to provide after school programs for young people, as well as making sure that all programs and services were for all ages and capabilities, youth, teen and adult.

Recommended Actions:

- Maintain cooperative efforts with youth sports organizations, e.g., the Positive Coaching Alliance, to provide safe and accessible programs that develop sports skills, good sportsmanship, and provide youth experiences in organized sports.
- Provide indoor and outdoor spaces for supervised but unstructured free play for youth.
- Expand after school programming with an emphasis on social skills, the arts, environmental education, experiences, and physical fitness.
- Integrate youth development strategies into the development, design, and delivery of youth programs and services.
- Expand youth programs and services with an emphasis on the following activities:
 - Aquatics experiences and lessons
 - Recreational sports
 - Arts activities
 - Activities on school sites
 - Technology-based programs and services e.g. on-line classes, Wii
 - Out of school care and/or activities (Out of school care includes those times that school is not in session including before and after school as well as spring, winter, and summer breaks)
 - Environmental education
 - Civic engagement and volunteerism
 - Physical fitness, nutritional education
 - Interactive family programming, including intergenerational programs

Expand youth programs and services with an emphasis on the aquatics experiences and lessons, recreational sports, and arts activities.

- Explore, expand, and establish opportunities for youth to participate in the ongoing identification, development, and delivery of programs, services, and events.

Arts and Crafts Programs /Education

The Community Services Department offers programs and classes supporting the arts. The community process, however, indicated a continued interest in the expansion of these programs. Interest in cultural arts events and activities that provide entertainment such as concerts and movies in the park, as well as those programs that develop skills in dancing, music, & performing arts. The arts will continue to grow as residents of all ages seek these opportunities close to home.



Recommended Actions:

- Increase promotion to attract and build audiences for theatrical performance and experiences.
- Foster unity through cooperative programs and events that celebrate the community's heritage, character, and spirit. Event's like Stage Coach Days.
- Encourage the preservation and restoration of historic structures to create community pride and a sense of history for Banning.
- Continue to produce arts and cultural events that improve the quality of life for residents, such as Concerts and Movies in the Park.

Festivals/Community Events

Community events and festivals that bridge the entire community and bring people together for recreation, cultural expression, and entertainment are some of the Department's most popular programs. These events unite the community, and build community identity and vitality. The public outreach process indicated that residents consider these events a very high priority and are interested in expanding them.



Recommended Actions:

- Expand community and population specific special events that create a solid sense of community and family connectedness.
- Offer movies in the parks, at the Amphitheater.
- Consider an intergenerational health and wellness event, with an emphasis on physical activities and nutritional education.
- Explore opportunities to expand environmental education events for families, as well as middle and high school youth.

Health and Fitness Programs

The focus on health and wellness has become a national interest for all ages. As boomers age, they anticipate living a longer and healthier life and look for opportunities that support this goal. Obesity issues for both youth and adults challenge the Department to continue to foster physical and mental health and wellness through active and passive recreation activity, and to assume a leadership role in educating the public about how to achieve health and wellness.

Recommended Actions:

- Develop and continue existing multi-disciplinary health partnerships with schools, local hospitals, and health care providers, private health clubs, and other agencies to bring public information and educational programs that prevent obesity and successfully promote physical activity across entire communities.
- Regularly and succinctly articulate to the public and policy makers the health and wellness outcomes of Department programs and facilities.
- Incorporate healthy eating and exercising habits into after-school recreation programs and camps for young children that model healthy living.
- Address the needs of an aging population by encouraging participation in physical activity with an emphasis on the gentler aerobic activities.
- Expand physical fitness and all other health and wellness activities, threading these themes throughout other programs such as community events, hiking, dancing, etc.
- Market recreation as essential to healthy lifestyles for all ages and educate consumers about disease prevention and wellness programs available to them.

Older Adult Programs

Senior adults participate in a variety of recreational and social activities provided by the Senior Center and various community organizations. Population trends indicate that Banning is a community, of older adults. All demographic reports for the state indicate this number will greatly increase with the aging of baby boomers. Although not specifically identified as a high priority through the public outreach process, the need to provide safe and accessible programs to all Banning population segments was a common theme, and with the expected growth of this population, the Department should be prepared to continue to provide programs and services to meet the needs of this group.

Recommended Actions:

- Work closely with the Senior Center to provide a comprehensive older adult services program area that includes recreational, educational, and socially targeted activities.

- Develop marketing strategy and programs that include more active recreational activities for the growing population of “baby boomer” seniors or “young old” who are interested in health and fitness activities and social connectedness. Specific program areas could include:
 - a. Aquatics
 - b. Older adult sports
 - c. Health and wellness
 - d. Social clubs
 - e. Physical fitness – Tai Chi, hiking
 - f. Computer education
 - g. Specialized, lifelong learning opportunities including on-line classes
 - h. Environmental education and awareness
- When possible, search out and create collaborative relationships to establish partnerships in the development of the older adult services delivery system.

3.6 Program Recommendations Summary

The Department is challenged to keep up with the growing population and the public's demand for diverse recreation programs. The demand increases on many fronts from different age segments. Banning's median age is 38.2 years and the older adult population will continue to grow as “baby boomers” age.

There is a keen interest in cultural arts programs and events that provide entertainment such as concerts as well as those that develop skills in dancing, drama, music, and the arts. This interest will continue to grow as residents of all ages seek these opportunities close to home.

The Department can build on its past successes and **sustain both active and passive recreation programs for youth and teens**. Continuity in programs for before and after school care as well as active sports and fitness, and arts education will remain a priority.

The Department has a solid foundation to build on and is well-positioned to improve its programs; as it moves forward to implement the Master Plan and achieve its vision encouraging healthy lifestyles and celebrating the community's history.

Section 4: Recreation Facility Needs Assessment



Section Four: Recreation Facility Needs Assessment

The purpose of the facility needs assessment is to identify the current recreation facility needs within the community, to identify which are met and which are unmet, and to suggest the relative priority of each identified need. Needs have been identified and prioritized by evaluating a series of community inputs and other analysis tools. The process involves gathering both qualitative input (e.g. focus group, workshop, and sports organization usage data) and quantitative input (e.g. telephone survey, demand analysis). Each need identification tool and each bit of information gathered is a piece of the puzzle leading to a deeper, more thorough understanding of the community. All of the pieces, taken together, complete an overall picture of recreation needs specific to Banning.

The purpose of the facility needs assessment is to identify the current recreation facility needs within the community, to identify which are met and which are unmet, and to suggest the relative priority of each identified need

The following methods and processes were utilized to conduct the facility needs analysis and are addressed in this section:

Community Outreach: Information gathered from Banning residents and stakeholders through a variety of methods, including a focus group, Citywide telephone survey, sports organization data, and a community workshop.

Recreation Demand and Needs Analysis: Quantitative evaluation of Banning facility needs based on statistically valid participation rates from the citywide telephone survey, the existing facility inventory, relevant demographics, and sports organization usage data.

Service Area Analysis: Evaluation of where parkland and certain facilities are located and how they are distributed throughout Banning.

Acreage Analysis: Evaluation of parkland acreage needs in Banning based on the General Plan standard of 5 acres/1,000 population, identified recreation needs, and available supply.

Program Analysis: Understanding program needs and supply and how these influence facility needs.

At the conclusion of this section, a comprehensive Facility Needs Summary is provided that lists needs identified by each of the methods and processes listed above. This summary establishes the primary basis for the facility recommendations in Section 5.

4.1 Community Outreach

What are Banning residents saying about recreation?

Banning's community outreach ranged from lively evening group discussions to one-on-one telephone interviews with 200 residents. The community input portion of the Needs Assessment provided a number of opportunities to obtain perspective from residents, users of facilities and programs, and providers of facilities and programs. Within this section, community feedback has been organized into four (4) separate categories:

- Parks and Recreation Committee Focus Group
- Citywide Telephone Survey
- Sports Organization Data
- Community Workshop - Needs Summary and Prioritization

The information received from each of these sources has been included in the overall prioritization of needs and recommendations. A summary of each community input is provided below.

Parks and Recreation Committee Focus Group

The focus group with the Parks and Recreation Committee and City staff was held on Wednesday evening, August 19, 2009. The purpose of this focus group was to listen to these important stakeholders in the community due to their familiarity with the community, as well as the recreation program and facility needs in Banning. These stakeholders also listed issues and/or opportunities that may be impacting the City's ability to meet those needs, and the ways in which parks, recreation and community services can support important community characteristics.



Participants were divided into groups to answer and talk about three topic questions that were provided to initiate discussion. Each group's consensus opinions were presented by group leaders to the entire audience. The following top responses were identified:

"What are the most important issues related to Parks, Recreation Facilities, Programs and Services currently provided?"

- The planning and maintenance of the parks is under the Public Works Department and programs/activities offered are under the Community Services Department; Parks, Recreation, and Community Services should be under one Department.
- There is a Parks and Recreation Advisory Committee, not a Commission; there is a perception that parks and recreation needs are not as seriously considered by the Council.

The most important issue related to Park and Recreation Facilities Programs and Services is Parks, Recreation, and Community Services should be under one Department.

- City should have a higher funding priority for park facilities and maintenance, as well as quality recreation programs (youth, sports and seniors) and staff to run these activities/programs.

"What is the one recreation facility you would most like to see added in Banning to meet the needs of the Community?"

- Sports Fields
- Community Center (on the west side)
- Teen Center
- Armory Building Use (as a possible community center)

Citywide Telephone Survey

A total of 200 interviews were completed with adult household heads living in the City of Banning representing over 500 community residents of all ages and ethnicities. These respondents were contacted through the use of a random digit dial sample. The random digit dial sample was compiled by identifying telephone prefixes known to be active in the City of Banning. With these prefixes, the final four digits were randomly generated. This sample methodology compensates for the incidence of unlisted telephone numbers.

These twelve-minute interviews were conducted via telephone by professional interviewers during the May 2009 fielding of the resident telephone survey using direct-entry computer technology. Skilled supervisors of the field organization edited all interviews conducted among Banning residents and 10% were validated for accuracy.

Answers to the survey questions provide valuable and interesting information and are summarized below:

What is the one feature that makes the City of Banning a desirable place to live?

Approximately one in five of households polled stated that they like the "Small-Town Atmosphere" in Banning and an additional 13% cited "Climate" as the one feature while 12% reported "Sun Lakes" as the one feature for them. Similarly, an additional 7% of households polled volunteered the feature "Quiet/Peaceful" or "Quality of Life" and 4% more cited "Feeling a Part of Community."

What makes Banning a desirable place to live?

- **Small-Town Atmosphere**
- **Climate**
- **Sun Lakes**
- **Quiet/Peaceful**
- **Quality of Life**
- **Feeling a Part of Community**

What issue facing the City of Banning is of greatest concern to you as a resident?

In May 2009, more than one in ten households polled (13%) stated that they are concerned about the "Sludge Treatment Plant". This issue has since been resolved. "Gangs" (6%) and "Crime" (5%) were combined for a total of 11% of respondents concerned about safety. An additional 10% identified "Retail Stores/Services" as an issue in the City of Banning while 8% stated they have greatest concern over "Water." "Environmental Concerns" was a volunteered response by 7% of the households polled while 5% of the respondents cited "Growth Management." "Education" was a volunteered issue of greatest concern to 4% of those polled.

Thinking about the past year, what best describes how often you or other members of your household used any parks or recreation facilities in or outside of Banning?

One of every four households polled (26%) described themselves as a "Frequent User" of parks and recreation facilities (patrons of facilities at least three times per month). One of every three resident households (32%) was "Moderate Users" (patrons of facilities at least two to twenty-four times annually) of recreation facilities during the past year. The remainder (43%) of respondents was labeled "Light/Non Users" (patrons of facilities once per year and non-users).

Thinking about the past year, what best describes how often you or other members of your household used indoor recreation facilities such as a recreation center or community center or participated in indoor recreation classes or programs for you or adults in or outside of Banning?

Nearly one of every five households polled (17%) described themselves as a "Frequent User" of indoor recreation facilities (patrons of facilities at least three times per month). One of every

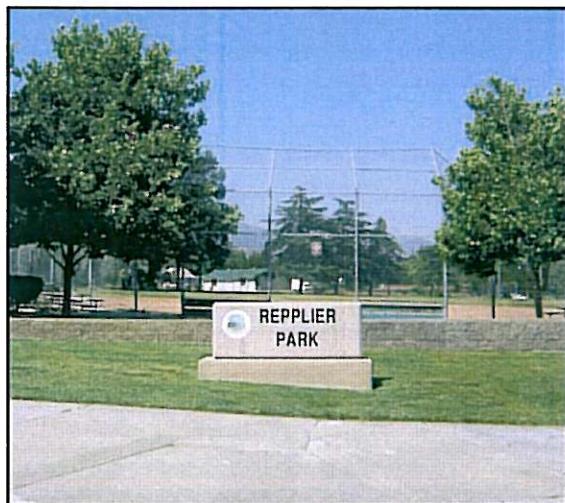
four residents (24%) was "Moderate Users" (patrons of facilities at least two to twenty-four times annually) of indoor recreation facilities during the past year. The remainder (59%) was labeled "Light/Non Users" (patrons of facilities once per year and non-users).

If you need information about Banning recreation or parks programs or facilities, where do you get that information?

Nearly three of every ten residents polled (29%) stated that they get their recreation program and facility information from the City of Banning while an additional 23% reported the Newspaper as their information source. One in ten respondents stated they used the Internet and Information Postings at Recreation Sites (10%, respectively). An additional 4% of those polled cited the Chamber of Commerce as their information source. The City Website, the Telephone Book, Friends/Relatives, and Sun Lakes mentions each garnered a 3% response rate. Remaining responses garnered less than a 3% response rate except for 6% of those polled who stated they "don't need" such sources of information.

During the last year, what park or recreation facility did you and your household use most often?

The seven most often received responses from those polled, representing 73% of the responses received, were Repplier Park and Senior Center (33%), Sylvan Park (12%), Sun Lakes (10%), Beaumont Parks Mentions (8%), Bogart County Regional Park (4%), Lions Park (3%), and Coombs Middle School (3%). The remaining parks mentioned each garnered less than 2% of the responses received.



Repplier Park

**Repplier Park and Senior Center
is the most used
park or recreation facility.**

Participation in Recreation Activities

The tested activities cited as being undertaken by the largest portion of current City residents surveyed were Picnicking at Picnic Table Sites in Public Parks (54%), Walking/Jogging/Running on Public Trails for Active Recreation or Fitness (30%), and Swimming in Public Pools for Recreation, Lessons, and Physical Fitness (26%). The activities reported next most often included Bicycling on Public Trails or Paths for Active Recreation or Fitness (17%), Walking or Exercising a Dog at a Dog Park Area (12%), Use of Play Equipment/Tot Lots in Public Parks (12%), Playing Tennis at Public Courts for Recreation, Exercise or Lessons (10%), Skateboarding at a Skateboard Park (9%), and Horse Riding on Public Trails or Paths (4%).

The activities reported by 3% of the population polled included Organized League Football for Youth, Indoor Basketball: Organized League Games for Youth, Organized League Baseball Games for Youth, and Organized League Soccer for Youth. The activities reported next most often included Organized League Softball for Adults (2%), Organized League Softball for Youth (2%), and Horse Riding for Competition in an Arena, Ring, Corral or Court (1%).

Recreation Facility Location

Banning is the location for 73% or more of the reported recreation activity in thirteen of the seventeen tested activities (exceptions being Horseback Riding on Public Trails or Paths, Horseback Riding for Competition in an Arena, Ring, Corral, or Court, Organized League Soccer for Youth and Organized League Soccer for Adults).

Overall, how would you describe the maintenance of recreation and parks facilities in the City of Banning?

One in six households (16%) rated the maintenance of parks and recreation facilities in Banning as "Excellent" and an additional 56% rated it as "Good." Together, the total of these two positive ratings is 72%. In contrast, 28% of residents rated maintenance as "Fair" or "Poor."

The largest concerns expressed (representing 58% of responses of those who stated maintenance was 'fair' or 'poor') included "parks are dirty/littered", "general poor maintenance" and "grass areas have bare spots or holes".

How would you describe your overall satisfaction with existing parks and recreation facilities and programs in the City of Banning?

Nearly one of every three households (30%) stated they are "Very Satisfied" with recreation services in the City and an additional 55% stated they are "Somewhat Satisfied." Together, the total of these two positive ratings is 85%. In contrast, 11% of residents stated they are "Not Very Satisfied" with parks in the City and 4% reportedly are "Not At All Satisfied."

What is the one recreation facility you would most like to see added in Banning to meet the needs of your household?

Seventy-one percent (71%) of respondents stated that they would like to see recreation facilities added in Banning. Recreation facilities most desired by Banning residents surveyed were a Bowling Alley (5%), Dog Park (5%), Soccer Fields (4%), Equestrian Trails (4%), Senior Facilities and Programs (4%), Swimming Pool for Recreation (3%), Baseball Fields (3%), Playgrounds/Tot Lots (3%), Walking/Jogging Paths/Trails (3%), and Facilities for Children's Activities (3%). All remaining mentions received a response volume less than 3%.

A key element of the survey is raw information that generates participation rates in each of (17) seventeen recreational activities. These participation rates are analyzed in Section 4.2, Recreation Demand Analysis, where facility demand is calculated in relationship to the population served.

Sports Organization Data

To supplement the information regarding participation in organized sports obtained from the telephone survey, the City staff provided information about the organized sports groups that use the City facilities. This tabulation provided information regarding the number of players and teams in each league or sports organization, what percentage are Banning residents, what seasons they play, scheduling, what facilities they use for organized games and practice, and turnover of each facility on a peak day. The following is a summary of information for each sport included in the demand analysis.

1. Youth Softball/Baseball

Banning Youth Baseball League includes youth baseball and girl's softball. Of the 200 participants in this league, it is estimated that 125 play baseball and 75 softball. 98 percent of participants are Banning residents. Season: March-July

- Game Fields: Lions Park – 3 fields – 4 games per field on peak day
- Practice: Lions Park, Repplier Park, Sylvan Park

2. Adult Softball

City Recreation League – Adult Softball has 2 leagues with about 180 players. 95 percent are Banning residents. Season: Spring – April-June, Fall – September-November.

- Game Fields: Repplier Park – 1 field, play Monday and Thursday nights – 3 games per night (can play 4 games if necessary)

3. Youth Soccer

City Recreation League - Youth Soccer has about 100 participants. 100 percent are Banning residents. Season: April-June

- Game Fields: Hemmerling Elementary – 1 field – 5 games on peak day
- Practice: Nicolet Middle School (2 fields), Repplier Park (1 field), Roosevelt Williams Park (1 field)

Note: 50 percent of phone survey respondents stated they play outside of Banning. It is assumed they play for the AYSO organization in Beaumont.

4. Adult Soccer

There are no organized adult soccer leagues in Banning.

5. Youth Football

Pass Redskins League has about 240 football players and an estimated 40 percent are Banning Residents. Season: August/December

- Game fields: Beaumont High School – 1 field – 4 games on peak day.
This field is used for home games and they play at various opponents fields throughout the region.
- Practice Fields: Lions Park in Banning and Stewart Park in Beaumont

6. Youth Basketball

City Recreation League – Youth Basketball has 300 participants. 95 percent are Banning residents. Season: January-March

- Game Courts: Banning High School – 2 full courts – 7 games per court on peak day
- Practice Courts: Nicolet Middle School – 2 half courts

The information regarding the number of players, size of teams, seasonality and turnover of facilities for both games and practice are used to better define peak day demand and convert that to the number of facilities required to meet the needs of this segment of the recreation market. Information regarding which of the facilities are currently being used by the sports groups provides input to the inventory of sports facilities regarding usage for adult sports, youth sports and practices.

This community input data is used in compiling the Recreation Demand Analysis, Section 4.2, as quantitative responses from the sports organization questionnaires are used as input to help develop an accurate picture of demand for various recreation facilities.

Community Workshop – Needs Summary and Prioritization

On October 15, 2009, representatives of the community participated in workshop activities involving the prioritization of recreation facility needs that were identified through all community inputs. Information from each of the community inputs described in this Section was provided to participants in an effort to obtain their idea of the priority of community needs for recreation facilities.



Participants were given the opportunity to add any facility needs that they thought were missing from the list of facility needs. Participants were organized into groups. Group responses were tabulated and the overall workshop results presented to the participants.

According to the group consensus results, the top recreation facility needs in Banning are:

- Community Center
- Soccer Field
- Amphitheater (improvements)
- Teen/Youth Center
- Lighting Parks



Repplier Park Amphitheater

The full description of responses from the focus group, telephone survey, and community workshop can be found in the Appendix. All community input is integral to the recommendations within the Master Plan. In Section 4.7, Facility Needs Summary and Prioritization, each of the community input tools are included in an overall summary of recreation facility needs and how these needs translate to key issues which are then incorporated into recreation facility recommendations.

4.2 Recreation Facility Demand Analysis

This section analyzes the demand for recreation and park facilities by the residents of Banning. A key element in any planning strategy is an understanding of the nature of demand for parks and recreation facilities. Without this understanding, policy can only be based on general standards of supply and demand, such as population ratios (acres per thousand population) or service area (distance to park facility). While these standards are useful guides and are included in the Master Plan facility needs assessment, the demand analysis is based on the actual participation rates of Banning residents which guarantees that the needs assessment reflects the unique character of Banning.

The nature of growth and population change establishes trends in demand for recreation and leisure services. The citywide telephone survey provides the quantitative basis for determining how the residents of Banning participate in certain recreation activities. In addition, the focus group, sports organization data, and community workshop provides the qualitative aspect of

demand - the perceptions of the residents toward recreation and the prioritization of needs for facilities.

The participation rates from each of the seventeen recreation activities analyzed (from the telephone survey) provide a basis for calculating demand for active recreation facilities in relationship to the population served. These participation rates are shown in the first column of Exhibit 4.2-1 and are taken directly from the participation rates as reported in the survey.

Exhibit 4.2-1 Facility Demand (2009)

Activity	Per Capita Participation Days/Year	Peak Day Demand (Participants)	Turnovers Per Day	Design Standard for Facility	Number of Facilities Demanded	Facility Need Ratio - City of Banning
Softball:						
Organized Youth	2.0	81	4x	30 players/field	0.8 fields*	1/33,700 pop.
Organized Adult	1.5	96	3x	30 players/field	1.3 fields*	1/21,350 pop.
Baseball:						
Organized Youth	1.9	165	4x	25 players/field	2.1 fields*	1/13,800 pop.
Soccer:						
Organized Youth***	1.2	167	5x	20 players/field	2.1 fields*	1/13,600 pop.
Organized Adult	0.0	0	3x	30 players/field	0.0 fields*	N.A.
Football:						
Organized Youth****	1.1	124	4x	60 players/field	0.6 fields*	1/44,100 pop.
Indoor Basketball:						
Organized Youth	1.7	308	7x	20 players/court	2.2 courts	1/12,950 pop.
Picnicking (Public Parks)						
Tot Lots/Playgrounds	7.5	329	1.5x	4 persons/table	55 tables	1/520 pop.
Swimming (Public Pool)						
Recreational	7.5	322	3x	25 sq ft/swimmer	0.4 pools**	1/65,200 pop.
Tennis (Public Courts)						
Walk/Jog/Run-Public Trails	1.6	71	10x	3 persons/court	2.4 courts	1/11,950 pop.
Rec. Riding- Public Trails	22.7	377	1x	90 persons/mile	4.2 miles	1/6,800 pop.
Comp. Riding-Arenas, etc.	1.2	85	5x	7 horses/mile	2.4 miles	1/11,650 pop.
Biking-Public Trails	0.4	46	5x	6 horses/facility	1.5 facilities	1/18,750 pop.
Skateboarding	6.0	452	5x	30 bicycles/mile	3.0 miles	1/9,450 pop.
Use of Dog Park	4.3	306	6x	40 persons/facility	1.3 facilities	1/22,300 pop.

*Demand for fields includes an adjustment to allow for resting of fields.

**One Pool = 25 meters x 25 yards, or 6,150 square feet.

***Fifty percent of respondents indicate they play outside the City of Banning. Demand for Banning residents who play games in Banning would be 1.1 fields.

****Only 40 percent of Banning football organization players are Banning residents. Twenty-three percent of phone survey respondents play outside of Banning. The demand for the entire organization would be 1.25 fields.

Source: Coman Consulting, Inc., based on data from California State Department of Parks and Recreation and the Banning Recreation Needs Assessment Survey, June 2009.

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In order to convert these demand estimates into facility requirements, it is necessary to make some assumptions regarding design standards for the peak level of demand. Calculation of peak day demand involves multiplying the population estimates (current population and population projected to 2020) by the participation rate in each activity. These estimates of gross demand are then adjusted to allocate part of the demand to private recreation facilities and part to government or public facilities, if applicable, using California Department of Parks and Recreation data regarding patterns of facility usage. Similarly, a locational adjustment is made to account for those activities which participants would normally engage in at locations outside of Banning.

Peak day demand is determined on the basis of the seasonality of participation in each of the various activities and, within peak seasons, the peak days of usage. The calculations of peak day demand included in Exhibit 4.2-1 are designed to accommodate all but three to eight days per year of peak activity for most of the activities analyzed.

The actual facility requirement, however, is less than the aggregate of peak day demand to allow for daily turnover in the use of recreation facilities. Peak day demand was modified as shown in Exhibit 4.2-1 by the anticipated turnover and capacity for each type of facility. These estimates of daily turnover and capacity on peak day usage periods are derived from studies conducted by the Bureau of Outdoor Recreation, U.S. Department of the Interior regarding optimum recreation carrying capacity as well as from sports group surveys, discussions with City staff and other park studies in which the Consultants have been involved. The calculations in Exhibit 4.2-1 are based on the current (2009) population level in the City of Banning of 28,457. Included in the Exhibit is an estimate of the number or size of facilities required to accommodate peak day demand in the context of the peak day design standards discussed above. Similar calculations were carried out to determine the demand levels in 2020, when the City will reach a projected population of 47,683. These calculations are shown in Exhibit 4.2-2.

The relationship of the current need for facilities in Banning to the current population level is the basis for the “facility need ratio” or the measure of the level of population in Banning that creates the demand for one facility or one unit of measure such as miles or acres. This ratio for each of the types of facilities analyzed is presented in Exhibits 4.2-1 and 4.2-2 and is calculated by dividing the total population by the number of facilities demanded. This will be the basis for the needs analysis presented in the following section.

Exhibit 4.2-2 Facility Demand (2020)

Activity	Per Capita Participation Days/Year	Peak Day Demand (Participants)	Turnovers Per Day	Design Standard for Facility	Number of Facilities Demanded	Facility Need Ratio - City of Banning
Softball:						
Organized Youth	2.0	136	4x	30 players/field	1.4 fields*	1/33,700 pop.
Organized Adult	1.5	161	3x	30 players/field	2.2 fields*	1/21,350 pop.
Baseball:						
Organized Youth	1.9	277	4x	25 players/field	3.5 fields*	1/13,800 pop.
Soccer:						
Organized Youth***	1.2	280	5x	20 players/field	3.5 fields*	1/13,600 pop.
Organized Adult	0.0	0	3x	30 players/field	0.0 fields*	N.A.
Football:						
Organized Youth****	1.1	208	4x	60 players/field	1.1 fields*	1/44,100 pop.
Indoor Basketball:						
Organized Youth	1.7	516	7x	20 players/court	3.7 courts	1/12,950 pop.
Picnicking (Public Parks)						
	7.5	551	1.5x	4 persons/table	92 tables	1/520 pop.
Tot Lots/Playgrounds						
	4.3	631	6x	20 persons/hour	5.3 areas	1/9,050 pop.
Swimming (Public Pool)						
Recreational	7.5	540	3x	25 sq ft/swimmer	0.7 pools**	1/65,200 pop.
Tennis (Public Courts)						
	1.6	120	10x	3 persons/court	4.0 courts	1/11,950 pop.
Walk/Jog/Run-Public Trails						
	22.7	632	1x	90 persons/mile	7.0 miles	1/6,800 pop.
Rec. Riding- Public Trails						
	1.2	143	5x	7 horses/mile	4.1 miles	1/11,650 pop.
Comp. Riding-Arenas, etc.						
	0.4	76	5x	6 horses/facility	2.5 facilities	1/18,750 pop.
Biking-Public Trails						
	6.0	757	5x	30 bicycles/mile	5.0 miles	1/9,450 pop.
Skateboarding						
	4.3	513	6x	40 persons/facility	2.1 facilities	1/22,300 pop.
Use of Dog Park						
	8.1	637	6x	50 persons/facility	2.1 facilities	1/22,450 pop.

*Demand for fields includes an adjustment to allow for resting of fields.

**One Pool = 25 meters x 25 yards, or 6,150 square feet.

***Fifty percent of respondents indicate they play outside the City of Banning. Demand for Banning residents who play games in Banning would be 2.8 fields.

****Only 40 percent of Banning football organization players are Banning residents. Twenty-three percent of phone survey respondents play outside of Banning. The demand for the entire organization would be 2.7 fields.

Source: Coman Consulting, Inc., based on data from California State Department of Parks and Recreation and the Banning Recreation Needs Assessment Survey, June 2009.

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Comparisons of Banning's current "facility-need-ratios" to those found in selected other cities in California for which the Consultants have prepared similar analyses are presented in Exhibit 4.2-3 in order to add perspective to the analysis.

Exhibit 4.2-3 Need Ratio Comparison

Facility	Facility Need Ratio - City of Banning	Facility Need Ratio - City of Ontario	Facility Need Ratio - City of Upland	Facility Need Ratio - City of Temecula	Facility Need Ratio - City of Corona	Facility Need Ratio - City of Murrieta	Facility Need Ratio - City of Dana Point	Facility Need Ratio - City of Rancho Cucamonga	Facility Need Ratio - City of Laguna Niguel	Facility Need Ratio - City of Diamond Bar
Softball Fields:										
Organized Youth	1/33,700 pop.	1/24,450	1/7,100	1/7,300	1/11,000	1/7,100	1/9,500	1/6,500	1/9,200	1/12,700
Organized Adult	1/21,350 pop.	1/26,800	1/9,100	1/5,500	1/13,500	1/18,300	1/19,250	N.A.	1/24,350	1/16,800
Baseball Fields:										
Organized Youth	1/13,800 pop.	1/8,500	1/5,000	1/4,500	1/9,000	1/3,900	1/9,550	1/3,500	1/3,300	1/6,300
Football	1/44,100 pop.	1/62,200	1/25,350	1/11,600	1/12,000	1/20,500	N.A.	1/48,400	1/31,300	1/40,100
Soccer Fields:										
Organized Youth	1/13,600 pop.	1/14,050	1/3,300	1/2,600	1/6,600	1/2,600	1/4,400	1/3,400	1/3,050	1/3,400
Picnic Tables	1/520 pop.	1/480	1/500	1/345	1/525	1/735	1/270	1/490	1/570	1/670
Tot Lots/Playgrounds	1/9,050 pop.	1/2,200	1/2,200	1/1,350	N.A.	1/2,700	1/2,600	N.A.	1/2,300	1/5,800
Swimming Pools (Public)										
Recreational	1/65,200 pop.	1/27,900	1/38,000	1/16,300	1/37,000	1/20,100	1/13,450	1/23,950	1/20,300	1/43,700
Tennis Courts	1/11,950 pop.	1/3,800	1/2,500	1/3,200	1/2,800	1/4,250	1/1,250	1/3,100	1/2,600	1/2,600
Skateboarding	1/22,300 pop	1/38,200	N.A.	N.A.	N.A.	1/36,050	1/26,950	N.A.	N.A.	N.A.
Use of Dog Park	1/22,450 pop	N.A.	N.A.	N.A.	N.A.	1/33,300	1/24,950	N.A.	N.A.	N.A.

Source: Coman Consulting, Inc.

banning/demand-10/5/09

Lowest Need Ratio = Highest Demand

Highest Need Ratio = Lowest Demand

Many of the ratios found in Banning differ from those found in the other cities. This is the result of Banning's unique demographic profile, which shapes the recreation patterns of the residents. The lower than average portion of the population

Banning's unique demographic profile shapes the recreation patterns of the residents. Lower than average portion of the population under 18 years influences the demand for youth sports facilities and tot lots.

under 18 years of age influences the demand for youth sports facilities (softball, baseball, soccer, and basketball) and tot lots/playgrounds, resulting in higher need ratios (i.e. lower demand) for these facilities in Banning. The ratio for youth football is higher than over half of the comparison cities. Public swimming pools and public tennis courts also have higher than average need ratios in Banning, which additionally reflect the existence of these types of private facilities which are provided for the large proportion of senior residents within the age restricted communities in the City. The needs ratios in Banning for adult softball fields, picnic tables, skateboarding and use of dog parks are reasonably similar to those found in the comparison cities. These differing levels of need ratios reinforce the necessity of creating a needs analysis based specifically on the recreation patterns of the residents of Banning, rather than using more general national or State based ratios.

Public swimming pools and public tennis courts also have higher than average need ratios in Banning, which reflect the existence of these types of private facilities, which are provided for a large proportion of senior residents within the age restricted communities.

Differing levels of need ratios reinforce the necessity of creating a needs analysis based specifically on the recreation patterns of the residents of Banning.

4.3 Recreation Facility Needs Analysis

How can we quantify facility needs?

The level of population in Banning that creates the demand for facilities is derived from the telephone survey data as described in the previous section. This "facility need ratio" is shown again in Exhibit 4.3-1. The current facility needs are determined by multiplying the current population by the "facility needs ratio." These needs, in terms of the number or size of facilities demanded, are then compared with the total of existing City and school district facilities to determine whether the existing inventory of facilities is adequate in terms of demand conditions.

As an example of the analytical process, the needs ratio for tennis courts in Banning is one facility for every 11,950 residents (as shown in Exhibit 4.3-1). Based on the 2009 population of

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Exhibit 4.3-1 Facility Needs (2009)

Facility	Facility Need Ratio - City of Banning	Peak Day Needs	Existing City Facilities	Surplus/Deficit(-)	School Facilities Avail.*	Total Facilities Avail.	Total Surplus/Deficit(-)
Softball Fields:							
Organized Youth Games	1/33,700 pop.	0.8	1.0 **	0.2	0.0	1.0	0.2
Organized Adult Games	1/21,350 pop.	1.3	1.0	-0.3	0.0	1.0	-0.3
Baseball Fields:							
Organized Youth Games	1/13,800 pop.	2.1	2.0 **	-0.1	0.0	2.0	-0.1
Soccer Fields:							
Organized Youth Games	1/13,600 pop.	2.1	0.0 ***	-2.1	1.0	1.0	-1.1
Organized Adult Games	N.A.	0.0	0.0	0.0	0.0	0.0	0.0
Football Fields							
	1/44,100 pop.	0.6	0.0 ****	-0.6	0.0	0.0	-0.6
Indoor Basketball Cts.:							
Organized Youth	1/12,950 pop.	2.2	0.0	-2.2	2.0	2.0	-0.2
Picnic Tables (Public)							
	1/520 pop.	55	24	-31	0	24.0	-31
Tot Lots/Playgrounds							
	1/9,050 pop.	3.1	5.0	1.9	0.0	5.0	1.9
Swimming Pools (Public)							
Recreational	1/65,200 pop.	0.4	0.8	0.4	0.0	0.8	0.4
Tennis Courts (Public)							
	1/11,950 pop.	2.4	2.0	-0.4	0.0	2.0	-0.4
Public Trails for Walking, Jogging, Running (mi.)							
	1/6,800 pop.	4.2	0.0	-4.2	0.0	0.0	-4.2
Public Trails for Recreational Riding (mi.)							
	1/11,650 pop.	2.4	0.0	-2.4	0.0	0.0	-2.4
Arenas- Comp. Riding							
	1/18,750 pop.	1.5	1.0	-0.5	0.0	1.0	-0.5
Biking-Public Trails (mi.)							
	1/9,450 pop.	3.0	0.0	-3.0	0.0	0.0	-3.0
Skateboard Parks							
	1/22,300 pop.	1.3	1.0	-0.3	0.0	1.0	-0.3
Dog Parks							
	1/22,450 pop.	1.3	0.0	-1.3	0.0	0.0	-1.3

*School facilities other than fields are counted at 50 percent to allow for time not available to the public.

**The Banning Youth Baseball League uses 3 fields at Lions Park for both baseball and softball games.

***Currently 50 percent of residents play outside of Banning. For those currently playing in Banning, demand is 1.1 fields.

****Games are played in Beaumont.

Source: Coman Consulting, Inc., based on data from California State Department of Parks and Recreation and the Banning Recreation Needs Assessment Survey, June 2009.

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Banning, the required number of tennis courts is an estimated 2.4 courts. The existing inventory of these facilities is 2.0 courts. This results in a deficit of 0.4 tennis courts, if the inventory in Banning were to match the peak day requirement as defined.

Facility Requirements

The needs analysis presented in Exhibit 4.3-1 indicates existing deficits in many of the types of facilities that were analyzed. Included in the facilities showing deficits of 0.5 facilities or more are soccer fields for organized youth games, which show a deficit of 1.1 fields. However, information from the telephone survey indicates that currently 50 percent of Banning residents play youth soccer outside of the City of Banning. If the City were to provide additional soccer facilities those residents currently traveling outside the City to play could be accommodated closer to home. Similarly, the football organization plays their games at Beaumont High School. Other facilities showing significant deficits in the analysis include picnic tables, public trails for walking/jogging, public trails for recreational horseback riding, arenas for competitive horse events, public trails for bicycling, and dog parks.

50 percent of Banning residents play youth soccer outside of the City of Banning.

The need for facilities was projected to 2020 using the demand figures presented in Exhibit 4.2-2. These projections are presented in Exhibit 4.3-2. The deficits in the facilities listed above increase proportionately as the population increases over time. In addition, by 2020, there will be deficits in softball fields for organized adult games, baseball fields for organized youth games, indoor basketball courts for organized youth games, tennis courts, and skateboard parks.

Exhibit 4.3-3 summarizes the change in demand between 2009 and 2020 or the demand resulting solely from the growth expected to occur during this period. This Exhibit describes the number or size of facilities by type that will be required just to accommodate the future growth in the City of Banning. The existing 2009 surplus or deficit in facilities is combined with the growth projections in Exhibit 4.3-4 to provide the cumulative estimate of the additional number or size of facilities by type that will be required in the City of Banning between 2009 and 2020.

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Exhibit 4.3-2 Facility Needs (2020)

Facility	Facility Need Ratio - City of Banning	Peak Day Needs	Existing City Facilities	Surplus/Deficit(-)	School Facilities Avail.*	Total Facilities Avail.	Total Surplus/Deficit(-)
Softball Fields:							
Organized Youth Games	1/33,700 pop.	1.4	1.0 **	-0.4	0.0	1.0	-0.4
Organized Adult Games	1/21,350 pop.	2.2	1.0	-1.2	0.0	1.0	-1.2
Baseball Fields:							
Organized Youth Games	1/13,800 pop.	3.5	2.0 **	-1.5	0.0	2.0	-1.5
Soccer Fields:							
Organized Youth Games	1/13,600 pop.	3.5	0.0 ***	-3.5	1.0	1.0	-2.5
Organized Adult Games	N.A.	0.0	0.0	0.0	0.0	0.0	0.0
Football Fields							
	1/44,100 pop.	1.1	0.0 ****	-1.1	0.0	0.0	-1.1
Indoor Basketball Cts.:							
Organized Youth	1/12,950 pop.	3.7	0.0	-3.7	2.0	2.0	-1.7
Picnic Tables (Public)							
	1/520 pop.	92	24	-68	0	24	-68
Tot Lots/Playgrounds							
	1/9,050 pop.	5.3	5.0	-0.3	0.0	5.0	-0.3
Swimming Pools (Public)							
Recreational	1/65,200 pop.	0.7	0.8	0.1	0.0	0.8	0.1
Tennis Courts (Public)							
	1/11,950 pop.	4.0	2.0	-2.0	0.0	2.0	-2.0
Public Trails for Walking, Jogging, Running (mi.)							
	1/6,800 pop.	7.0	0.0	-7.0	0.0	0.0	-7.0
Public Trails for Recreational Riding (mi.)							
	1/11,650 pop.	4.1	0.0	-4.1	0.0	0.0	-4.1
Arenas- Comp. Riding							
	1/18,750 pop.	2.5	1.0	-1.5	0.0	1.0	-1.5
Biking-Public Trails (mi.)							
	1/9,450 pop.	5.0	0.0	-5.0	0.0	0.0	-5.0
Skateboard Parks							
	1/22,300 pop.	2.1	1.0	-1.1	0.0	1.0	-1.1
Dog Parks							
	1/22,450 pop.	2.1	0.0	-2.1	0.0	0.0	-2.1

*School facilities other than fields are counted at 50 percent to allow for time not available to the public.

**The Banning Youth Baseball League uses 3 fields at Lions Park for both baseball and softball games. By 2020, combined demand would be 5 fields.

***Currently 50 percent of residents play outside of Banning. If this continues to 2020, demand for those playing in Banning would be 2.8 fields.

****Games are played in Beaumont.

Source: Coman Consulting, Inc., based on data from California State Department of Parks and Recreation and the Banning Recreation Needs Assessment Survey, June 2009.

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Exhibit 4.3-3 Change in Demand (2009 to 2020)

Facility	Number of Facilities Demanded		Change in Facilities Demanded
	2009	2020	Surplus / Deficit (-) 2009-2020**
Softball Fields:			
Organized Youth Games	0.8 fields*	1.4 fields*	-0.6 fields*
Organized Adult Games	1.3 fields*	2.2 fields*	-0.9 fields*
Baseball Fields:			
Organized Youth Games	2.1 fields*	3.5 fields*	-1.4 fields*
Soccer Fields:			
Organized Youth Games	2.1 fields*	3.5 fields*	-1.4 fields*
Organized Adult Games	0.0 fields*	0.0 fields*	0.0 fields*
Football Fields:			
Organized Youth	0.6 fields*	1.1 fields*	-0.5 fields*
Indoor Basketball Cts.:			
Organized Youth	2.2 courts	3.7 courts	-1.5 courts
Picnic Tables			
	55 tables	92 tables	-37 tables
Tot Lots/Playgrounds			
	3.1 areas	5.3 areas	-2.2 areas
Swimming Pools (Public)			
Recreational	0.4 pools	0.7 pools	-0.3 pools
Tennis Courts			
	2.4 courts	4.0 courts	-1.6 courts
Public Trails for Walking, Jogging, Running (mi.)			
	4.2 miles	7.0 miles	-2.8 miles
Public Trails for Recreational Riding (mi.)			
	2.4 miles	4.1 miles	-1.7 miles
Arenas- Comp. Riding			
	1.5 facilities	2.5 facilities	-1.0 facilities
Biking - Public Trails (mi.)			
	3.0 miles	5.0 miles	-2.0 miles
Skateboard Parks			
	1.3 facilities	2.1 facilities	-0.8 facilities
Dog Parks			
	1.3 facilities	2.1 facilities	-0.8 facilities

* Demand for ball fields is adjusted by approximately 20 percent to allow for resting of fields.

**Demand resulting from growth and changing demographics. Does not include allowance for any deficits or surpluses existing in 2009.

Source: Coman Consulting, Inc., based on data from California State Department of Parks and Recreation and the Banning Recreation Needs Assessment Survey, June 2009.

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4.4 Program Needs Analysis

Program needs identified in this Master Plan indicate what type of facilities will be needed to support these program and activity needs. High priority program needs and the associated new facilities which will serve them are:

Community Center, Senior Center and/or Teen/Youth Center that will provide for:

- Fitness/Aerobics/Spinning Classes
- Arts and Crafts Programs
- Computer/Technology Courses
- Dance Lessons
- Gymnastics
- Senior Programs
- Yoga/Meditation/Stress Relief Classes



Soccer Fields for:

- Youth Soccer Programs

4.5 Service Area Analysis

Where are the people and where are the parks?

In addition to providing appropriate quantities and types of recreation facilities, the City strives to provide them in useful and appropriate locations. Generally, this is taken to mean that most residences should be within .5 miles, a convenient walking distance for most people, of a neighborhood park or other park facility that may satisfy common recreation needs. This .5 mile radius around parks and recreational facilities is defined in the Master Plan as a "service area". In essence, the existing recreation facilities are providing a nearby location for residents to utilize for active or passive recreation. This service area emphasis is a key component in a

community in which families, neighborhoods, and active living are central issues. This need is supported by the General Plan goals and policies, Policy 2 "The City will distribute parks and recreation facilities in a manner that is convenient to City neighborhoods and balanced within population concentrations".

Proximity to parks is more than a convenience issue. It helps to establish an excellent city park system by providing improved air quality, circulation, social interactions, community identity, and community health benefits. Proximity to parkland is also one of the elements identified as predicting levels of physical activity in the community. A recent survey of U.S. adults finds that people with access to neighborhood parks were twice as likely to be physically active as those without access to parks.

To analyze the extent to which the distribution of existing Banning facilities is consistent with this notion, a service area radius map is provided (see Exhibit 4.5-1, Neighborhood Parks Service Area Analysis). Circular service area radii are generated with the facility location as the central radius point. Geographical or other physical obstructions should be considered in analysis of actual service area, so service area shapes are not necessarily full circles but may be truncated to reflect a major barrier such as an arterial roadway. When areas zoned for residential use fall outside graphic service area designations, it can be said that the area may be underserved by existing facilities

Service area analysis demonstrates that there are three (3) significant residential areas outside of the established .5 mile service radius from a developed neighborhood recreation facility, including:

- Gap Area #1: On the western boundary, north of the freeway and generally west of Highland Home Road
- Gap Area #2: Between Sylvan Park and Repplier Park
- Gap Area #3: North of Repplier Park

Exhibit 4.5-1: Neighborhood Parks Service Area Analysis

LEGEND

EXISTING PARKS

- 1 Dysart Park
- 2 Lions Park
- 3 Repplier Park
- 4 Richard Sanchez Park
- 5 Roosevelt Williams Park
- 6 Sylvan Park

1/2 Mile Service Radius

1/2 Mile Gap Radius

**CITY OF BANNING OPPORTUNITY SITES
FUTURE CITY FACILITIES**

- 1 Lincoln Street Site
- 2 Smith Creek Ranch Park

FUTURE PARTNERSHIP/JOINT USE FACILITIES

- 3 Banning High School Expansion
- 4 Gilman Historic Ranch Park
- 5 National Guard Armory Site
- 6 Butterfield Residential Development

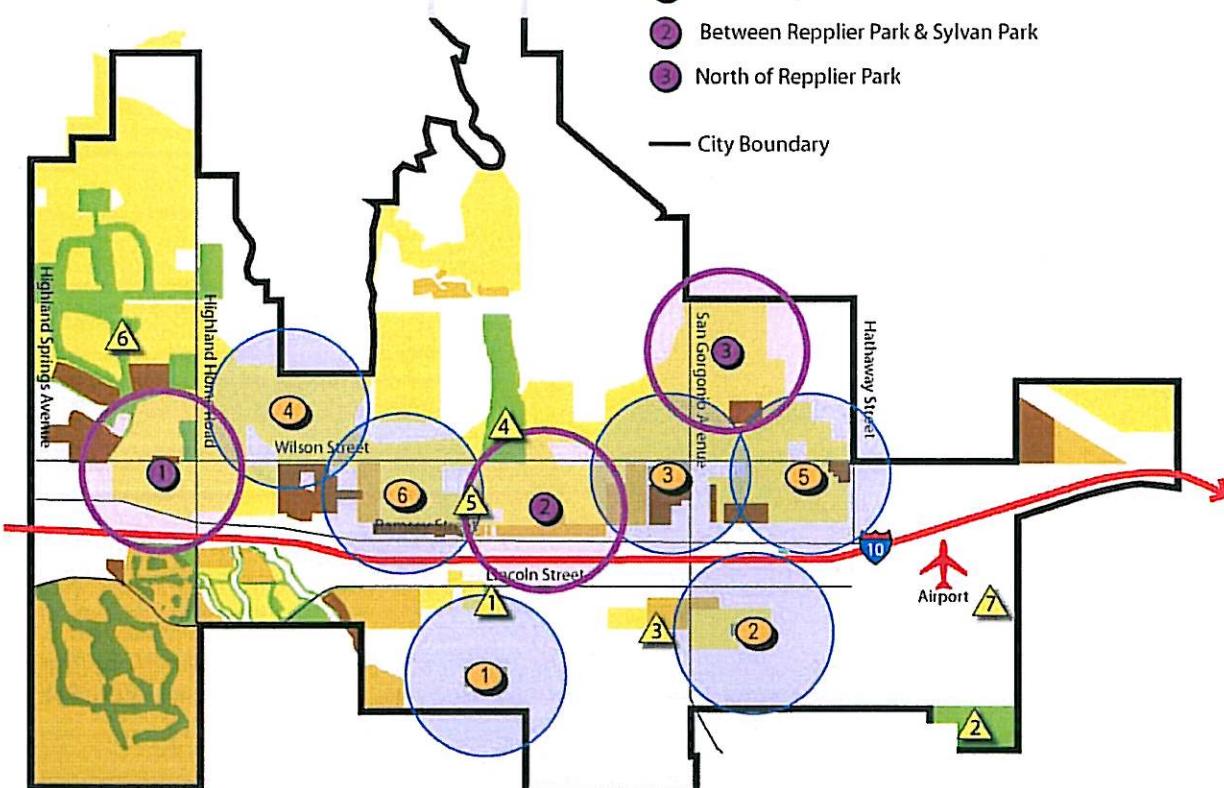
FUTURE ACQUISITION SITE

- 7 Deutch Company Private Owned Park

GAP AREAS

- 1 West of Highland Home Road
- 2 Between Repplier Park & Sylvan Park
- 3 North of Repplier Park

— City Boundary



Gaps in service can be addressed by adding a new facility, expanding existing facilities, or by making available an existing facility, such as a school or private partnerships, not previously available for recreation. For example, in Gap Area #1 there is a planned residential development (Butterfield) that will be required to add parkland acreage, to meet recreation facility needs generated by the increased population. Gap Area #2 contains potential partnership opportunities such as Hemmerling Elementary School, and Gilman Historic Ranch.

Exception: It should be noted that some of the areas in the southern portion of Banning are considered "rural living" areas where individual properties are larger than typical and the number of dwelling units per acre is low. Viewed by many as a positive and unique community characteristic, this development pattern may also mean that recreation on large private yards has a significant recreation role in that neighborhood, especially for youth.

4.6 Acreage Analysis

How Much Parkland Acreage is Needed for Banning?

The Parks and Recreation Element of the General Plan states the following *standard* for acreage of parkland and open space: "Program 1.B – The parks master plan shall maintain a standard of 5 acres of parkland per 1,000 residents."

However, there remains several questions: What is a "sufficient quantity" of parkland for Banning? What community needs identification tools should be used to analyze acreage needs?

Citywide Parkland Acreage

In general, a parkland acreage *standard* is the ratio upon which development fees and/or dedications can be based. Establishment of a *standard* creates an obligation to fund improvements that achieve the standard throughout the City. Five (5) acres / 1,000 is the highest standard allowed under the provisions of the Quimby Act, State law that gives the City its authority to require fees or dedicated property to offset new development impacts on

recreation facilities. Establishment of a standard does not necessarily limit the City in the acceptance of negotiated fees or property as conditions of approval for future development.

On the other hand, a parkland acreage *goal* can be higher than the standard, reflecting a community desire or need for additional parkland. A City's acreage *goal* represents a self-imposed target that provides a planning guideline without a formal commitment to fund achievement of the goal.

Exhibit 4.6-1: Acreage Standard and Quantities

Year	Population	Acres demanded (based on 5 AC/1000)	Developed Local Parkland	Surplus or (-) Deficit
1990	20,335	102	38	-64 acres
2009	28,457	142	67**	-75 acres
2020*	47,683*	238	67	-171 acres***

*Approximate anticipated population in 2020.

**Does not include the undeveloped property known as Smith Creek Ranch Park

***Represents deficit if no new parkland is added.

So, how do current parkland quantities compare to the 5 acre per 1000 residents standard?

The following points are worth noting:

- A current parkland deficit of approximately 75 acres exists. A future deficit of 171 acres will occur if no new parkland is added and the City continues to grow as anticipated. These are significant shortages.
- School grounds were credited in the acreage analysis included in the 2004 General Plan Update, however they are not included in the acreage totals of this Master Plan update because the school grounds are not opened during non-school hours and therefore do not serve as neighborhood parks.
- Facilities and populations outside the City are not included in this analysis.

- Private recreation facilities, such as homeowner association parks, are not credited.
- If pursued, opportunity sites identified in Section 2 could add over 200 acres of parkland.

Parkland Acreage Needed to Accommodate Identified Facility Needs

Based upon the facility needs requirements (See Exhibit 4.3-4) the City has current and future needs for sports fields, gymnasiums (indoor basketball courts), skate parks, dog parks, tennis courts, and neighborhood parks. The future acreage requirement to accommodate these recreational facilities is summarized below.

Table 4.6-2: Acreage Analysis Based on Recreation Facility Needs Estimated for 2020

Activity	Number Needed*	Acreage Each	Subtotal	Multiplier**	Total Acreage
Softball, adult	1	2.0	2	1.5	3.0
Baseball, youth	2	2.5	5	1.5	7.5
Football, youth	1	1.5	1.5	1.5	2.25
Soccer, youth	3	2.0	6.0	1.5	9.0
Tennis Courts	2	0.2	0.4	1.5	0.6
Basketball, Indoor	2	1.0	2	1.5	3.0
Skateboard Facility	1	0.4	0.4	1.5	0.6
Dog Park	2	2.0	4	1.5	6.0
Neighborhood Park/Service Gap	3	10.0	30.0	N/A	30.0
Total Acreage to Accommodate Facility Needs at 2020					61.95

*From Exhibit 4.3-4 and rounded to nearest whole number

**A multiplier is used to account for the approximate acreage needed for support elements (parking, buffers, walkways, etc.).

The sum of 62 acres is an approximate figure representing a need to add acreage and/or utilize existing under-utilized acreage in order to satisfy known recreation facility needs. This number is compared to the acreage deficit generated by adherence to the City's standard of 5 acres per

1,000 residents (171 more acres needed). Since the figure from Exhibit 4.6-2 (62 acres) is less than the figure generated by the standard (Figure 4.6-1, 171 acres), it appears that there is no need to establish an acreage goal higher than the City standard to accommodate identified recreation needs.

There is no need to establish an acreage goal higher than the City standard to accommodate identified recreation needs.

4.7 Facility Needs Summary and Prioritization

This is a key portion of the Master Plan that brings together information from various public and staff input, as well as other relevant studies and analysis, and distills them into a broader overall picture of recreation in the form of recreation facilities that can support the needs of the Banning citizenry to achieve the community vision.

Since all of the needs identification tools are directly or indirectly based on community input, it is fair to say that all of the needs identified are significant and important to some portion of the community. However, it is generally helpful to attempt to determine which needs have the highest priority as perceived by the largest number of residents.

The Facility Needs Summary (Exhibit 4.7-1) uses a numerical ranking system to establish relative priorities; the more needs identification tools that indicate a particular need, the higher the ranking. For instance, "Dog Park" is indicated as a need by eight (8) tools and therefore has a higher relative priority than, say, "Swimming Pool" with four (4) tools shown. In determining the overall numerical total, the Exhibit gives greater weight to quantitative tools (statistically valid) by counting each as double the value of a qualitative tool. This is reflected in the top header (Qualitative x2 vs. Quantitative x1).

Based on the Exhibit 4.7-1 and for the purposes of this summary, facility needs which are suggested as "high priority" are indicated numerically by a 5 or above.

They include (listed in order of priority):

- Walking/Jogging Path or Trails
- Bike Trails
- Dog Park
- Soccer Fields (for Youth)

- Picnic Facilities
- Equestrian Center / Arena
- Equestrian Trails

Exhibit 4.7-1: Facility Needs Summary Matrix

Identified Recreation Facility Need	NEEDS IDENTIFICATION TOOLS						Total # of Tools that Identified Need		
	QUANTITATIVE (X2)		QUALITATIVE (X1)						
	Resident Telephone Survey (high participation-over 10%)	Demand-Needs Analysis (current need)	Demand-Needs Analysis (future need)	P & R Commission - BrainStorm Session	Resident Telephone Survey - desire	Community Workshop	Sports Organization Survey	Recreation Trends	Program Needs Analysis
Amphitheater Improvements			✓		✓			✓	3
Armory Site (increase use)			✓						1
Bowling Alley				✓					1
Baseball Field (youth)			✓		✓	✓			4
Basketball Court (indoor at Gymnasium)			✓						2
Bike Trails	✓	✓	✓		✓	✓	✓	✓	8
Community Center				✓		✓		✓	3
Dog Park	✓	✓	✓		✓	✓			8
Equestrian Center (with Arena)			✓	✓	✓				5
Equestrian Trail			✓	✓	✓				5
Event Field/Open Area for Community Events							✓	✓	2
Exercise Course in Park							✓		1
Football Field			✓	✓					4
Lighting Parks for Nighttime Use						✓	✓		2
Picnic Tables or Shelters	✓	✓	✓						6
Playground/Tot Lot	✓				✓				3
Senior Center/Facility				✓	✓	✓		✓	4
Skateboard Park	✓		✓						4
Soccer Field (youth)			✓	✓	✓	✓	✓	✓	8
Softball Field (adult)				✓					2
Softball Field (youth)					✓				1
Swimming Pool for Recreation or Lessons	✓				✓	✓			4
Teen Center or Youth Center					✓	✓	✓	✓	4
Tennis Courts	✓		✓						4
Walking/Jogging Path or Trail	✓	✓	✓		✓	✓	✓	✓	9

Section 5: Recreation Facility Recommendations



Section Five: Recreation Facility

Recommendations

This Section presents potential opportunities to meet the recreation needs identified in the Recreation Facility Needs Assessment (Section 4) of this Master Plan.

Fortunately, there are many opportunity sites to consider in Banning (Exhibit 2.8-1). New recreation elements could be added at existing parks, joint use schools, private partnerships, and new opportunity sites. Therefore, solving the recreation needs puzzle could be accomplished in a variety of ways, depending upon specific analysis and design of each site and upon future acquisition outcomes. Moreover, the City's process of park design and development should involve extensive community input that will likely affect park and recreation facility design. This Master Plan report strives to identify opportunities to consider for the development of future parks and facilities to meet identified current and future recreation needs.

For City park projects, choosing a project or projects to pursue occurs as a result of the capital improvement project budget process conducted by the City each year. The chosen project would then follow a process pathway, with community input, that will determine what amenities will be added to the park. The opportunities discussion that follows offers a way to visualize the overall community recreation needs in the context of the opportunities so that the ultimate goal of satisfying recreation needs is kept in mind.

5.1 Overall Concept

The discussions below assume that several of the opportunity sites described in Section 2 will be improved for the purpose of addressing recreation needs. Use of the opportunity sites will involve separate design and administrative processes that may alter how they are ultimately utilized; in which case, the overall concept for meeting recreation needs should be somewhat flexible.

Satisfaction of identified needs does not appear to be an overly daunting task compared to many other communities. The City will need to effectively maintain the current parks, pursue park improvement projects, and develop new parkland and/or joint use partnerships to meet the current and future parkland acreage and recreation needs of the community. It is intended that the City pursue satisfaction of recreation facility needs using the following key strategies and improvements:

- Satisfaction of significant sports field needs should be pursued with new partnership opportunities, by increased joint use of school sites.
- Increased trail connectivity and opportunities should be emphasized, focusing on corridors and links to adjacent natural open space, parks, schools, and commercial areas.
- Neighborhood Parks should be within reasonable walking distance of most homes.
- Design and use of opportunity sites should be pursued in order to meet recreation needs and goals (parkland acreage and recreation element quantities).
- New residential development should be planned to include park and recreation facilities that adequately serve the planned population and complements and enhances the City park system as a whole.
- The existing community center should be upgraded and an additional community center should be developed in the western portion of the City.

5.2 Key Issues and Recommendations

Based on the needs assessment component of this project, a set of key issues has been identified to guide the process of developing the Master Plan. These issues are the focus of the goals, policies, and recommendations set forth in this Master Plan. The key issues identified are:

- Improve the quality of recreational facilities and programs to meet current and future needs of the City residents
- Increase Parkland Acreage

- Provide for current and future recreation needs identified by the 2009 needs assessment including; baseball fields (youth), dog parks, equestrian facilities, football fields (youth), picnic tables, skate park, soccer fields (youth), softball fields (adult), and tennis courts.
- Trails and Connectivity: 1) bike paths on streets and off road trails, 2) equestrian staging areas and trails, and 3) pedestrian trails and linkages throughout community.
- Budget for Community Services Department: 1) to provide quality programs, 2) to hire adequate support staff, and 3) to maintain parks and facilities.

Goal 1: Improve the Quality of Recreation Facilities and Programs by Providing Equal Access to Recreation Facilities and Programs for All Citizens

Background: Currently, there is a community center and a senior center at Repplier Park. These facilities are not large enough to expand the programs offered by the City of Banning.

There are a few service area gaps in Banning (see Exhibit 4.5-1). These are residential areas that do not have a neighborhood park within a half mile, a convenient walking distance, from their home.

Recommendations: In addition to the need to renovate and expand programs offered at the existing community center, it is suggested that a new community center could be provided at one of the following locations:

- *Armory Site (joint use)*
- *Butterfield Development (joint use)*
- *Smith Creek Ranch Park Site*

Consider new neighborhood parks in the Butterfield Development area, provide joint use opportunities at Gilman Historic Ranch Park, and expand sports field and court usage opportunities at school sites, to serve the recreation needs of the residents located in the residential areas located in facility service area gaps. Existing parks should continue to be maintained to be clean and safe locations for residents to enjoy recreation opportunities.

Goal 2: Increase Parkland Acreage

Background: The City of Banning currently has 67 acres of developed parkland. To satisfy the City's goal of 5 acres per 1,000 persons, the City needs to add 75 acres of developed parkland to meet current goals, and an additional 96 acres by the year 2020.

Recommendations: Develop Smith Creek Ranch Park which could add up to 75 acres to meet the current parkland acreage goal.

Future residential development, such as the Butterfield Development has the potential to add over 75 acres of parkland based on the estimated number of housing units (additional population).

Goal 3: Provide for Current and Future Identified Recreation Needs

Baseball (Youth)

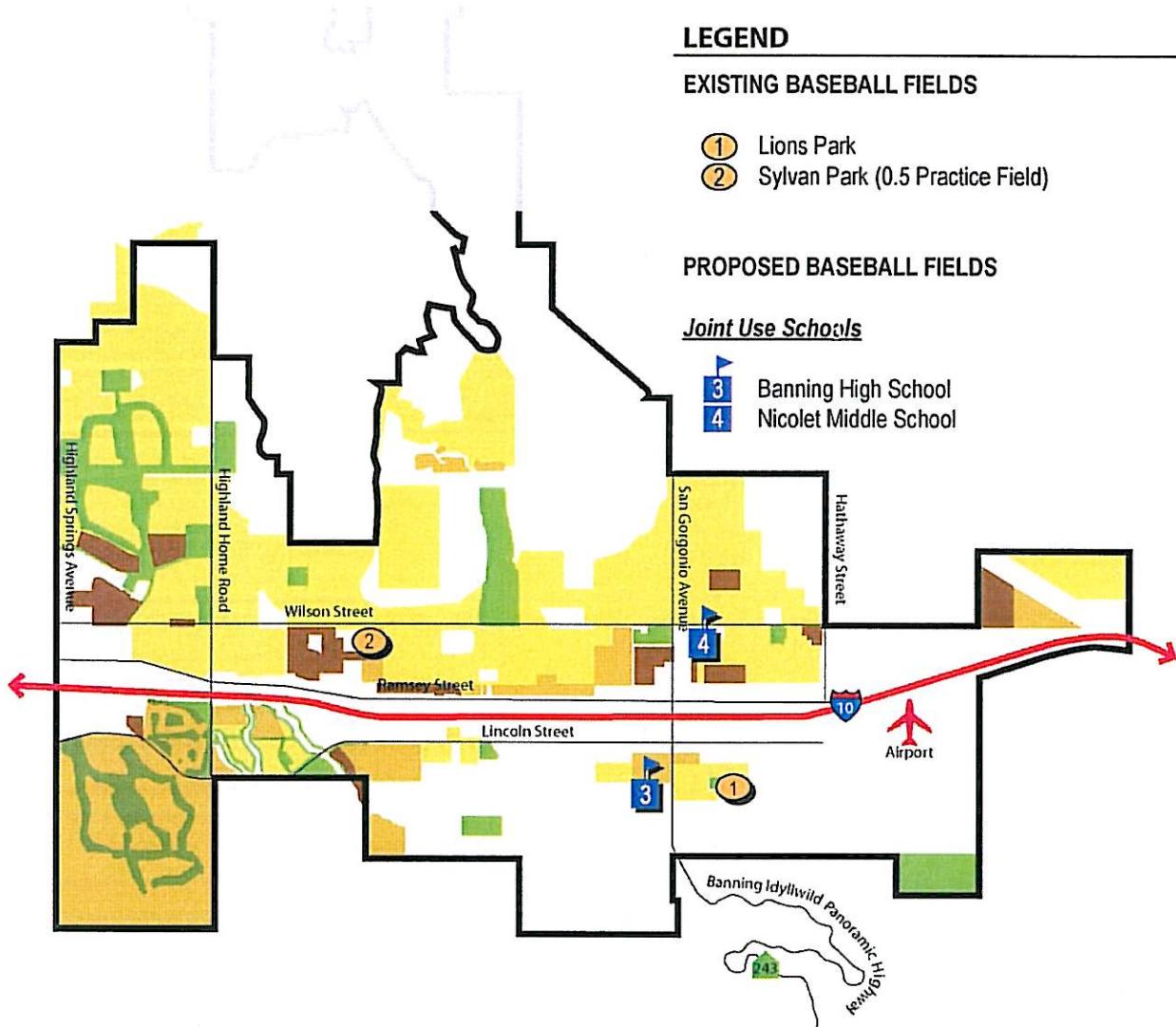
Background: The two (2) City fields at Lions Park are currently utilized for youth and Pony League baseball games. Practices take place at Sylvan Park, Repplier Park and Lions Park. Approximately 185 children currently play in organized baseball games. The current need for youth baseball fields has been accommodated, however by 2020, two (2) more fields for games are anticipated to be needed.

Recommendations: It is desirable to provide ballfields that are designed appropriately and specifically for either softball or baseball, but that can also be programmed for other activities if need be. Locating two or more fields together is also desirable and efficient. Exhibit 5.2-1 identifies the location of existing fields used for baseball games, and the proposed locations to add baseball fields for game use. It is suggested that future baseball field needs be addressed by providing or utilizing (joint use) facilities at:

- *Banning High School Expansion*
- *Nicolet Middle School*

Lighting the existing fields at Lions Park could also increase youth baseball programming opportunities and address safety concerns.

Exhibit 5.2-1: Existing and Proposed Baseball Fields

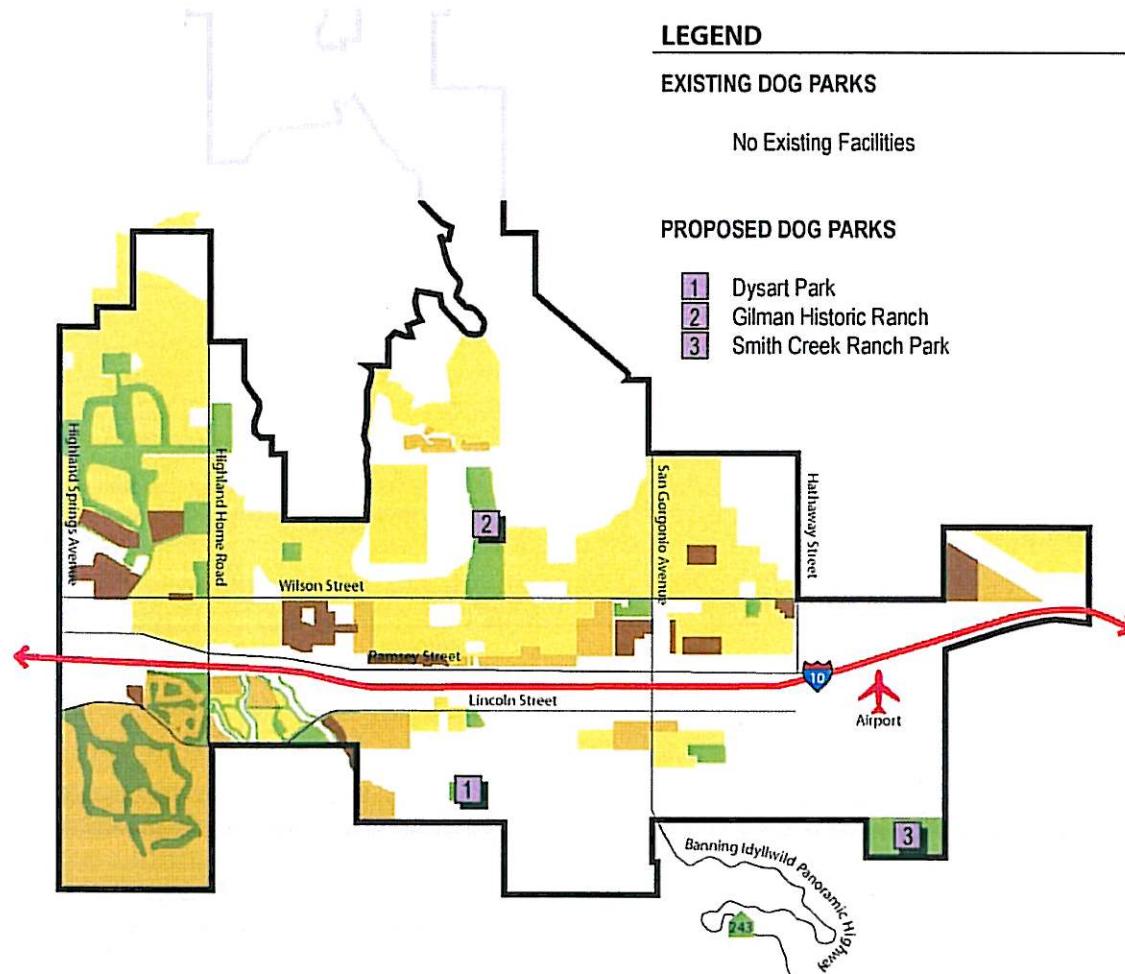


Dog Parks/Off Leash Dog Area

Background: Currently there is not a formal dog park in the City of Banning. The 2009 resident telephone survey reported that participation rates of walking and exercising a dog was high and residents perceived there is a dog park in Banning. A large number of residents bring their dogs to Dysart Park to run and play. There is a current need for 1.3 facilities and a future need of 2.1 facilities. A dedicated off leash dog area can be one to two acres in size.

Recommendations: Develop a formal off-leash dog area at Dysart Park and the future Smith Creek Ranch Park. Partner with the County of Riverside to encourage walking dogs at Gilman Ranch Historic Park (on leash only).

Exhibit 5.2-2: Existing and Proposed Dog Parks

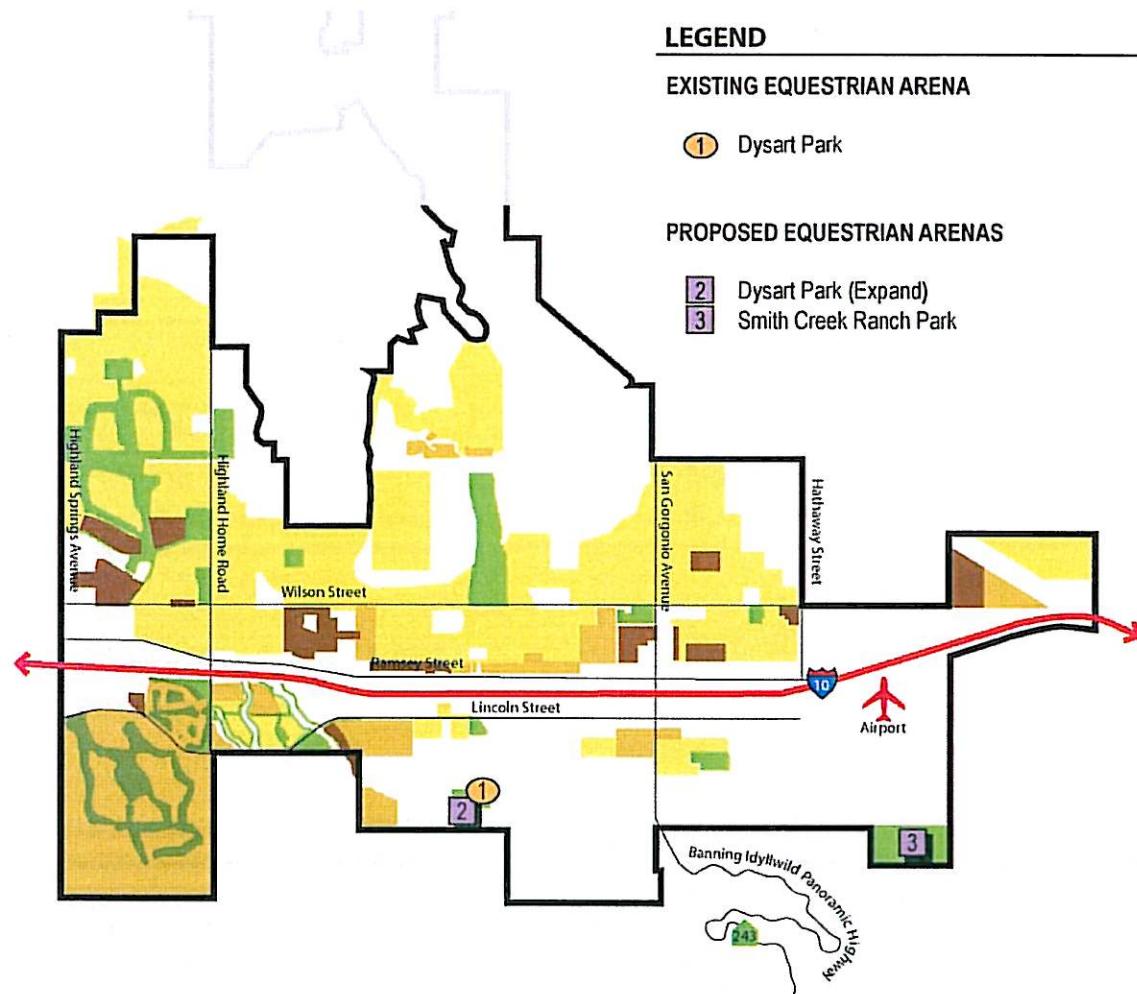


Equestrian Facilities

Background: According to the Demand and Need Analysis evaluation, Banning will need one additional equestrian arena by the year 2020. Equestrian facilities were among the needs most often indicated by Master Plan needs identification tools. The City currently has one equestrian arena at Dysart Park.

Recommendations: The arena at Dysart Park should be improved and expanded if possible. The Smith Creek Ranch Park would be ideal to develop as a premiere equestrian facility with an arena, stables and staging areas for equestrian trails. Regional events could be held if the site was developed.

Exhibit 5.2-3: Existing and Proposed Equestrian Facilities



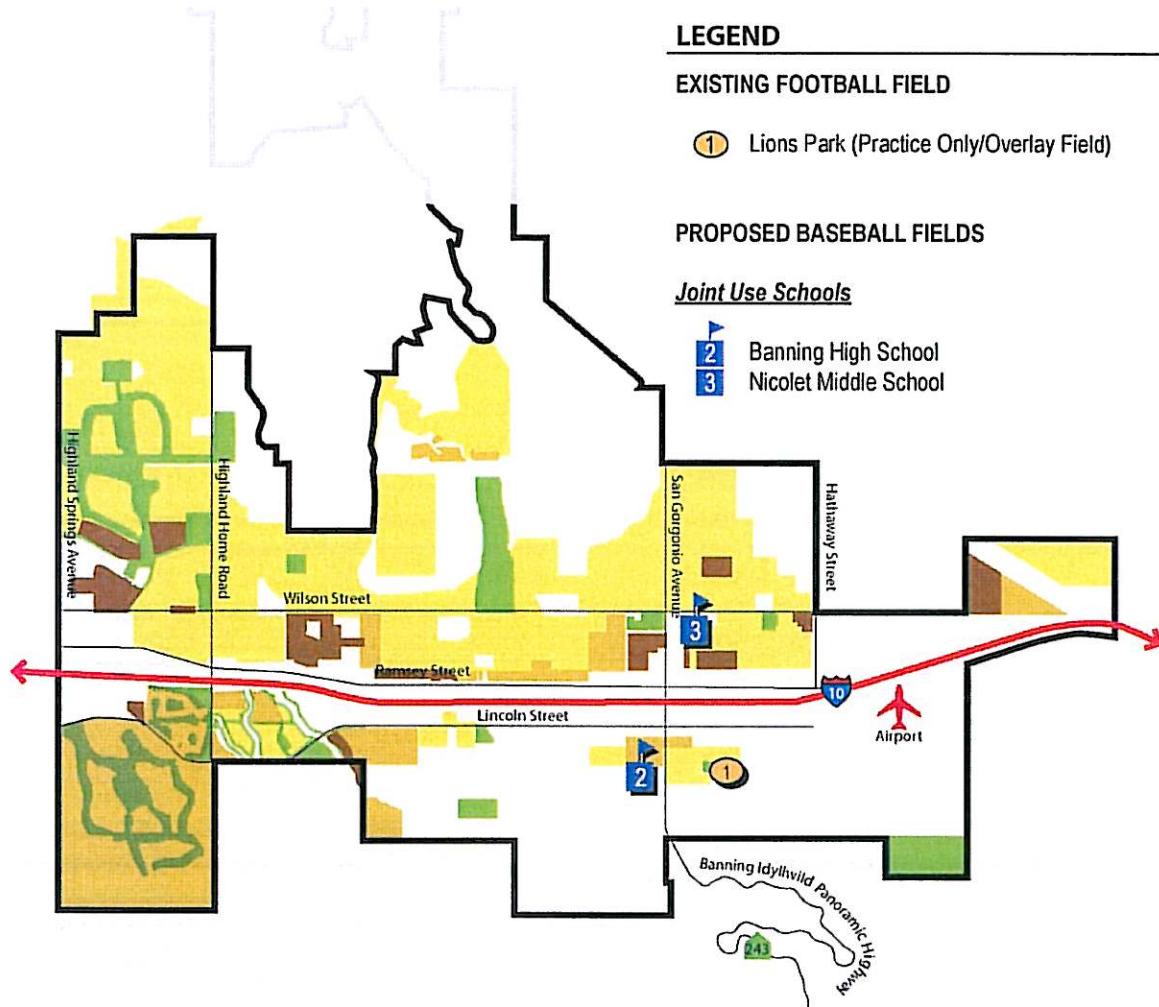
Football Field (Youth)

Background: The Pass Redskins League currently plays games in the neighboring City of Beaumont at Beaumont High School. Lions Park is used for practice only, the league also practices at Stewart Park in Beaumont. There is a future need of 1 football field.

Recommendations: Exhibit 5.2-5 identifies the existing fields used for football practice, and the proposed locations to add football fields for game use. It is suggested that youth football needs be addressed by providing or utilizing (joint use) facilities for game fields at:

- *Banning High School Expansion*
- *Nicolet Middle School*

Exhibit 5.2-4: Existing and Proposed Football Fields



Picnic Tables

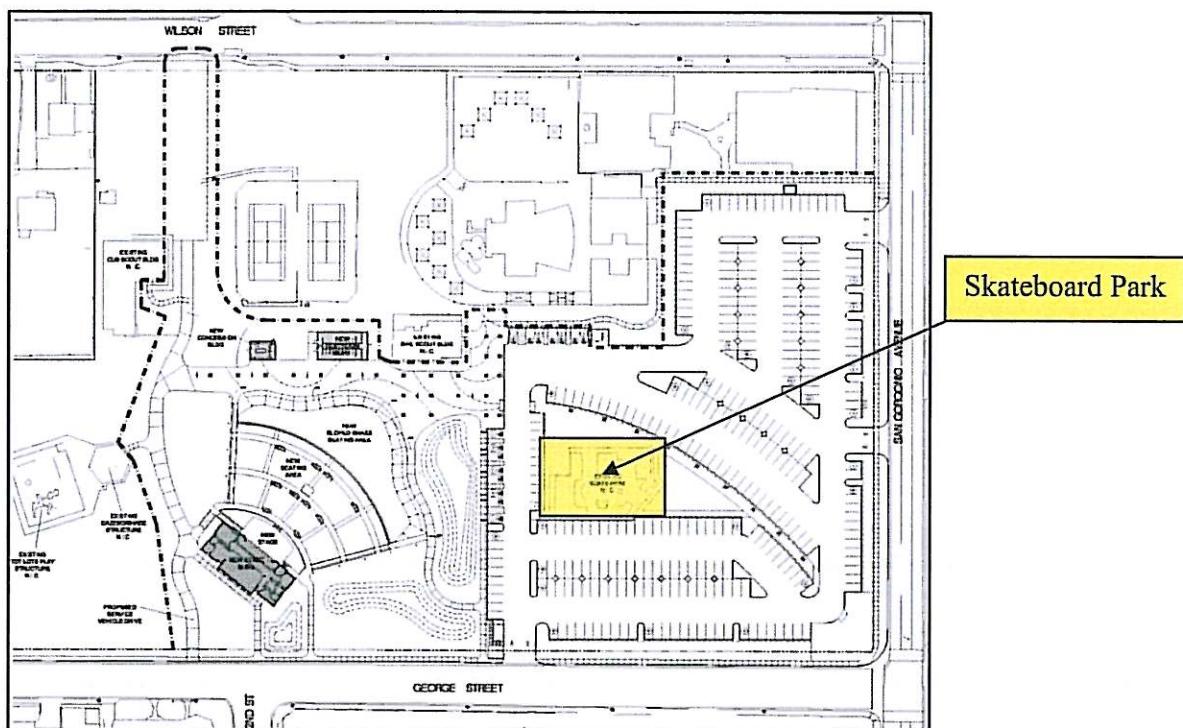
Background: The facility demand and needs analysis identified a current need of 30 picnic tables and a future need of 38 more picnic tables (68 tables needed by 2020). Due to the high participation rates based on the resident phone survey. The trends analysis also supports the growing interest in low cost outdoor activities.

Recommendations: Include picnic shelters / tables and passive recreation space in all park renovation projects and new park development projects.

Skate Park

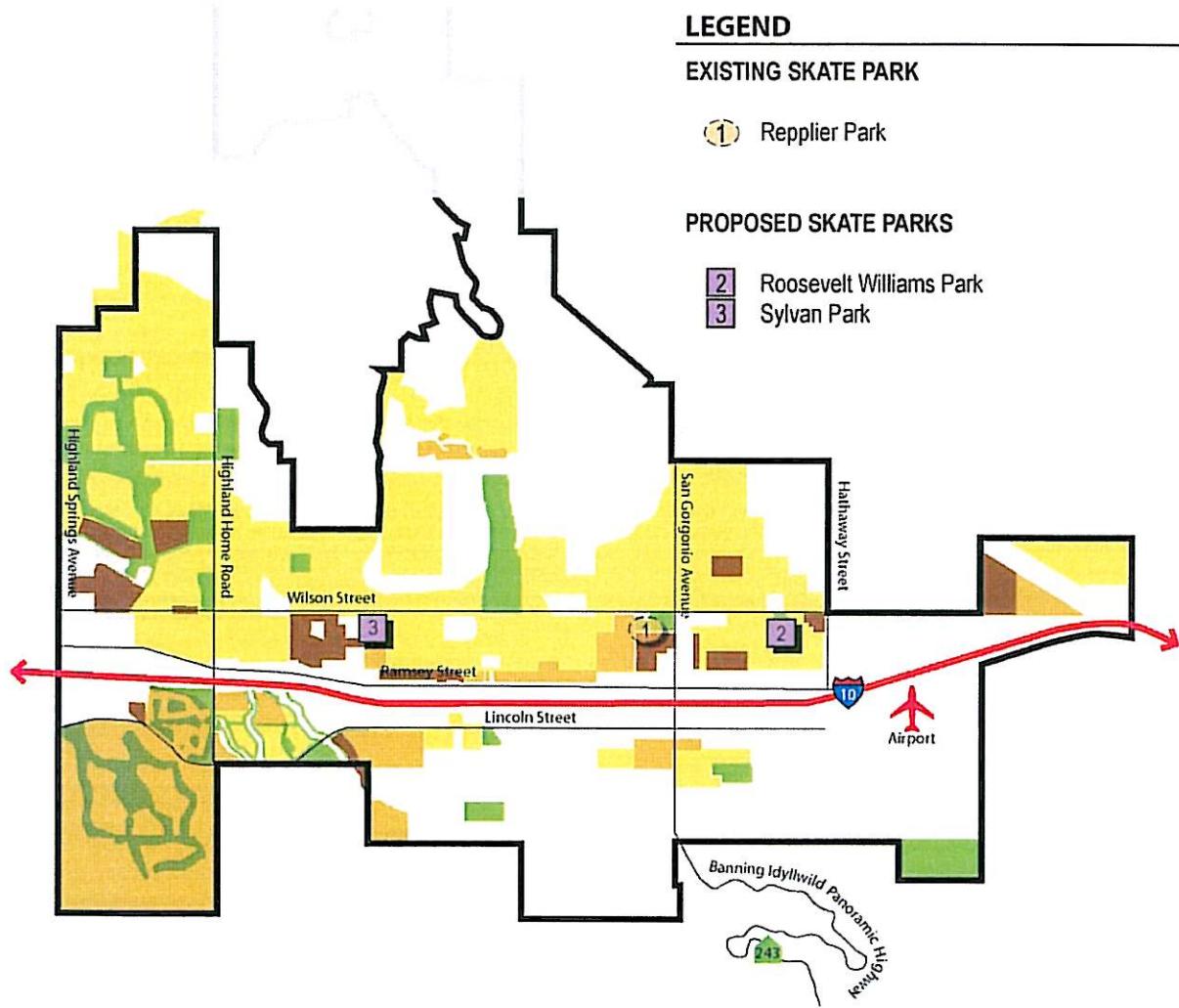
Background: The City's skateboard park at Repplier Park is a popular place for the youth in Banning. The City has a future need for another skate park by the year 2020.

Recommendations: Relocate the current skate park. Since the skate park is modular and not permanent, the location may change due to the renovation plans for Repplier Park's amphitheatre and associated parking requirements (see Repplier Park Master Plan below). Potential alternate locations for a skate park are the existing Roosevelt Williams Park and/or Sylvan Park.



Recreation Facility Recommendations

Exhibit 5.2-5: Existing and Proposed Skate Parks

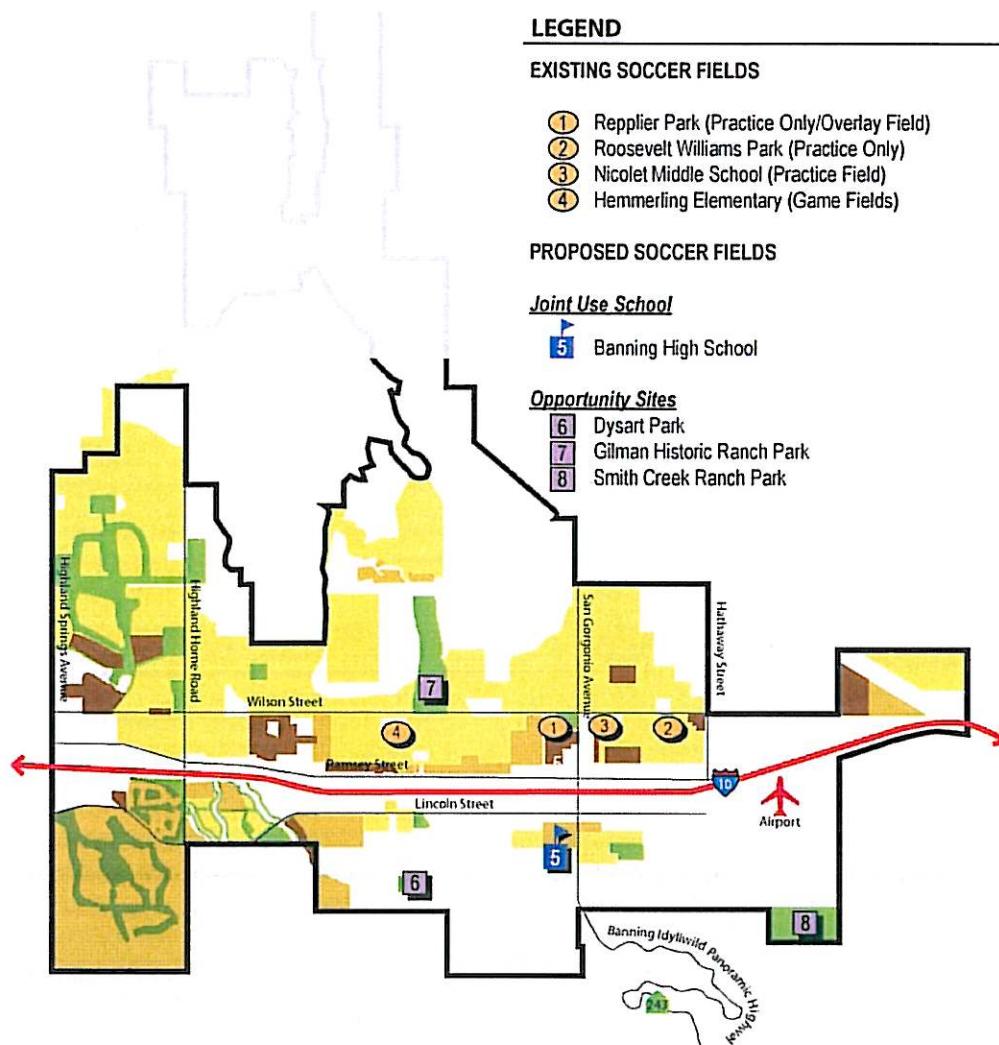
Soccer (Youth)

Background: Currently, there are no dedicated soccer fields in Banning. Games are currently played at Hemmerling Elementary School. Practices are played at Nicolet Middle School, on the overlay (outfield) at Repplier Park, and at Roosevelt Williams Park. Youth soccer fields are among the needs most often indicated by Master Plan needs identification tools. It should be noted that the demand and needs analysis of this Master Plan builds in a 20% resting factor in the demand equation (to allow natural turf fields to recover). The City currently needs one (1) soccer field, by 2020 three (3) additional fields will be needed.

Recommendations: Exhibit 5.2-6 identifies the existing fields used for soccer games, and the proposed locations to add soccer fields for game use. It is suggested that current soccer field needs be addressed by providing game fields at Nicolet Middle School (joint use) and Roosevelt Williams Park [the open space areas at these facilities are currently used for soccer practice only].

It is suggested that future soccer field needs be addressed by providing new game fields at: Banning High School Expansion (joint use), Dysart Park, and Gilman Historic Ranch Park (joint use) and Smith Creek Park.

Exhibit 5.2-6: Existing and Proposed Soccer Fields



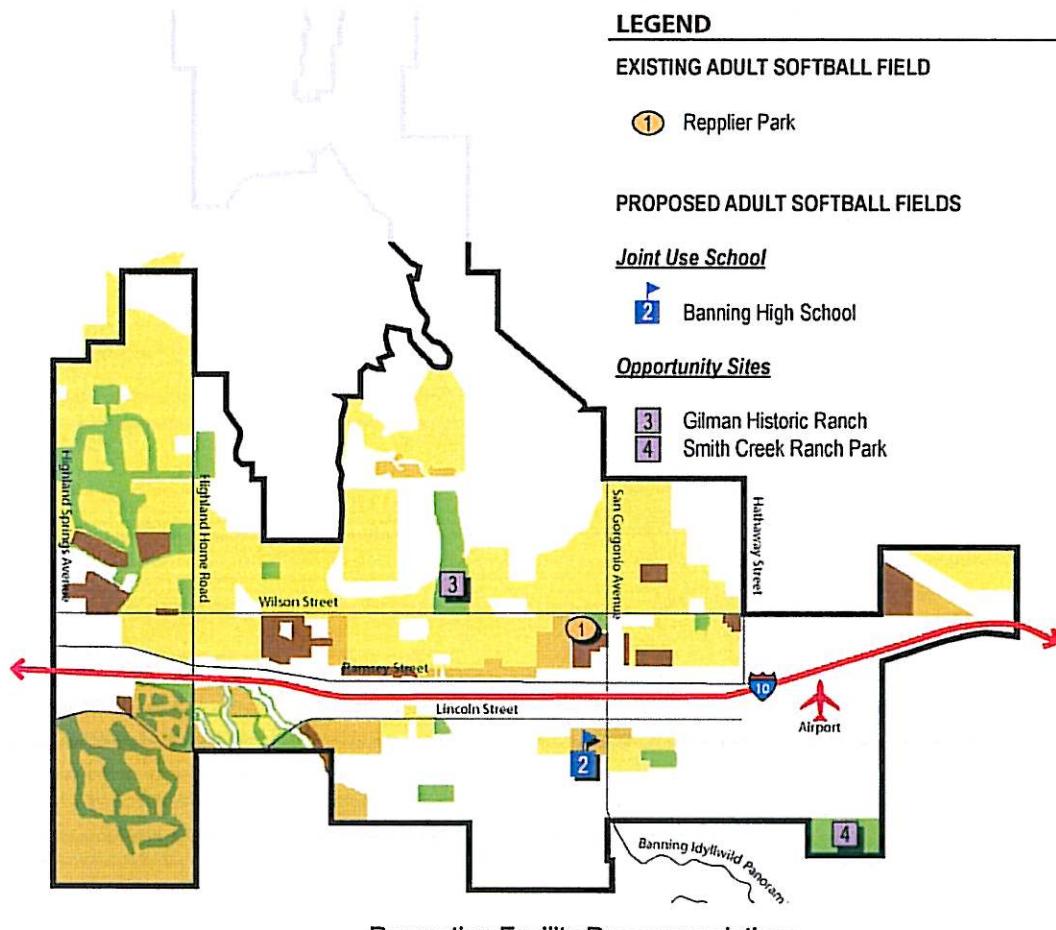
Recreation Facility Recommendations

Softball (Adult)

Background: Approximately 180 adults currently play organized softball. It is desirable to provide ballfields that are designed appropriately and specifically for either softball or baseball, but that can also be programmed for other activities if necessary. (Note: The demand and needs analysis indicates that the number of youth softball fields are appropriate for the current and future population.) Only one City field is used for adult softball games, the field at Repplier Park. There will be a need for one (1) additional field by 2020.

Recommendations: Exhibit 5.2-7 identifies the existing field currently used for adult softball games, and the proposed location to provide an additional adult softball field for game use. New softball fields could be provided at Banning High School (joint use), or Gilman Historic Ranch (joint use) and Smith Creek Park.

Exhibit 5.2-7 Existing and Proposed Adult Softball Fields



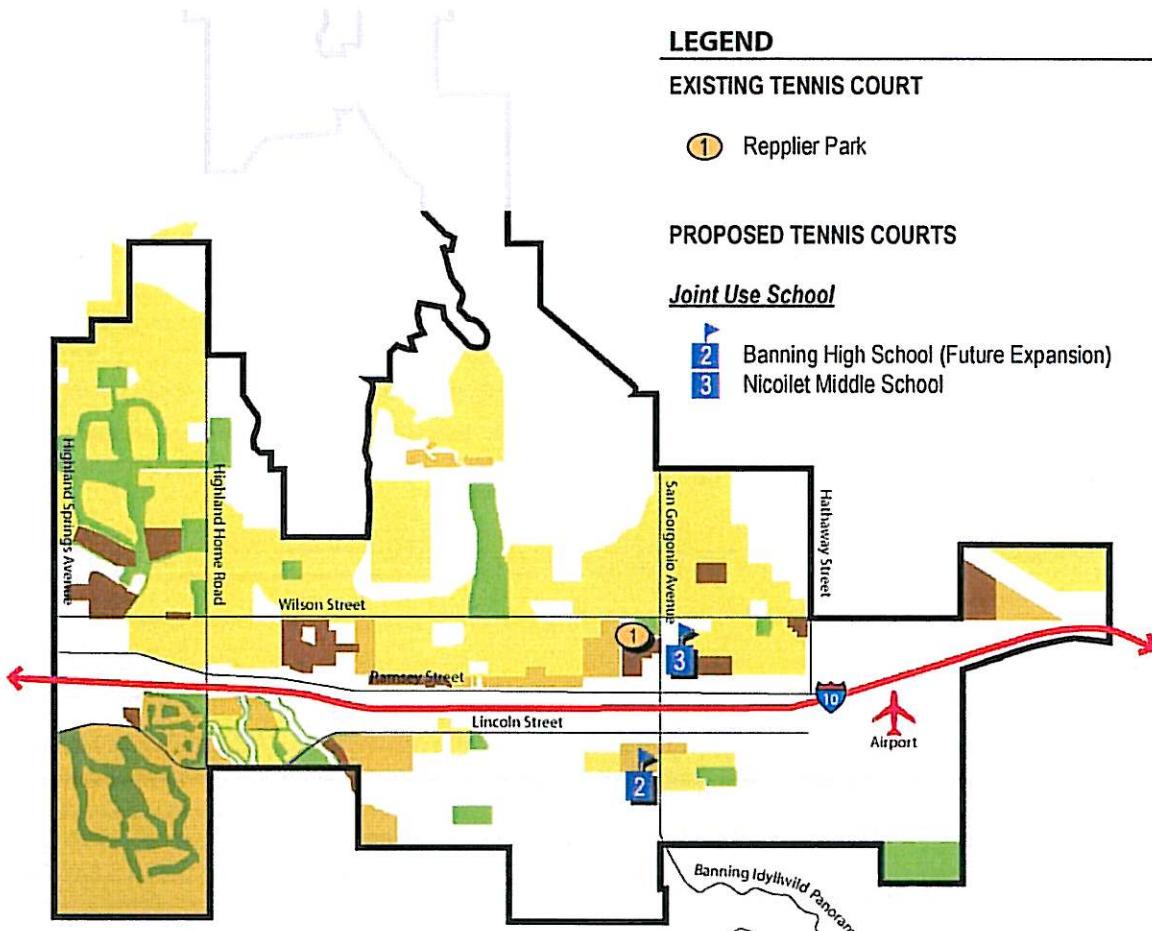
Tennis

Background: Currently, there are two (2) lighted courts at Repplier Park. Private courts in homeowner associations likely play a significant role in Banning, but these courts are not counted in the inventory and demand and needs analysis since they are not controlled by the City. According to the Demand and Need Analysis evaluation, Banning will need two (2) additional public tennis courts by 2020.

Recommendations: Exhibit 5.2-8 identifies the existing tennis courts at City parks, and the proposed locations for tennis courts. It is suggested that courts be provided as follows:

- *Banning High School Expansion (joint use)*
- *Nicolet Middle School (joint use)*

Exhibit 5.2-8 Existing and Proposed Tennis Courts



Goal 4: Develop Multi-Use Trail System

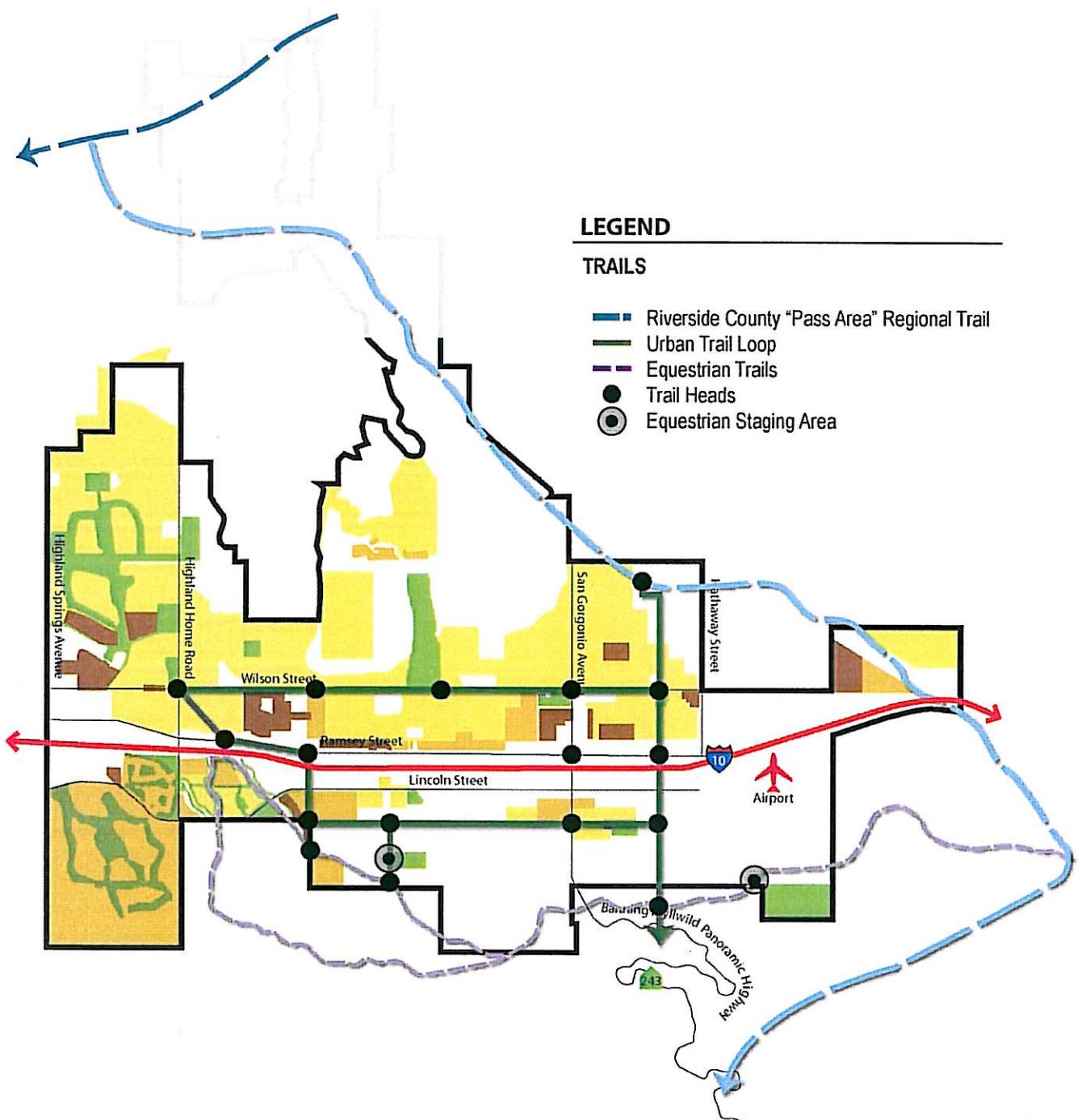
Background: An effective trails system could be an important component of the community; providing recreation opportunities, transportation efficiencies, and an increase in public health, given the city's topography and proximity to significant natural open space. Trail connectivity was a frequent topic during the Master Plan process. The City of Banning does not have a trail system currently in place. Adjacent to the City of Banning are numerous planned County trails in the San Gorgonio Wilderness area.

Recommendations: The proposed trail system, Exhibit 5.2-9, would provide access to and from the planned County Regional trails, equestrian trails, parks, City streets, schools, and the surrounding community via an urban trail loop. This proposed plan is consistent with the recommended trail system proposed in the 1990 Master Plan. The urban trail loop could be utilized by pedestrians and bicycles. Equestrian trails could be developed in the southern portion of the City, where most of the equestrian users are located. Staging areas at Dysart Park and the future Smith Creek Ranch Park would provide adequate facilities and access to the equestrian trail.

The following are suggested as top priority trail projects.

- Whenever possible, new parks should be connected to the bike and trail system. Also, new and existing parks should provide amenities to encourage the use of the bike and multi-use trail systems, such as: maps, kiosks, signage, bicycle air stations, and bicycle parking (i.e. bike racks).
- When new trails are developed they should adhere to uniform trail standards identified in Riverside County Regional Park and Open Space District's *Trail Development Standards* (i.e. section diagrams, material specifications). A copy of the draft report is included in the Appendix document.

Exhibit 5.2-9: Proposed Multi-Use Trail System



Goal 5: Evaluate Community Services Department Budget

An important consideration in providing quality parks and recreational programs and facilities is having an effective and empowered organizational structure that includes adequate staffing and funding.

Involved and enthusiastic community representatives can provide a vital component that can serve as a community sounding board for all Park and Recreation operations and services. Community representatives can also present a desired link to the council with important Park and Recreation advice and information.

The current "Committee" made up of five (5) very involved and enthusiastic community representatives indicate a lack of empowerment and effectiveness. The primary reason stated by members of the Park and Recreation "Committee" is based on two fundamental observations. One, the group is a "Committee" not a "Commission". Two, the Committee's comments, concerns, and issues do not receive due consideration from the council. Therefore, the consensus of this group of involved and enthusiastic community representatives is that the City should establish a Park and Recreation Commission that can effectively serve the community and the residents in helping the staff provide quality parks and recreation programs and facilities.

Park and Recreation Staff and Budget

Based on the information in the 1990 Park and Recreation Master Plan report the City had 44 acres of developed parkland in five (5) parks. The Department of Community Services had six (6) divisions with 15 full-time and 25 part-time positions and a budget of \$322,402 (recreation division) and \$396,024 (parks division). A total 1990 budget of \$718,426.

The budgets included wages and benefits, operations, materials, and capital improvements. Currently in 2010 the City has 67 acres (a 52% increase from 1990) of developed parkland in seven (7) parks and a new aquatics facility. The Department of Community Services has 3 divisions with six (6) (FTE) full-time (a 60% reduction) and 5.59 (FTE) part-time staff positions (a 78% reduction), and a budget of \$351,373 (recreation), \$364,284 (parks) and \$110,838 (aquatics). A total 2009-10 budget of \$826,495. The budget includes salaries, wages, operations, and materials. The increase from 1990 to 2010 has not kept pace with inflation during that same time period.

	Number of Parks	Developed Parkland	Park and Recreation Staff	Park and Recreation Budget
1990	5	44 acres	15 full-time 25 part-time	\$718,426
2010	7	67 acres	6 FTE 5.6 PTE	\$826,495
Change	+2	+23	-9 full-time -19.4 part-time	+108,069*

*Does not account for inflation over the past 20 years.

Maintenance Costs

Over the past 20 years, the City of Banning has added one developer built park (Richard Sanchez Park, 3.32 acres), and one community improved specialty use park – Dysart Park (20 acres). A recent survey (2008) of municipal and special district park operations in Southern California found that per acre maintenance expenditures ranged from a low of 4,755 per year in San Bernardino to a high of \$16,406 per year in Pasadena. The average (mean) per acre expenditure was \$8,349 per year.

	Total Acres	Total Maintenance Cost	Cost/Acre
1990	44	\$364,284	\$8,279/acre
2010	67	\$396,024	\$5,911/acre
Change	+23	-\$31,740	-\$2,368/acre
Change with Inflation	+23	-\$212,330	-\$7,915/acre

*Does not account for inflation over the past 20 years.

Banning currently funds park maintenance at \$5,911/acre/year, which is approximately 40% below the 2008 survey average. It appears that current funding for parks maintenance in the City of Banning is inadequate to provide park facilities basic repair and replacement due to normal wear and tear, much less to provide for any new or upgrade capital improvement projects.

Recreation Facility Recommendations

In this recent period of economic slow down, development has slowed dramatically, financial resources are stretched and potential new funding sources are scarce.

For these reasons, it is imperative that every potential funding source be explored. Although funding is not a part of this study, the state of California Park and Recreation recently allocated \$368 million for park improvements in critically underserved communities throughout California,

We have tested each of the existing City park sites for funding potential by utilizing the State park and Recreation Fact Finder (website). Based on this limited analysis it appears that several of the Banning Parks would meet the initial criteria for Prop 84 Grant Funding in Round Two (funds for Round Two have not been appropriated at this time).

It is recommended that the City pursue potential funding through Proposition 84 and Other State Grant Funding

We recommend that the City pursue potential funding through this State grant and any other opportunity available in order to meet the current Park and Recreation facility needs.

5.3 Recommendations and Concept Plans at Existing Parks

Recommendations are suggested to address the identified facility needs. These recommendations do not include consideration of multi-use fields, for example if a new soccer field is developed it may also serve the needs of the football organizations if there use does not overlap. Also, if there is a change in the existing conditions (i.e. loss of an existing facility) the facility needs will change. When an actual project is undertaken, design will be refined in accordance with environmental considerations, accurate topographical information, community input, and cost considerations in effect at the time.

Existing Park	Proposed Improvements
Dysart Park	<ul style="list-style-type: none"> • <i>Picnic shelters / tables</i> • <i>(1) dog park/off leash dog area</i> • <i>(2) soccer fields</i> • <i>Expand equestrian arena</i> • <i>Expand/renovate playground/tot lot</i> • <i>Equestrian trailhead</i>
Roosevelt Williams Park	<ul style="list-style-type: none"> • <i>(1) skate park</i> • <i>(1) soccer field</i>
Sylvan Park	<ul style="list-style-type: none"> • <i>(1) skate park</i>
All City parks	<ul style="list-style-type: none"> • <i>Renovate/upgrade facilities for accessibility, safety, and maintenance</i>

Exhibit 5.3-1: Concept Plan for Dysart Park Improvements

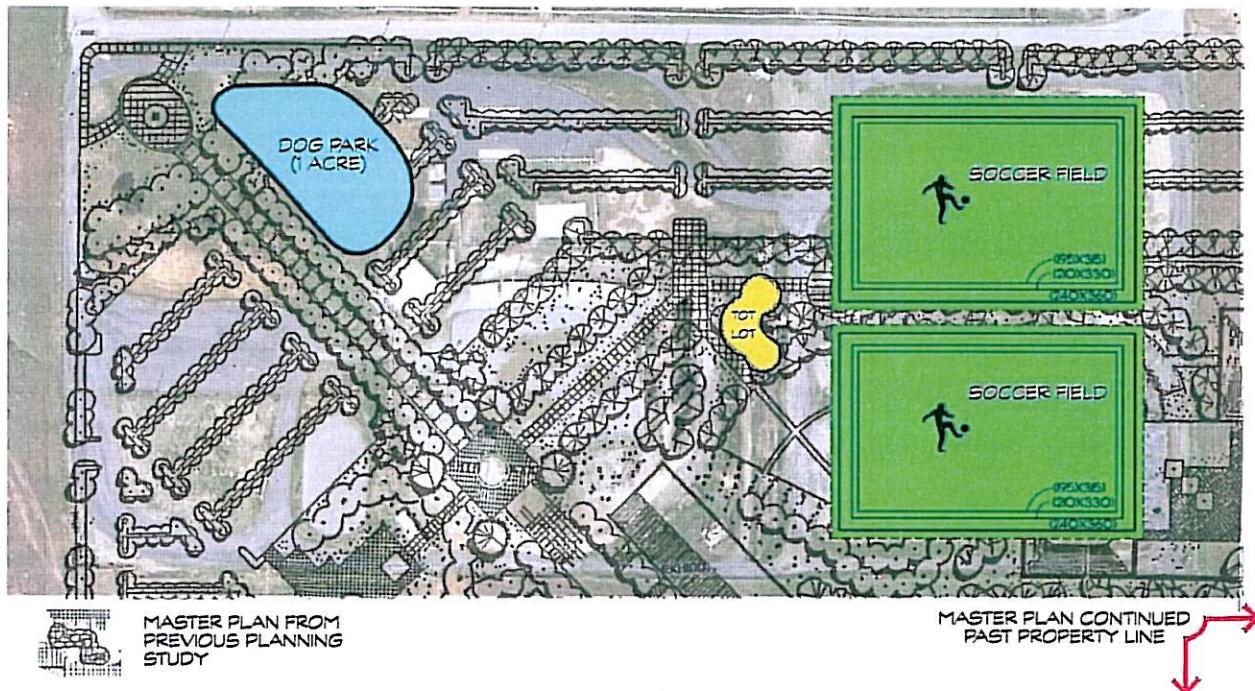
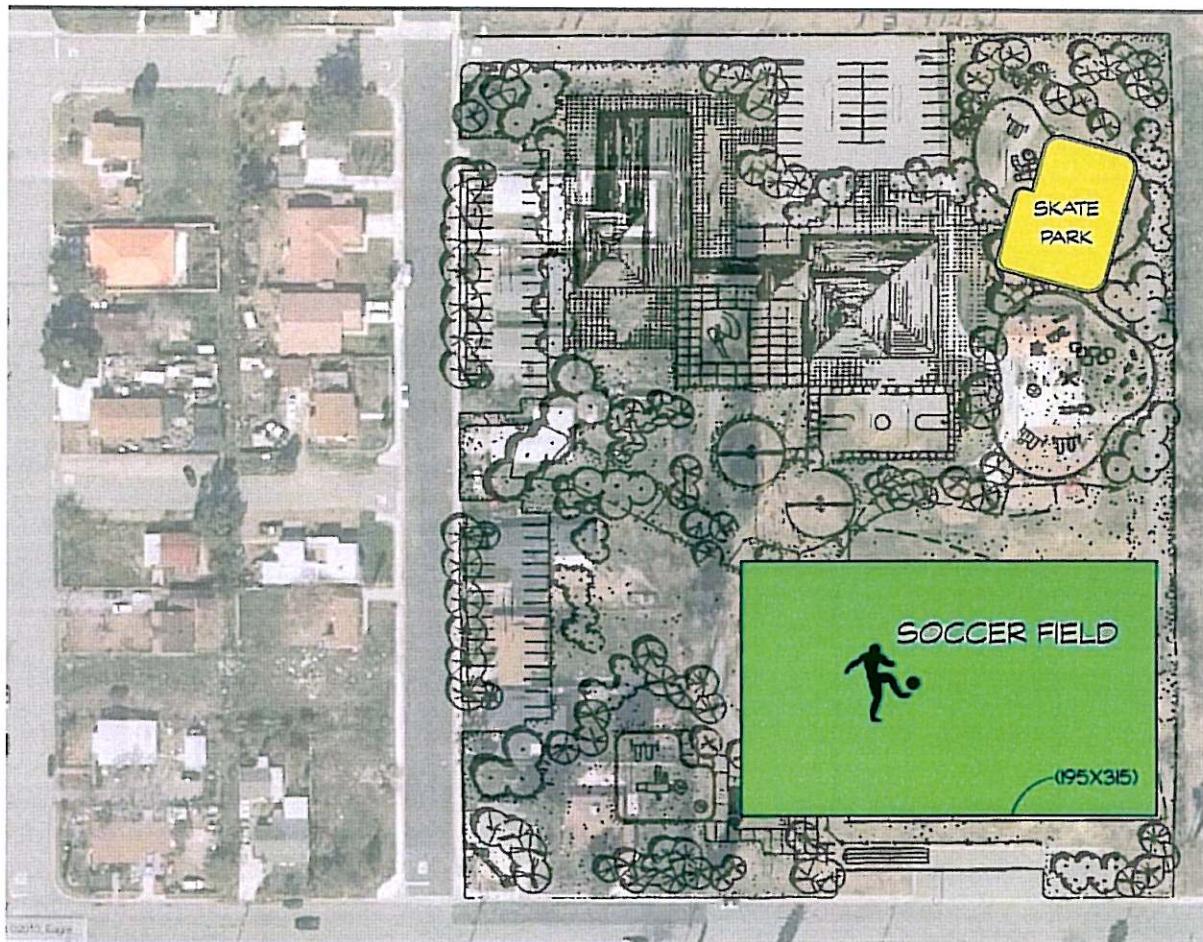


Exhibit 5.3-2: Concept Plan for Roosevelt Williams Park Improvements



MASTER PLAN FROM
PREVIOUS PLANNING
STUDY

Exhibit 5.3-3: Concept Plan for Sylvan Park Improvements



5.4 Recommendations and Concept Plans at Joint Use Schools

School	Proposed Recommendations (Increase Programming)
Banning High School Expansion**	<ul style="list-style-type: none"> • (2) baseball fields • (8) basketball courts (outdoor) • (1) football field (overlay) • (1) soccer field (overlay) • (2) softball fields • (8) tennis courts (future phase)
Nicolet Middle School	<ul style="list-style-type: none"> • (1) baseball field • (3) basketball courts (outdoor) • (1) football field (shared with soccer users) • (1) soccer field • (4) tennis courts

**Will require amendment to Joint Use Agreement with the Banning Unified School District

In addition to the joint use facilities mentioned above, it is recommended that the swimming pool at the Banning High School expansion be considered for public use during non-school hours.

The Banning High School Expansion Master Plan was prepared by Ruhnau Ruhnau Clarke.

Exhibit 5.4-1: Concept Plan for Banning High School Expansion – Joint Use Opportunity

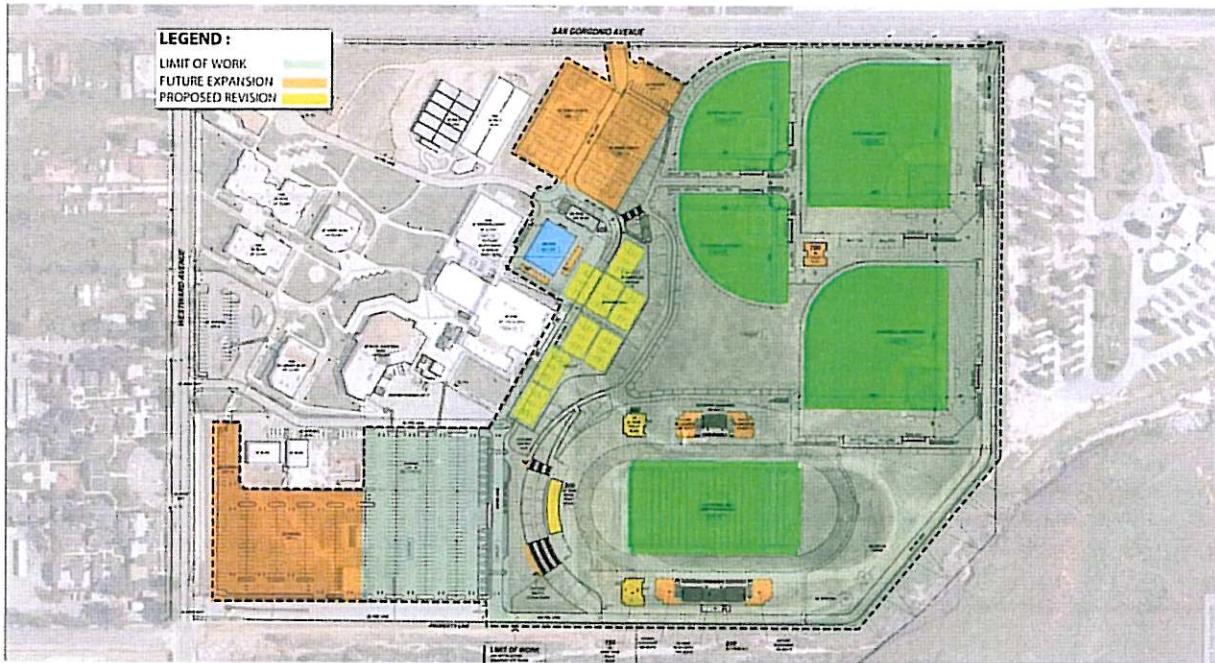


Exhibit 5.4-2 : Concept Plan for Nicolet Middle School – Joint Use Opportunity



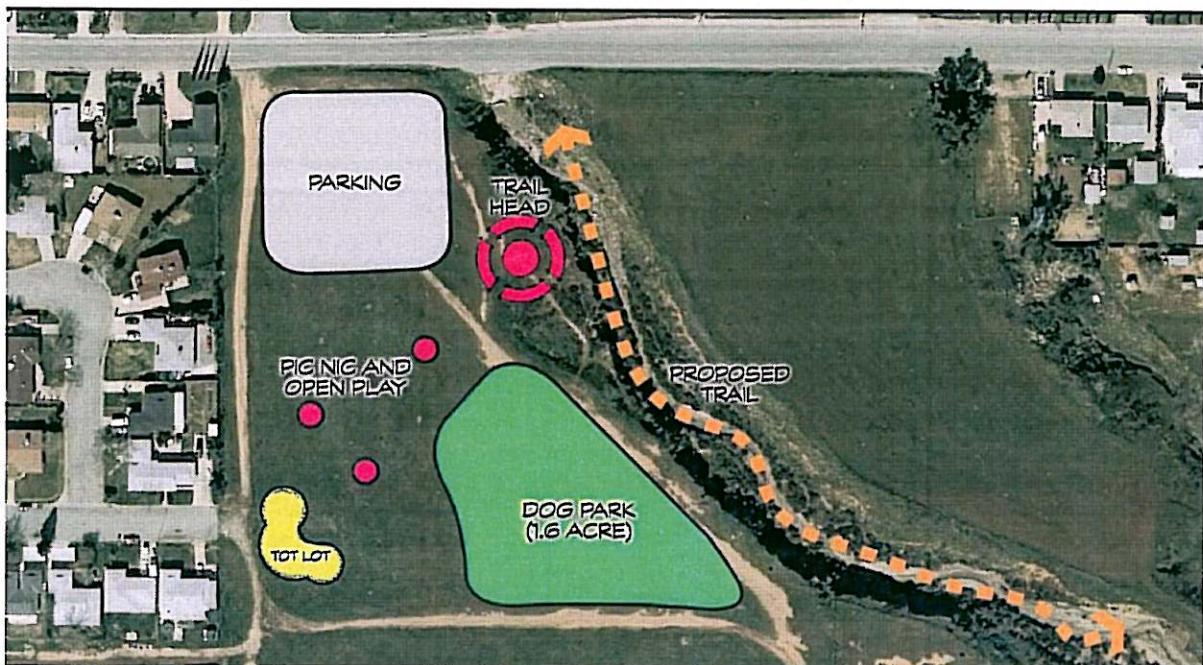
5.5 Recommendations and Concept Plans at Opportunity Sites

Opportunity Site	Proposed Recommendation
Butterfield Development <i>Approximately 75 acres of new parkland</i>	<ul style="list-style-type: none"> <i>New parks should be at least 1 acre in size and at a minimum provide picnicking and walking opportunities</i> <i>Add playgrounds</i> <i>Athletic facilities in parks</i> <i>Community Center</i>
Gilman Historic Ranch Park	<ul style="list-style-type: none"> <i>(2) softball fields and (2) soccer fields</i>
Lincoln Street Site	<ul style="list-style-type: none"> <i>(1) dog park/off leash dog area (potential site), picnic</i>
Smith Creek Ranch Park	<ul style="list-style-type: none"> <i>(1) dog park/off leash dog area (potential site)</i> <i>(1) equestrian arena</i> <i>picnic shelters / tables</i>

Exhibit 5.5-1: Concept Plan for Gilman Historic Ranch Park Improvements – Acquisition Opportunity



Exhibit 5.5-2: Concept Plan for Lincoln Street Site Development – New City Park



5.6 Capital Costs for Proposed Recommendations

Exhibit 5.6-1 lists the current park and facility deficits identified in the facility demand and needs analysis (Exhibit 4.3-1) and includes an Opinion of Probable Construction Costs for each proposed facility improvement. Exhibit 5.6-2 lists the future park and facility deficits and Exhibit 5.6-3 identifies the cumulative deficits and costs.

Note: Capital costs for pedestrian, bicycle and equestrian trails will require more detailed planning. The estimated costs listed in the exhibits may vary, depending upon condition and extent of existing sidewalks to accommodate pedestrian trails. Costs for trailheads, directional signage, etc. are not included in the following cost estimates.

Exhibit 5.6-1: Opinion of Probable Construction Costs (for Current Facility Needs - 2009)

Identified Facility Needs (from Exhibit 4.3-1)	Improvement Cost per Facility Unit*	Current Facility Deficit	Improvement Costs Sub-Total (current needs)
Softball Field (adult - not lighted**)	\$ 510,000	-	\$ -
Baseball Field (little league - not lighted**)	\$ 440,000	-	\$ -
Soccer Field (225' x 360' - not lighted**)	\$ 575,000	1	\$ 575,000
Football Field (youth - not lighted**)	\$ 380,000	1	\$ 380,000
Indoor Basketball Court (11,000 SF Gymnasium)	\$ 3,700,000	-	\$ -
Picnic Tables	\$ 4,000	31	\$ 124,000
Tennis Courts (lighted)	\$ 275,000	-	\$ -
Skate Boarding Facility (12,000 SF @ \$40/SF)	\$ 400,000	-	\$ -
Walking/Jogging Paths (per mile)			
8' Decomposed Granite Path	\$ 170,000	4	miles \$ 680,000
6' Concrete Path	\$ 250,000	4	miles \$ 1,000,000
Bicycling Paths (per mile)			
12' Asphalt Path	\$ 320,000	3	miles \$ 960,000
Equestrian Paths (per mile)			
10' Decomposed Granite Path	\$ 315,000	2	miles \$ 630,000
Equestrian Arena (150' x 300' - competitions)	\$ 575,000	1	\$ 575,000
Dog Park Area (1 acre)	\$ 350,000	1	\$ 350,000
ESTIMATED TOTAL COST FOR IMPROVEMENTS:			\$ 5,274,000

*Anticipated Construction Costs in 2009 Dollars. Actual costs will depend on final design, size of facility, additional support facilities, utilities, and infrastructure, as well as site specific conditions. Does not include site specific requirements, infrastructure, grading, professional fees for design services or acquisition costs. RJM has prepared these estimates of probable construction costs on the basis of its best professional judgement and experience with the construction industry. The estimate, however, represents assumptions and opinions of the construction market and contractors' methods of determining actual construction costs over which RJM has no control. If the owner wishes greater assurance as to the construction cost, he shall employ an independent cost estimator.

**Estimated Cost to light a field is \$200,000

Exhibit 5.6-2: Opinion of Probable Construction Costs (for Future Facility Needs)

Identified Facility Needs (from Exhibit 4.3-3)	Improvement Cost per Facility Unit*	2020 Facility Deficit	Improvement Costs Sub-Total (current needs)
Softball Field (adult - not lighted**)	\$ 510,000	1	\$ 510,000
Baseball Field (little league - not lighted**)	\$ 440,000	2	\$ 880,000
Soccer Field (225' x 360' - not lighted**)	\$ 575,000	2	\$ 1,150,000
Football Field (youth - not lighted**)	\$ 380,000	-	\$ -
Indoor Basketball Court (11,000 SF Gymnasium)	\$ 3,700,000	2	\$ 7,400,000
Picnic Tables	\$ 4,000	37	\$ 148,000
Tennis Courts (lighted)	\$ 275,000	2	\$ 550,000
Skate Boarding Facility (12,000 SF @ \$40/SF)	\$ 400,000	1	\$ 400,000
Walking/Jogging Paths (per mile)			
8' Decomposed Granite Path	\$ 170,000	3 miles	\$ 510,000
6' Concrete Path	\$ 250,000	3 miles	\$ 750,000
Bicycling Paths (per mile)			
12' Asphalt Path	\$ 320,000	2 miles	\$ 640,000
Equestrian Paths (per mile)			
10' Decomposed Granite Path	\$ 315,000	2 miles	\$ 630,000
Equestrian Arena (150' x 300' - competitions)	\$ 575,000	1	\$ 575,000
Dog Park Area (1 acre)	\$ 350,000	1	\$ 350,000
ESTIMATED TOTAL COST FOR IMPROVEMENTS:			\$ 14,493,000

*Anticipated Construction Costs in 2009 Dollars. Actual costs will depend on final design, size of facility, additional

**Estimated Cost to light a field is \$200,000

*Anticipated Construction Costs in 2009 Dollars. Actual costs will depend on final design, size of facility, additional support facilities, utilities, and infrastructure, as well as site specific conditions. Does not include site specific requirements, infrastructure, grading, professional fees for design services or acquisition costs. RJM has prepared these estimates of probable construction costs on the basis of its best professional judgement and experience with the construction industry. The estimate, however, represents assumptions and opinions of the construction market and contractors' methods of determining actual construction costs over which RJM has no control. If the owner wishes greater assurance as to the construction cost, he shall employ an independent cost estimator.

**Estimated Cost to light a field is \$200,000

Exhibit 5.6-3: Opinion of Probable Construction Costs (Cumulative)

Identified Facility Needs (from Exhibit 4.3-2)	Improvement Cost per Facility Unit*	Cumulative Facility Deficit	Improvement Costs Sub-Total (current needs)
Softball Field (adult - not lighted**)	\$ 510,000	1	\$ 510,000
Baseball Field (little league - not lighted**)	\$ 440,000	2	\$ 880,000
Soccer Field (225' x 360' - not lighted**)	\$ 575,000	3	\$ 1,725,000
Football Field (youth - not lighted**)	\$ 380,000	1	\$ 380,000
Indoor Basketball Court (11,000 SF Gymnasium)	\$ 3,700,000	2	\$ 7,400,000
Picnic Tables	\$ 4,000	68	\$ 272,000
Tennis Courts (lighted)	\$ 275,000	2	\$ 550,000
Skate Boarding Facility (12,000 SF @ \$40/SF)	\$ 400,000	1	\$ 400,000
Walking/Jogging Paths (per mile)			
8' Decomposed Granite Path	\$ 170,000	7	miles \$ 1,190,000
6' Concrete Path	\$ 250,000	7	miles \$ 1,750,000
Bicycling Paths (per mile)			
12' Asphalt Path	\$ 320,000	5	miles \$ 1,600,000
Equestrian Paths (per mile)			
10' Decomposed Granite Path	\$ 315,000	4	miles \$ 1,260,000
Equestrian Arena (150' x 300' - competitions)	\$ 575,000	2	\$ 1,150,000
Dog Park Area (1 acre)	\$ 350,000	2	\$ 700,000
ESTIMATED TOTAL COST FOR IMPROVEMENTS:			\$ 19,767,000

*Anticipated Construction Costs in 2009 Dollars. Actual costs will depend on final design, size of facility, additional support facilities, utilities, and infrastructure, as well as site specific conditions. Does not include site specific requirements, infrastructure, grading, professional fees for design services or acquisition costs. RJM has prepared these estimates of probable construction costs on the basis of its best professional judgement and experience with the construction industry. The estimate, however, represents assumptions and opinions of the construction market and contractors' methods of determining actual construction costs over which RJM has no control. If the owner wishes greater assurance as to the construction cost, he shall employ an independent cost estimator.

**Estimated Cost to light a field is \$200,000

5.7 Summary of Facility Recommendations for Current and Future Parks and Recreation Needs

The identified Key Issues and current quantity needs as identified in the demand/needs analysis (Exhibit 4.3-1) is compared to the proposed recommendations in order to meet the current facility needs in Banning.

Priority Projects (to meet current needs identified in this Master Plan):

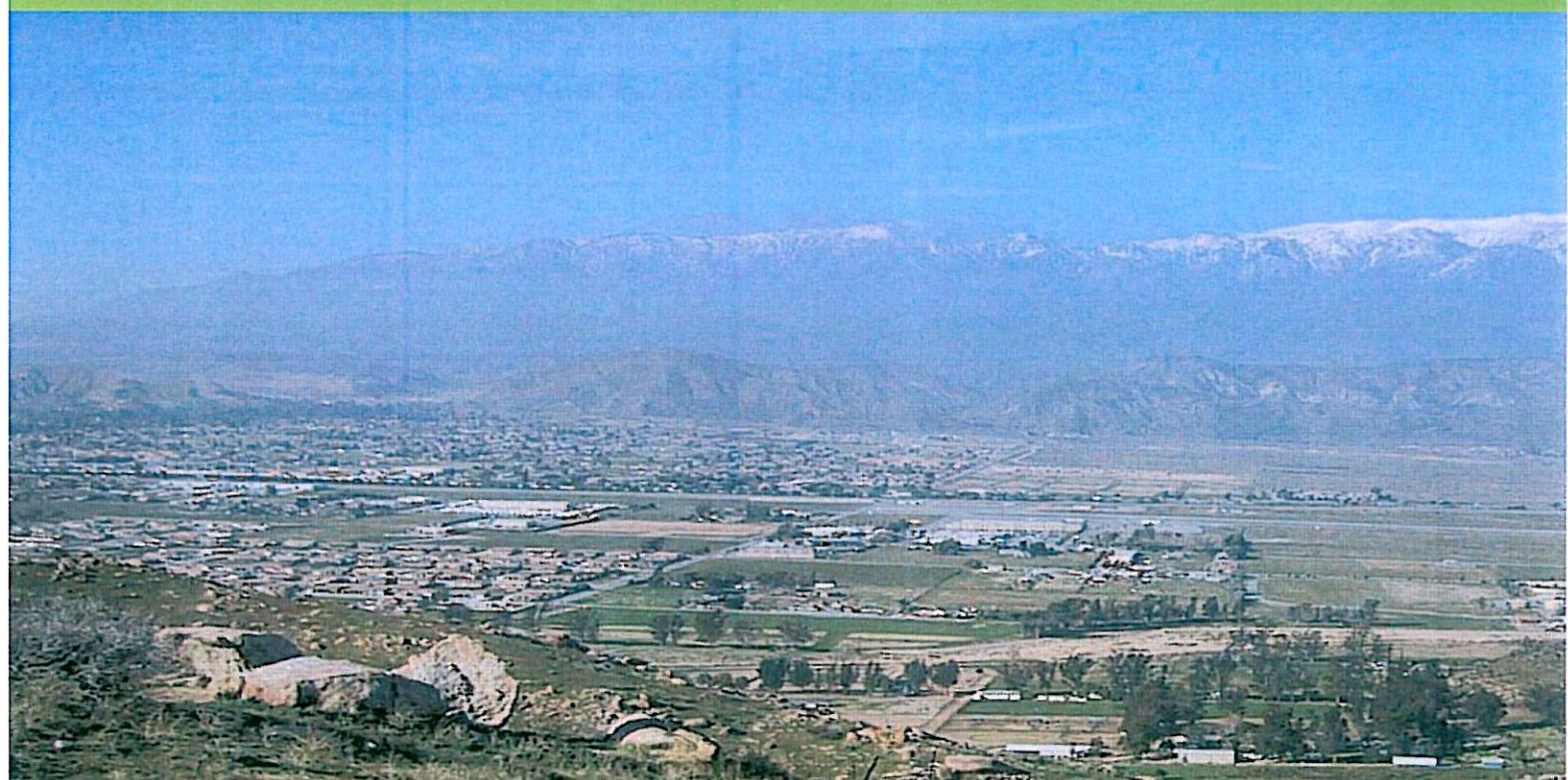
- Create a Parks and Recreation Commission to communicate effectively the Parks, Recreation, Program and Services needs and issues in Banning.
- Renovate Dysart Park by upgrading existing equestrian arena and adding multi-use areas.
- Position Parks and Recreation to be able to bring the community together by providing multi-cultural and multi-generational events, as well as clean, well maintained and safe parks.
- Increase joint use of school properties, especially Nicolet Middle School after the Banning High School sports facility expansion is completed.

Mid-Term Projects:

- Community based planning effort for the parks and recreation facilities in the proposed Butterfield residential development area.
- Renovate existing senior center and community center.
- Provide new community center in western portion of City.
- Acquisition or joint use of County land at the Gilman Historic Ranch.

Long Term Projects (to meet future needs identified in this Master Plan):

- Develop Smith Creek Ranch Park as a regional park with equestrian facilities and Regional events. This has been held up in the past due to limited access. The Riverside County Flood Control Supervisor has indicated an Arizona-type crossing at Smith Creek would be acceptable.



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**CITY COUNCIL AGENDA
REPORT OF OFFICERS**

DATE: **February 22, 2011**

TO: **Honorable Mayor and City Council**

FROM: **Andrew J. Takata, City Manager**

SUBJECT: **Activation of a Housing Authority**

RECOMMENDATION:

That the City Council adopt a resolution declaring that there is a need for a housing authority to function in the City, declaring that the members of the City Council shall be the Commissioners of the Housing Authority and designating the first interim Chairman of the Housing Authority.

BACKGROUND:

As part of his January budget proposal for FY 2011-12, Governor Brown has proposed the elimination of redevelopment agencies and the redirection of the property tax increment currently directed to these agencies. The Governor's proposal will not affect any projects that are already under contract with redevelopment agencies; however, there would be no dedicated State-level funding for new redevelopment projects. The budget proposal also calls for the creation of a successor agency that will fulfill the current debt obligations of redevelopment agencies. The budget proposal estimates that the successor agency will operate for approximately 20 years in order to meet all of the current obligations. Information regarding the budget is fragmentary and developing over time. The current budget proposal is not fully articulated and there are many unanswered questions which will be dealt with in a legislative process and will unfold over time. Therefore, the following comments relative to our understanding of the proposed budget should be considered in that light.

Under the Governor's proposal to phase out redevelopment agencies, the state would receive \$1.7 billion in relief for the General Fund FY 2011-12. The remainder of the redevelopment tax increment would be provided to the successor agency to address outstanding bond obligations. Beginning in FY 2012-13 and beyond, the incremental funds would be distributed to local governments according to existing property tax allocations and would be intended to pay for additional services that are realigned to local governments as well as for other functions of local governments such as education, police and fire protection. Additionally, a portion of the tax increment would be provided to the successor agency in order to continue to service the debt contracted by the former redevelopment agencies.

ANALYSIS:

The Governor's proposal to end redevelopment as we know it will have a devastating effect on the City of Banning in general and the Community Redevelopment Agency of the City of Banning (the "Agency") in particular. Every possible effort needs to be made to avoid that outcome. However, at the same time it is prudent to take any available steps to retain local control over local resources. This report is consistent with that approach.

It should be noted that the Governor's proposal primarily affects non-housing redevelopment funds. With respect to housing funds, the Governor has proposed that Low- and Moderate-Income ("LMI") Housing Fund responsibilities be transferred to a local housing authority. The Governor's budget assumes that the local housing authority will use the LMI Housing Funds for activities that would otherwise have been eligible for funding from redevelopment agencies.

Given the foregoing and in an effort to continue to achieve the goals established the Agency and other housing policies established by the Housing Element of the general plan, it is recommended that the City Council consider the establishment of a housing authority (pursuant to Health and Safety Code § 34240, *et seq.*, the "Housing Authority Law"). Exhibit "A" describes the purpose and governance, activation procedure, powers and duties of a housing authority. The intent of the recommendation to create a housing authority is to maintain, to the extent feasible, local control over what are now Agency housing responsibilities and the financial resources that are related thereto.

Once established, the Agency could enter into a contract with the Housing Authority wherein all or a portion of the Agency's LMI Housing Funds could be transferred to the Housing Authority to manage the Agency's existing and proposed affordable housing programs. If the Agency decides to transfer all or a portion of its LMI Housing Funds to the Housing Authority, then the transferred money, if any, would no longer be an asset of the Agency and instead would become an asset of the Housing Authority.

As mentioned in Exhibit "A", a housing authority already exists in every county and city in California. In order to activate the City's Housing Authority, the City Council needs to adopt a resolution containing findings required by the Housing Authority Law. The attached resolution (Exhibit "B") contains all of the necessary findings and actions needed to form a housing authority.

If the City's Housing Authority is formed by the City Council, a follow-up resolution will be presented to the Housing Authority Board of Commissioners designating officers of the Housing Authority, adopting personnel rules and regulations and a conflict of interest code and providing for the time and place of holding regular meetings of the Housing Authority.

FISCAL DATA:

It is anticipated that in the event that a budget measure is adopted as substantially proposed by the Governor, initial funding for the housing authority would be provided from any fund balance in the LMI Housing Fund. However, the recommended action does not have a fiscal impact by itself.

CONCLUSION:

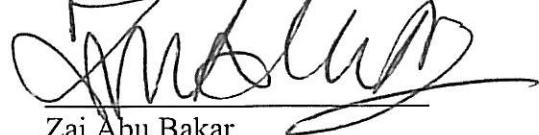
In consideration of the Governor's proposal to end redevelopment in California and to transfer the LMI Housing Fund responsibilities of redevelopment agencies to a local housing authority, it is recommended that the City Council create a housing authority under the California Housing Authority Law. The purpose of creating a housing authority is to maintain, to the extent feasible, local control over what are now Agency housing responsibilities and the financial resources that are related thereto.

APPROVED BY:



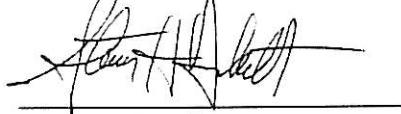
Andrew J. Takata
City Manager

REVIEWED BY:



Zai Abu Bakar
Community Development Director

PREPARED BY:



Steven H. Dukett
Redevelopment/Financial Advisor
Urban Futures, Inc.

Exhibits:

- A. Purpose and governance, activation procedure, powers and duties of a housing authority.
- B. Resolution No. 2011-14

EXHIBIT “A”

**Purpose and Governance, Activation Procedure,
Powers and Duties of a Housing Authority**

Exhibit “A”

Purpose and Governance; Activation Procedure; Powers and Duties of a Housing Authority.

I. Purpose and Governance

The California “Housing Authority Law” (California Health & Safety Code § 34200 *et seq.*) automatically creates a dormant Housing Authority in every city and county. In order for the City Housing Authority to transact business and exercise its powers, a city (“City”) must activate its Housing Authority through certain procedures explained herein. A Housing Authority collaborates with public, private and non-profit entities / agencies for the purpose of providing sanitary and safe housing for people of very low, low or moderate income within a city or county’s territorial jurisdiction. The core activities of many Housing Authorities are primarily to build, acquire, own, manage and maintain residential rental units and to provide financial assistance for rentals or ownership in the private real estate market. A Housing Authority is governed by the state Housing Authority Law, and for purposes of major federal funding, if any is received, regulations of the U.S. Department of Housing and Urban Development (“HUD”). Further, a Housing Authority is not required under the Housing Authority Law to seek HUD or any other type of outside funding.

Once activated, a Housing Authority consists of at least five (5) commissioners and shares functions similar to other governmental entities: it can sue and be sued; make and execute contracts; partner with other Housing Authorities or other governmental agencies; and make, amend, and repeal by-laws and regulations to carry into effect its powers and purposes. A housing commission may also be formed to review and provide recommendations on all matters to come before the Housing Authority.

II. Activation Procedure

As mentioned above, a Housing Authority already exists in every county and city. In order to activate the City’s Housing Authority, the City Council first needs to adopt a resolution containing certain findings. Second, commissioners must be appointed to serve on the Housing Authority.

A. Adoption of Resolution

In order for the City Housing Authority to begin conducting transactions and exercising its powers, the City Council must first adopt a resolution declaring a need for the Housing Authority. The resolution must also contain at least one of the following findings:

- (1) that unsanitary or unsafe inhabited dwelling accommodations exist in the City; and/or
- (2) there is a shortage of safe or sanitary dwelling accommodations in the City available to persons of low income at rentals they can afford.

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In determining whether dwelling accommodations are “unsafe or unsanitary,” the City Council may consider:

- a. the degree of overcrowding;
- b. the percentage of land coverage;
- c. the light, air, space and access available to the inhabitants of such dwelling accommodations;
- d. the size and arrangement of the rooms;
- e. the sanitary facilities; and
- f. the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

Adopting the resolution with the finding(s) is a relatively easy process which can be completed in one or two City Council meetings.

B. Appointment of a Board of Commissioners

Once the City Council adopts the resolution including the finding(s), commissioners must be chosen to serve on the City Housing Authority. Since the City does not have an independently elected Mayor, the City Council may declare itself to be the commissioners of the Housing Authority at the time the above-referenced resolution is adopted or anytime thereafter. Under this approach, all rights, powers, duties, privileges and immunities of the commissioners are vested in the City Council.

III. Powers and Duties

A. Powers

Housing Authority Law grants a Housing Authority several powers in carrying out its goal. Specifically, a Housing Authority has the power to:

- a. prepare, carry out, acquire, lease and operate low-income housing projects and housing developments;
- b. (provide for the construction, reconstruction, improvement, alteration or repair of any housing project;
- c. provide leased housing to persons of low income;
- d. provide financing for the acquisition, construction, rehabilitation, refinancing or development of dwelling accommodations for persons of low income;
- e. provide counseling, referral, and advisory services to low or moderate income persons and families in connection with the purchase, rental, occupancy, maintenance or repair of housing;
- f. provide security for the protection of a project and its inhabitants;
- g. provide financial assistance for housing projects pursuant to Health and Safety Code Section 34312.3 (which permits a Housing Authority to issue revenue bonds, construction loans, mortgage loans etc. for specific purposes and subject to certain requirements);

- h. acquire, plan, undertake, construct, improve, develop, maintain and operate land with mobile homes, so long as no less than twenty (20) percent of the mobile homes are designated for or are occupied by persons of low income; and
- i. Lease, rent, own, improve, sell, exchange, transfer and acquire real or personal property.

The broad definition of “housing project” permits these powers to encompass many types of work in the community. For example, a Housing Authority can participate in projects to demolish, clear, or remove buildings from any slum area, which may embrace the adaptation of the area to public purposes, including parks or other recreational or community purposes. A Housing Authority’s effort to provide decent, safe and sanitary living accommodations may also include work on buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare or other purposes. Consequently, a City Housing Authority is empowered to engage in a variety of activities to assist in the development of affordable rental and ownership housing. Depending on the facts, a City Housing Authority may be able to use its powers to assist traditional housing projects, including mixed use projects, and to provide infrastructure improvements necessary to support housing projects.

B. Duties

Although the duties of a Housing Authority are not all necessarily prescribed by statute, on-going functions of a Housing Authority often include:

- a. assuring compliance with leases
- b. setting charges (e.g., security deposit, excess utility consumption, and damages to unit);
- c. performing periodic reexaminations of the family's income at least once every twelve (12) months;
- d. transferring families from one unit to another, in order to correct over/under crowding, repair or renovate a dwelling, or because of a resident's request to be transferred;
- e. terminating leases when necessary; and
- f. Maintaining housing developments in a decent, safe, and sanitary condition.

Additionally, affirmative duties are often triggered by agreements where the Housing Authority receives loans or grants from local, state or federal agencies. However, Housing Authorities are not required to seek such funding.

EXHIBIT “B”

Resolution No. 2011-14

RESOLUTION NO. 2011-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, DECLARING THAT THERE IS A NEED FOR A HOUSING AUTHORITY TO FUNCTION IN THE CITY, DECLARING THAT THE MEMBERS OF THE CITY COUNCIL SHALL BE THE COMMISSIONERS OF THE HOUSING AUTHORITY AND DESIGNATING THE FIRST INTERIM CHAIRMAN OF THE HOUSING AUTHORITY.

WHEREAS, the Housing Authority Law is codified in Health and Safety Code Sections 34200 *et seq.* (the "Law"); and

WHEREAS, Section 34240 of the Law provides that in every City there is a public body corporate and politic known as the "Housing Authority" of the City; and

WHEREAS, Section 34240 of the Law additionally provides that the Housing Authority shall not transact business or exercise its power unless the City Council of the City declares by Resolution that there is a need for a Housing Authority to function in the City; and

WHEREAS, Section 34242 of the Law provides for the adoption of a Resolution declaring that there is a need for a Housing Authority to function in the City if the City Council finds either: (i) that unsanitary or unsafe inhabited dwelling accommodations exist in the City; or (ii) that there is a shortage of safe or sanitary dwelling accommodations in the City available to persons of low income at rentals they can afford; and

WHEREAS, Section 34290 of the Law provides that the City Council may declare by Resolution that the City Council shall be the Commissioners of the Housing Authority; and

WHEREAS, Section 34277 of the Law provides that the Mayor of the City shall designate the interim Chairman of the Housing Authority from among the Housing Authority Commissioners, and thereafter the Housing Authority shall select his/her successor among its commissioners; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, the City Council of the City of Banning, California does hereby resolve as follows:

Section 1. The foregoing recitals are true and correct and are a substantive part of this Resolution.

Section 2. Findings: The City Council finds that there exists in the City both unsanitary and unsafe inhabited dwelling accommodations and a shortage of decent, safe, sanitary and affordable dwelling accommodations in the City which are available to persons of low income.

Section 3. Need for Housing Authority: There is a need for a Housing Authority to function in the City, and the Housing Authority hereby is permitted to transact any business and

exercise any power inferred thereon by the provisions of the Housing Authority Law, commencing with Section 34200 of the Health and Safety Code.

Section 4. City Council Members to Serve as Housing Authority Commissioners:

Pursuant to Section 34290 of the Health and Safety Code, the City Council of the City of Banning finds that the appointment of the members of the City Council, as the Commissioners of the Housing Authority will serve the public interest and promote the public safety and welfare in an effective manner and, therefore, the City Council Members of the City of Banning are hereby declared to be Commissioners of the Housing Authority and all the rights, powers, duties, privileges and immunities which are adjusted by the Housing Authority Law and such a Housing Authority shall be vested in such Commissioners, except as otherwise provided by the Housing Authority Law.

Section 5. Designation of Interim Chairman: The Mayor of the City of Banning shall serve as the interim Chairman of the Housing Authority, until a permanent Chairman is selected.

Section 6. The City Clerk shall certify to the passage and adoption of this Resolution and it shall thereupon take immediate effect and be in force.

PASSED, APPROVED AND ADOPTED this 22nd day of February 2011.

Barbara Hanna, Mayor
City of Banning

APPROVED AS TO FORM
AND LEGAL CONTENT:

David Aleshire, City Attorney
Aleshire & Wynder, LLP

ATTEST:

Marie A. Calderon, City Clerk
City of Banning

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2011-14 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 22nd day of February 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning