

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

June 25, 2013  
**5:00 p.m.**

Banning Civic Center  
Council Chambers  
99 E. Ramsey St.

*The following information comprises the agenda for a regular meeting of the City Council and a joint meeting of the City Council and the Banning Utility Authority, and a joint meeting of the Banning City Council and the City Council Sitting in Its Capacity of a Successor Agency and the Banning Utility Authority.*

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

**I. CALL TO ORDER**

- . Invocation - Pastor David Marshall Kealy, LifePoint Church
- . Pledge of Allegiance
- . Roll Call - Councilmembers Botts, Miller, Peterson, Welch, Mayor Franklin

**II. REPORT ON CLOSED SESSION**

**III. PUBLIC COMMENTS/CORRESPONDENCE**

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

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

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

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

#### **IV. CONSENT ITEMS**

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

**Motion: That the City Council approve Consent Item 1 through 4**

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

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

- |    |   |    |
|----|---|----|
| 1. | Approval of Minutes – Regular Meeting – 06/25/13 .....  | 1  |
| 2. | Resolution No. 2013-29, Approving a Memorandum of Understanding<br>Between the City of Banning and the San Bernardino Public<br>Employees Association (SBPEA). ....                                   | 7  |
| 3. | Resolution No. 2013-66, Approving the Purchase Agreement with<br>Johnson Power Systems Company of Riverside, California, for the<br>Purchase of an Emergency Generator for the Community Center. .... | 48 |
| 4. | Resolution No. 2013-71, Approving the First Amendment to the<br>National Pollutant Discharge Elimination System (NPDES) Storm<br>Water Discharge Permit Implementation Agreement .....                | 52 |

- Open for Public Comments
- Make Motion

#### **RECESS REGULAR CITY COUNCIL MEETING AND CALL TO ORDER A JOINT MEETING OF THE BANNING CITY COUNCIL AND THE BANNING UTILITY AUTHORITY.**

#### **V. A. CONSENT ITEMS**

- |    |   |     |
|----|---|-----|
| 1. | Resolution No. 2013-012 UA, Awarding the Construction Contract for<br>Project No. 2013-01 WW, Florida Street Sewer Main Replacement and<br>Rejecting all Other Bids ..... | 179 |
| 2. | Resolution No. 2013-13 UA, Approving the Agreement with Beaumont<br>Cherry Valley Water District for the Joint Utilization of the Noble<br>Creek Recharge Facility .....  | 185 |
| 3. | Resolution No. 2013-14 UA, Approving an Agreement with Layne<br>Christensen Company of Fontana, California, for the Emergency<br>Repairs to Water Well No. C-6. ....      | 194 |
| 4. | Watermaster Services Account – Receive and File .....   | 200 |

- Open for Public Comments
- Make Motion

**Recess joint meeting reconvene the regular City Council Meeting.**

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

**VI. REPORTS OF OFFICERS**

1. Adoption of Resolutions Related to the Revised Budget Plan for Fiscal Year 2013-14 for the City of Banning, Banning Utility Authority, and Successor Agency; Adoption of the GANN Limit, and the Classification and Compensation Plan Amendments.

Staff Report ..... 202

Recommendations:

- a) That the City Council adopt Resolution No. 2012-60, Adopting the Annual Budget for the Fiscal Period July 1, 2013 through June 30, 2014, Adopting the Five Year Capital Improvement Program, and Making Appropriations to Meet Expenses Approved Therein, Approving Budgetary Policies and Recommendations.
- b) That the Banning Utility Authority adopt Resolution No. 2013-11 UA, Adopting the Revised Budget Plan for the Fiscal Period July 1, 2013 through June 30, 2014, Adopting the Five Year Capital Improvement Program, and Making Appropriations to Meet Expenses Approved Therein.
- c) That the Successor Agency Board adopt Resolution No. 2013-07 SA, Adopting the Revised Budget Plan for July 1, 2013 through June 30, 2014, Adopting the Five Year Capital Improvement Program, and Making Appropriations to Meet Expenses Approved Therein.
- d) That the City Council adopt Resolution No. 2012-61, Establishing an Appropriations Limit for the Fiscal Year 2013-14, Pursuant to Article XIII B of the California Constitution.
- e) That the City Council adopt Resolution No. 2013-64, Amending the Classification & Compensation Plan for the City of Banning.
- f) That the City Council adopt Resolution No. 2013-67, Amending the Classification and Compensation Policy for Part-Time Employees of the City of Banning.

**Adjourn Joint Meetings and reconvene the regular City Council Meeting.**

**VII. PUBLIC HEARING**

1. Resolution No. 2013-63, Acceptance of 2013 Edward Byrne Memorial Justice Assistance Grant.

Staff Report ..... 306

Recommendations: That the City Council adopt Resolution No. 2013-63, Authorizing the acceptance of the 2013 U. S. Department of Justice Edward Byrne Memorial Justice Assistance Grant in the Amount of \$12,053.00 to be Used for Police Department Overtime.

2.	Ordinance No. 1463, Regulating Cottage Food Operations/Homemade Food.	
	Staff Report . . . . .	310
	Recommendations: That the City Council adopt Ordinance No. 1463, Amending the Municipal Code Regulating Cottage Food Operations/Homemade Food Operations and Incorporating by Reference Portions of the Government Code and Health and Safety Code.	

**Mayor asks the City Clerk to read the title of Ordinance No. 1463:**

*“An Ordinance of the City Council of the City of Banning, California, Regulating Cottage Food Operations/Homemade Food Operations and Incorporating by Reference Portions of the Government Code and Health and Safety Code.”*

**Motion: I move to waive further reading of Ordinance No. 1463.**  
(Requires a majority vote of Council)

**Motion: I move that Ordinance No. 1463 pass its first reading.**

## **VIII. REPORTS OF OFFICERS**

1.	Crime Reports – Oral Presentation – Lt. Phil Holder, Banning Police Dept.	
2.	Adoption of Resolution No. 2013-68, Supporting the Re-designation of Riverside County as a Recycling Market Development Zone Due to An Increase in Boundaries and Adoption of an Initial Study and Negative Declaration.	
	Staff Report . . . . .	333
	Recommendation: <b>That the City Council adopt Resolution No. 2013-68, Supporting the Re-designation of Riverside County as a Recycling Market Development Zone due to an increase in boundaries and adoption of an Initial Study and Negative Declaration by Riverside County.</b>	
3.	Ordinance No. 1465, An Ordinance of the City Council of the City of Banning to Amend Section 3.21 “Warrants”, of the Banning Municipal Code.	
	Staff Report . . . . .	346
	Recommendation: That the City Council adopt Ordinance No. 1465, Amending Section 3.21 of the Banning Municipal Code Regarding Warrants	

**Mayor asks the City Clerk to read the title of Ordinance No. 1465:**

*“An Ordinance of the City Council of the City of Banning, California, Amending Section 3.21 “Warrants” to the Banning Municipal Code.”*



**Motion: I move to waive further reading of Ordinance No. 1465**  
(Requires a majority vote of Council)

**Motion: I move that Ordinance No. 1465 pass its first reading.**

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

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

**X. ITEMS FOR FUTURE AGENDAS**

New Items – None

Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials
2. Consideration of an “in-house” attorney vs. contract
3. Let’s Move – Healthy Initiative
4. Giving City Manager authority to write letters to the State Legislature regarding urgency matters.

**XI. ADJOURNMENT**

*Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Thursday, 7 a.m. to 5 p.m.*

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

Any member of the public may address this meeting of the Mayor and Council on any item which does not appear on the agenda, but is of interest to the general public and is an item upon which the Mayor and Council may act. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her 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 (951) 922-3102. **Notification 48 hours prior to the meeting** will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II].

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

06/11/2013  
REGULAR MEETING

A regular meeting of the Banning City Council was called to order by Mayor Franklin on June 11, 2013 at 5:00 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Botts  
Councilmember Miller  
Councilmember Peterson  
Councilmember Welch  
Mayor Franklin

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Andy Takata, City Manager  
June Overholt, Administrative Services Dir./Deputy City Manager  
Leonard Purvis, Chief of Police  
Jeff Stowells, Fire Battalion Chief  
Duane Burk, Public Works Director  
Bill Manis, Economic Development Director  
Zai Abu Bakar, Community Development Director  
Fred Mason, Electric Utility Director  
Heidi Meraz, Community Services Director  
Jessica Hicks, Office Specialist  
Marie A. Calderon, City Clerk

The invocation was given by Councilmember Botts. Councilmember Peterson led the audience in the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS/CORRESPONDENCE/PRESENTATIONS/ANNOUNCEMENTS

PUBLIC COMMENTS – On Items Not on the Agenda

Barbara Hanna, a Banning resident and member of the Centennial Committee, addressed the Council giving an update on the past centennial events and also informed every one of the upcoming events. On June 15<sup>th</sup> Dr. Larry Burgess will be giving a lecture about “The Hunt for Willy Boy” at the Dorothy Ramon Learning Center Gathering Hall. June 23<sup>rd</sup> there will be a jazz concert at the Dorothy Ramon Learning Center. On July 6<sup>th</sup> there will be a 100<sup>th</sup> Birthday Party & Fireworks of the Century with various events being held throughout the city.

Chon Bribiescas, United States Forest Service, addressed the Council and giving an update on the fire in the San Geronio wilderness area. The fire started on June 9<sup>th</sup> on the Morongo Indian Reservation and has moved up into the San Bernardino National Forest area. It has

burned 1,954 acres as of today and is 25% contained. He explained the efforts being made to control the fire. The fire is expected to be contained around June 25<sup>th</sup>.

Mayor Franklin asked if the cause of the fire is known. Mr. Bribiescas said the cause is still under investigation.

Councilmember Botts thanked Sun Lakes residents and other facilities, such as Highland Springs Country Club for donating the water to contain the fire.

Councilmember Miller asked if any structures are near the fire. Mr. Bribiescas said there are a few communication sites for companies that are in the area but they are secured.

Mayor Franklin asked if the 3 injuries recorded are minor. Mr. Bribiescas said yes they are minor injuries.

Councilmember Welch and Mayor Franklin asked Mr. Bribiescas to relay the Council's "thanks" to the firefighters.

CORRESPONDENCE – There was none.

PRESENTATIONS:

1. Relay for Life Achievement of City Staff  
(Staff Report – June Overholt, Administrative Services Director)

Director Overholt addressed the Council and complimented the staff that participated in the Relay for Life. They raised over \$4,000 and were walking on the track the entire 24 hours. They were faithful to follow through with the intent of the program. She gave a brief description and history of Relay for Life. She explained the purpose of Relay for Life is to raise funds for the American Cancer Society. The employees that participated in the relay stood for a round of applause. She introduced one of the coordinators for Relay for Life, Siobhan Lopez and asked her to come forward.

Ms. Lopez addressed the Council and explained the efforts of Relay for Life and talked about the success of the program within the Pass Area. She thanked the City of Banning, the City Council and the residents for helping them reach their goals. She gave a special thanks to the City of Banning employees, "Team BBB", which participated in the relay. She also thanked the Mayor for her willingness to speak at the event and walk laps in the relay. She presented the City of Banning with a certificate for being a generous supporter of the Relay for Life.

Mayor Franklin acknowledged the success of the event and thanked everyone involved.

CONSENT ITEMS

Consent Items 4 and 5 were pulled by the City Council for discussion.

1. Approval of Minutes – Special Joint Meeting – 04/15/13 & 04/16/2013

Recommendation: That the minutes of special meeting of April 15, 2013 and April 16, 2013 be approved.

2. Approval of Minutes – Special Meeting – 05/28/13 (Closed Session)

Recommendation: That the minutes of the special meeting of May 28, 2013 be approved.

3. Approval of Minutes – Regular Meeting – 05/28/13

Recommendation: That the minutes of the regular meeting of May 28, 2013 be approved.

**Motion Welch/Miller to approve Consent Items 1-3.** Mayor Franklin opened the item for public comments. There were none. **Motion carried, all in favor.**

4. Report of Investments for April 2013  
(Staff Report – June Overholt, Administrative Services Director)

Director Overholt addressed the Council and explained that the City investments are not earning much money. She explained the different areas of investment the City participates in.

Councilmember Miller asked why we have money invested in an account at 0% interest. He asked if it is possible to move that money to a different account where it could earn interest.

Director Overholt explained that the money is moved out of that account and put into the Local Agency Investment Fund (LAIF) periodically, it just so happened to be in the account at the end of the month when the report was prepared.

Councilmember Miller reiterated that the money does not stay in that account at 0% interest. Director Overholt confirmed that is correct; the money is moved throughout the month.

Councilmember Miller asked where the money is moved to, do we have the maximum amount in LAIF, and is there a chance of putting more money in there.

Director Overholt said typically it is moved to LAIF and we are allowed up to \$50 million in the LAIF account. The 4 million moves up and down to LAIF throughout the month, so it could be added to the amount listed.

Councilmember Miller asked if we were looking into considering a new investment counselor. Director Overholt said yes, that is something that is being worked on.

**Motion Miller/Peterson to approve Consent Item No. 4.** Mayor Franklin opened the item for public comments. There were none. **Motion carried, all in favor.**

5. Approve Contract between Banning Unified School District (BUSD) and the City of Banning for Assignment of a School Resource Officer (SRO) at Banning High School and Nicolet Middle School for the 2013-2014 School Year.  
(Staff Report – Leonard Purvis, Chief of Police)

Chief Purvis addressed the Council requesting approval to enter into a contract with Banning Unified School District to provide a SRO at Banning High School and Nicolet Middle School. He explained that for 12 years the City has continued to contract with the school district for an SRO at Banning High School. The agreement requires that the school district pay up to 70% of the annual cost of the police officer and the duties will be split between the high school and middle school.

Councilmember Peterson said he agrees that the program is a needed and good program. He asked do we have a payment arrangement with the school district. Chief Purvis said yes the school district is invoiced for the cost.

Mayor Franklin asked if we have had problems with payment in the past. Chief Purvis said no.

Councilmember Peterson asked if the school district went into receivership with the state, how would the City get its money from the school district and also asked if the State would be responsible. Chief Purvis said he didn't know.

Mayor Franklin stated these are questions that school district may have to answer.

Councilmember Peterson said these are questions that should be answered before the item is voted on. He said as the City Council we must look at the interest of the City and its money. He wants to insure that we receive our money in the event the school district is unable to pay.

City Manager said no matter what we would have an officer that we'd have to absorb in our budget. If the school district was unable to pay then we would probably have to wait with the rest of the creditors.

Councilmember Peterson asked if the school district could pay us in advance. City Manager said we could request that.

Councilmember Botts said he disagrees with asking for the money upfront and the SRO is needed.

Councilmember Peterson said he doesn't want to enter into a contract without these fiscal questions answered.

Mayor Franklin asked how often we invoice. Director Overholt stated we invoice on a monthly bases.

Councilmember Botts said if they fell behind on their monthly payment then we would not continue the service.

Councilmember Miller asked about the 30% paid by the City and how that relates to the statement in the report that says there is no cost to the City.

City Manager explained we pay for 30% of the officer because we use the officer 30% of the time. The school uses the officer 70% of the time and they pay the full 70% they are using the officer. If there was no program, then we would be paying for 100% of the cost. We do not put forth any money for the program.

Councilmember Miller asked about some of the language in the contract. City Manager explained the language in the contract is to cover the City's cost.

**Motion Welch/Miller to approve Consent Item No. 5.** Mayor Franklin opened the item for public comments. There were none. **Motion carried, all in favor.**

#### PUBLIC HEARING

1. Resolution No. 2013-59, Confirming a Diagram and the Levy and Collection of Assessments within the City of Banning's Landscape Maintenance District No. 1 for Fiscal year 2013-2014.  
(Staff Report – Duane Burk, Public Works Director)

Councilmember Peterson excused himself from participating in the public hearing because he lives in the area being discussed, causing a conflict of interest.

Director Burk addressed the Council requesting approval of Resolution No. 2013-59. He gave a brief history of the landscape district maintenance and explained this is done annually. He also explained the cost involved with the project.

Councilmember Miller asked Director Burk to confirm that the revenues and the expenditures were about the same and that the revenue collected from this will be spent in the districts that were charged for this. Director Burk confirmed that is correct.

**Motion Welch/Miller to approve Resolution No. 2013-59.** Mayor Franklin opened the item for public comments. There were none. **Motion carried, 4 in favor, with Councilmember Peterson abstaining.**

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

##### City Council –

Councilmember Welch –

- Encouraged the public to get involved in the Whiskerino shave off contest on July 5<sup>th</sup> at Gilman Ranch. He explained the details of the event and said it is a lot of fun. He said there is BBQ planned and games for the kids.

Mayor Franklin –

- Congratulated the San Geronio Ballet Company on their 10 Year Anniversary and their success. She encourages the community to continue their support of the Company.
- Last Monday she attended a book signing by Dick Fortenberry who dedicated a book to the City. He gave to the City a copy of the Sports Illustrated cover that he was on in 1962.
- She attended a SCAG (Southern California Association of Governments) meeting this week and they talked about a \$130 million dollars available for cities for improving their infrastructures, but you had to have your housing element approved in order to qualify. She said this is one of the reasons we need to get our housing element approved.

Report by City Manager –

- He said the California Transportation Commission approved the \$10 million dollars towards our Sunset Grade Separation, on top of our current \$10 million dollars, so we have \$20 million dollars plus towards our grade separation.
- We may need to have a special meeting next Tuesday regarding the MOU (Memorandum of Understanding) with the County of Riverside.

#### ITEMS FOR FUTURE AGENDAS

New Items – None

Pending Items – City Council

1. Schedule Meetings with Our State and County Elected Officials
2. Consideration of an “in-house” attorney vs. contract
3. Let’s Move – Healthy Initiative
4. Giving City Manager authority to write letters to the State Legislature regarding urgency matters

#### ADJOURNMENT

Mayor Franklin adjourned the meeting in memory of Ron Carr who recently passed away. He was a former employee with the City.

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

Prepared By:

\_\_\_\_\_  
Jessica Hicks, Deputy City Clerk

Approved By:

\_\_\_\_\_  
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.





## CITY COUNCIL AGENDA

**DATE:** June 25, 2013

**TO:** Mayor and City Council

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

**SUBJECT:** Adopt Resolution No. 2013-29, the Memorandum of Understanding (MOU) between the San Bernardino Public Employees Association (SBPEA) and the City of Banning.


**RECOMMENDATION:** Adopt Resolution No. 2013-29 approving the Memorandum of Understanding (MOU) between the San Bernardino Public Employees Association (SBPEA) and the City of Banning setting forth the complete negotiated terms and conditions of employment for the SBPEA represented employees.

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


**BACKGROUND:** The most current MOU between the City and the SBPEA expired on June 30, 2011. The City and the mid-managers under the SBPEA executed a Side Letter Agreement setting forth the negotiated deal points for a successor MOU, which was approved and adopted by the City Council as its January 22, 2013 meeting. The complete and successor SBPEA MOU 2013-14 is attached hereto and sets forth terms and conditions of employment for FY 2013 and 2014 relative to the SBEA unit members.

**FISCAL DATA:** The Unit and the City made several concessions during negotiations that have been incorporated into the attached Memorandum of Understanding. The MOU results in savings to the General and Utility Funds.

**RECOMMENDED BY:**

  
June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**

  
Andy J. Takata  
City Manager

Attachments:

1. Resolution No. 2013- 29 – Approval of Memorandum of Understanding between the SBPEA and City of Banning
2. Memorandum of Understanding between the City and SBPEA mid-management and professional unit

**RESOLUTION NO. 2013-29**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING  
APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN  
THE CITY OF BANNING AND THE SAN BERNARDINO PUBLIC  
EMPLOYEES ASSOCIATION (SBPEA)**

**WHEREAS**, the City of Banning has formally recognized the San Bernardino Public Employees Association (SBPEA) as the recognized employee organization for the mid-management and the professional unit; and

**WHEREAS**, the prior Memorandum of Understanding between the City and the SBPEA expired on June 30, 2011; and

**WHEREAS**, the City and SBPEA have successfully met and conferred to negotiate a successor SBPEA Memorandum of Understanding for the period of January 22, 2013 through June 30, 2014 pursuant to the Meyers-Milias-Brown Act ("MMBA")(Gov't Code Sections 3500-3511) and the City's Employer-Employee Relations Resolution No. 2010-45; and

**WHEREAS**, MMBA Section 3505.1 provides that: "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**, once approved by the governing body of a local agency, a memorandum of understanding becomes a binding agreement between the employee organization and the local agency.

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

**SECTION 1:** That the City Council approves the Memorandum of Understanding Between the City and the San Bernardino Public Employees Association (SBPEA) for mid-management and professional unit for the period January 22, 2013 through June 30, 2014, a copy of which is attached hereto and by this reference made a part hereof.

**PASSED, APPROVED AND ADOPTED** this 25th day of June, 2013 at Banning, California.

\_\_\_\_\_  
Deborah Franklin, Mayor  
City of Banning, California

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon  
City Clerk of the City of Banning

**APPROVED AS TO FORM AND  
LEGAL CONTENT**

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David Aleshire, Attorney  
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2013-29 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25th day of June, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**MEMORANDUM OF UNDERSTANDING BETWEEN**  
**THE CITY OF BANNING**  
**AND**  
**THE SAN BERNARDINO PUBLIC EMPLOYEES ASSOCIATION**

**JANUARY 22, 2013 – JUNE 30, 2014**

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## **ARTICLE 1 - PREAMBLE**

1.1 - Parties. This Memorandum of Understanding (hereinafter "MOU") is entered into between The City of Banning, a municipal corporation (hereinafter "City") and the San Bernardino Public Employees Association (hereinafter "Association"), a California nonprofit mutual benefit corporation and the recognized employee organization for the mid-management and professional unit of representation (the "Unit"), relative to wages, hours, and other terms and conditions of employment as provided by Sections 3500 - 3510 of the California Government Code, otherwise known as the Meyers-Milias-Brown Act.

1.2 - Employee Organization Recognition. The City continues to formally recognize the Association as the Exclusive Recognized Employee Organization representing employees in the Unit presently or hereafter employed by the City and eligible for inclusion in the Association. It is understood that this MOU shall constitute a bar to any petition or request for recognition of any unit which includes classifications of employees covered by this MOU or such petitions to represent such Unit members at any time during the term of this MOU. This provision shall not preclude employees from exercising their rights as may be provided by the Meyers-Milias-Brown Act or the Employer-Employee Relations Resolution of the City.

1.3 - MOU Term. Except as otherwise provided herein, this MOU shall be effective as of January 22, 2013 and shall remain in full force and effect until June 30, 2014 or until a successor MOU is adopted.

1.4 - Unit Members. This MOU covers employees in the following classifications:

Assistant Civil Engineer	Parks/Streets Maintenance Manager
Assistant Planner	Planning Engineer
Assistant Director Water/Wastewater	Power Resource and Revenue Administrator
Associate Civil Engineer	Principal Civil Engineer
Associate Electrical Engineer	Public Works Superintendent
Associate Planner	Purchasing Manager
City Engineer	Recreation Manager
Customer Services Manager	Redevelopment Manager
Development Service Manager CBO	Risk Management Analyst
Electric Operations Manager	Senior Planner
Fleet Maintenance Manager	Senior Civil Engineer
	Utility Financial Analyst
Information Technology Manager	Water/Wastewater Superintendent

## **ARTICLE 2 - CONTINUATION OF RULES & POLICIES**

2.1 - Governing Law. Subject to the terms of this MOU, all City Ordinances, Policies, Resolutions, Rules and Regulations, including the Personnel Rules and Regulations of the City of Banning, the Employer-Employee Relations Resolution; and the



Administrative Policies of the City of Banning, or successor rules, shall remain in effect during the course of this MOU.

2.2 - Meet and Confer. The Association and the City agree to meet and confer during the term of this MOU over the adoption or revision of City Ordinances, Resolutions, Policies, Rules, Regulations, Administrative and/or Personnel Policies regarding mandatory subjects of negotiation pursuant to the Meyers-Milias-Brown Act, including but not limited to updating the City's Personnel Rules and the City's Employer-Employee Relations Resolution.

2.3 - Departmental Policies. The Association recognizes the right of the City to adopt new or revised departmental rules and regulations which are not in conflict with this MOU and which are not regarding mandatory subjects of negotiation. In adopting such new or revised departmental rules and regulations, the City shall receive and consider input, if any, submitted by Unit members. The process of making such input shall not delay the timely implementation of such rule. Such input shall generally be solicited as follows:

- (a) The City shall provide a draft of the proposed change to the President of the Association or his/her designee. At the time of providing the draft, a time shall be set to meet and confer on the proposed change. Such date shall be no less than twenty-five (25) and no more than thirty-five (35) calendar days following date of presentation of the draft.
- (b) Within twenty (20) days following date of presentation, the Association shall provide copies of its comments to the Administrative Services Director/Deputy City Manager or his/her designee in writing. Failure to provide written comments within the twenty (20) day time period shall be deemed to be acceptance of the proposal as presented and termination of the requirement for further meet and confer.
- (c) If agreement is not reached on the proposal at the first meeting, a second meeting shall be held within fifteen (15) days thereafter. If an agreement is not reached at the second meeting as to a matter which is not a mandatory subject of meet and confer, the City may proceed with the adoption of the policy without further meetings.
- (d) The time limits set forth herein may be modified by the written agreement of the parties.

### **ARTICLE 3 - EMPLOYEE RIGHTS**

3.1 - Non Discrimination. The provisions of this MOU shall apply to all persons covered by this MOU without discrimination on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex (including pregnancy, childbirth and related medical conditions), age, sexual orientation, citizenship status or any other basis protected by applicable law, nor will

there be any discrimination with respect to hiring, retention or any condition of employment because of membership or activities on behalf of the Association.

3.2 - Union Membership. The Association will accept into membership all eligible persons of the bargaining unit without regard to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex (including pregnancy, childbirth and related medical conditions), age, sexual orientation, citizenship status or any other basis protected by applicable law.

3.3 - Rights Granted by State and Federal Law. Except as otherwise provided in this MOU, Unit members shall have all rights which may be exercised in accordance with State law, and applicable ordinances, resolutions, rules and regulations. However, Unit members shall not have the right to file a grievance for violation of any such law, ordinance, or resolution, except as specifically set forth herein.

3.4 - Additional Employee Rights. Unit members shall also have:

- (a) The right to form, join, and participate in activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations.
- (b) The right to refuse to join, or to participate in the activities of employee organizations.
- (c) The right to be free from interference, intimidation, restraint, coercion, discrimination, or reprisal by other employees, employee organizations, management or supervisors, as a result of their exercise of rights indicated in sections (a) and (b) above.

#### **ARTICLE 4 - MANAGEMENT RIGHTS**

4.1 - City Rights. The Association recognizes and agrees that the City and its representatives have the responsibility and the authority to manage and direct all operations and activities of the City including, but not limited to, the exclusive right to determine the mission of its constituent departments, commissions and boards and the processes and the materials to be employed; the right to subcontract any work or operation; to expand or diminish services; to determine the procedures and standards of selection for employment and promotion; determine classifications; direct its employees; take disciplinary action; relieve its employees of duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted and to assign work to employees; take all necessary actions to carry out its mission in emergencies; and, exercise complete control and discretion over its organization and work performance technology.

4.2 - Duty to Bargain Effects. When the decision to make the change is non-negotiable, but the effects of the decision are negotiable, the duty to provide notice and an opportunity to bargain arises at the time the decision is made and prior to taking action to implement the decision.

## **ARTICLE 5 - ASSOCIATION DUES DEDUCTION**

5.1 - The City shall deduct one (1) month's current and periodic Association dues from the wages and/or Sick Leave benefits of each Unit member who voluntarily executes and delivers to the City a payroll deduction authorization form.

5.2 - The employee's earnings must be regularly sufficient after other legal and required deductions are made to cover the amount of the dues deduction authorized. When an employee is in a non-pay status for an entire pay period, no withholding will be made to cover that pay period from future earnings.

5.3 - In the case of an employee who is in a non-pay status during only part of the pay period, and the salary is not sufficient to cover the full withholding, no deduction shall be made. In this connection, all other legal and required deductions have priority over Association dues.

5.4 - An employee's authorization for deduction of dues may be canceled at any time by written notice from the employee to the City, with a copy to the Association. An employee's deduction authorization shall automatically be canceled if the employee leaves the employ of the City or is transferred out of the Unit.

5.5 - The aggregate amount of Association dues deductions by the City shall be transmitted monthly to the Association. The City shall provide the Association with a list each month indicating the dues deducted from the pay of any Unit member and those Unit members for whom no deduction was made pursuant to the provisions of Sections 5.2, 5.3 and 5.4.

5.6 - The Association shall indemnify, defend, and hold the City harmless against any claims made, and against any suit instituted, against the City on account of deduction of employee organization dues. In addition, the Association shall refund to the City any amounts paid to it in error upon presentation of supporting evidence.

## **ARTICLE 6 - ASSOCIATION REPRESENTATIVES**

Three (3) Unit members selected by the Association may attend scheduled meetings with City management during regular hours without loss of pay, provided that such employees shall not leave their work station or assignment without first providing adequate notice to their supervisor. Additional employees who are not on duty may participate at no additional cost to the City. Such meetings shall be scheduled in a manner consistent with the City's operating requirements and work schedules. Nothing herein shall be deemed to preclude the scheduling of such meetings at hours other than such employee's regular working hours, in which event attendance shall be without pay.

## **ARTICLE 7 - BULLETIN BOARDS**

7.1 - Authorized Postings. The City will furnish adequate bulletin board space where currently available. Only areas designated by the Human Resource Department may be used for posting notices. Bulletin boards may be used for the following notices:

- (a) Scheduled Association meetings, agenda and minutes.
- (b) Information on Association elections and election results.
- (c) Information regarding Association special, credit association, recreational, and related Bulletins.
- (d) Reports of official business of the Association including reports of committees or the board of directors.
- (e) MOU, pay scales, job announcements, promotion lists, etc.
- (f) Such other items as may be approved by the Human Resource Director upon request of the Association.

7.2 - Posted Notices. Posted notices shall not be defamatory or violate any of the City's policies, nor shall they advocate election or defeat of candidates for public office. All notices to be posted may be dated and signed by an authorized representative of the Association. The Association may give notices to Unit members through the use of the City mail system and/or the City computer e-mail system.

#### **ARTICLE 8 - MEMORANDUM OF UNDERSTANDING COPIES**

After it has been executed by the parties, the City shall provide the Association with one (1) executed copy and one (1) electronic copy (PDF) of this MOU. Association shall be responsible for providing copies of this MOU to Unit members at Association's expense. City shall also provide a copy of the executed MOU to any Unit member hired or promoted into the Unit after the effective date of the MOU. The City may charge for any additional copies.

#### **ARTICLE 9 - MEETINGS**

9.1 - Items of Mutual Concern. Upon mutual agreement of both the City and the Association, the parties may meet to discuss items of mutual concern. A meeting conducted under this section shall not constitute a meet and confer or hearing under any grievance procedure.

9.2 - Use of City Facilities. The Association may be granted permission to use City facilities for the purpose of meeting with employees to conduct its internal affairs provided space for such meetings can be made available without interfering with City needs. Permission to use facilities must be obtained by the Association from the Administrative Services Director/Deputy City Manager or his/her designee. The Association shall be held fully responsible for any damages to and security of any facility that is used by the Association.

9.3 - Budget Oversight Committee. The City agrees to the creation of a Budget Oversight Committee, with the Association entitled to appoint one (1) member. Said Committee shall have an equal number of members appointed by the City's recognized

Employee Associations and the City. Said Committee shall be advisory only to the City Manager. City shall determine the necessity of meetings.

9.4 - Subcontracting Work. The City shall notify the Association President of its intention to subcontract work performed by employees covered by this MOU no later than the date bids are requested for said contract work. The Association may comment on the proposed subcontracting and may request a meeting under Article 9 to discuss it or if applicable may ask for a meet and confer on the effects.

#### **ARTICLE 10 - HOURS OF WORK**

Each Unit member shall work a forty (40) hour workweek under a 4/10 work week plan. This will be accomplished by the City closing for business every Friday. All other work days (Monday through Thursday) will be ten (10) hour workdays. Working hours will be 7:00 am to 6:00 pm or as set by the department head.

#### **ARTICLE 11 - SALARIES, PERFORMANCE EVALUATIONS, RETIREMENT BENEFITS, AND EDUCATION INCENTIVE**

##### **11.1 - Salary Survey & Salary classifications.**

- (a) In the event that the City conducts a salary survey and/or a class and compensation study for Unit members during the term of this MOU, then the City and the Association will meet to determine appropriate agencies to be surveyed and benchmarking standards. The City agrees that the methodology for the salary survey will be used for all Unit classifications and that the City shall report the results of the study to SBPEA. During the negotiations of a successor MOU, the City and the Association agree to meet to discuss and consider a date for the initiation of a salary survey. Once a date has been established said date will be included in the successor MOU.
- (b) The City will obtain the salary ranges from each of the agreed upon entities for the classifications that are comparable with each Association classification. If an entity does not have a comparable classification for a specific Association classification, then the City shall enter a N/A next to that city/county. The City will provide SBPEA a detailed description of the methodology used to calculate new salary ranges for a proposed change to any Association classification and provide unedited source data for all surveyed cities and counties.
- (c) Unit classifications are assigned to salary ranges, as set forth below in accordance with the City's adopted Salary Table. Employees will be able to progress through the salary range as set forth in section 11.2.

<b>Classification</b>	<b>New Salary Range</b>
Assistant Director Water/Wastewater	85
City Engineer	85

<b>Classification</b>	<b>New Salary Range</b>
Electric Operations & Maintenance Manager	85
Development Services Manager (Building Official)	84
Utility Financial Analyst	76
Power Resource & Revenue Administrator	85
Redevelopment Manager	85
Senior Civil Engineer	82
Water/Wastewater Superintendent	81
Public Works Superintendent	81
Senior Planner	79
Information Technology Manager	77
Purchasing Manager	77
Planning Engineer	76
Associate Civil Engineer	76
Associate Electrical Engineer	76
Fleet Maintenance Manager	75
Customer Services Manager	71
Streets/Parks Maintenance Manager	70
Assistant Civil Engineer	68
Associate Planner	68
Risk Management Analyst	64
Assistant Planner	63
Recreation Manager	62
Principal Civil Engineer	N/A

The City and the Association agree to meet and confer regarding the job description and salary range for the classification of Principal Civil Engineer at such time as the City desires to fund a position in that classification. The City reserves the right to fill the position with the current incumbent in the classification of Career Part-Time Associate Civil Engineer, or with any other qualified applicant, whichever best meets its needs at that time.

11.2 – Salaries, Performance Evaluations, Probationary Period & Assignment to Ranges. Concurrent with the elimination of the Management Incentive of two percent (2%) and the elimination of the Pay for Performance (PFP) program, and effective the first full pay period including January 22, 2013, all Unit members will receive a seven percent (7%) pay increase and will be placed on ranges with defined steps as shown on the salary schedule provided herewith as Attachment A. Range minimum, mid-point and maximum are identical to current ranges. The salary table is calibrated in approximate two and a half percent (2.5%) increments.

Unit members will be moved four ranges, the equivalent of ten percent (10%) as set forth in Article 11.1 (c). Annual increase for satisfactory performance will be five percent (5%), which may not coincide with the steps on the table. Unit members will be evaluated using the new employee performance evaluation form.

- (a) No Unit member 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.
- (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 (6) 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 Association 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.

Probationary Period. The probationary period for newly hired represented employees will be one (1) year. The probationary period for promotions will remain at six (6) months.

The City agrees that as soon as practicable, job specifications will be reviewed to determine any necessary changes in minimum education requirements.

#### 11.3 – California Public Employees Retirement System ("CalPERS") Formulas.

- (a) All Unit members hired prior to December 11, 2012 will remain eligible to receive the CalPERS retirement plan known as "two and one-half at fifty-five" retirement (2.5% @ 55) formula for Miscellaneous Employees.

- (b) Beginning on or after December 11, 2012, the City implemented the 2% @ 60 retirement formula for miscellaneous new hires with average three years for calculation of final retirement benefit, which after January 1, 2013 shall only apply to new hires defined by CalPERS as "classic members." (Approved by City Council through side letter December 11, 2012.)
- (c) Beginning January 1, 2013, new hires defined by CalPERS as "new members" shall receive the newly created 2% @ 62 retirement formula with average of three years for calculation of final retirement benefit. (Mandated by the Public Employees' Pension Reform Act of 2013.)

#### 11.4 – Contributions to CalPERS.

- a) Effective January 1, 2013, all miscellaneous new hires defined by CalPERS as "new members" will pay their full employee member contribution rate towards their CalPERS retirement benefit per the Public Employees Pension Reform Act of 2013 (rates vary per retirement formula).
- b) Effective the first full pay period that included January 22, 2013, all Association represented employees will pay their full member contribution rate to their respective retirement plan with CalPERS, which is currently eight percent (8%) for miscellaneous members in the 2.5% @55 formula. CalPERS will determine the employee member contribution rates for each retirement formula. Therefore, the City shall cease all Employer Paid Member Contributions for Unit members effective the first full pay period that included January 22, 2013.

11.5 – FICA. – Unit members shall pay the employee's portion of the Federal Insurance Contributions Act ("FICA") tax and the City shall be responsible for payment of the employer's portion.

11.6 – Disability. – Each Unit member shall pay the cost of membership in the State Disability Insurance or other long term disability insurance selected by the City.

11.7 – Direct Deposit. – All Unit members shall be paid by direct deposit of their payroll check into an account of their choice, except those employees who either do not hold an account with a financial institution that offers direct deposit or who do not hold an account of any type. It shall be the responsibility of the employee to establish and maintain such account. When separation from the City is caused by death, payment of all outstanding compensation, including Salary and all remaining Sick Leave, Vacation, Comp Time or Holiday Time accruals shall be paid into the employee's direct deposit account the same as regular payroll.



11.8 – Residency Credit. – All Unit members who reside within City limits shall receive \$150 per month as a discount against the cost of electric and water service during the period of such residence.

11.9 – Education Incentive. – Unit members whose job specification does not require a bachelor's degree as a minimum requirement shall receive additional compensation of \$200.00 per month for a Bachelor's Degree; employees who possess a Bachelor's Degree and a job related certificate shall receive \$225.00 per month; employees who possess a Bachelor's Degree and a certification through a professional designation of official competency after taking a test or meeting established criteria by a universally recognized authority or association will receive \$250.00 per month; employees who possess a Master's Degree will receive \$275.00 per month; those employees who possess a Master's Degree and a certification through a professional designation of official competency after taking a test or meeting criteria established by a universally recognized authority of association shall receive \$300.00 per month.

## **ARTICLE 12 - COMPENSATORY TIME, OVERTIME AND ON-CALL PAY**

### **12.1 - Exempt Employees.**

Except as outlined in Article 12.8, the following listed Unit classifications shall not receive overtime pay:

- Assistant Director Water/Wastewater
- Associate Civil Engineer
- Associate Electrical Engineer
- City Engineer
- Customer Services Manager
- Development Services Manager (Building Official)
- Electric Operations & Maintenance Manager
- Fleet Maintenance Manager
- Information Technology Manager
- Parks/Streets Maintenance Manager
- Planning Engineer
- Public Works Superintendent
- Power Resource & Revenue Administrator
- Principal Civil Engineer
- Public Works Superintendent
- Purchasing Manager
- Recreation Manager
- Redevelopment Manager
- Risk Management Analyst
- Senior Civil Engineer
- Senior Planner
- Utility Financial Analyst
- Water/Wastewater Superintendent

### **12.2 - Non-Exempt Employees.**

The following Unit members are entitled to receive overtime pay:

Assistant Planner  
Associate Planner  
Assistant Civil Engineer

12.3 - Compensated time off for Non-Exempt employees listed in Article 12.2:

- (a) Non-Exempt Unit members shall be paid for all overtime at the rate of time and one-half (1-1/2) for each hour worked, or they shall accrue compensatory time off hours at the rate of one and one-half hour (1-1/2) for each hour worked up to a maximum of two-hundred forty (240) hours.
- (b) Unit members may exercise the option to cash out a maximum of sixty (60) hours of compensatory time off per fiscal year.

12.4 - Hours Worked. For purposes of overtime calculation, "hours worked" for non-exempt Unit members shall include time spent in required court appearances as set forth in Article 14. All other hours paid for but not worked, including, but not limited to vacation, holiday, sick leave, on call time and compensatory time off shall not be counted as hours worked for overtime calculation.

12.5 - Non-Exempt Overtime. All work performed by Unit members listed in Article 12.2 in excess of forty (40) hours per week shall be paid at the rate of one and one half times (1-1/2) the employee's regular hourly base rate of pay, except for employees who choose to be compensated in additional compensatory time as outlined in Article 12.3. All overtime worked shall be authorized by a supervisor in advance of working overtime hours, if possible. Otherwise, the claim for overtime shall be subject to review by the Human Resource Director.

12.6 - Non-Exempt On-Call Status. Only the employees listed in Article 12.2, the non-FLSA exempt Unit members, shall be entitled to additional compensation for on call status. Unit members required to remain in an on call status shall, at employee's option, receive an additional eight (8) hours of compensatory time or pay at his/her regular rate for each week for such duty plus and additional one (1) hour for any week in which a holiday occurs. Unit members shall be entitled to receive the pro rata equivalent for any partial week.

- (a) When required to respond, Unit members shall receive, at employee's option, a minimum of two (2) hours of compensatory time or pay at his/her regular rate for any time worked during the first one (1) hour and compensatory time or pay at time and one-half (1-1/2) for each hour worked thereafter.
- (b) For purposes of this Article, Unit members shall be deemed to be in on call status only when all of the following conditions are met:
  - (1) The appropriate Director has placed the employee in on call status by a notice in writing;

- (2) The employee is required to respond to the City Yard or other designated location within a specified time not to exceed thirty (30) minutes; and,
- (3) While on call the employee is prohibited from engaging in any activity which may interfere with the employee's ability to respond to an emergency call and immediately commence the required job performance.

12.7 - CTO Cash-Out. In the event a Unit member terminates his or her employment, the City shall "cash out" the employee's accrued compensatory time. The employee shall be compensated for all such compensatory time at his/her then current, straight time rate of pay.

12.8 - Contract Overtime For Non-Exempt Employees. In assessing costs against such other agency for work performed by Unit members, the City shall assess compensation for such employee at the rate of one and one-half (1-1/2) times the regular rate of compensation. Represented employees shall receive in compensation the greater of that received from the third party agency for the employee's services or such compensation as he/she shall be otherwise entitled to under law and this MOU.

12.9 - Personal Leave. Unit members shall receive paid personal leave time accrued at a rate of 3.77 hours per pay period effective the first full pay period in July 2013, to compensate for time spent in excess of normal working hours in completing their responsibilities. This personal leave time shall be capped at a total of one hundred ninety-two (192) hours, at which time accrual shall cease until the unused balance of accrued time drops below the cap. Effective the first full pay period in July 2013, leave balances above one hundred fifty (150) of the existing personal leave balance will be moved to a unique leave account.

- (a) In the event a Unit member terminates his or her employment with the City, the employee shall be compensated for all accrued personal leave at his or her then current rate of pay.
- (b) Unit members may exercise the option to cash out a maximum of sixty (60) personal leave hours per fiscal year from the active or unique leave bank.

### **ARTICLE 13 - ACTING PAY AND PROMOTION PAY**

13.1 - Unit members temporarily assigned by management to fill a vacancy in a higher classification, when the vacancy is created by a departure, or when the incumbent is absent in excess of twenty (20) work days, shall be compensated from the first day working such assignment, and consecutive days worked thereafter, at the lowest pay range of the incumbent which is at least five percent (5%) above the acting employee's normal rate of compensation while working in the higher classification. The conditions of this subsection are a prerequisite to the receipt of any higher acting pay. At such time as an employee is no longer performing work out of his permanent classification, he/she shall be compensated at his/her regular rate of pay for his/her permanent classification.

13.2 - Unit members promoted to work in a higher classification shall be paid five percent (5%) more than the employee received in the lower classification.

13.3 - Temporary assignments to perform work out of a Unit member's permanent classification shall be limited in duration to six (6) months in any one (1) year. A time extension to the temporary assignment beyond the initial six months may be made with the concurrence of the Association in writing.

#### **ARTICLE 14 - PAY FOR JURY DUTY & COURT APPEARANCES**

Any Unit member who shall be summoned for attendance to any court for jury duty during his/her normal working hours shall be deemed to be on duty and there shall be no loss of salary, but any jury fees received by him/her shall be paid into the City treasury. Any employee, who shall be called as a witness arising out of and in the course of his/her City employment, shall be deemed to be on duty and there shall be no loss of salary, but any witness fees received by him/her shall be paid into the City treasury. An employee absent as a witness in a private matter shall not be entitled to be paid during such absence, but he/she may, however, use vacation leave, holiday leave, personal leave or compensatory leave for such absence.

#### **ARTICLE 15 - SAFETY, EQUIPMENT, AND TRAINING**

15.1 - The City will provide Unit members safety equipment in accordance with California State Law. Effective the first full pay period in January, 2013, and annually thereafter, the City shall provide a yearly boot/safety shoe allowance of two-hundred fifty dollars (\$250) to each employee who is required, by nature of his/her work to wear a specific type/style of shoe or boot. An approved shoe/boot is one which meets the minimum standards as determined by the department head. Departmental standards shall not be less than those which may be required by CAL/OSHA. Employees shall wear approved shoes/boots during working hours where required by work conditions.

15.2 - The City shall reimburse Unit members the reasonable replacement value of personal property destroyed in the course and scope of their employment. The employee shall make application for reimbursement by presenting to the appropriate supervisor the damaged or destroyed article. Personal property subject to this provision consists of personal property necessary to fulfill the employee's job duties and that is approved in advance for use on the job. Replacement for prescription eyewear is limited to two-hundred dollars (\$200) per pair per year. Replacement for watches is limited to one-hundred dollars (\$100) per year. Replacement of items will be secondary to any applicable insurance.

15.3 - A Joint Safety and Training Committee shall be continued.

- (a) Joint Safety and Training Committee. The Committee shall consist of an equal number of members appointed by the City and the Association. The Committee shall be advisory only. The Committee shall meet on a regular basis, but not less than once per quarter. The Association and City may agree to meet more frequently on a regular or special basis. The Committee

may review work practices, training, procedures and rules and may recommend changes in the interest of health and safety. The Committee may review all serious accidents, injuries or fatalities, and include recommendations resulting from its review in the Committee's minutes.

(b) Reporting. Minutes of all Committee meetings shall be posted on Association bulletin boards, with copies to the Human Resource Department and to the President of the Association, within five (5) working days after the Committee meeting. Specific questions submitted either to the Committees or by the Committees to City Management will be responded to within a reasonable time and the answers posted on Association bulletin boards.

(c) Findings. Proceedings of the Committee shall be completely independent of any disciplinary action and the Committee's findings shall not be entered into the record of any such disciplinary proceedings.

## **ARTICLE 16 - MILEAGE, MEALS AND OTHER REIMBURSEMENTS**

16.1 - Effective July 1, 2008, the following listed Unit member classifications are provided with a two-hundred fifty dollar (\$250) per month vehicle allowance under this section. The City will also provide employees with mileage reimbursements as provided in the Administrative Policy E-1 dated September 1, 2001, except that AP E-1 item C.4 is amended as follows: mileage for trips exceeding forty (40) miles round trip shall be reimbursable at the current IRS rate for total trip mileage that exceeds forty (40) miles, an employee may only request reimbursement for expenses equal to or greater than twenty dollars (\$20) and an employee must keep record of the mileage or aggregate from multiple trips to establish the twenty dollar (\$20) minimum.

Associate Civil Engineer  
Associate Electrical Engineer  
Associate Planner  
Assistant Civil Engineer  
Assistant Planner  
Customer Services Manager  
Information Technology Manager  
Planning Engineer  
Power Resource & Revenue Administrator  
Principal Civil Engineer  
Purchasing Manager  
Recreation Manager  
Redevelopment Manager  
Risk Management Analyst  
Senior Planner  
Senior Civil Engineer  
Utility Financial Analyst

16.2 - The following listed Unit member classifications shall be provided with a City Vehicle for performing City business and travel to and from work:

Assistant Director Water/Wastewater  
City Engineer  
Development Services Manager (CBO)  
Fleet Maintenance Manager  
Public Works Superintendent  
Streets/Parks Maintenance Manager  
Electric Operations & Maintenance Manager  
Public Utilities Superintendent

In the event the City vehicle is unavailable, then the employee shall receive a vehicle allowance or mileage, consistent with City policy.

16.3 - All Unit members receiving such vehicle allowance shall name the City as an additional named insured on any policy of insurance providing coverage for the vehicle used by the employee for the purposes set forth herein. Proof of current insurance shall be maintained on file with the City.

16.4 - Unit members not receiving compensation pursuant to Section 16.1, 16.2 or 16.3 above shall be reimbursed for use of their own vehicle for authorized City business at the rate set by the Internal Revenue Service.

16.5 - Unit members shall be reimbursed for meals as per the Administrative Policies of the City.

16.6 - The City shall bear the full cost of any fidelity or other bonds required of Unit members under any law or ordinance.

#### **ARTICLE 17 - TUITION, AND PROFESSIONAL TRAINING AND TRAVEL**

17.1 - Qualifications. - Tuition reimbursement is limited to three-thousand five-hundred dollars (\$3,500) per year and will be reimbursed to all permanent employee Unit members for professional and technical courses approved by the Human Resource Department and taken in an accredited educational institution provided that:

- (a) The subject matter of the course relates directly to and contributes toward the employee's position with the City.
- (b) The employee has received at least a competent proficiency rating on the last evaluation report.
- (c) The employee has furnished evidence that the course has been completed with at least a 'C' grade or "pass".

#### **17.2 - Reimbursement.**

- (a) Requests for reimbursement must be completed and returned to the Human Resources Department within three (3) weeks after receipt of course

completion documentation. (No reimbursement will be made without bona fide receipts or documentation.)

- (b) Reimbursements will be made only after proof of completion of course with minimum 'C' average or "pass" and satisfactory receipts of payment for tuition are approved by the Human Resources Department.

17.3 - Training. - The City hereby agrees to pay, as outlined in Article 16, the travel and subsistence expenses of Unit members for professional and official travel, meetings, and occasions required to continue the professional development of Unit members and to adequately pursue necessary official and other functions of the City, including but not limited to annual state conference of the California League of Cities, and such other national, regional, state and local governmental groups provided it is budgeted in the annual operations budget. Time spent in City required and approved training or conferences, including travel time shall be included as time worked in accordance with FLSA standards. The City shall not pay for the costs incurred to meet minimum job requirements.

17.4 - Tools. - The City hereby agrees to finance at no interest the purchase of any job-related tools or equipment that serve the professional development of any Unit members over the term of this MOU. Such tools and equipment shall be approved in advance by the Human Resource Department. Repayment to the City by the Unit member shall be made by payroll deductions until the amount loaned is completely repaid. The maximum period for repayment shall be two (2) years.

## **ARTICLE 18 - SICK LEAVE**

18.1 - Sick Leave Accrual. Unit members shall accrue three and sixty-nine hundredth (3.69) hours of sick leave per pay period. Sick leave shall accrue up to a cap of four hundred (400) hours. Effective 1<sup>st</sup> full pay period in July 2013, excess hours above two-hundred twenty-four (224) will be moved to an "old sick" leave account. During fiscal year 2014 and thereafter, any hours that exceed regular cap of four-hundred (400) hours will not be accrued. Leave banks can be utilized for time off or for conversions per provisions in the MOU.

18.2 - Use of Sick Leave. Sick leave shall be granted only where consistent with the City's Sick Leave policy (currently AP-01), except as otherwise provided in the Family Medical Leave Act and Pregnancy Leave policies of the City (currently AP-02).

18.3 - Sick Leave Buy Out. All sick leave shall hereafter accrue in a "Bank". Any Unit member may cash in the "Bank", to a maximum of ninety-six (96) hours, at straight time at the current rate of pay, but will not be allowed to cash out the "Bank" below forty (40) hours. This request must be made no later than Nov. 1st of each year and the payment shall be made in the last check issued in November of each year.

- (a) Sick Leave Upon Separation. Upon separation, service retirement, disability retirement, or termination, a Unit member shall be eligible to receive a cash payment for accrued sick leave in the "Banks" in an amount equivalent to

straight time, to a maximum of ninety-six (96) hours. After ten (10) years of continuous City service, all hours accrued in the "Bank," less the total hours cashed out in 18.3, shall be eligible for conversion to cash in an amount equivalent to thirty percent (30%) of such unused sick leave. Such reimbursement to be computed based upon the employees' final compensation rate. (See AP-01.)

- (b) Sick Leave Conversion. Beginning with the eleventh (11) year of City service, Unit members may convert the value of the total amount of their sick leave bank minus forty (40) hours to either Deferred Compensation or the Retiree Health Savings.

18.4 – Bereavement. All Unit members covered by this MOU who have passed their probation are granted bereavement leave. In the event of the death of a member of their family, including spouse, domestic partner, mother, father, brother, sister, child, stepchild, grandchild, or grandparent of the employee or any one of the same relatives of the employee's spouse or domestic partner, the employee shall be allowed thirty (30) hours of bereavement leave for each death of a family member. In the event of the death of a spouse or multiple family deaths occurring within a twenty-four (24) hour period, the employee shall be allowed forty (40) hours of bereavement leave.

18.5 – Bereavement – Use of Leave Balances. In addition to the foregoing bereavement leave, the Unit member may also utilize up to twenty (20) hours from accrued sick leave, if there is a death of a family member and up to forty (40) hours from accrued sick leave in the event of the death of a spouse or multiple family deaths. If the employee has insufficient accumulated sick leave to exercise this option, then the employee may utilize accrued vacation, or compensated time off for the additional bereavement leave.

## **ARTICLE 19 - VACATION AND HOLIDAY LEAVE**

19.1 - Vacation Leave Accruals. Unit member vacation leave shall accrue in accordance with the following schedules:

- (a) One (1) through four (4) years service:  
Ten (10) eight (8) hour days per year = three and eight hundredth (3.08) hours per pay period
- (b) Beginning the fifth (5<sup>th</sup>) year through the ninth (9<sup>th</sup>) year:  
fifteen (15) eight (8) hour days per year = four and sixty-two hundredth (4.62) hours per pay period
- (c) Beginning the tenth (10<sup>th</sup>) year & thereafter:  
twenty (20) eight (8) hour days per year = six and fifteen hundredth (6.15) hours per pay period

19.2 - Maximum Vacation Leave Accrual. Vacation leave may be accrued to a maximum of three-hundred twenty (320) hours. If an employee has accumulated the maximum allowed under this Article, said employee will receive no further vacation



leave accruals until said employees uses a portion of his/her vacation leave and his/her vacation leave accruals have been reduced below the maximum. There shall be no retroactive receipt of any vacation leave lost as a result of this Article.

19.3 - Vacation Leave Approval Required. Vacation leave may be taken with approval of the employee's supervisor, and as otherwise consistent with the policies of the City. Vacation leave may be taken at any time following the completion of the twelve (12) month probationary period. Employees hired prior to the adoption of this MOU are eligible to use vacation leave following the completion of six (6) month probationary period. Vacation leave taken shall not be in excess of that actually accrued at the time such vacation leave is taken. Vacation leave must be approved a minimum of fourteen (14) days in advance of the first day of such vacation. Exceptions may be made to the fourteen (14) day notice requirement for emergencies or at the discretion of the employee's supervisor.

19.4 - Vacation Leave Payment upon Termination. Any Unit member who has been in continuous full-time service of the City for a period of twelve (12) months or more, who is about to terminate his or her employment, and has earned vacation leave to his/her credit, shall be paid for such vacation leave within one payroll period of the effective date of such termination.

19.5 - Vacation Payment In-Lieu. Unit members with greater than two-hundred fifty (250) hours of accrued vacation time may request a one-time cash out of fifty percent (50%) of the total available hours to be paid at their current pay rate. Unused vacation accrual in excess of eighty (80) hours may be paid off at the option of the employee up to a maximum of eighty (80) hours per fiscal year.

19.6 - Holiday Leave Accrual. Effective July 1<sup>st</sup>, 2013, the following holidays shall be granted to employees: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving, Day after Thanksgiving, and Christmas.

(a) One (1) ten (10) hour floating holiday will be credited to Employee's Holiday Leave bank July 1<sup>st</sup> each year. Accrued floating holiday hours may be taken in one hour increments. Leave balances must be used during the fiscal year or they will be cashed out according to Administrative Policy A-30.

(b) Effective July 1<sup>st</sup> 2013, all of a Unit member's existing holiday leave hours will be moved to a new unique leave account bank. The cash value of any holiday leave hours in the unique leave account bank shall be equal to and, upon cash-out, remain at the employee's current pay rate. Upon termination, for any reason, the employee shall be entitled to one-hundred percent (100%) of the unused holiday leave on the books then existing, including in the unique leave bank account.

19.7 - Holiday Leave Approval Required. Holiday leave (section 19.6 (a) and (b)) other than City recognized holidays (City Hall closed) must be approved a minimum of

fourteen (14) days in advance of the first day of such leave. Exceptions may be made to the fourteen (14) day notice requirement for emergencies or at the discretion of the Unit member's supervisor.

19.8 - Holiday Leave Payment Upon Termination. Any Unit member, who is about to terminate his/her employment, and has earned Holiday leave to his/her credit, shall be paid for such holiday leave within one payroll period of the effective date of such termination at the employee's then current rate of pay.

19.9 - Additional Holidays. If, during the term of this MOU, the City Council recognizes an additional Holiday for City employees, Unit members will be granted the holiday.

19.10 - Promotional Pay Out of Leave. Prior to implementation of a promotion to a different bargaining unit, the City shall be entitled to cash-out at the Unit member's current pay rate, all vacation, holiday and comp time leave banks in excess of three hundred (300) hours collectively. Employee will identify which leave balances will remain.

## **ARTICLE 20 - CAFETERIA PLAN**

20.1 - City Contributions to Cafeteria Plan. The City shall contribute nine-hundred forty-seven dollars (\$947) per month to each Unit member for the cafeteria benefits plan detailed in this section. Effective the first full pay period after July 1, 2013, the City shall contribute one-thousand dollars (\$1000) per month to each Unit member for the cafeteria benefits plan detailed in this section.

(a) Said contribution shall first be used to provide for health insurance for the employee. Employee shall be covered by health insurance with a City approved health plan unless the employee provides proof to the City that employee is covered by another acceptable health plan as determined by the City's Human Resource Department.

(b) The balance may be used for any of the following or any combination thereof:

1. Health insurance for employee's spouse and/or dependents;
2. Dental Insurance for employee, spouse and/or dependents;
3. Eye care plan for employee, spouse and/or dependents;
4. Voluntary life insurance on employee's life;
5. Deferred compensation programs;
6. Eye care plan for employee, spouse and/or dependents; and
7. Supplemental insurance options.

- (c) Unit members may elect to receive ninety-two and five-tenths percent (92.5%) of the balance in cash as CalPERS non-includable taxable income.
- (d) The City will pay for life insurance in the amount of one-hundred fifty thousand dollars (\$150,000) and the Unit member will pay the taxes on the portion of the premium attributable to coverage above fifty thousand dollars (\$50,000).

20.2 - IRS 125 Flexible Spending Plan. During the term of this MOU, the City shall maintain an Internal Revenue Section 125 program which will allow Unit members to allocate specified amounts of monthly pre-tax salary or wages for the reimbursement of medical care expenses or dependent care expenses or both, as well as health and welfare insurance premiums, with the exception of disability insurance premiums.

20.3 – Eye Wear Reimbursement. The City will reimburse Unit members and/or their dependents a maximum of two-hundred fifty dollars (\$250) for eyewear every two (2) years.

#### **ARTICLE 21 - MANAGEMENT INCENTIVE PAY**

Effective the first pay period including January 22, 2013, management incentive pay will be eliminated and included in the assignment to salary ranges (Article 11).

#### **ARTICLE 22 - LAYOFFS AND RE-EMPLOYMENT**

22.1 - Purpose. The purpose of this Article is to provide a fair and equitable basis for the reduction of full-time classified personnel due to insufficient work or funds.

22.2 - Reasons For Layoff. The City retains the right to determine when a lack of work or lack of funds condition exists. Lack of work means that a category of work effort within the City can be fulfilled with fewer employees at an acceptable level of service. Lack of funds means that the City cannot sustain operations at the current level of employment within the funding available.

22.3 - Notice Of Layoff. Any layoff initiated under the provisions of this MOU can take place at any time during the year. The City shall notify the affected Unit members in writing at least sixty (60) calendar days prior to the employee's last day of work. The City reserves the right to pay the employee for such sixty (60) day period or any remaining portion thereof, and to require the employee to immediately vacate City property. A copy of any notice will be forwarded to the appropriate Association representative. Any notice of layoff shall specify the reason for the layoff and effective date. The form, procedure and timing of such notice shall be subject to the established Grievance Procedure, provided however, that the City's decision to layoff is not subject to the Grievance Procedure. The date of layoff shall not be delayed by the pendency of a grievance.

22.4 - Order Of Layoff. Any layoff shall be effective within classes determined by the City. The order of layoff shall be based on the City Manager's evaluation of critical

position function and seniority measured as the length of uninterrupted service within the class as measured to the date of the layoff notice.

22.5 - Equal Seniority. If two (2) or more employees subject to layoff have equal class seniority, then the determination as to who has seniority shall be based upon total length of uninterrupted service with the City

22.6 - Re-Employment Rights.

(a) Any Unit member who has been given a written notice of layoff may compete for any open position for which he or she is qualified. The City will make reasonable efforts to notify the affected employee of any position that is open or any future position that is opening for the Unit member's consideration. The Human Resource Department shall receive and date the resume/application and set up testing for the Unit member who is qualified for that position. The Unit member shall compete with any other laid off employee who also qualifies for that position. A Unit member that has been laid off and is qualified shall compete for the position that has opened or that is opening prior to it being open to present employees or to the public.

(b) Unit members who have been laid off or reduced in classification under the provisions of this Article shall be placed upon reemployment lists for a period of two (2) years, or until they are re-employed with the City, whichever occurs first. For purposes of this section, "reemployment" means any full-time employment with the City. Employees on a reemployment list shall have hiring preference for vacancies in their original classifications in order of their respective seniorities within those classifications, with the most senior employees having first preference. Employees on such reemployment lists shall also have preference over new hires in applying for vacancies in bargaining unit classifications other than those from which they were laid off, and according to the City's usual and customary hiring practices.

(c) This Article shall be implemented consistent with the provisions of Administrative Policy AP-10.

## **ARTICLE 23 - GRIEVANCE PROCEDURE**

23.1 - FLSA Applicability. As to all Unit members, no discipline may be imposed except as consistent with FLSA rules for the applicable class of exempt employee.

23.2 - Grievable Matters. Any permanent employee in the Unit who has a grievance based upon his/her demotion, dismissal, reduction in pay, improper treatment, violation of the personnel ordinance or salary resolution, shall be entitled to have the matter reviewed through the following grievance procedure outlined in this Article. This right shall not extend to complaints concerning Performance Evaluation forms.

23.3 - Informal Step. An attempt shall be made to ascertain all facts and adjust such grievance on an informal basis between the Unit member and, if he/she desires, his/her representative, and the immediate supervisor. Presentation of such grievance shall be

made within fourteen (14) calendar days of the incident causing the grievance, or the date on which the employee first became aware of it.

23.4 - Step One. If the grievance is not adjusted to the satisfaction of the Unit member under the procedures set forth in Sections 23.3 above, the employee or his/her representative may submit the grievance, in writing, to their department head, within fourteen (14) calendar days after the completion of the last step under paragraph 23.3 above. The department head and a representative of the Human Resources department shall meet with the employee and his/her representative if applicable, within fourteen (14) calendar days of receipt of such written grievance, and the department head shall deliver a decision in writing, to the employee, along with the reasons for such decision, within fourteen (14) calendar days after the meeting.

23.5 - Step Two. If the grievance is not adjusted to the satisfaction of the employee under the procedure set forth in Section 23.4 above, the employee or his/her representative may submit written notice to the City Manager within fourteen (14) calendar days after the completion of the last step under paragraph 23.4 above of his/her intent to submit the matter to advisory arbitration. The procedures set forth below shall be followed.

- (a) Within seven (7) calendar days of receipt of the written notice, the parties shall request a list of seven (7) arbitrators from the Federal Mediation and Conciliation Service.
- (b) Within fourteen (14) calendar days of receipt of the list of arbitrators the City and the Association shall attempt to reach an agreement on an arbitrator. Failing to agree on an arbitrator, the Association and the City shall take turns striking the names or arbitrators from the FMCS list until one (1) name remains. The Association shall strike the first name.
- (c) The parties shall contact the arbitrator to arrange for a mutually convenient time and date for the advisory arbitration hearing.
- (d) The cost of the arbitrator shall be split equally by the City and the Association.
- (e) All arbitration proceedings shall be recorded. The arbitrator shall be required to provide both parties with a decision and with written findings of fact in support of the decision. The arbitrator's decision shall be consistent with and supported by the substantive law.

23.6 - Step Three. Within seven (7) calendar days after the Association and City receive the advisory arbitrator's recommendation, either party may submit written argument whether the arbitrator's opinion should be accepted, rejected or modified. Within fourteen (14) calendar days after the seven (7) day period above has expired, the City Manager shall advise the Association and the department head whether the City Manager is accepting, rejecting, or modifying the recommended decision. The decision of the City Manager shall be final and binding.

23.7 - Time Extensions. The above time limits may be changed by mutual agreement.

#### **ARTICLE 24 - SAVINGS CLAUSE**

If any of the provisions contained in this MOU are determined to be unlawful, then only such provision(s) shall be deleted from this MOU with the remainder of this MOU remaining in full force and effect. Upon the issuance of a decision by a Court of Competent Jurisdiction declaring any section of this MOU to be unlawful, unenforceable, unconstitutional, or not applicable, the parties agree to meet and confer as soon as possible concerning only those sections.

#### **ARTICLE 25- COMPLETE AGREEMENT**

Anything contained herein to the contrary notwithstanding, during the meeting and conferring resulting in this MOU, the City and the Association each had the unlimited right and opportunity to make demands and proposals with respect to any subject matter as to which the Meyers-Milias-Brown Act imposes an obligation to meet and confer. Except as specifically set forth elsewhere in this MOU, the City expressly waives its right to require the Association meet and confer, and the Association expressly waives its right to require the City to meet and confer, over all matters as to which the Meyers-Milias-Brown Act imposes an obligation to meet and confer, whether or not: (a) such matters are specifically referred to in this MOU; (b) such matters were discussed between the City and the Association during the negotiations which resulted in this MOU; (c) such matters were within the contemplation of or knowledge of the City or the Association at the time this MOU was negotiated and executed. This MOU contains the entire understanding, undertaking, and agreement of the City and the Association, after exercise of the right and opportunity referred to in the first sentence of this Article, and finally determines all matters of meeting and conferring for its term. Changes in this MOU, whether by addition, waiver, deletion, amendment, or modification, must be reduced to writing and executed by both the City and the Association.

#### **ARTICLE 26- RATIFICATION AND EXECUTION**

This MOU has been developed as a result of meet and confer sessions between authorized representatives of the City and the Association regarding issues related to wages, hours and other terms and conditions of employment. The City's representatives and the Association have reached an understanding as to certain recommendations to be made to the City Council for the City of Banning and have agreed that the parties hereto will jointly urge said Council to adopt this MOU as a new wage and benefit resolution which will provide for the changes contained in said joint recommendation. The parties hereto acknowledge that this MOU shall not be in full force and effect until adoption by the Banning City Council

IN WITNESS WHEREOF THE PARTIES HAVE CAUSED THEIR SIGNATURES TO  
BE AFFIXED THIS \_\_\_\_\_ DAY OF JUNE, 2013.

For: the City of Banning

For the Association

\_\_\_\_\_  
Andy Takata,  
City Manager

\_\_\_\_\_  
Michael Moore  
Labor Relations Representative

\_\_\_\_\_  
Colin Tanner,  
Lead Negotiator

\_\_\_\_\_  
Art Vela  
Representative

\_\_\_\_\_  
June Overholt,  
Administrative Services Director/  
Deputy City Manager

\_\_\_\_\_  
Jim Steffens  
Representative

\_\_\_\_\_  
Rita Chapparosa,  
Deputy Human Resources Director

City of Banning  
Salary Schedule  
2.5506% Between Steps

Attachment "A"

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	5,1500	5,2814	5,4161	5,5542	5,6959	5,8411	5,9901	6,1429	6,2998	6,4603	6,6251	6,7940	6,9673
Biweekly	412.00	422.51	433.28	444.34	455.67	467.29	479.21	491.43	503.97	516.82	530.00	543.52	557.39
Annual	10,712.00	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	14,492.02	14,853.24
02 Hourly	5,2784	5,4130	5,5511	5,6926	5,8378	5,9867	6,1394	6,2960	6,4566	6,6213	6,7902	6,9634	7,1410
Biweekly	422.27	433.04	444.08	455.41	467.03	478.94	491.16	503.88	516.53	529.70	543.21	557.07	571.28
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	14,853.24
03 Hourly	5,4106	5,5486	5,6901	5,8352	5,9841	6,1367	6,2932	6,4537	6,6183	6,7871	6,9603	7,1378	7,3198
Biweekly	432.85	443.89	455.21	466.82	478.73	490.94	503.46	516.30	529.47	542.97	556.82	571.02	585.59
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	15,225.28
04 Hourly	5,5457	5,6871	5,8322	5,9809	6,1335	6,2899	6,4504	6,6149	6,7836	6,9566	7,1341	7,3160	7,5026
Biweekly	443.65	454.97	466.57	478.47	490.68	503.19	516.03	529.19	542.69	556.53	570.72	585.28	600.21
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	14,109.88	14,469.76	14,838.83	15,217.31	15,605.44
05 Hourly	5,6846	5,8296	5,9783	6,1308	6,2872	6,4475	6,6120	6,7806	6,9536	7,1309	7,3128	7,4993	7,6906
Biweekly	454.77	466.37	478.26	490.46	502.97	515.80	528.96	542.45	556.28	570.47	585.02	599.94	615.25
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	15,996.42
06 Hourly	5,8264	5,9751	6,1275	6,2837	6,4440	6,6084	6,7769	6,9498	7,1270	7,3088	7,4952	7,6864	7,8825
Biweekly	466.12	478.00	490.20	502.70	515.52	528.67	542.15	555.98	570.16	584.71	599.62	614.91	630.60
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	16,395.52
07 Hourly	5,9721	6,1244	6,2807	6,4408	6,6051	6,7736	6,9464	7,1235	7,3052	7,4916	7,6826	7,8786	8,0795
Biweekly	477.77	489.96	502.45	515.27	528.41	541.89	555.71	569.88	584.42	599.32	614.61	630.29	646.36
Annual	12,422.00	12,738.84	13,063.75	13,396.96	13,738.66	14,089.08	14,448.43	14,816.96	15,194.88	15,582.44	15,979.88	16,387.47	16,805.44
08 Hourly	6,1216	6,2778	6,4379	6,6021	6,7705	6,9432	7,1203	7,3019	7,4881	7,6791	7,8750	8,0758	8,2818
Biweekly	489.73	502.22	515.03	528.17	541.64	555.45	569.62	584.15	599.05	614.33	630.00	646.07	662.55
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	17,226.19
09 Hourly	6,2745	6,4346	6,5987	6,7670	6,9396	7,1166	7,2981	7,4842	7,6751	7,8709	8,0717	8,2775	8,4887
Biweekly	501.96	514.76	527.89	541.36	555.17	569.33	583.85	598.74	614.01	629.67	645.73	662.20	679.09
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	15,964.28	16,371.47	16,789.04	17,217.26	17,656.40
10 Hourly	6,4313	6,5953	6,7635	6,9360	7,1129	7,2943	7,4804	7,6712	7,8669	8,0675	8,2733	8,4843	8,7007
Biweekly	514.50	527.62	541.08	554.88	569.03	583.55	598.43	613.70	629.35	645.40	661.86	678.74	696.06
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	18,097.44
11 Hourly	6,5923	6,7605	6,9329	7,1097	7,2911	7,4770	7,6677	7,8633	8,0639	8,2695	8,4805	8,6968	8,9186
Biweekly	527.38	540.84	554.63	568.78	583.28	598.16	613.42	629.06	645.11	661.56	678.44	695.74	713.49
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	17,200.84	17,639.36	18,089.27	18,550.66
12 Hourly	6,7572	6,9296	7,1063	7,2876	7,4734	7,6641	7,8595	8,0600	8,2656	8,4764	8,6926	8,9143	9,1417
Biweekly	540.58	554.36	568.50	583.00	597.87	613.12	628.76	644.80	661.25	678.11	695.41	713.14	731.33
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	19,014.69

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City of Banning  
Salary Schedule  
2.5506% Between Steps

Attachment "A"

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
13													
Hourly	6,926.0	7,102.6	7,283.8	7,469.6	7,660.1	7,855.5	8,055.8	8,261.3	8,472.0	8,688.1	8,909.7	9,136.9	9,370.0
Biweekly	554.08	568.21	582.70	597.56	612.81	628.44	644.46	660.90	677.76	695.05	712.77	730.95	749.60
Annual	14,406.00	14,773.44	15,150.25	15,536.67	15,932.95	16,339.34	16,756.09	17,183.47	17,621.75	18,071.21	18,532.14	19,004.82	19,489.55
14													
Hourly	7,099.0	7,280.1	7,465.8	7,656.2	7,851.5	8,051.8	8,257.1	8,467.7	8,683.7	8,905.2	9,132.3	9,365.3	9,604.1
Biweekly	567.92	582.41	597.26	612.50	628.12	644.14	660.57	677.42	694.70	712.42	730.59	749.22	768.33
Annual	14,766.00	15,142.62	15,528.85	15,924.93	16,331.11	16,747.65	17,174.82	17,612.88	18,062.11	18,522.80	18,995.25	19,479.74	19,976.59
15													
Hourly	7,276.4	7,462.0	7,652.4	7,847.5	8,047.7	8,253.0	8,463.5	8,679.3	8,900.7	9,127.7	9,360.5	9,599.3	9,844.1
Biweekly	582.12	596.96	612.19	627.80	643.82	660.24	677.08	694.35	712.06	730.22	748.84	767.94	787.53
Annual	15,135.00	15,521.03	15,916.91	16,322.89	16,739.22	17,166.17	17,604.01	18,053.02	18,513.48	18,985.69	19,469.93	19,966.53	20,475.80
16													
Hourly	7,458.7	7,648.9	7,844.0	8,044.1	8,249.2	8,459.6	8,675.4	8,896.7	9,123.6	9,356.3	9,594.9	9,839.7	10,090.6
Biweekly	596.69	611.91	627.52	643.52	659.94	676.77	694.03	711.73	729.89	748.50	767.60	787.17	807.25
Annual	15,514.00	15,909.70	16,315.49	16,731.64	17,158.39	17,596.03	18,044.84	18,505.09	18,977.08	19,461.11	19,957.49	20,466.52	20,988.54
17													
Hourly	7,645.2	7,840.2	8,040.2	8,245.2	8,455.5	8,671.2	8,892.4	9,119.2	9,351.8	9,590.3	9,834.9	10,085.8	10,343.0
Biweekly	611.62	627.22	643.21	659.62	676.44	693.70	711.39	729.53	748.14	767.22	786.79	806.86	827.44
Annual	15,902.00	16,307.60	16,723.54	17,150.09	17,587.52	18,036.11	18,496.13	18,967.90	19,451.59	19,947.83	20,456.62	20,978.38	21,513.46
18													
Hourly	7,836.1	8,035.9	8,240.9	8,451.1	8,666.6	8,887.7	9,114.4	9,346.8	9,585.2	9,829.7	10,080.4	10,337.6	10,601.2
Biweekly	626.88	642.87	659.27	676.09	693.33	711.01	729.15	747.75	766.82	786.38	806.44	827.00	848.10
Annual	16,299.00	16,714.72	17,141.05	17,578.25	18,026.60	18,486.38	18,957.90	19,441.44	19,937.31	20,445.83	20,967.32	21,502.12	22,050.55
19													
Hourly	8,032.2	8,237.1	8,447.2	8,662.6	8,883.6	9,110.2	9,342.5	9,580.8	9,825.2	10,075.8	10,332.8	10,596.3	10,866.6
Biweekly	642.58	658.97	675.77	693.01	710.69	728.81	747.40	766.47	786.01	806.06	826.62	847.71	869.33
Annual	16,707.00	17,133.13	17,570.13	18,018.27	18,477.84	18,949.14	19,432.46	19,928.10	20,436.39	20,957.64	21,492.18	22,040.36	22,602.52
20													
Hourly	8,232.7	8,442.7	8,658.0	8,878.8	9,105.3	9,337.5	9,575.7	9,820.0	10,070.4	10,327.3	10,590.7	10,860.8	11,137.8
Biweekly	658.62	675.41	692.64	710.31	728.42	747.00	766.06	785.60	805.63	826.18	847.25	868.86	891.03
Annual	17,124.00	17,560.76	18,008.67	18,468.00	18,939.04	19,422.10	19,917.48	20,425.50	20,946.47	21,480.73	22,028.62	22,590.48	23,166.67
21													
Hourly	8,438.5	8,653.7	8,874.4	9,100.8	9,332.9	9,570.9	9,815.0	10,065.4	10,322.1	10,585.4	10,855.4	11,132.3	11,416.2
Biweekly	675.08	692.30	709.95	728.06	746.63	765.67	785.20	805.23	825.77	846.83	868.43	890.58	913.30
Annual	17,552.00	17,989.68	18,438.78	18,899.59	19,372.41	19,857.54	20,355.30	20,866.02	21,389.01	21,923.62	22,470.01	23,030.11	23,605.71
22													
Hourly	8,649.5	8,870.1	9,096.4	9,328.4	9,566.3	9,810.3	10,060.5	10,317.1	10,580.3	10,850.2	11,126.9	11,410.7	11,701.7
Biweekly	691.96	709.61	727.71	746.27	765.31	784.83	804.84	825.37	846.42	868.01	890.15	912.86	936.14
Annual	17,991.00	18,449.88	18,920.46	19,403.05	19,897.94	20,405.46	20,925.92	21,459.66	22,007.01	22,568.32	23,143.94	23,734.25	24,339.62
23													
Hourly	8,865.9	9,092.0	9,323.9	9,561.7	9,805.6	10,055.7	10,312.2	10,575.2	10,844.9	11,121.5	11,405.2	11,696.1	11,994.4
Biweekly	709.27	727.36	745.91	764.94	784.45	804.46	824.97	846.02	867.59	889.72	912.42	935.69	959.55
Annual	18,441.00	18,911.36	19,393.71	19,888.37	20,395.64	20,915.85	21,449.33	21,996.42	22,557.46	23,132.81	23,722.63	24,327.91	24,948.41
24													
Hourly	9,087.5	9,319.3	9,557.0	9,800.7	10,050.7	10,307.1	10,570.0	10,839.6	11,116.0	11,399.6	11,690.3	11,988.5	12,294.3
Biweekly	727.00	745.54	764.56	784.06	804.08	824.57	845.60	867.17	889.28	911.87	935.23	959.08	983.54
Annual	18,902.00	19,384.11	19,878.53	20,385.55	20,905.50	21,438.72	21,985.53	22,546.30	23,121.36	23,711.09	24,315.87	24,936.07	25,572.09

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City of Banning  
Salary Schedule  
2.5506% Between Steps

Attachment "A"

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	9,314.9	9,552.5	9,796.1	10,040.0	10,302.2	10,565.0	10,834.5	11,110.8	11,394.2	11,684.8	11,982.9	12,288.5	12,601.9
Biweekly	745.19	764.20	783.69	803.68	824.18	845.20	866.76	888.86	911.54	934.79	958.63	983.08	1,008.15
Annual	19,375.00	19,869.18	20,375.96	20,895.67	21,428.64	21,975.20	22,535.69	23,110.49	23,699.95	24,304.44	24,924.35	25,560.07	26,212.00
26 Hourly	9,547.6	9,791.1	10,040.8	10,297.0	10,559.6	10,828.9	11,105.1	11,388.4	11,678.8	11,976.7	12,282.2	12,595.5	12,916.7
Biweekly	763.81	783.29	803.27	823.76	844.77	866.31	888.41	911.07	934.31	958.14	982.58	1,007.64	1,033.34
Annual	19,859.00	20,365.52	20,884.97	21,417.66	21,963.94	22,524.15	23,098.65	23,687.80	24,291.99	24,911.58	25,546.97	26,198.57	26,866.78
27 Hourly	9,786.1	10,035.7	10,291.6	10,554.1	10,823.3	11,099.4	11,382.5	11,672.8	11,970.5	12,275.9	12,589.0	12,910.1	13,239.3
Biweekly	782.88	802.85	823.33	844.33	865.87	887.95	910.60	933.82	957.64	982.07	1,007.12	1,032.80	1,059.15
Annual	20,355.00	20,874.17	21,406.59	21,952.59	22,512.51	23,086.71	23,675.56	24,279.43	24,898.70	25,533.77	26,185.04	26,852.91	27,537.82
28 Hourly	10,030.8	10,286.6	10,549.0	10,818.0	11,094.0	11,376.9	11,667.1	11,964.7	12,269.9	12,582.8	12,903.8	13,232.9	13,570.4
Biweekly	802.46	822.93	843.92	865.44	887.52	910.15	933.37	957.18	981.59	1,006.63	1,032.30	1,058.63	1,085.63
Annual	20,864.00	21,396.16	21,941.89	22,501.54	23,075.46	23,664.02	24,267.60	24,886.57	25,521.33	26,172.27	26,839.82	27,524.40	28,226.44
29 Hourly	10,281.7	10,544.0	10,812.9	11,087.7	11,371.5	11,661.6	11,959.0	12,264.0	12,576.8	12,897.6	13,226.6	13,564.0	13,909.9
Biweekly	822.54	843.52	865.03	887.10	909.72	932.93	956.72	981.12	1,006.15	1,031.81	1,058.13	1,085.12	1,112.79
Annual	21,386.00	21,931.47	22,490.86	23,064.51	23,652.79	24,256.08	24,874.75	25,509.21	26,159.85	26,827.08	27,511.33	28,213.04	28,932.64
30 Hourly	10,538.9	10,807.7	11,083.4	11,366.1	11,656.0	11,953.3	12,258.2	12,570.8	12,891.5	13,220.3	13,557.5	13,903.3	14,257.9
Biweekly	843.12	864.62	886.67	909.29	932.48	956.26	980.66	1,005.67	1,031.32	1,057.62	1,084.60	1,112.26	1,140.63
Annual	21,921.00	22,480.12	23,053.49	23,641.50	24,244.50	24,862.88	25,497.03	26,147.36	26,814.27	27,498.20	28,199.57	28,918.82	29,656.43
31 Hourly	10,802.4	11,077.9	11,360.5	11,650.2	11,947.4	12,252.1	12,564.6	12,885.1	13,213.7	13,550.8	13,896.4	14,250.8	14,614.3
Biweekly	864.19	886.23	908.84	932.02	955.79	980.17	1,005.17	1,030.81	1,057.10	1,084.06	1,111.71	1,140.07	1,169.15
Annual	22,469.00	23,042.09	23,629.81	24,232.51	24,850.58	25,484.42	26,134.43	26,801.01	27,484.60	28,185.62	28,904.52	29,641.76	30,397.80
32 Hourly	11,072.1	11,354.5	11,644.1	11,941.1	12,245.7	12,558.0	12,878.3	13,206.8	13,543.7	13,889.1	14,243.4	14,606.7	14,979.2
Biweekly	885.77	908.36	931.53	955.29	979.66	1,004.64	1,030.27	1,056.55	1,083.49	1,111.13	1,139.47	1,168.53	1,198.34
Annual	23,030.00	23,617.40	24,219.79	24,837.54	25,471.04	26,120.71	26,786.94	27,470.17	28,170.83	28,889.35	29,626.20	30,381.85	31,156.77
33 Hourly	11,349.0	11,638.5	11,935.4	12,239.8	12,552.0	12,872.1	13,200.4	13,537.1	13,882.4	14,236.5	14,599.6	14,972.0	15,353.9
Biweekly	907.92	931.08	954.83	979.18	1,004.16	1,029.77	1,056.03	1,082.97	1,110.59	1,138.92	1,167.97	1,197.76	1,228.31
Annual	23,606.00	24,208.09	24,825.55	25,458.75	26,108.10	26,774.01	27,456.91	28,157.22	28,875.40	29,611.90	30,367.18	31,141.72	31,936.03
34 Hourly	11,632.7	11,929.4	12,233.7	12,545.7	12,865.7	13,193.8	13,530.4	13,875.5	14,229.4	14,592.3	14,964.5	15,346.2	15,737.6
Biweekly	930.62	954.35	978.69	1,003.66	1,029.26	1,055.51	1,082.43	1,110.04	1,138.35	1,167.38	1,197.16	1,227.70	1,259.01
Annual	24,196.00	24,813.14	25,446.03	26,095.05	26,760.63	27,443.19	28,143.16	28,860.98	29,597.10	30,352.01	31,126.17	31,920.07	32,734.22
35 Hourly	11,923.6	12,227.7	12,539.6	12,859.4	13,187.4	13,523.7	13,868.7	14,222.4	14,585.2	14,957.2	15,338.7	15,729.9	16,131.1
Biweekly	953.88	978.21	1,003.16	1,028.75	1,054.99	1,081.90	1,109.49	1,137.79	1,166.81	1,196.57	1,227.09	1,258.39	1,290.49
Annual	24,801.00	25,433.57	26,082.28	26,747.54	27,429.76	28,129.38	28,846.85	29,582.62	30,337.15	31,110.93	31,904.45	32,718.20	33,552.71
36 Hourly	12,221.6	12,534.4	12,853.0	13,180.9	13,517.1	13,861.8	14,215.4	14,578.0	14,949.8	15,331.1	15,722.1	16,123.1	16,534.4
Biweekly	977.73	1,002.67	1,028.24	1,054.47	1,081.36	1,108.95	1,137.23	1,166.24	1,195.98	1,226.49	1,257.77	1,289.85	1,322.75
Annual	25,421.00	26,069.39	26,734.31	27,416.20	28,115.48	28,832.59	29,567.99	30,322.16	31,095.55	31,888.68	32,702.03	33,536.13	34,391.50

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

Attachment "A"

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
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	1,053.87	1,080.85	1,108.42	1,136.69	1,165.68	1,195.41	1,225.90	1,257.17	1,289.24	1,322.12	1,355.84
Annual	26,057.00	26,721.61	27,403.17	28,102.12	28,818.88	29,553.94	30,307.75	31,080.78	31,873.52	32,686.49	33,520.19	34,375.16	35,251.93
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	16,939.4	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
Annual	27,708.00	27,989.22	28,087.81	28,804.21	29,538.88	30,292.31	31,064.95	31,857.29	32,669.84	33,503.12	34,357.65	35,233.98	36,132.66
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	16,099.5	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
Annual	27,376.00	28,074.25	28,790.31	29,524.64	30,277.70	31,049.96	31,841.92	32,654.08	33,486.95	34,341.07	35,216.97	36,115.22	37,036.37
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	1,134.59	1,163.94	1,193.62	1,224.07	1,255.28	1,287.31	1,320.14	1,353.81	1,388.34	1,423.75	1,460.07
Annual	28,060.00	28,775.70	29,509.65	30,262.32	31,034.20	31,825.75	32,637.50	33,469.95	34,323.64	35,199.10	36,098.88	37,017.57	37,961.74
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	1,459.37	1,496.59
Annual	28,762.00	29,495.60	30,247.92	31,019.42	31,810.60	32,621.96	33,454.02	34,307.30	35,182.34	36,079.70	36,999.95	37,943.67	38,911.46
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	1,318.36	1,352.50	1,386.99	1,422.37	1,458.65	1,495.85	1,534.01
Annual	29,481.00	30,232.94	31,004.06	31,794.85	32,605.81	33,437.46	34,290.31	35,164.92	36,061.84	36,981.63	37,924.88	38,892.20	39,884.18
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	18,689.9	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
Annual	30,218.00	30,988.74	31,779.14	32,589.70	33,420.93	34,273.36	35,147.54	36,044.01	36,963.35	37,906.14	38,872.97	39,864.47	40,881.25
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
Annual	30,973.00	31,763.00	32,573.14	33,403.95	34,255.96	35,129.69	36,025.71	36,944.58	37,886.89	38,853.23	39,844.22	40,860.49	41,902.87
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	19,148.2	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
Annual	31,747.00	32,556.74	33,387.13	34,238.70	35,112.00	36,007.56	36,925.97	37,867.80	38,833.66	39,824.15	40,839.91	41,881.57	42,949.80
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	1,283.60	1,316.24	1,349.81	1,384.24	1,419.54	1,456.75	1,494.88	1,533.96	1,573.01	1,613.05	1,653.12	1,693.23
Annual	32,541.00	33,370.99	34,222.15	35,095.02	35,990.16	36,908.12	37,849.50	38,814.89	39,804.90	40,820.16	41,861.32	42,929.04	44,023.99
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
Annual	33,355.00	34,205.75	35,078.20	35,972.91	36,890.43	37,831.36	38,796.29	39,785.83	40,800.60	41,841.26	42,908.47	44,002.89	45,125.23
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	21,684.2	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	34,189.00	35,051.02	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

Attachment "A"

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	19,596.0	20,095.6	20,608.4	21,134.0	21,673.0	22,225.8	22,792.7
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	1,823.42
Annual	35,043.00	35,936.81	36,853.41	37,793.39	38,757.35	39,745.90	40,759.66	41,799.27	42,865.40	43,958.73	45,079.94	46,229.75	47,408.89
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	23,362.5
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	1,869.00
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	48,594.01
51 Hourly	17,700.5	18,151.9	18,614.9	19,089.7	19,576.6	20,075.9	20,589.0	21,113.1	21,651.6	22,203.9	22,770.2	23,351.0	23,946.6
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	1,915.73
Annual	36,817.00	37,756.05	38,719.06	39,706.63	40,719.39	41,757.97	42,823.05	43,915.30	45,035.40	46,184.07	47,362.05	48,570.06	49,808.89
52 Hourly	18,143.3	18,608.0	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	24,545.6
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	1,963.65
Annual	37,738.00	38,700.55	39,687.64	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	51,054.89
53 Hourly	18,596.6	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	25,159.0
Biweekly	1,487.73	1,525.88	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	2,012.72
Annual	38,681.00	39,667.60	40,679.36	41,716.93	42,780.96	43,872.13	44,991.13	46,138.68	47,315.49	48,522.32	49,769.93	51,029.11	52,330.65
54 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	25,787.9
Biweekly	1,524.92	1,563.82	1,603.70	1,644.61	1,686.56	1,729.57	1,773.69	1,818.93	1,865.32	1,912.90	1,961.69	2,011.72	2,063.03
Annual	39,648.00	40,659.26	41,696.32	42,759.82	43,850.46	44,968.91	46,115.58	47,292.11	48,498.35	49,735.35	51,003.89	52,304.80	53,638.89
55 Hourly	19,538.0	20,036.3	20,547.4	21,071.4	21,609.9	22,160.0	22,725.3	23,304.9	23,899.3	24,508.9	25,134.0	25,775.1	26,432.5
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	2,114.60
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	54,979.59
56 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	27,093.3
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	2,167.47
Annual	41,655.00	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	56,354.11
57 Hourly	20,527.4	21,051.0	21,587.9	22,138.5	22,703.2	23,282.3	23,876.1	24,485.1	25,109.6	25,750.0	26,406.8	27,080.4	27,771.1
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	2,060.00	2,112.55	2,166.43	2,221.68
Annual	42,697.00	43,786.03	44,902.84	46,048.13	47,222.63	48,427.09	49,662.27	50,928.96	52,227.95	53,560.08	54,926.18	56,327.13	57,763.81
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	28,465.1
Biweekly	1,683.23	1,726.16	1,770.19	1,815.34	1,861.54	1,909.13	1,957.82	2,007.76	2,058.97	2,111.48	2,165.34	2,220.57	2,277.21
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	59,207.33
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	29,176.6
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	2,334.13
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	56,270.89	57,706.13	59,177.98	60,687.38
60 Hourly	22,105.8	22,669.6	23,247.8	23,840.8	24,449.9	25,072.4	25,711.9	26,367.7	27,040.3	27,730.0	28,437.3	29,162.6	29,906.4
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	2,392.51
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	62,205.31

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

Attachment "A"

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
61 Hourly	22,6582	23,2361	23,8288	24,4365	25,0598	25,6990	26,3545	27,0267	27,7160	28,4229	29,1479	29,8913	30,6637
Biweekly	1,812.65	1,858.89	1,906.30	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	2,452.30
Annual	47,129.00	48,331.07	49,563.80	50,827.98	52,124.40	53,453.88	54,817.28	56,215.45	57,648.28	59,119.68	60,627.59	62,173.95	63,769.76
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	31,4199
Biweekly	1,857.96	1,905.35	1,953.79	2,003.79	2,054.89	2,107.31	2,161.06	2,216.18	2,272.70	2,330.11	2,390.11	2,451.08	2,513.59
Annual	48,307.00	49,539.12	50,802.66	52,098.44	53,427.26	54,789.97	56,187.45	57,620.56	59,090.23	60,597.99	62,142.99	63,728.01	65,353.45
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	32,2056
Biweekly	1,904.42	1,953.00	2,002.81	2,053.89	2,106.28	2,160.00	2,215.10	2,271.59	2,329.53	2,388.95	2,449.88	2,512.37	2,576.45
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	66,987.73
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	33,0109
Biweekly	1,952.04	2,001.83	2,052.89	2,105.25	2,158.94	2,214.01	2,270.48	2,328.39	2,387.78	2,448.88	2,511.14	2,575.19	2,640.87
Annual	50,753.00	52,047.51	53,375.03	54,736.41	56,132.52	57,564.24	59,032.47	60,538.15	62,082.24	63,665.71	65,289.57	66,954.84	68,662.59
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	33,8362
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	2,706.90
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	70,379.39
66 Hourly	25,6356	26,2894	26,9600	27,6476	28,3528	29,0760	29,8176	30,5781	31,3580	32,1578	32,9761	33,8192	34,6818
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	2,774.54
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	72,138.13
67 Hourly	26,2764	26,9466	27,6340	28,3388	29,0616	29,8028	30,5630	31,3425	32,1419	32,9618	33,8025	34,6647	35,5488
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	2,843.90
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	73,941.52
68 Hourly	26,9337	27,6206	28,3251	29,0476	29,7885	30,5482	31,3274	32,1264	32,9459	33,7862	34,6479	35,5317	36,4379
Biweekly	2,154.69	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	2,915.03
Annual	56,022.00	57,450.90	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	75,790.90
69 Hourly	27,6067	28,3109	29,0330	29,7735	30,5329	31,3117	32,1103	32,9293	33,7692	34,6305	35,5138	36,4196	37,3485
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	2,987.88
Annual	57,422.00	58,886.61	60,388.57	61,928.84	63,508.40	65,128.24	66,789.40	68,492.93	70,239.91	72,031.45	73,868.69	75,752.78	77,684.93
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	38,2825
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	3,062.60
Annual	58,858.00	60,359.23	61,898.75	63,477.54	65,096.60	66,756.96	68,459.66	70,205.79	71,996.46	73,832.80	75,715.98	77,647.19	79,627.66
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	39,2393
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	3,139.14
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	81,617.75
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	40,2208
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	3,217.66
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	83,659.24

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

Attachment "A"

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
73	Hourly 30,473.1	31,250.3	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	41,226.3
	Biweekly 2,437.85	2,500.03	2,563.79	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	71,890.36	73,724.00	75,604.40	77,532.77	79,510.32	81,538.31	83,618.02	85,750.79
74	Hourly 31,234.6	32,031.3	32,848.3	33,686.1	34,545.3	35,426.4	36,330.0	37,256.6	38,206.9	39,181.4	40,180.8	41,205.6	42,256.6
	Biweekly 2,498.77	2,562.50	2,627.86	2,694.89	2,763.62	2,834.11	2,906.40	2,980.53	3,056.55	3,134.51	3,214.46	3,296.45	3,380.53
	Annual 64,968.00	66,625.07	68,324.41	70,067.10	71,854.23	73,686.94	75,566.40	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	2,626.56	2,693.55	2,762.25	2,832.71	2,904.96	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	68,290.50	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	90,090.82
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	43,270.8	44,374.3	45,506.1
	Biweekly 2,690.92	2,759.56	2,829.94	2,902.12	2,976.15	3,052.05	3,129.90	3,209.73	3,291.60	3,375.55	3,461.65	3,549.94	3,640.49
	Annual 69,964.00	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	92,298.55	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	41,124.6	42,173.6	43,249.2	44,352.3	45,489.6	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	87,720.99	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	3,546.45	3,636.90	3,729.66	3,824.79
	Annual 73,506.00	75,380.84	77,303.51	79,275.21	81,297.20	83,370.77	85,497.23	87,677.92	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	39,065.6	40,062.0	41,083.8	42,131.7	43,206.3	44,308.3	45,438.4	46,597.4	47,786.9	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	3,631.43	3,724.10	3,819.09	3,916.50	4,016.39	4,118.84
	Annual 79,157.00	81,175.98	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	52,772.6
	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	48,908.3	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	99,198.17	101,729.34	104,324.05	106,984.94	109,713.70	112,512.06

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

Attachment "A"

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>	<u>Step 12</u>	<u>Step 13</u>
85 Hourly	40,982.7	42,028.0	43,100.0	44,199.3	45,326.6	46,482.7	47,668.3	48,884.1	50,131.0	51,409.6	52,720.9	54,065.6	55,444.6
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	4,435.56
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	115,324.69
86 Hourly	42,007.2	43,078.6	44,177.4	45,304.2	46,459.7	47,644.7	48,860.0	50,106.2	51,384.2	52,694.8	54,038.8	55,417.1	56,830.6
Biweekly	3,360.58	3,446.29	3,534.19	3,624.34	3,716.78	3,811.58	3,908.49	4,008.48	4,110.74	4,215.58	4,323.11	4,433.37	4,546.45
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	118,207.67
87 Hourly	43,057.2	44,155.4	45,281.7	46,436.6	47,621.0	48,835.6	50,081.2	51,358.6	52,668.6	54,011.9	55,389.6	56,802.3	58,251.1
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	4,660.09
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	121,162.35
88 Hourly	44,133.7	45,259.3	46,413.7	47,597.5	48,811.6	50,056.5	51,333.3	52,642.6	53,985.3	55,362.3	56,774.3	58,222.4	59,707.4
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	4,428.98	4,541.36	4,657.79	4,776.59
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	124,191.45
89 Hourly	45,237.0	46,390.8	47,574.1	48,787.5	50,031.9	51,308.0	52,616.7	53,958.7	55,335.0	56,746.3	58,193.7	59,678.0	61,200.1
Biweekly	3,618.96	3,711.27	3,805.93	3,903.00	4,002.55	4,104.84	4,209.33	4,316.70	4,426.80	4,539.71	4,655.50	4,774.24	4,896.01
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	127,296.30
90 Hourly	46,368.3	47,550.9	48,763.8	50,007.5	51,283.0	52,591.1	53,932.4	55,308.0	56,718.7	58,165.4	59,649.0	61,170.4	62,730.6
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	5,018.45
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	130,479.62
91 Hourly	47,527.4	48,739.6	49,982.8	51,257.7	52,565.0	53,905.8	55,280.7	56,690.7	58,136.6	59,619.4	61,140.1	62,699.5	64,298.8
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	5,143.90
Annual	98,957.00	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	133,741.41
92 Hourly	48,715.4	49,957.9	51,232.1	52,538.9	53,878.9	55,253.2	56,662.5	58,107.7	59,589.8	61,109.7	62,668.3	64,266.8	65,905.9
Biweekly	3,897.23	3,996.63	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	5,272.48
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	137,084.37
93 Hourly	49,933.2	51,206.8	52,512.8	53,852.2	55,225.8	56,634.4	58,078.9	59,560.3	61,079.4	62,637.3	64,234.9	65,873.3	67,553.5
Biweekly	3,994.65	4,096.54	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	5,404.28
Annual	103,861.00	106,510.08	109,226.72	112,012.66	114,869.66	117,799.52	120,804.12	123,885.35	127,045.17	130,285.58	133,608.64	137,016.47	140,511.21
94 Hourly	51,181.7	52,487.2	53,825.9	55,198.8	56,606.7	58,050.5	59,531.1	61,049.5	62,606.7	64,203.5	65,841.1	67,520.4	69,242.6
Biweekly	4,094.54	4,198.97	4,306.07	4,415.90	4,528.54	4,644.04	4,762.49	4,883.96	5,008.53	5,136.26	5,267.29	5,401.63	5,539.41
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	144,024.63
95 Hourly	52,461.1	53,799.1	55,171.3	56,578.5	58,021.6	59,501.5	61,019.2	62,575.5	64,171.6	65,808.3	67,486.8	69,206.2	70,973.4
Biweekly	4,196.88	4,303.93	4,413.71	4,526.28	4,641.73	4,760.12	4,881.53	5,006.04	5,133.73	5,264.67	5,398.95	5,536.65	5,677.87
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	147,624.64
96 Hourly	53,772.6	55,144.1	56,550.6	57,993.0	59,472.2	60,989.1	62,544.7	64,139.9	65,775.9	67,453.6	69,174.0	70,938.4	72,747.7
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	5,819.82
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	151,315.29

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City of Banning  
Salary Schedule  
2.5506% Between Steps

Attachment "A"

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 55,117.3	56,523.1	57,964.8	59,443.3	60,959.4	62,514.2	64,108.7	65,743.9	67,420.8	69,140.4	70,903.9	72,712.4	74,567.0
	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	5,965.36
	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	155,099.29
98	Hourly 56,495.2	57,936.2	59,413.9	60,929.3	62,483.4	64,077.1	65,711.4	67,387.4	69,106.2	70,868.8	72,674.1	74,530.1	76,431.1
	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	6,114.49
	Annual 117,510.00	120,507.21	123,580.87	126,732.92	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 57,907.2	59,384.2	60,898.8	62,452.1	64,045.0	65,678.6	67,353.8	69,071.7	70,833.4	72,640.1	74,492.9	76,392.9	78,341.4
	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	126,669.60	129,900.43	133,213.68	136,611.42	140,095.83	143,669.12	147,333.54	151,091.43	154,945.17	158,897.20	162,950.03
100	Hourly 59,355.3	60,869.2	62,421.7	64,013.9	65,646.6	67,321.0	69,038.1	70,799.0	72,604.8	74,456.6	76,355.7	78,303.2	80,300.4
	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	6,264.26	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	167,024.90
101	Hourly 60,838.9	62,390.7	63,982.0	65,614.0	67,287.5	69,003.7	70,763.8	72,568.7	74,419.6	76,317.7	78,264.3	80,260.5	82,307.6
	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 126,545.00	129,772.66	133,082.64	136,477.04	139,958.03	143,527.80	147,188.62	150,942.81	154,792.76	158,740.90	162,789.75	166,941.86	171,199.86
102	Hourly 62,360.1	63,950.7	65,581.8	67,254.5	68,969.9	70,729.0	72,533.1	74,383.1	76,280.3	78,225.9	80,221.1	82,267.3	84,365.6
	Biweekly 5,048.81	5,176.05	5,306.54	5,440.36	5,577.59	5,718.32	5,862.64	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 63,918.8	65,549.1	67,221.0	68,935.5	70,693.8	72,496.9	74,346.0	76,242.3	78,186.9	80,181.1	82,226.2	84,323.5	86,474.2
	Biweekly 5,113.50	5,243.92	5,377.68	5,514.84	5,655.50	5,799.75	5,947.68	6,099.38	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	162,628.72	166,776.73	171,030.54	175,392.84	179,866.41
104	Hourly 65,516.8	67,187.9	68,901.6	70,659.0	72,461.2	74,309.4	76,204.8	78,148.4	80,141.7	82,185.8	84,282.0	86,431.7	88,636.2
	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	7,090.90
	Annual 136,275.00	139,750.83	143,315.31	146,970.72	150,719.35	154,563.60	158,505.90	162,548.75	166,694.72	170,946.43	175,306.59	179,777.96	184,363.38
105	Hourly 67,154.8	68,867.7	70,624.2	72,425.5	74,272.8	76,167.2	78,109.9	80,102.2	82,145.3	84,240.5	86,389.1	88,592.6	90,852.2
	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	7,268.18
	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	188,972.63
106	Hourly 68,833.7	70,589.3	72,389.8	74,236.1	76,129.6	78,071.4	80,062.7	82,104.7	84,198.9	86,346.5	88,548.8	90,807.4	93,123.5
	Biweekly 5,508.69	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 70,554.3	72,353.9	74,199.3	76,091.9	78,032.7	80,023.0	82,064.0	84,157.2	86,303.7	88,504.9	90,762.3	93,077.3	95,451.4
	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	184,090.27	188,785.68	193,600.65	198,538.83
108	Hourly 72,318.3	74,162.8	76,054.4	77,994.3	79,983.6	82,023.6	84,115.7	86,261.2	88,461.4	90,717.7	93,031.5	95,404.4	97,837.8
	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	183,999.65	188,692.75	193,505.55	198,441.10	203,502.54

46



City of Banning  
Salary Schedule  
2.5506% Between Steps

Attachment "A"

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
109 Hourly	74,126.4	76,017.1	77,956.0	79,944.3	81,983.4	84,074.5	86,218.9	88,418.0	90,673.2	92,985.9	95,357.6	97,789.8	100,284.0
Biweekly	5,930.12	6,081.37	6,236.48	6,395.55	6,558.67	6,725.96	6,897.51	7,073.44	7,253.85	7,438.87	7,628.61	7,823.18	8,022.72
Annual	154,183.00	158,115.59	162,148.49	166,284.25	170,525.49	174,874.92	179,335.28	183,909.40	188,600.19	193,410.63	198,343.76	203,402.72	208,590.71
110 Hourly	75,979.3	77,917.3	79,904.6	81,942.7	84,032.7	86,176.0	88,374.0	90,628.1	92,939.7	95,310.2	97,741.2	100,234.1	102,790.7
Biweekly	6,078.35	6,233.38	6,392.37	6,555.41	6,722.62	6,894.08	7,069.92	7,250.25	7,435.17	7,624.81	7,819.29	8,018.73	8,223.26
Annual	158,037.00	162,067.89	166,201.60	170,440.73	174,787.99	179,246.14	183,817.99	188,506.45	193,314.50	198,245.18	203,301.62	208,487.03	213,804.70
111 Hourly	77,878.8	79,865.2	81,902.3	83,991.3	86,133.5	88,330.5	90,583.4	92,893.8	95,263.2	97,693.0	100,184.7	102,740.0	105,360.5
Biweekly	6,230.31	6,389.22	6,552.18	6,719.30	6,890.68	7,066.44	7,246.67	7,431.51	7,621.06	7,815.44	8,014.78	8,219.20	8,428.84
Annual	161,988.00	166,119.67	170,356.71	174,701.83	179,157.78	183,727.38	188,413.53	193,219.20	198,147.45	203,201.40	208,384.25	213,699.30	219,149.92
112 Hourly	79,826.0	81,862.0	83,950.0	86,091.2	88,287.0	90,538.9	92,848.2	95,216.4	97,645.0	100,135.5	102,689.5	105,308.7	107,994.7
Biweekly	6,386.08	6,548.96	6,716.00	6,887.30	7,062.96	7,243.11	7,427.85	7,617.31	7,811.60	8,010.84	8,215.16	8,424.70	8,639.58
Annual	166,038.00	170,272.97	174,615.95	179,069.70	183,637.05	188,320.90	193,124.21	198,050.04	203,101.50	208,281.81	213,594.25	219,042.18	224,629.07
113 Hourly	81,821.6	83,908.6	86,048.7	88,243.5	90,494.2	92,802.4	95,169.4	97,596.8	100,086.1	102,638.9	105,256.8	107,941.5	110,694.6
Biweekly	6,545.73	6,712.69	6,883.90	7,059.48	7,239.54	7,424.19	7,613.55	7,807.74	8,006.89	8,211.11	8,420.54	8,635.32	8,855.57
Annual	170,189.00	174,529.84	178,981.40	183,546.50	188,228.04	193,028.98	197,952.38	203,001.35	208,179.10	213,488.92	218,934.17	224,518.30	230,244.87
114 Hourly	83,867.3	86,006.4	88,200.1	90,449.7	92,756.8	95,122.6	97,548.8	100,036.9	102,588.4	105,205.0	107,888.4	110,640.2	113,462.2
Biweekly	6,709.38	6,880.51	7,056.01	7,236.98	7,420.54	7,609.81	7,803.90	8,002.95	8,207.07	8,416.40	8,631.07	8,851.22	9,076.98
Annual	174,444.00	178,893.37	183,456.22	188,135.46	192,934.04	197,855.02	202,901.51	208,076.71	213,383.92	218,826.49	224,407.87	230,131.62	236,001.36
115 Hourly	85,963.9	88,156.5	90,405.1	92,710.9	95,075.6	97,500.6	99,987.5	102,537.7	105,153.1	107,835.1	110,585.5	113,406.1	116,298.7
Biweekly	6,877.12	7,052.52	7,232.40	7,416.87	7,606.05	7,800.05	7,999.00	8,203.02	8,412.25	8,626.81	8,846.84	9,072.49	9,303.89
Annual	178,805.00	183,365.60	188,042.52	192,838.74	197,757.28	202,801.28	207,973.93	213,278.51	218,718.39	224,297.02	230,017.94	235,884.78	241,901.26
116 Hourly	88,113.0	90,360.4	92,665.1	95,028.6	97,452.4	99,938.1	102,487.1	105,101.1	107,781.8	110,530.9	113,350.1	116,241.2	119,206.1
Biweekly	7,049.04	7,228.83	7,413.21	7,602.29	7,796.20	7,995.04	8,198.97	8,408.09	8,622.55	8,842.47	9,068.01	9,299.30	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 AGENDA

**Date:** June 25, 2013

**TO:** City Council

**FROM:** Duane Burk, Director of Public Works

**SUBJECT:** Resolution No. 2013-66, "Approving the Purchase Agreement with Johnson Power Systems of Riverside, California, for the Purchase of an Emergency Generator for the Community Center"

**RECOMMENDATION:** Adopt Resolution No. 2013-66:

- I. Approving the Purchase Agreement with Johnson Power Systems of Riverside, California, for the purchase of an Emergency Generator for the Community Center in the amount of \$52,400.00.
- II. Authorize the Administrative Services Director to make the necessary budget adjustments in the amount of \$52,400.00 from contingency to Account No. 001-4000-461.89-56 (Machinery/Equipment).

**JUSTIFICATION:** Staff recently learned that the emergency generator located at the Banning Community Center no longer meets Air Quality Management District ("AQMD") standards, therefore a new emergency generator must be purchased and installed.

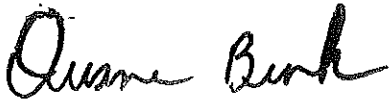
**BACKGROUND:** The City of Banning Community Center is located on the corner of San Gorgonio Avenue and Wilson Street. Recently staff learned, through a routine inspection by AQMD, that the emergency generator located at the Community Center no longer meets the AQMD standards primarily due to its close vicinity to Nicolet Middle School. AQMD Rule 1470 requires that all generators located within 100 meters of a school do not exceed an emission of diesel particulate matter of 0.01 g/bhp-hr. The existing emergency generator does not meet the maximum emission criteria.

During emergencies the City can receive a directive from the County Office of Emergency Services ("OES") designating the City of Banning Community Center as the Cooling Center and/or Evacuation Site. Due to these reasons it is critical to have an emergency generator, in the case of a power outage, located on the premises of the Community Center.

Staff recommends the purchase of a new generator from Johnson Power Systems. The purchase will include a 60 KW Caterpillar Stand-by Diesel Generator (Model # D60-6), 120/208V Three Phase, weather proof enclosure, EMPC 4.2 control; panel and 24 hour fuel supply sub base fuel tank.

**FISCAL DATA:** A transfer of \$52,400.00 from the General Fund contingency to Account No. 001-4000-461.89-56 (Machinery/Equipment) is necessary in order to fund the purchase.

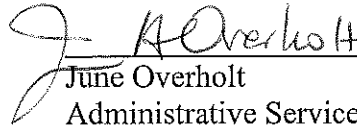
**RECOMMENDED BY:**



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Duane Burk  
Director of Public Works

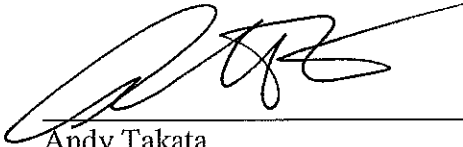
**REVIEWED BY:**



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June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**



---

Andy Takata  
City Manager

**RESOLUTION NO. 2013-66**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE PURCHASE AGREEMENT WITH JOHNSON POWER SYSTEMS COMPANY OF RIVERSIDE, CALIFORNIA, FOR THE PURCHASE OF AN EMERGENCY GENERATOR FOR THE COMMUNITY CENTER**

**WHEREAS**, recently staff learned, through a routine inspection by the Air Quality Management District ("AQMD"), that the emergency generator located at the Community Center no longer meets the AQMD standards primarily due to its close vicinity to Nicolet Middle School; and

**WHEREAS**, the existing emergency generator does not meet AQMD Rule 1470 standards which requires that all generators located within 100 meters of a school do not exceed an emission of diesel particulate matter of 0.01 g/bhp-hr; and

**WHEREAS**, during emergencies the Community Center can be designated as the Cooling Center and/or Evacuation Site and therefore it is critical to have an emergency generator, in the case of a power outage, located on the premises of the Community Center.

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

SECTION 1. The City Council adopts Resolution No. 2013-66 approving the purchase agreement with Johnson Power Systems of Riverside, California, for the purchase of an Emergency Generator for the Community Center in the amount of \$39,700.00.

SECTION 2. The Administrative Services Director is hereby authorized to make the necessary budget adjustments in the amount of \$39,700.00 from the General Fund contingency to Account No. 001-4000-461.89-56 (Machinery/Equipment).

SECTION 3. The City Manager is hereby authorized to execute the Purchase Agreement with Johnson Power Systems. This authorization will be rescinded if the Purchase Agreement is not executed by both parties within sixty (60) days of the date of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 25th day of June, 2013.

---

Deborah Franklin, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, City Clerk  
City of Banning

**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 the foregoing Resolution No. 2013-66 was duly adopted by the City Council of the City of Banning, California, at the regular meeting thereof held on the 25<sup>rd</sup> day of June, 2013, by the following vote: to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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**CITY COUNCIL AGENDA  
CONSENT ITEM**

**DATE:** June 25, 2013

**TO:** City Council

**FROM:** Duane Burk, Public Works Director

**SUBJECT:** Resolution No. 2013-71, "Approving the First Amendment to the NPDES Storm Water Discharge Permit Implementation Agreement"

**RECOMMENDATION:** Adopt Resolution No. 2013-71 "Approving the First Amendment to the NPDES Storm Water Discharge Permit Implementation Agreement"

**JUSTIFICATION:** The NPDES Storm Water Discharge Permit (Permit) requires that all of the permittees execute the First Amendment to the Implementation Agreement (as attached here to as Exhibit "A") to ensure compliance with the new 2013 Permit.


**BACKGROUND:** The National Pollutant Discharge Elimination System (NPDES) is a federally mandated program to control non-point sources of runoff pollution. The NPDES program is part of the Clean Water Act enacted by Congress in 1987. The California Regional Water Quality Control Board, Colorado River Basin, Region No. 7, in implementing the U.S. Environmental Protection Agency's storm water National Pollutant Discharge Elimination System (NPDES) permit program, requires that the Districts and Incorporated Cities within the Whitewater River Basin obtain a joint permit to discharge storm water into the various storm channels and washes throughout the Whitewater River Watershed area. The last Permit was adopted by the Regional Board on May 21, 2008, as Order No. R7-2008-0001, and expired on May 21, 2013. A new 2013 Permit is currently being negotiated with the Regional Board and it is in the Public Hearing Process. It is anticipated to be adopted by June of 2013. The current Implementation Agreement is set to expire with the adoption of the new Permit. Thus, an Amendment to the existing Implementation Agreement must be signed and adopted by each City and District within the Whitewater River Basin to extend the terms of the existing Implementation Agreement. The term of this Amendment is for one year, at which time a new Implementation Agreement will be required to meet the conditions of the new 2013 NPDES Permit. The purpose of this Amendment is to set the Implementation Agreement term to begin one year after the 2013 Permit adoption, so the new Implementation Agreement can be more accurately written since the Permit requirements will be known at the time of the Agreement's preparation.

The Riverside County Flood Control and Water Conservation District (RCFC&WCD) is acting as the Lead Agency with the City of Banning being a co-permittee, along with the various other agencies and municipalities located within the Whitewater River Basin.

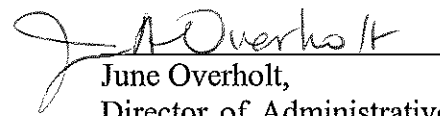
The City of Banning is required through the Best Management Practices (BMPs), to implement practices within our community, which reduce pollutants entering into the storm drain system to the maximum extent practicable. These BMPs include but are not limited to: public education; material disposal (Bulky Item Pick Up, Household Hazardous Waste, and recycling programs); spill prevention, clean up programs and the Haz-Mat Team; illegal dumping and illicit connection controls; storm drain and drainage channel inspection and maintenance; informing contractors, engineers, inspection and maintenance staff and land developers about site erosion control and construction BMPs; implementing development and approval plan review procedures as required by the Permit; and enforcing Ordinance Nos. 1212 and 1415 with respect to storm water management and discharge controls. Other provisions of the Permit include adopting and maintaining adequate legal authority, source tracking and updating, leash law enforcement, and various other items, such as maintaining adequate fiscal resources to implement the Permit. Failure by the City of Banning to implement a Best Management Practices program and meet the numerous other requirements of the NPDES Permit, will result in a violation of State and Federal Law, making the City subject to the associated penalties.

**FISCAL DATA:** On May 13, 1993, the City Council approved Resolution No. 1993-64, requesting that LAFCO annex the City of Banning into CSA 152 (County Service Area 152), which would provide a funding mechanism for the NPDES program. The following budget year, the City Council elected not to participate in CSA 152; therefore, the funding mechanism for the NPDES program is now absorbed by City of Banning funds. The estimated cost to implement this program is calculated annually, and shared amongst the permittees based on each City's population. The implementation and Permit (issued by the State Water Resources Control Board) costs for FY 2013/2014 are estimated to be \$53,000.00. All associated costs for this Permit are charged to the Public Works Department, Street Division Account No. 100-4900-431.23-37. Engineering Division staff manages and implements the NPDES program in house.

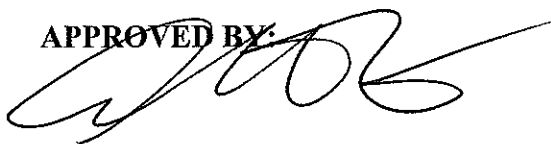
**RECOMMENDED BY:**

  
Duane Burk,  
Director of Public Works

**REVIEWED BY:**

  
June Overholt,  
Director of Administrative Services/  
Deputy City Manager

**APPROVED BY:**

  
Andy Takata,  
City Manager

**RESOLUTION NO. 2013-71**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA APPROVING THE FIRST AMENDMENT TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT IMPLEMENTATION AGREEMENT**

**WHEREAS**, Section 402(p) of the Federal Clean Water Act requires municipalities to obtain a National Pollutant Discharge Elimination System (NPDES) Permit before discharging storm water into the United States; and

**WHEREAS**, on May 21, 2008, the California Regional Water Quality Control Board, Colorado River Basin Region No. 7 issued a NPDES Permit by Regional Board Order No. R7-2008-0001 to all of the permittees within the Whitewater River Watershed area; and

**WHEREAS**, the City of Banning is one of the permittees that has a Whitewater River Municipal Separate Storm Sewer System (MS4) Storm Water NPDES Permit; and

**WHEREAS**, the City Council adopted Resolution No. 2008-51 at its regularly scheduled meeting on May 13, 2008, approving the Implementation Agreement for the upcoming 2008 NPDES Permit, which is expected to expire in June of 2013 when the new 2013 NPDES Permit should be adopted; and

**WHEREAS**, the purpose of the First Amendment to the Implementation Agreement is to set the next Agreement term to begin one year after the new 2013 Permit is adopted, so the new Agreement can be more accurately written; and

**WHEREAS** the Riverside County Flood Control and Water Conservation District (RCFC&WCD) is the lead agency and therefore has prepared the attached First Amendment to the Implementation Agreement; and

**WHEREAS**, the Riverside County Flood Control and Water Conservation District, the County of Riverside, the Coachella Valley Water District, and the following cities: Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage, are to meet the requirements as stated in the First Amendment to the Implementation Agreement and as required by the NPDES Permit; and

**WHEREAS**, funding for the annual NPDES Implementation fee paid to RCFC&WCD, which includes the public education program, monitoring program, consultant's services required by the RCFC&WCD for the Permit, and RCFC&WCD personnel cost as outlined in the First Amendment to the Implementation Agreement, and the separate annual NPDES Permit fee from



the State Water Resources Control Board is budgeted in the Street Division Account for Fiscal Year 2013-2014.

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

SECTION 1. Adopt Resolution No. 2013-71, "Approving the First Amendment to the NPDES Storm Water Discharge Permit Implementation Agreement" in substantially the form attached herein to this resolution as Exhibit "A."

SECTION 2. The Mayor is authorized to execute the First Amendment to the NPDES Storm Water Discharge Permit Implementation Agreement with the Riverside County Flood Control and Water Conservation District, and this authorization will be rescinded if the parties do not execute the Implementation Agreement within sixty (60) days of the date of this resolution.

**PASSED, APPROVED AND ADOPTED** this 25<sup>th</sup> day of June, 2013.

---

Deborah Franklin, Mayor  
City of Banning

**ATTEST:**

---

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

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

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

**CERTIFICATION:**

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2013-71 was duly adopted by the City Council of the City of Banning, California at a regular meeting thereof held on the 25<sup>th</sup> day of June, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

## **EXHIBIT “A”**

### **FIRST AMENDMENT TO THE IMPLEMENTATION AGREEMENT**

1 FIRST AMENDMENT TO AGREEMENT  
2 National Pollutant Discharge Elimination System  
3 Stormwater Discharge Permit  
4 Implementation Agreement  
5 (California Regional Water Quality Control Board –  
6 Colorado River Basin Region)

7 This First Amendment ("First Amendment") to the agreement ("Agreement") entered  
8 into by and between the RIVERSIDE COUNTY FLOOD CONTROL AND WATER  
9 CONSERVATION DISTRICT ("DISTRICT"), the COUNTY OF RIVERSIDE ("COUNTY"), the  
10 COACHELLA VALLEY WATER DISTRICT ("CVWD"), and the CITIES of BANNING,  
11 CATHEDRAL CITY, COACHELLA, DESERT HOT SPRINGS, INDIAN WELLS, INDIO, LA  
12 QUINTA, PALM DESERT, PALM SPRINGS and RANCHO MIRAGE ("CITIES") (individually,  
13 "PARTY" and collectively, "PARTIES") to establish the responsibilities of each PARTY  
14 concerning compliance with the National Pollutant Discharge Elimination System ("NPDES")  
15 Municipal Separate Storm Sewer System (MS4) Permit issued by the California Regional Water  
16 Quality Control Board - Colorado River Basin Region (CRWQCB-CRB) pursuant to Order No. R7-  
17 2008-0001 and Order No. 01-077, is entered into by and between the PARTIES with respect to the  
18 following:

19 RECITALS

20 A. WHEREAS, the CRWQCB-CRB is preparing an NPDES permit to replace  
21 Order No. R7-2008-0001, which is scheduled to be adopted by the CRWQCB-CRB on or about  
22 June 20, 2013 as Order No. R7-2013-0011 or such other numbered order as the CRWQCB-CRB  
23 may adopt ("Order No. R7-2013-0011"); and

24 B. WHEREAS, the PARTIES wish to amend the Agreement to allow it to govern  
25 the responsibilities of the PARTIES under Order No. R7-2008-0001, for as long as Order No. R7-  
26 2008-0001 is effective, and under R7-2013-0011, at such time as Order No. R7-2013-0011 is  
27 effective; and  
28

1 C. WHEREAS, the Agreement provides in Section 9 that it may be amended by  
2 consent of all PARTIES, provided it is in writing and duly signed by the authorized representatives  
3 of all PARTIES.

4 NOW, THEREFORE, the PARTIES hereto do mutually agree as follows:

5 1. Section 1 of the Agreement is deleted in its entirety and replaced by the  
6 following:

7 "NPDES Permit. A true and correct copy of the existing NPDES permit issued  
8 to the Parties to the Agreement pursuant to Order No. R7-2008-0001 is attached to this Agreement  
9 as Exhibit A and is hereby incorporated by reference in its entirety and made a part of this  
10 Agreement. Order No. R7-2008-0001 is intended to be replaced by a new order, referred to  
11 hereinafter as "Order No. R7-2013-0011". This Agreement shall also apply to Order No. R7-2013-  
12 0011, the contents of which shall be incorporated by reference in its entirety and made a part of this  
13 Agreement upon the effective date of Order No. R7-2013-0011. For the purpose of implementing  
14 this Agreement, the term "NPDES Permit" shall mean and refer to Order No. R7-2008-0001 during  
15 the time that Order No. R7-2008-0001 is effective, and shall mean and refer to Order No. R7-2013-  
16 0011 at such time as Order No. R7-2013-0011 is effective."

17 2. Section 3.B. of the Agreement is deleted in its entirety and replaced by the  
18 following:

19 "Monitoring Program. DISTRICT and CVWD shall perform or coordinate  
20 monitoring of surface water and urban runoff in accordance with the provisions of the NPDES  
21 Permit Monitoring and Reporting Program contained therein, with the exception of monitoring  
22 performed pursuant to the CITY OF COACHELLA'S Quality Assurance Project Plan and  
23 Monitoring Plan ("QAPPMP") to address the bacterial indicator Total Maximum Daily Load for the  
24 Coachella Valley Stormwater Channel ("CVSC TMDL"). The location of NPDES Permit sampling  
25 sites not part of the CVSC TMDL monitoring program ("Sites") shall be determined by DISTRICT  
26 and CVWD, subject to approval by CRWQCB-CRB. More specifically:

1 A. The CITY OF COACHELLA shall be solely responsible for all duties  
2 and costs associated with monitoring, analysis and reporting performed  
3 pursuant to its QAPPMP and shall be responsible, along with any other  
4 Party to this Agreement which may hereafter be named as a responsible  
5 party under the CVSC TMDL, to otherwise comply with monitoring  
6 requirements under the CVSC TMDL.

7 B. DISTRICT and CVWD shall perform NPDES Permit monitoring for all  
8 Sites located within the respective limits of their jurisdictions.  
9 DISTRICT and CVWD may implement alternative approaches to sample  
10 collection, including use of consultants, reassigning Sites between the  
11 agencies, or other alternative approaches that may ensure improved  
12 permit compliance. Said alternative approaches may be implemented  
13 upon the mutual agreement of CVWD and DISTRICT.

14 C. DISTRICT shall reimburse CVWD for all of its costs associated with  
15 sample collection and laboratory analysis.

16 D. DISTRICT shall be reimbursed by CVWD, COUNTY and CITIES for  
17 the costs of its performance of the requirements of this Section, in  
18 accordance with the cost sharing provisions set forth in Section 4 of this  
19 Agreement."

20 3. Section 3.E of the Agreement is deleted in its entirety and replaced by the  
21 following:

22 "Desert Task Force. Each Permittee shall designate staff representatives to the  
23 Desert Task Force in writing to DISTRICT. The Desert Task Force shall be responsible for  
24 coordinating regional NPDES Permit and Monitoring and Reporting Program compliance activities,  
25 including related communications with CRWQCB-CRB, updates to this Implementation Agreement  
26 and other compliance orders issued by CRWQCB-CRB affecting the NPDES Permit, NPDES MS4  
27 Monitoring and Reporting Program and/or the Whitewater River Watershed Municipal Stormwater  
28

1 Program Stormwater Management Plan. In addition, the Desert Task Force, or sub-committees  
2 thereof, shall be the forum for distribution, discussion and decision-making of items related to  
3 agreements and consultant selection related to regional compliance with the NPDES Permit."

4 4. New Section 3.J. is added to the Agreement, to read as follows:

5 "J. Notwithstanding any other provision of this Agreement, all costs, duties and  
6 responsibilities associated with compliance with the CVSC TMDL, including without limitation, the  
7 costs for implementing the QAPPMP and all monitoring, analysis, report preparation and other  
8 tasks required for compliance with the CVSC TMDL, shall be the sole responsibility of the CITY  
9 OF COACHELLA and/or, as appropriate, any other PARTY to this Agreement which may hereafter  
10 be added as a responsible party under the CVSC TMDL, and shall not be a shared cost under  
11 Section 4 of the Agreement or be the responsibility of any other PARTY to the Agreement."

12 5. Section 5 of the Agreement is deleted in its entirety and replaced by the  
13 following:

14 "Term of the Agreement. The term of this Agreement shall commence on the  
15 date the last duly authorized representative of DISTRICT, COUNTY, CVWD or CITIES executes  
16 it. The Agreement shall remain in effect until the earlier of one (1) year after the effective date of  
17 Order No. R7-2013-0011 or the date this Agreement is replaced by a new agreement covering  
18 implementation of Order No. R7-2013-0011."

19 6. Section 14 of the Agreement is deleted in its entirety and replaced by the  
20 following:

21 "Applicability of Prior Agreements. This Agreement, the First Amendment and  
22 the exhibits attached thereto constitute the entire agreement between the PARTIES to the  
23 Agreement with respect to the subject matter thereof; all prior agreements, representations,  
24 statements, negotiations and undertakings concerning implementation of the NPDES Permit within  
25 the limits of CRWQCB-CRB's jurisdictional area are superseded hereby."

26 7. Exhibit A to the Agreement is hereby deleted in its entirety and replaced with  
27 Exhibit A attached to this First Amendment and incorporated herein by reference.

28

1           8.     Except as amended herein, all other provisions of the Agreement remain in full  
2 force and effect.

3           9.     This First Amendment shall be effective upon the date the last duly authorized  
4 representative of the PARTIES executes it and shall become effective only when fully executed by  
5 each PARTY.

6           10.    This First Amendment may be executed and delivered in any number of copies  
7 (counterparts) by the PARTIES. When each PARTY has signed and delivered at least one  
8 counterpart to the other PARTIES, each counterpart shall be deemed an original and, taken together,  
9 shall constitute one and the same First Amendment, which shall be binding and effective as to the  
10 PARTIES.

11 //

12 //



1 IN WITNESS WHEREOF, the PARTIES have caused this First Amendment to be executed  
2 as of the date the last duly authorized representative executes it.

3 RECOMMENDED FOR APPROVAL:  
4

**RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT**

5 By: \_\_\_\_\_  
6 WARREN D. WILLIAMS  
7 General Manager-Chief Engineer

By: \_\_\_\_\_  
MARION ASHLEY, Chairman  
Board of Supervisors, Riverside County  
Flood Control and Water Conservation  
District

8 Dated: \_\_\_\_\_

9 APPROVED AS TO FORM:

ATTEST:

10 PAMELA J. WALLS  
11 County Counsel

KECIA HARPER-IHEM  
Clerk to the Board

12 By: Karin Watts-Bazan  
13 Karin Watts-Bazan, Deputy

By: \_\_\_\_\_  
Deputy

14 Dated: May 28, 2013

(SEAL)

16 RECOMMENDED FOR APPROVAL:

**COUNTY OF RIVERSIDE**

18 By: \_\_\_\_\_  
19 JAY ORR  
County Executive Officer

By: \_\_\_\_\_  
JOHN J. BENOIT, Chairman  
Board of Supervisors, County of Riverside  
Fourth District

20 Dated: \_\_\_\_\_

ATTEST:

KECIA HARPER-IHEM  
Clerk to the Board

By: \_\_\_\_\_  
Deputy

(SEAL)

26 SEB:cw:bjp  
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APPROVED AS TO FORM:

**COACHELLA VALLEY WATER DISTRICT**

By: \_\_\_\_\_

By: \_\_\_\_\_  
JIM BARRETT  
General Manager -- Chief Engineer

By: \_\_\_\_\_  
JOHN POWELL  
President

Dated: \_\_\_\_\_

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APPROVED AS TO FORM:

**CITY OF BANNING**

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
City Clerk

Dated: \_\_\_\_\_

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APPROVED AS TO FORM:

CITY OF CATHEDRAL CITY

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

Dated: \_\_\_\_\_

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APPROVED AS TO FORM:

**CITY OF COACHELLA**

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

Dated: \_\_\_\_\_

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APPROVED AS TO FORM:

**CITY OF DESERT HOT SPRINGS**

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

Dated: \_\_\_\_\_

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APPROVED AS TO FORM:

CITY OF INDIAN WELLS

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

Dated: \_\_\_\_\_

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APPROVED AS TO FORM:

**CITY OF INDIO**

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

Dated: \_\_\_\_\_



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APPROVED AS TO FORM:

CITY OF LA QUINTA

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

Dated: \_\_\_\_\_

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APPROVED AS TO FORM:

**CITY OF PALM DESERT**

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

Dated: \_\_\_\_\_

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APPROVED AS TO FORM:

CITY OF PALM SPRINGS

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

Dated: \_\_\_\_\_

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APPROVED AS TO FORM:

**CITY OF RANCHO MIRAGE**

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

Dated: \_\_\_\_\_

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# California Regional Water Quality Control Board

## Colorado River Basin Region



Linda S. Adams  
Secretary for  
Environmental Protection

73-720 Fred Waring Drive, Suite 100, Palm Desert, California 92260  
(760) 346-7491 • Fax (760) 341-6820  
<http://www.waterboards.ca.gov/coloradoriver>

Arnold Schwarzenegger  
Governor

May 28, 2008

Riverside County Flood Control and Water Conservation District – General Manager  
County of Riverside – Executive Office, Mike Shetler  
City of Banning – Director of Public Works  
City of Cathedral City – Director of Public Works  
City of Coachella – Director of Public Works  
City of Desert Hot Springs – Director of Public Works  
City of Indian Wells – Director of Public Works  
City of Indio – Director of Public Works  
City of La Quinta – Director of Public Works  
City of Palm Desert – Director of Public Works  
City of Palm Springs – Director of Public Works  
City of Rancho Mirage – Director of Public Works  
Coachella Valley Water District – General Manager

RECEIVED  
MAY 29 2008  
RIVERSIDE COUNTY FLOOD CONTROL  
WATER CONSERVATION DISTRICT

**SUBJECT: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
PERMIT AND WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL  
SEPARATE STORM SEWER SYSTEMS WITH THE WHITEWATER RIVER  
WATERSHED (RENEWAL)**

Enclosed is a copy of Board Order No. R7-2008-0001. This Board Order was adopted by the Regional Water Board on May 21, 2008 at its meeting in Indio, California. This Board Order supersedes Board Order No. 01-077, previously issued to for this Permit.

Additional full text copies of the WDRs are available on the Regional Water Board's web site at: <http://www.waterboards.ca.gov/coloradoriver>. Under the heading of "Board Orders", select "Year 2008" then Order R7-2008-0001. If you need a hard copy of this order mailed to you, please contact Hilda Vasquez by phone at (760) 346-7491 or via e-mail at [hvasquez@waterboards.ca.gov](mailto:hvasquez@waterboards.ca.gov).

If you have any questions concerning this matter, please contact John Carmona at (760) 340-4521.

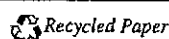
  
ROBERT PERDUE  
Executive Officer

JM/tab

Enclosure: Board Order No. R7-2008-0001

File WDID No. 7A 33 2001 M02, Coachella Valley MS4, Board Order No. 01-077

California Environmental Protection Agency



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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260  
Phone: (760) 346-7491 • Fax (760) 341-6820  
<http://www.waterboards.ca.gov/coloradriver>

ORDER NO. R7-2008-0001  
NPDES NO. CAS617002

**WASTE DISCHARGE REQUIREMENTS  
FOR  
DISCHARGES FROM THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)  
WITHIN THE WHITEWATER RIVER WATERSHED  
RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT,  
OWNER/OPERATOR  
COUNTY OF RIVERSIDE, OWNER/OPERATOR  
COACHELLA VALLEY WATER DISTRICT, OWNER/OPERATOR  
AND INCORPORATED CITIES OF RIVERSIDE COUNTY WITHIN THE  
WHITEWATER RIVER BASIN, OWNERS/OPERATORS**

**Table 1. Administrative Information**

This Order was adopted by the Regional Water Quality Control Board on:	<b>May 21, 2008</b>
This Order shall become effective on:	<b>May 21, 2008</b>
This Order shall expire on:	<b>May 21, 2013</b>
The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, not later than 180 days in advance of the Order expiration date as application for issuance of new <b>Waste Discharge Requirements</b> . The date for submitting a complete application for reissuance is <b>November 23, 2012</b> .	

IT IS HEREBY ORDERED that this Order shall supercede Order No. 01-077 except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the California Water Code (**CWC**) (commencing with section 13000) and regulations adopted hereunder, and the provisions of the federal Clean Water Act (**CWA**) (33 U.S.C. § 1251 et seq.) and regulations and guidelines adopted hereunder, the discharger shall comply with the requirements in this Order.

I, Robert Perdue, **Executive Officer**, do hereby certify that this Order, with all attachments, is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on May 21, 2008.

  
\_\_\_\_\_  
ROBERT PERDUE, Executive Officer

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WASTE DISCHARGE REQUIREMENTS  
FOR  
DISCHARGES FROM THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (*MS4*)  
WITHIN THE WHITEWATER RIVER WATERSHED  
RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT,  
OWNER/OPERATOR  
COUNTY OF RIVERSIDE, OWNER/OPERATOR  
COACHELLA VALLEY WATER DISTRICT, OWNER/OPERATOR  
AND INCORPORATED CITIES OF RIVERSIDE COUNTY WITHIN THE  
WHITEWATER RIVER WATERSHED, OWNERS/OPERATORS

A. FINDINGS

The California Regional Water Quality Control Board, Colorado River Basin Region (*Regional Board*) finds that:

1. On March 9, 2006, the County of Riverside (*County*) and the Riverside County Flood Control and Water Conservation District (*RCFC&WCD*), in cooperation with the Coachella Valley Water District (*CVWD*) and incorporated cities, including the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage (hereinafter collectively referred to as the *Permittees*<sup>1</sup>), jointly submitted *National Pollutant Discharge Elimination System (NPDES)* Application No. CAS617002 and a *Report of Waste Discharge (ROWD)* for re-issuance of *MS4 NPDES* permit (*MS4 Permit*).
2. For the purposes of this *MS4 Permit*, the following two *Permittees* are identified as the *Principal Permittees*:

County of Riverside, 4080 Lemon Street, P.O. Box 1090, Riverside, California 92501-1090; and

Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, California 92501

The *CVWD* and the Cities are identified as *Co-Permittees*. Collectively, the *Principal Permittees* and *Co-Permittees* comprise the *Permittees*. Under this organizational framework, the *Principal Permittees* are responsible for coordinating collective *Permittee* activities required by the *MS4 Permit*, including report preparation and submittals to the *Regional Board*.

3. The urbanized area of the *Whitewater River Watershed* under the jurisdiction of the *Permittees* and covered by this *MS4 Permit* is referred to as the *Whitewater River Region*. The *MS4 Permit* area referred to as the *Whitewater River Region*

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<sup>1</sup> Permittee(s) and discharger(s) are used interchangeably in this *MS4 Permit*. Also, see Section K. Glossary of Terms for definitions of certain terms used in this *MS4 Permit*. Defined terms are capitalized and shown in italicized, bold lettering throughout the *MS4 Permit*.



is shown in Attachment C – Site Map, incorporated herein and made a part of this **MS4 Permit** by reference.

The Site Map delineates the portion of the **Whitewater River Watershed** subject to urbanization within the term of the **MS4 Permit** and includes the urbanized area of the **Whitewater River Watershed** under the jurisdiction of the **Permittees**.

4. The **Permittees** submitted a revised **Whitewater River Region Storm Water Management Plan (SWMP)**, which is contained in Appendix C of the **ROWD**, dated March 9, 2006, incorporated herein, and made a part of this **MS4 Permit** by reference. Accordingly, the **SWMP** is an enforceable component of this **MS4 Permit**. Similarly, any future **Permittee** modifications of the **SWMP**, if approved by the **Executive Officer**, become enforceable components of this **MS4 Permit** as well.
5. Discharges from the **MS4** facilities throughout the **Whitewater River Region** contribute to a cumulative **Pollutant** load to downstream **Receiving Waters**. Within the **Whitewater River Region**, it is necessary for the **Permittees** to coordinate their **Urban Runoff** management activities to achieve the greatest protection of **Receiving Water** quality. **Permittee** coordination with other **Watershed** stakeholders (e.g., **CalTrans** and the federal Bureau of Indian Affairs) is also necessary. Establishment of a management structure will assist the **Permittees** subject to this **MS4 Permit** to fund and coordinate those aspects of their joint obligations. Also, this management structure will promote cost-effective implementation of the **SWMP** within the **Whitewater River Region**.
6. The **Permittees** entered into an **Implementation Agreement** to carry out the activities, regional compliance programs and responsibilities prescribed in the previously issued **NPDES** Permit, Order No. 01-077. The **Implementation Agreement** sets forth the working framework among the multiple **Permittee** agencies. Specific provisions of that agreement include cost sharing for public education activities and water quality monitoring. The **Implementation Agreement** provides non-binding guidance as to the organizational framework of the **Principal Permittees** and **Co-Permittees** and their respective responsibilities, duties, and obligations imposed by this **MS4 Permit**.
7. The **Permittees** are separate legal entities and, as such, have the authority to develop, administer, implement, and enforce **Urban Runoff** management programs within their respective jurisdictions. In addition, the **Permittees** have maintenance responsibilities for the **MS4** facilities within their jurisdictional boundaries. Therefore, the **Permittees** are responsible for implementing that portion of the **Urban Runoff** management program for any discharges to and from their **MS4** facilities that is commensurate with those jurisdictional limitations. As explained by the U.S. Environmental Protection Agency (**USEPA**) in its preamble discussion of the Phase II Storm Water Final Rule (64 Fed. Reg. 68722, 68765-6 (Dec. 8, 1999)), because municipalities own and operate separate storm sewers, including storm sewers into which third parties may discharge **Pollutants**, **NPDES** permits may require municipalities to control the discharge of **Pollutants** into the storm sewers in the first instance. Therefore, operators of **MS4s** cannot passively

receive and discharge **Pollutants** from third parties. Instead, they must seek to control those discharges to the extent of their legal authority.

8. The **Permittees** may lack legal jurisdiction over discharges into their respective **MS4s** from certain facilities, entities, properties, and other **Point** and **Non-Point Source** discharges otherwise permitted by or under the jurisdiction of the **Regional Board**. The **Regional Board** recognizes that the **Permittees** should not be held responsible for such facilities and/or discharges. Similarly, certain activities that generate **Pollutants** present in **Urban Runoff** are beyond the ability of the **Permittees** to eliminate. Examples may include: operation of internal combustion engines, atmospheric deposition, brake pad wear, tire wear, residues from lawful application of pesticides, nutrient runoff from landscape activities, and leaching of naturally occurring minerals from local geology.
9. Consequently, certain portions of the **Whitewater River Watershed** are excluded from coverage under this **MS4 Permit**, but the **Regional Board** finds that those activities can be and/or are being addressed through other regulatory programs, including programs administered by the **Regional Board** and other federal, state and local regulatory agencies. Excluded areas include:
  - Federal lands and state properties, including, but not limited to, military bases, national forests, hospitals, colleges and universities, and highways;
  - Native American tribal lands;
  - Open space and rural (non-urbanized) areas;
  - Agricultural lands (exempted under the **CWA**); and
  - Utilities and special districts (including school districts, park districts, publicly owned treatment works and water utilities).
10. The **USEPA** Phase I **Storm Water** Final Rule was published in Volume 55 of the Federal Register on November 16, 1990, commencing with page 47990. The Phase I rule sets forth **NPDES** application requirements for: **Storm Water** discharges associated with industrial activity; discharges from a **MS4** serving a population of 250,000 or more (defined as Large **MS4s**); and discharges from **MS4s** serving a population of 100,000 or more but less than 250,000 (defined as Medium **MS4s**). This final rule became effective on December 17, 1990. On March 14, 1991, the **Executive Officer** designated the **Whitewater River Region** as an area required to have a Phase 1 **NPDES MS4 Permit**. The California Department of Finance estimated that as of January 1, 2005, approximately 402,650 persons reside in the incorporated and unincorporated portions of **Riverside County** within the **Whitewater River Watershed**.
11. Discharges of **Storm Water** runoff from lands owned by the California Department of Transportation (**CalTrans**) are currently regulated under a separate **NPDES** permit (Order No. 99-06-DWQ – **NPDES** No. CAS000003) issued by the **State Water Resources Control Board (State Board)**. **CalTrans** is required to comply with specific **Effluent Limitations** prior to discharging from its right-of-way into the **MS4** operated by the **Permittees**.

12. The **County** and the incorporated Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage are general purpose governments with specified land use authorities and code enforcement powers.
13. Each **Permittee** owns and operates the **MS4** through which the **Permittees** discharge **Urban Runoff** into one or more of the following **Receiving Waters**: Coachella Valley Storm Water Channel (**CVSC**), Whitewater River, San Geronio River, and Little and Big Morongo Washes within the jurisdiction of the **Regional Board**.
14. The **Permittees** have implemented programs to control litter, trash, and other anthropogenic-sourced materials from **Urban Runoff**. In addition to the municipal ordinances prohibiting littering, the **Permittees** will continue to implement these programs, and continue organizing and implementing other programs to reduce litter and **Illegal Discharges (IDs)**, such as solid waste collection programs, Household **Hazardous Waste (HHW)** collections, **Hazardous Material** spill response, catch basin **Cleaning**, street sweeping, and recycling programs. These programs should effectively address urban sources to reduce these materials in **Urban Runoff** to the **Maximum Extent Practicable (MEP)**. This **MS4 Permit** includes requirements for the continued implementation of programs for litter, trash, and debris control.

#### Characteristics of Whitewater River Region

15. The **Whitewater River Region** lies within the Whitewater River Hydrologic Unit and is unique relative to other entities regulated as Phase I **MS4s**. Some of the unique characteristics are:
  - The Whitewater River is the major drainage course in the Whitewater River Hydrologic Unit Planning Area. There is perennial flow in the surrounding mountains, but because of diversions and percolation into the basin, this perennial flow infiltrates in the Whitewater River prior to reaching the urbanized area of the Coachella Valley.
  - The **CVSC** is the constructed downstream extension of the Whitewater River channel, starting near Indio and serves as a drainage way for irrigation return flows, treated community wastewater, and **Urban Runoff**.
  - CVWD operates and maintains the **CVSC** and the regional subsurface drainage collection system for the Coachella Valley. General information from **CVWD** 2006-07 Annual Review and Water Quality Report states approximately 245,896 acre feet of water was provided for irrigation.
  - The **Whitewater River Region** is a Phase I **MS4 Permit Area** in the California desert. Precipitation in the **Whitewater River Region** is typically only 3.6 inches per year in the urbanized areas of the Coachella Valley<sup>2</sup>.
  - In addition to the overall lack of precipitation in the **Whitewater River Region**, there is no defined **Rainy (Wet) Season** within the **Whitewater River**

<sup>2</sup> Water Quality Control Plan, Colorado River Basin – Region 7, California Regional Water Quality Control Board, State Water Resources Control Board October 2005, p. 1-8.

**Watershed**; winter storms may occur during late fall and early winter months. However, the **General Industrial Storm Water Permit** defines the **Rainy Season** to be between October 1<sup>st</sup> and May 31<sup>st</sup>.

Commonly, winter storms result from moisture-laden air from extra-tropical cyclones. Winter storms tend to be low intensity storms that cover large areas of the **Whitewater River Watershed**. The **Whitewater River Region** is also subject to summer thunderstorms, common from July through September. These summer storm events occur when moist and unstable air is subject to convective lifting. Summer thunderstorms tend to be highly localized and commonly result in high intensity precipitation. Finally, the **Whitewater River Region** is also subject to rare summer storms, which normally occur from July to September. These storms are the result of moisture-laden air originating over the Gulf of Mexico or the South Pacific Ocean. These storms can result in heavy precipitation and last several days.

- Although portions of the **Whitewater River Watershed** are experiencing rapid growth, only 3.5 percent of the **Watershed** is comprised of urban (residential, commercial, and industrial) land uses. Non-urban land uses, including rural residential, agriculture, and open space constitute the majority of the land uses.<sup>3</sup> It is projected that the population of the **Whitewater River Watershed** will increase approximately 12.7 percent by 2010.<sup>4</sup> Assuming that the urbanized area of the **Whitewater River Watershed** increases proportionally to population, 96 percent of the **Watershed** would remain in non-urban land uses in 2010. This information can be found in the **ROWD** in Sections 2.2 and 2.3, which summarizes expected population changes in each **Permittee's** jurisdiction as well as identifies significant developments proposed in the upcoming **MS4 Permit** term.
- Over one-half (57 percent) of the **Whitewater River Watershed** consists of federal, state, and tribal lands<sup>5</sup> that are not under the jurisdiction of the **Permittees**.
- Non-storm **Urban Runoff** discharges to the **Receiving Waters** in the **Whitewater River Region** are relatively minor based on flow volume due to natural soils conditions and **Permittees** requirements that **New Development** infiltrate **Urban Runoff**.
- The **CVSC** has been identified as impaired for pathogens in that portion from Dillon Road to the Salton Sea and for toxaphene in that portion from Lincoln Street to the Salton Sea. Thus, further monitoring must be conducted to adequately characterize the impacts of **Non-Storm Water Urban Runoff** discharges into the **Receiving Waters**.
- The soils in the **Whitewater River Region** consist primarily of sands that promote rapid infiltration of runoff. During most years, perennial mountain streams tributary to the Whitewater River infiltrate or evapotranspire prior to reaching urbanized areas.

<sup>3</sup> County of Riverside Assessor, current as of February 2006.

<sup>4</sup> Southern California Association of Governments, <http://www.scag.ca.gov/forecast/index.htm>.

<sup>5</sup> County of Riverside Assessor, current as of February 2006.

16. The City of Banning, although included as a **Permittee** on this **MS4 Permit**, does not share an interconnected **MS4** with the remainder of the **Permittees**. The **MS4** operated by the City of Banning discharges directly into the San Geronio River, a **Receiving Water**. Most **MS4** discharges from the City of Banning infiltrate. During significant runoff events, storm drainage may flow as far as the **CVWD** infiltration basins near the City of Palm Springs, which are several miles upstream of **Urban Runoff** discharges from the **MS4s** operated by the other **Permittees**. However, the City of Banning is included in this **MS4 Permit** to facilitate coordination with the regional programs implemented by the **Permittees** and to reduce the administrative duties on the **Regional Board**.
17. Similar to the City of Banning, the City of Desert Hot Springs also does not share an interconnected **MS4** with the remainder of the **Permittees**. The **MS4** operated by the City of Desert Hot Springs drains to several washes tributary to the Little and Big Morongo Washes, which are **Receiving Waters**. Most discharges from the City of Desert Hot Springs infiltrate. Rarely, and only during significant storm events, would any storm drainage flow into the Whitewater River. However, the City of Desert Hot Springs is included in this **MS4 Permit** to facilitate coordination with the regional programs implemented by the **Permittees** and to reduce the administrative duties on the **Regional Board**.

#### Salton Sea

18. The Salton Sea restoration legislation requires that the Secretary for Resources of the Salton Sea Ecosystem Restoration Program to undertake a restoration study to determine the preferred alternative for the restoration of the Salton Sea ecosystem and the permanent protection of wildlife dependent on that ecosystem. The Salton Sea ecosystem is defined to include, but not limited to, the Salton Sea, agricultural lands surrounding the Salton Sea, and the tributaries and drains within the Imperial and Coachella valleys that deliver water to the Salton Sea. The **CVSC** is tributary to the Salton Sea.
19. On June 25, 2007, the Secretary for Resources of the Salton Sea Ecosystem Restoration Program certified that the Final Programmatic Environmental Impact Report is in compliance with the California Environmental Quality Act. On January 24, 2008, the Legislative Analyst's Office released a report titled "Restoring the Salton Sea." The report discusses the history and current state of the Salton Sea and the legal and policy reasons for restoring the Salton Sea. The report also makes recommendations on how the California Legislature should proceed with the restoration.

#### Objectives of MS4 Permit

20. The objectives of this **MS4 Permit** are to:
- Renew Board Order No. 01-077 **NPDES** No. CAS617002, which regulates **Urban Runoff** within the **Whitewater River Watershed**;
  - Regulate the discharge of **Potential Pollutants** in **Urban Runoff** that discharge to surface waters in the **Whitewater River Region**;

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- c. Regulate **Non-Storm Water** discharges associated with retrofit, maintenance, and construction activities at **Permittees'** maintenance yards, facilities, or roads; and
- d. Implement regulatory requirements prescribed in the Water Quality Control Plan for the Colorado River Basin Region of California (**Basin Plan**), and requirements of Section 402(p) of the **CWA** and Title 40 Code of Federal Regulations (40 CFR) Part 122

#### **Urban Runoff Characterization**

- 21. **Urban Runoff** contains **Waste**, as defined in the **CWC**, which contains **Pollutants** that could adversely affect the quality of the **Waters of the State**. The discharge of **Pollutants** in **Urban Runoff** from a **MS4** is a "discharge of **Pollutants** from a **Point Source** into **Waters of the United States**" as defined in the **CWA**.
- 22. **Urban Runoff** includes discharges from residential, commercial, industrial, and construction areas within the **Whitewater River Region**.
- 23. **Urban Runoff** may contain elevated levels of pathogens (bacteria, protozoa, viruses), **Sediment**, trash, fertilizers (nutrients, compounds of nitrogen and phosphorus), pesticides (DDT, chlordane, diazinon, chlorpyrifos), heavy metals (cadmium, chromium, copper, lead, zinc), and petroleum products (oil, grease, petroleum hydrocarbons, polycyclic aromatic hydrocarbons). **Urban Runoff** can carry these **Pollutants** to **Receiving Waters** within the **Whitewater River Region**. In addition, although infrequently, **Urban Runoff** from the **Whitewater River Region** can carry these **Pollutants** to other **Receiving Waters**, such as the Whitewater River. These **Pollutants** can then impact the **Beneficial Uses** of the **Receiving Waters** and can cause or threaten to cause a condition of **Pollution** or **Nuisance**.
- 24. Pathogens (from **Sanitary Sewer Overflows (SSO)**, septic system leaks, and spills and leaks from portable toilets, pets, wildlife and human activities) may impact water contact recreation and non-contact water recreation. Floatables (from trash) are an aesthetic **Nuisance** and may provide a substrate for algae and insect vectors. Oil and grease may coat birds and aquatic organisms, adversely affecting respiration and/or thermoregulation. Other petroleum hydrocarbon components may cause **Toxicity** to aquatic organisms and may impact human health. Suspended and settleable solids (from **Sediment**, trash, and industrial activities) may be deleterious to benthic organisms and may cause anaerobic conditions. **Sediments** and other suspended particulates may cause turbidity, clog fish gills, and interfere with respiration in aquatic fauna. **Sediment** and other suspended particles may also screen out light, hindering photosynthesis and normal aquatic plant growth and development.

25. It is recognized that **Storm Water** flows from non-urbanized areas such as National Forests, State Parks, Wilderness, and Agriculture, as shown on the Site Map, naturally exhibit high levels of suspended solids due to climate, hydrology, geology, and geography.<sup>6</sup> Runoff from these non-urbanized areas may flow into the MS4 and affect flow and water quality. Toxic substances (from pesticides, petroleum products, metals, and industrial **Wastes**) can cause acute and/or chronic **Toxicity**, and may bioaccumulate in organisms to levels that may be harmful to human health. Nutrients (from fertilizer use, fire fighting chemicals, decaying plants, confined animal facilities, pets, and wildlife) can cause excessive algal blooms. These blooms may lead to problems with taste, odor, color and increased turbidity, and may depress the dissolved oxygen content leading to fish kills.
26. There is a direct correlation between "urbanization" and "impacts to receiving water quality." In general, the more heavily developed the area, the greater the potential impact to receiving waters from **Urban Runoff**.
27. During urban development two important changes may occur:
- a. Natural pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural soil can both absorb rainwater and remove **Pollutants**. Because pavement and concrete can neither absorb water nor remove **Pollutants**, the absorptive characteristics of the land are greatly reduced; and
  - b. Urban development may create new **Pollution** sources as human population density increases and brings with it proportionately higher levels of vehicle emissions, vehicle maintenance **Wastes**, municipal sewage, pesticides, **HHW**, pet wastes, trash, etc., which may either be washed into or directly dumped into the **MS4**.

Because of these two changes the runoff leaving the developed urban area may be significantly greater in volume, velocity, and **Pollutant** load than the predevelopment runoff from the same area. These effects are minimized when effective **Best Management Practices (BMPs)** to manage **Urban Runoff** are implemented and maintained.

28. **Urban Runoff** may contain **Pollutants** that may threaten human health. Individually and in combination, **Pollutants** discharged from **MS4s** may cause or threaten to cause a condition of **Pollution** (i.e., an alteration of water quality by **Waste** to a degree which unreasonably affects the waters for designated **Beneficial Uses** and/or facilities which serve these designated **Beneficial Uses**), **Contamination**, or **Nuisance**. The discharge of **Pollutants** from **MS4s** may cause the concentration of **Pollutants** to prevent attainment of applicable **Receiving Water Quality Objectives (WQO)** and thereby impair or threaten to impair designated **Beneficial Uses**.

<sup>6</sup> Riverside County Flood Control and Water Conservation District's "Hydrology Manual," dated April 1978; page II-4 of "Santa Ana River, Design Memorandum No. 1, Phase II GDM on the Santa Ana River Mainstem, including Santiago Creek, Volume 2, Prado Dam" dated August 1988 and D.I. Inman & S.A. Jenkins "Climate Change and the Episodicity of Sediment Flux in Small California Rivers," Journal of Geology, Volume 107, pp. 251-270, 1999.

**Mitigation of Urban Runoff**

29. **Pollutants** may be reduced in **Urban Runoff** by the appropriate application of **Pollution Prevention, Source Control, and Treatment Control BMPs** to the **MEP**.
30. This **MS4 Permit** provides flexibility for **Permittees** to petition the **Executive Officer** to substitute a **BMP** under this Order with an alternative **BMP**, if they can provide information and documentation on the effectiveness of the alternative, equal to or greater than the prescribed **BMP** in meeting the objectives of this **MS4 Permit**.
31. **Permittees** with land use authority authorize urbanization and land uses that may generate **Pollutants** and runoff, which can contribute to the impairment of **Receiving Waters**. Therefore, they can also exercise their legal authority to require to the **MEP** that the resulting increased **Pollutant** loads and flows do not further degrade **Receiving Waters**.
32. Urban development has three major phases: (1) land use planning for **New Development**; (2) construction; and (3) the current land use or existing development phase. Because the **Permittees** authorize each of these phases, they have commensurate responsibilities to protect **Receiving Water** quality to the **MEP** during each phase.
33. For many years, the Cities of Cathedral City, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage have required most developments to retain and infiltrate **Urban Runoff** on-site unless located adjacent to an existing **MS4** facility.
34. This **MS4 Permit** requires the **Permittees** to continue to implement the **BMPs** listed in the approved **SWMP** and to continue to effectively prohibit **IDs** and **Illicit Connections (ICs)** to the **MS4**. One of the major elements of the **SWMP** is a **Storm Water/Urban Runoff** Management and Discharge Control Ordinance. Some of the **Permittees** with land use authority have adopted such an ordinance as well as ordinances addressing **Grading** and **Erosion** control (collectively, the "**Storm Water Ordinance**"). The purpose of each **Storm Water Ordinance** is to prohibit **Pollutant** discharges in the **MS4** and to regulate **IC/IDs** and **Non-Storm Water** discharges to the **MS4**.
35. One method to reduce **Potential Pollutants** in **Urban Runoff** is to incorporate **BMPs** to the **MEP** as early in the planning phase of a project as possible. The implementation of **BMPs** is necessary to prevent **Erosion** and sedimentation in storm and non-storm **Urban Runoff** discharges.
36. Construction activities may be a significant cause of **Receiving Water** impairment. Siltation is currently the major cause of river impairment in the United States. **Sediment** runoff rates from construction sites greatly exceed natural **Erosion** rates of undisturbed lands, causing siltation and impairment of **Receiving Waters**. However, siltation has not been identified as a cause of Receiving Water impairment in the Whitewater River Region. In addition to requiring

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implementation of the full range of **BMPs**, an effective construction runoff program must include local plan review, permit conditions, field inspections, and enforcement. The **New Development Guidelines (Supplement "A"** to the Riverside County Drainage Area Management Plan) are incorporated into the **Whitewater River Region SWMP**. The purpose of the **New Development Guidelines** is to identify post-construction source **Pollutant** prevention and treatment measures that may be incorporated into development projects.

37. Enforcement of local **Urban Runoff** related ordinances, permits, and plans are an essential component of the **SWMP**. Routine inspections provide an effective means by which **Permittees** can evaluate compliance. Inspections are especially important at high-risk areas for **Pollutant** discharges, such as at industrial and construction sites.
38. Education is the foundation of the **SWMP**. Education of the **Permittee's** planning, inspection, and maintenance department staff is critical. The Public Education Program contained in the **SWMP** incorporates a well-developed approach to education and outreach. The program, entitled "Only Rain Down The Storm Drain **Pollution Prevention** Program", combines resources and efforts from the three **County MS4** permit programs to effectively communicate responsible **Urban Runoff** management. Public participation is necessary to ensure that all stakeholder interests, and a variety of creative solutions, are considered. Public participation is important in the development of a complete **Urban Runoff** management program. The **Permittees** propose to continue to emphasize the public participation component of this program.
39. The **SWMP**, Appendix A of the March 9, 2006 **ROWD**, submitted by the **Permittees**, meets the **MEP** standard, as defined in the **MS4 Permit**, with the exception of those provisions of the **MS4 Permit** that require the **SWMP** to be modified. Those portions of the **SWMP** that are to be modified are sufficiently described to enable the **Executive Officer** to review and approve the modifications on behalf of the **Regional Board**.

#### **Whitewater River Watershed Water Quality**

40. The Whitewater River is defined in the **Basin Plan** as the reach from the headwaters in the San Geronio Mountains to (and including) the Whitewater recharge basins near the Indian Avenue crossing in the City of Palm Springs. The reach of the Whitewater River from the Whitewater recharge basins near Indian Avenue to the **CVSC** near Indio is defined as a Wash (Intermittent or **Ephemeral Stream**) in the **Basin Plan**. The Whitewater River is not listed as an **Impaired Waterbody** within the **Whitewater River Region**. Due to the small percentage of the **Whitewater River Watershed** and the **Whitewater River Region** in Urban land uses, **Urban Runoff** constitutes a minor percentage of the total flow in the Whitewater River under storm conditions.
41. The **CVSC** is defined as the perennial reach of the Whitewater River, starting approximately from the City of Indio and terminating at the Salton Sea. A portion of the **CVSC** is contained within the **Whitewater River Region** and the upper segment of this channel has intermittent flows to a point just upstream of Dillon

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Road in the City of Indio. The **CWA** Section 303(d) List has identified portions of the **CVSC** that are not meeting **Water Quality Standards (WQS)** for pathogens and toxaphene. That portion of the **CVSC** from Dillon Road to the Salton Sea is listed as not meeting **WQS** for pathogens and the portion from Lincoln Street to the Salton Sea is listed as not meeting **WQS** for toxaphene. The 303(d) list notes that the source of the pathogen impairment is not known and a **total maximum daily load (TMDL)** and implementation plan are required to be developed to address this impairment pursuant to **CWA** Section 303(d). Toxaphene will be addressed in a future **TMDL**.

42. Bacteria data provided by the three **NPDES** wastewater treatment facilities and the **MS4 Permittees** discharging into the **CVSC** indicates that **Urban Runoff** and **Storm Water** flows contain fecal coliform levels that would violate current **WQOs** for Water Contact Recreation (**REC 1**) and Non-contact Water Recreation (**REC 2**) beneficial uses for the **CVSC**. Measured fecal coliform levels range up to 900,000 Most Probable Number [MPN] 100 milliliter [ML] (MPN/100 ml) at Avenue 52 Storm Drain in Coachella, September 1999, and 70,000 MPN/100 ml at Monroe Street Storm Drain in Indio, April 1999.
43. A Bacterial Indicator TMDL for CVSC was adopted by the Regional Board on May 16, 2007. The Regional Board also directed staff following adoption of the TMDL to conduct three public workshops with affected stakeholders and other interested persons to discuss the requirements of the TMDL. In the meantime, the TMDL was forwarded to the State Water Board for its review and approval. The first public workshop was held on July 25, 2007, the second was held on November 19, 2007, and the third was held on April 23, 2008.

The TMDL was withdrawn from the State Water Board's consideration of adoption, which had been placed as an agenda item to be heard at the State Water Board's March 18, 2008 public meeting. Pursuant to oral and written comments made in connection with the first two workshops, however, the Regional Board's Executive Officer determined that it would be appropriate to request the State Water Board to withdraw the TMDL from its agenda for a certain period of time. The withdrawal request letter, dated January 18, 2008, and addressed to the State Water Board Executive Director, explained that the withdrawal was needed to address comments and concerns raised by the Coachella Valley agricultural community regarding the appropriateness of being named as a Responsible Party in the TMDL Implementation Plan without sufficient data.

To address this data gap, agricultural dischargers and the Coachella Valley Water District proposed conducting the following tasks over an 18-month period: (1) for the first three months following State Water Board approval of the withdrawal request: the agricultural community would form a Task Force to develop a monitoring plan, which would be submitted to the Regional Board Executive Officer for his review and approval; (2) for the next 12 months: the Task Force would conduct quarterly monitoring; and (3) for the last three months: the Task Force would prepare a report of the sampling results and submit the report to the Regional Board for its consideration of approval.

The State Water Board approved the withdrawal request, which it announced in a public notice dated February 22, 2008. Since then, the agricultural community and the Coachella Valley Water District formed the proposed Task Force to begin developing a Monitoring Plan, which would be submitted to the Regional Board Executive Officer for his review and approval.

The TMDL identified Urban Runoff from the County and the City of Coachella outfalls, Caltrans outfalls, outfalls from Native American Tribal lands, and Non-Point Source discharges, including wildlife and transients into the CVSC, as potential sources of pathogens. Therefore, TMDL pathogen Wasteload Allocations (WLAs) were assigned to the County and the City of Coachella. The pathogen WLA has been defined for *E. coli* as a log mean (Geomean) of the MPN  $\leq 126/100$  ml (based on a minimum of not less than five samples during a 30-day period), or 400 MPN/100 ml for a single sample. Monitoring this MS4 Permit requires the County and the City of Coachella to achieve the pathogen WLAs through compliance with the TMDL Implementation Plan, based on the compliance schedule provided in the TMDL for their Urban Runoff discharges.

The WLAs will be submitted to the State Water Board, OAL, and USEPA only after the agricultural community's Task Force has completed the 12 months of sampling and submitted a report of its findings to the Regional Board's Executive Officer for his review and approval. To the extent that the TMDL needs to be revised based on the data collected, the TMDL will be recirculated for another round of public comment. Following the public comment period, any revisions to the TMDL, which may result from comments received and the sampling data collected, will be scheduled for Regional Board consideration at another public hearing.

44. The 2006 **CWA** Section 303(d) List of Water Quality Limited Segments for the Colorado River Basin Region lists the Salton Sea for nutrients, salinity and selenium. The potential sources for the **Pollutants** are listed in the 303 (d) List as follows:

- Nutrients            - Major Industrial **Point Sources**, Agricultural Return Flows, & Out-of-State Source
- Salinity            - Agricultural Return Flows, Out-of-State Source & **Point Sources**
- Selenium           - Agricultural Return Flows

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### Hydrology and Monitoring

45. An effective monitoring program characterizes **Urban Runoff** discharges, identifies problem areas, and determines the impact of **Urban Runoff** on **Receiving Waters**. However, due to the limited annual rainfall and the ephemeral nature of most **Receiving Waters** within the **Whitewater River Region**, collecting sufficient wet and dry weather data to characterize discharges and assess improvement or degradation in water quality due to **Urban Runoff** quality control program implementation is challenging at best. Under normal hydrologic conditions in the **Whitewater River Region**, there are limited flowing **Receiving Waters** impacted by **Urban Runoff**.
46. Although local climate and hydrology make consistent sample collection difficult, it is feasible to safely collect data from **MS4** outfalls and certain **Receiving Waters** during daylight hours of wet weather events that do not result in flash flood warnings and/or watches. The **Permittees** should continue to take efforts to collect data for the ultimate purpose of characterizing **Urban Runoff** discharges, effectiveness of implemented **BMPs**, and determining the impacts of those discharges on **Receiving Waters**, where applicable and feasible.
47. Due to the general ephemeral nature of the **Whitewater River Region** during dry weather conditions, **IC/IDs** to **Receiving Waters** from **MS4** outfalls are easily identified by field inspections. Therefore, this **MS4 permit** requires, in part, that the **Permittees'** dry weather monitoring should focus on field identification and elimination of **IC/IDs** by **Permittee's** staff.

### Colorado River Region Basin Plan

48. The **Basin Plan**, as amended to date, designates the **Beneficial Uses** of ground and surface waters in the Colorado River Basin Region. The **Whitewater River Region** lies within the Whitewater River Hydrologic Unit Planning Area.
49. The majority of surface water bodies within the **Whitewater River Region** are designated as **Washes**. These include the Whitewater River, starting from the Whitewater recharge basins located west of the City of Palm Springs and extending to the upstream channel reach located one-quarter mile west of the Monroe Street crossing near the City of Indio. The majority of the urban area drains into this reach of the Whitewater River. The **Permittee's MS4** facilities drains into the following **Washes**:
- Smith Creek
  - Montgomery Creek
  - West Cathedral Canyon Channel
  - East Cathedral Canyon Channel
  - West Magnesia Canyon Channel
  - East Magnesia Canyon Channel
  - Palm Valley Storm Water Channel

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- Deep Canyon Storm Water Channel
- Bear Creek
- La Quinta Resort Channel
- La Quinta Evacuation Channel
- Whitewater River from Whitewater recharge basins to the **CVSC**

The designated **Beneficial Uses** for the aforementioned **Washes** are Freshwater Replenishment (**FRSH**), Groundwater Recharge (**GRW**), Non-contact Water Recreation (**REC 2**) and Wildlife Habitat (**WILD**). All of these **Washes** are intermittent.

50. The **Permittees** also own and operate **MS4** facilities that discharge **Urban Runoff** into the following surface water bodies, which have additional designated **Beneficial Uses**:

- a. San Gorgonio River
- b. Whitewater River
- c. Tahquitz Creek
- d. Palm Canyon Creek
- e. Little Morongo Creek
- f. **CVSC**

**Beneficial Uses** for these specific water bodies are identified and are summarized in the following table. In addition to the **Beneficial Uses** described above, these include Municipal and Domestic Supply (**MUN**), Agriculture Supply (**AGR**), Aquaculture (**AQUA**), Industrial Service Supply (**IND**), Water Contact Recreation (**REC 1**), Warm Freshwater Habitat (**WARM**), Cold Freshwater Habitat (**COLD**), Hydropower Generation (**POW**) and Preservation of Rare, Threatened or Endangered Species (**RARE**). Note that present **Beneficial Uses** are designated by X; potential **Beneficial Uses** are designated by P and intermittent uses by I:

Waterbody	MUN	AGR	AQUA	FRSH	IND	GWR	REC1	REC2	WARM	COLD	WILD	POW	RARE	Location
CVSC <sup>7</sup>				X			X <sup>8</sup>	X <sup>9</sup>	X		X		X <sup>10</sup>	Perennial reach from approx. Dillon Road to Salton Sea
Little Morongo Creek	P	X				X	X	X	X		X			
Palm Canyon Creek	P	X				X	X	X	X		X			
San Gorgonio River	P	X				X	X	X		X	X			
Tahquitz Creek	P					X	X	X		X	X			
Whitewater River <sup>11</sup>	X	X				X	X	X	I	X	X	X		From headwaters to Whitewater Recharge Basins
Washes <sup>12</sup> (Ephemeral Streams)				I <sup>13</sup>		I		I	I <sup>14</sup>		I			Whitewater River from Whitewater Recharge Basins to perennial reach of CVSC (near Dillon as of 4/2005)

51. The Coachella Valley ground water basin has the following **Beneficial Uses** designated in the **Basin Plan**:

- **MUN**;
- **AGR**; and
- **IND**.

52. Numeric and narrative **WQOs** exist for the **Receiving Waters** in the **Whitewater River Region**. It is not feasible or appropriate at this time to establish **Numeric Effluent Limitations** due to the variability in the quality, quantity, and complexity of **Urban Runoff**. Moreover, the impact of **Urban Runoff** discharges on the quality of **Receiving Waters** has not been fully determined. Therefore, the **Effluent Limitations** contained in this **MS4 Permit** are narrative and include the **SWMP's** requirement to implement appropriate **BMPs**. The narrative **Effluent Limitations** constitute compliance with the requirements of the **CWA** and can be found in Section B. DISCHARGE PROHIBITIONS, Section D. **RECEIVING WATER LIMITATIONS** and Section G. **TOTAL MAXIMUM DAILY LOADS** of this **MS4 Permit**.

<sup>7</sup> Section of perennial flow from approximately Indio to the Salton Sea.

<sup>8</sup> Unauthorized use.

<sup>9</sup> Unauthorized use.

<sup>10</sup> Rare, endangered or threatened wildlife exists or utilizes these waterway(s). If the **RARE Beneficial Use** may be affected by a water quality control decision, responsibility for substantiation of the existence of rare, endangered or threatened species on a case-by-case basis is upon the California Department of Fish and Game on its own initiative and/or at the request of the **Regional Board**; and such substantiation must be provided within a reasonable time frame as approved by the Regional Board.

<sup>11</sup> Includes the section of flow from the headwaters in the San Gorgonio Mountains to (and including) the Whitewater recharge basins near Indian Avenue crossing in Palm Springs.

<sup>12</sup> Washes – Intermittent or **Ephemeral Streams**, including the section of ephemeral flow in the Whitewater River and the CVSC from Indian Avenue to approximately ½ mile west of Monroe Street crossing.

<sup>13</sup> Applies only to tributaries to Salton Sea.

<sup>14</sup> Use, if any, to be determined on a case-by-case basis.

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**Federal NPDES Storm Water Regulations:**

53. Federal regulations for Phase I **MS4 Storm Water** discharges were promulgated by the **USEPA** on November 16, 1990 (40 CFR Parts 122, 123, and 124) and apply to the discharge regulated by this **MS4 Permit**.
54. Pursuant to Section 402 of the **CWA** and Section 13370 of the **CWC**, the **USEPA** approved the California State Program to issue and enforce **NPDES** permits for discharges to surface **Waters of the State**. Section 405 of the Water Quality Act of 1987 added Section 402(p) to the **CWA**, which requires the **USEPA** to develop a phased approach to regulate **Storm Water** discharges under the **NPDES** program.
55. Section 402(p) of the **CWA** requires the issuance of **NPDES** permits for **Storm Water** discharges for which the **USEPA** Regional Administrator or the **Regional Board**, as the case may be, determines that the **Storm Water** discharges contribute to a violation of a **WQS**, or is a significant contributor of **Pollutants** to **Waters of the United States**.
56. Section 402(p) of the **CWA** requires **NPDES** permits for **MS4s** to include a requirement to effectively prohibit **Non-Storm Water** discharges into **MS4s** unless such discharges are either authorized by a separate **NPDES** permit or not prohibited in accordance with Section C. ALLOWABLE **NON-STORM WATER** DISCHARGES of this **MS4 Permit**. The requirement in the **CWA** to reduce **Pollutants** to the **MEP** provides a minimum level of water quality protection. The State may develop **WQS** more stringent than those required by the **CWA**.
57. Title 40 CFR Part 122.26 requires a proposed management program that covers the duration of this **MS4 Permit**. It must include a comprehensive planning process that involves public participation and, where necessary, intergovernmental coordination to reduce the discharge of **Pollutants** to the **MEP** using management practices, control techniques, and system, design, and engineering methods, and such other provisions that are appropriate. The proposed management program is described in the **Whitewater River Region SWMP**. The proposed management program shall include a description of **Structural** and **Source Control BMPs** to reduce **Pollutants** discharged from **Urban Runoff** into the **MS4** that are to be implemented during the term of this **MS4 Permit**.

**Compliance with CEQA and Other Requirements**

58. The **Permittees** will be required to comply with amendments to **WQS** or **Waste Discharge Requirements (WDRs)**, which may be imposed by the **USEPA** or the State of California prior to the expiration of this **MS4 Permit**. This **MS4 Permit** may be reopened to include **WLAs** to address **Pollutants** in **Urban Runoff** causing or contributing to the impairments in **Receiving Waters** and/or other requirements developed and adopted by the **Regional Board**. The **MS4 Permit** also includes language requiring the **Permittees** to amend the **SWMP** to address **TMDL Basin Plan** Amendments, including incorporation of **WLA** requirements.

59. **CWC** Section 13243 provides that a Regional Board, in a water quality control plan or in **WDRs**, may specify certain conditions or areas where the discharge of **Waste** or certain types of **Waste** is not permitted.
60. The issuance of an **NPDES** permit for this discharge is exempt from the provisions of the California Environmental Quality Act (**CEQA**), Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code, in accordance with **CWC** Section 13389. In accordance with Section 15301, Chapter 3, Division 6, Title 14 of the California Code of Regulations, the issuance of this **MS4 Permit**, which governs the operation of an existing facility involving negligible or no expansion of use beyond that previously existing, is exempt from **CEQA**.
61. The **Regional Board** has considered state and federal anti-degradation requirements pursuant to 40 CFR 131.12 and **State Board** Resolution No. 68-16. This **MS4 Permit** does not allow degradation of surface **Waters of the State**. Therefore, compliance with the **MS4 Permit** will satisfy these anti-degradation requirements.
62. The **State Board** issued two state-wide general permits to address **Storm Water** discharges from construction activities: the General Permit for Storm Water Discharges Associated with Construction Activities from Small Linear Underground/Overhead Projects (**NPDES** No. CAS000005) and the General Construction Activity Storm Water Permit (**NPDES** No. CAS000002) (collectively the "**General Construction Permit**"). Construction activities that qualify are required by federal regulations to obtain permit coverage under either an individual **NPDES** permit or these statewide **General Construction Permit** by filing a **Notice of Intent (NOI)** with the **State Board**. This **MS4 Permit** provides equivalent coverage of **Permittee** construction projects as the **General Construction Permit**. Therefore, separate coverage under the **General Construction Permit** is not necessary for **Permittee** construction projects within the **Whitewater River Region**. **Permittee** projects outside of the **Whitewater River Region** must obtain the appropriate **General Construction Permit** coverage, where applicable.
63. **State Mandates.** This Order does not constitute an unfunded local government mandate subject to subvention under Article XIII B, Section 6 of the California Constitution for several reasons including, but not limited to, the following. First, this Order implements federally mandated requirements under federal Clean Water Act section 402, subdivision (p)(3)(B). (33 U.S.C. § 1342(p)(3)(B).) This includes federal requirements to effectively prohibit **Non-Storm Water** discharges, to reduce the discharge of pollutants to the maximum extent practicable, and to include such other provisions as the Administrator or the State determines appropriate for the control of such pollutants. Federal cases have held these provisions require the development of permits and permit provisions on a case-by-case basis to satisfy federal requirements. (*Natural Resources Defense Council, Inc., v. U.S. E.P.A.* (9<sup>th</sup> Cir. 1992) 966 F.2d 1292, 1308, fn. 17.) The authority exercised under this Order is not reserved state authority under the Clean Water Act's savings clause (cf. *Burbank v. State Water Resources Control Bd.* (2005) 35 Cal.4<sup>th</sup> 613, 627-628 [relying on 33 U.S.C. § 1370, which allows a state to develop requirements which are not "less stringent" than federal requirements]), but instead, is part of a federal mandate to develop pollutant reduction requirements



for municipal separate storm sewer systems. To this extent, it is entirely federal authority that forms the legal basis to establish the permit provisions. (See *City of Rancho Cucamonga v. Regional Water Quality Control Bd.—Santa Ana Region* (2006) 135 Cal.App.4<sup>th</sup> 1377, 1389; *Building Industry Ass'n of San Diego County v. State Water Resources Control Bd.* (2004) 124 Cal.App.4<sup>th</sup> 866, 882-883.)

Likewise, the provisions of this Order to implement **total maximum daily loads** (TMDLs) are federal mandates. The federal Clean Water Act requires TMDLs to be developed for water bodies that do not meet federal water quality standards. (33 U.S.C. § 1313(d).) Once the U.S. Environmental Protection Agency or a state develops a TMDL, federal law requires that permits must contain effluent limitations consistent with the assumptions of any applicable wasteload allocation. (40 C.F.R. § 122.44(d)(1)(vii)(B).)

Second, the **Permittees'** obligations under this Order are similar to, and in many respects less stringent than, the obligations of non-governmental dischargers who are issued NPDES permits for storm water discharges. With a few inapplicable exceptions, the Clean Water Act regulates the discharge of pollutants from point sources (33 U.S.C. § 1342) and the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) regulates the discharge of waste (Wat. Code, § 13263), both without regard to the source of the pollutant or the waste. As a result, the "costs incurred by local agencies" to protect water quality reflect an overarching regulatory scheme that places similar requirements on governmental and nongovernmental dischargers. (See *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 57-58 [finding comprehensive workers compensation scheme did not create a cost for local agencies that was subject to state subvention].)

The Clean Water Act and the Porter-Cologne Water Quality Control Act largely regulate storm water with an even hand, but to the extent there is any relaxation of this even-handed regulation, it is in favor of the local agencies. Except for municipal separate storm sewer systems, the Clean Water Act requires point source discharges, including discharges of storm water associated with industrial or construction activity, to comply strictly with water quality standards. (33 U.S.C. § 1311(b)(1)(C), *Defenders of Wildlife v. Browner* (1999) 191 F.3d 1159, 1164-1165 [noting that industrial storm water discharges must strictly comply with water quality standards].) As discussed in prior State Water Resources Control Board decisions, this Order does not require strict compliance with water quality standards. (SWRCB Order No. WQ 2001-15, p. 7.) The Order, therefore, regulates the discharge of waste in municipal storm water more leniently than the discharge of waste from non-governmental sources.

Third, the **Permittees** have the authority to levy service charges, fees, or assessments sufficient to pay for compliance with this Order. The fact sheet demonstrates that numerous activities contribute to the pollutant loading in the municipal separate storm sewer system. Local agencies can levy service charges, fees, or assessments on these activities, independent of real property ownership. (See, e.g., *Apartment Ass'n of Los Angeles County, Inc. v. City of Los Angeles* (2001) 24 Cal.4<sup>th</sup> 830, 842 [upholding inspection fees associated with renting property].) The ability of a local agency to defray the cost of a program without

#### A. FINDINGS

raising taxes indicates that a program does not entail a cost subject to subvention. (*County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487-488.)

Fourth, the **Permittees** have requested permit coverage in lieu of compliance with the complete prohibition against the discharge of pollutants contained in federal Clean Water Act section 301, subdivision (a) (33 U.S.C. § 1311(a)) and in lieu of numeric restrictions on their discharges. To the extent that local agencies have voluntarily availed themselves of the permit, the program is not a state mandate. (Accord, *County of San Diego v. State of California* (1997) 15 Cal.4<sup>th</sup> 68, 107-108.) Likewise, the **Permittees** have voluntarily sought a program-based municipal storm water permit in lieu of a numeric limits approach. (See *City of Abilene v. U.S. E.P.A.* (5<sup>th</sup> Cir. 2003) 325 F.3d 657, 662-663 [noting that municipalities can choose between a management permit or a permit with numeric limits].) The local agencies' voluntary decision to file a report of waste discharge proposing a program-based permit is a voluntary decision not subject to subvention. (See *Environmental Defense Center v. U.S. E.P.A.* (9<sup>th</sup> Cir. 2003) 344 F.3d 832, 845-848.)

Finally, the local agencies' responsibility for preventing discharges of waste that can create conditions of pollution or nuisance from conveyances that are within their ownership or control under state law predates the enactment of Article XIII B, Section 6 of the California Constitution.

64. The **Regional Board** has notified the **Permittees** and other interested agencies and **Persons** of its intent to re-issue this **MS4 Permit** for discharges of **Urban Runoff** into the **Whitewater River Region**.

The **Regional Board**, in a public hearing, heard and considered all comments pertaining to this **MS4 Permit**. The **Regional Board** reserves the right to reopen this **MS4 Permit** after proper notice and an opportunity to be heard, is given to all concerned parties.

**B. DISCHARGE PROHIBITIONS**

1. The discharge of **Urban Runoff** from the **Permittees' MS4** to **Waters of the United States** containing **Pollutants**, which have not been reduced to the **MEP**, is prohibited.
2. The **Permittees** shall continue to prohibit **IC/IDs** to the **MS4** through their **Storm Water Ordinances**.
3. The following discharge prohibitions are applicable to any **Person**, as defined by Section 13050(c) of the **CWC**, who is a citizen, domiciliary, or political agency or entity of California and whose activities in California could affect the quality of **Waters of the State** within the boundaries of the Colorado River Basin Region:
  - a. The discharge of **Waste** to **Waters of the State** in a manner causing, or threatening to cause, a condition of **Pollution**, **Contamination**, or **Nuisance**, as defined in **CWC** Section 13050.
  - b. The discharge of **Pollutants** or dredged or fill material to **Waters of the United States**, except as authorized by an **NPDES** permit or a dredged or fill material permit subject to the exemption described in **CWC** Section 13376.
  - c. Any discharge to the **MS4** that is not composed entirely of "**Storm Water**" is prohibited, unless authorized by Section C. ALLOWABLE **NON-STORM WATER** DISCHARGES.
  - d. The unauthorized discharge of treated or untreated sewage to **Waters of the State** or to the **MS4**.
  - e. The discharge of oil, gasoline, diesel fuel, or any other petroleum derivative or any toxic chemical or **Hazardous Waste** into the **MS4**.
  - f. **Urban Runoff** discharges from the **Permittees' MS4** which cause or contribute to exceedances of **Receiving WQS** (as defined by "**Beneficial Uses**" and **WQOs** in the **Basin Plan** and amendments thereto).

**C. ALLOWABLE NON-STORM WATER DISCHARGES**

1. Each **Permittee** shall effectively prohibit all types of **Non-Storm Water** discharges into the **MS4** unless such discharges are authorized in accordance with Item No. 2 of this Section.
2. The following discharges may be allowed, unless identified by the **Permittees** or the **Regional Board** as a significant source of **Pollutants** to the **Receiving Waters**:
  - a. Discharges covered by **NPDES** permits or written clearances issued by the **Regional or State Board**;
  - b. Potable water line flushing and other potable water sources;
  - c. Passive footing drains;
  - d. Water from crawl space pumps;
  - e. Discharges from landscape irrigation, lawn/garden watering and other irrigation waters;
  - f. Dechlorinated swimming pool discharges;
  - g. Non-commercial vehicle washing; (e.g. residential car washing (excluding engine degreasing) and car washing fundraisers by non-profit organizations);
  - h. Diverted stream flows;
  - i. Rising ground waters and natural springs;
  - j. Groundwater infiltration as defined in 40 CFR 35.2005 (20) and uncontaminated pumped ground water;
  - k. Flows from riparian habitats and wetlands;
  - l. Street washing activities;
  - m. Emergency water flows (i.e., fire fighting flows and other flows necessary for the protection of life and property) do not require **BMPs** and need not be prohibited. However, appropriate **BMPs** shall be considered where practicable when not interfering with emergency public health and safety issues;
  - n. Waters not otherwise containing **Wastes**, as defined in **CWC** Section 13050 (d); and
  - o. Other types of discharges identified and recommended by the **Permittees** and approved by the **Regional Board**.
3. For purposes of this **MS4 Permit**, a discharge may include **Storm Water** and other types of discharges as indicated in Section C.2.

**C. ALLOWABLE NON-STORM WATER DISCHARGES**

4. If the **Permittee** or the **Regional Board** identifies an allowable discharge category from Section C.2 that causes or contributes to an exceedance of **WQS** or is a significant contributor of **Pollutants** to **Waters of the United States**, a **Permittee** shall either:

Prohibit the discharge category from entering its **MS4** or ensure that appropriate **BMPs** are implemented to the **MEP** to reduce or eliminate **Pollutants** resulting from the discharge. The **Permittees** shall also provide a report to the **Regional Board** per Section D. **RECEIVING WATER LIMITATIONS**, Item No. 2.

**D. RECEIVING WATER LIMITATIONS**

1. The **SWMP** and its components shall be updated to achieve compliance with **Receiving Water Limitations** associated with discharges of **Urban Runoff**. It is expected that compliance with **Receiving Water Limitations** will be achieved through an iterative process and the application of **BMPs** to the **MEP**.
2. The **Permittees** shall comply with Discharge Prohibitions, Allowable **Non-Storm Water** Discharges, and **Receiving Water Limitations** through timely implementation of control measures and other actions to reduce **Pollutants** in the discharges in accordance with the **SWMP** and other requirements of this **MS4 Permit**, including any modifications. If exceedance(s) of **WQS** persist, notwithstanding implementation of the **SWMP** and other requirements of this **MS4 Permit**, the **Permittees** shall assure compliance with Discharge Prohibitions, Allowable **Non-Storm Water** Discharges, and **Receiving Water Limitations** by complying with the following procedure:
  - a. Upon a determination by the **Permittees** or **Regional Board** that discharges of **Urban Runoff** from the **MS4** are causing or exceeding or contributing to an exceedance of an applicable **WQS**, the **Permittees** shall promptly notify **Regional Board** staff within two (2) working days by telephone (760.346.7491) or e-mail notice and thereafter submit within 30 days a report to the **Regional Board** that describes **BMPs** that are currently being implemented and additional **BMPs** that will be implemented to prevent or reduce any **Pollutants** that are causing or contributing to the exceedance of **WQSs**. The report shall include an implementation schedule. The **Regional Board** may require modifications to the report;
  - b. Alternatively, if the exceedances of the applicable **WQSs** are due to discharges to the **MS4** from activities or areas not under the jurisdiction of the **Permittees**, the **Permittees** shall promptly notify **Regional Board** staff within two (2) working days by telephone (760.346.7491) or e-mail notice and thereafter shall provide documentation of these discharges and submit a report within 30 days to the **Regional Board**. The **Permittees** shall trace the source of the discharge upstream by contacting the appropriate neighboring **MS4** facility that does have jurisdiction to locate the source of the **Pollution**;
  - c. Submit any modifications to the above reports (either D.2.a. or D.2b., as appropriate) within 30 days when required by the **Regional Board**;
  - d. Within 30 days following approval by the **Regional Board** of the report described above in D. **RECEIVING WATER LIMITATIONS**, 2.a., the **Permittees** shall revise the **SWMP** and monitoring program to incorporate the approved modified **BMPs** that will be implemented, the implementation schedule, and any additional monitoring required; and
  - e. Implement the revised **SWMP** and monitoring program in accordance with the approved implementation schedule.

**D. RECEIVING WATER LIMITATIONS**

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As long as the **Permittees** have complied with the procedures set forth above and are implementing the revised **SWMP**, the **Permittees** do not have to repeat the same procedure for continuing or recurring exceedances of the same **Receiving Water Limitations**, unless directed in writing by the **Regional Board** or **Executive Officer** to develop and implement additional **BMPs**, including **Source** and **Treatment Controls BMPs**.

**E. SPECIFIC PERMITTEE REQUIREMENTS**

1. The **Principal Permittees** shall:
  - a. Coordinate **MS4 Permit** compliance activities;
  - b. Establish uniform data submittal format;
  - c. Prepare the **Annual Report**;
  - d. Forward information received from the **Regional Board** to the **Permittees**;
  - e. Implement **MS4 Permit** activities of common interest;
  - f. Inform **Permittees** on **USEPA** and **Regional Board** regulations pertaining to the **MS4**;
  - g. Convene all **Desert Task Force** meetings that are held at least quarterly and consist of one or more representatives from each **Permittee**. The **Desert Task Force** shall direct the maintenance and update of the **SWMP** and coordinate the implementation of the overall **Urban Runoff** program, as described in the **ROWD**; and
  - h. Maintain and update the **Whitewater River Region** map.
2. Each **Permittee** shall:
  - a. Comply with the requirements of the **MS4 Permit** within its jurisdictional boundaries;
  - b. Annually review the **Whitewater River Region** map to ensure that it encompasses urbanized areas within the jurisdiction of the **Permittee**. If additional urbanized areas (or non-urbanized areas are incorrectly identified as urbanized) within the jurisdiction of the **Permittee** are identified, the **Permittee** shall submit an amendment to the **Whitewater River Region** map to the **Principal Permittees** as part of the **Annual Report**;
  - c. Prepare and provide documents required by the **MS4 Permit** to the **Principal Permittees** in a timely manner;
  - d. Implement the **Whitewater River Region SWMP** consistent with this **MS4 Permit** to:
    - i. Reduce **Potential Pollutants** in **Urban Runoff** from municipal, commercial, industrial, and residential areas to the **MEP**;
    - ii. Reduce **Potential Pollutants** in **Urban Runoff** from land development and construction sites to the **MEP** through the use of **Structural** and/or **Non-Structural BMPs**;
    - iii. Reduce **Potential Pollutants** in **Urban Runoff** from **Permittee's** maintenance activities to the **MEP**;
    - iv. Eliminate **IC/IDs** to the **MEP**;
    - v. Encourage spill prevention and containment as well as provide appropriate spill response plan for **Permittees'** maintenance facilities to the **MEP**;

**E. SPECIFIC PERMITTEE REQUIREMENTS**

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- vi. Increase public awareness to the **MEP**;
  - vii. Continue to provide **MS4 Permit** compliance related workshops for **Permittee's** staff to the **MEP**; and
  - viii. Control increases in **Urban Runoff** to the **MEP** within the **Permittees'** jurisdictional boundaries so as not to cause **Erosion** or sedimentation problems downstream.
- e. Designate at least one representative to the **Desert Task Force** as described in Section E.1.g. The **Principal Permittees** shall be notified immediately, in writing, of changes to the designated representative. The designated representative shall attend the **Desert Task Force** meetings.
3. Each **Permittee** shall establish and maintain adequate legal authority through statute, ordinance, or series of contracts, which authorizes or enables the **Permittee** to implement and enforce, at a minimum, each of the following requirements contained in 40 CFR Section 122.26(d)(2)(i)(A-F):
- a. Control through ordinance, permit, contract, order or similar means, the contribution of **Pollutants** to the **MS4** by **Urban Runoff** associated with industrial activity and the quality of **Urban Runoff** discharged from sites of industrial activity;
  - b. Prohibit through ordinance, order or similar means, **IDs** to the **MS4**, including, but not limited to, discharges:
    - i. Of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
    - ii. Resulting from the cleaning, repair, or maintenance of any type of equipment or machinery including motor vehicles, cement-related equipment, and port-a-potty servicing;
    - iii. Of wash water from mobile operations such as oily or greasy discharges from mobile automobile washing, and/or discharges from steam cleaning, power washing, and carpet cleaning, etc.;
    - iv. Of runoff from material storage areas containing chemicals, fuels, grease, oil, or other **Hazardous Materials**; and
    - v. Of food-related **Wastes** (e.g., grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.).
  - c. Control through ordinance, order or similar means the discharge to the **MS4** of spills, dumping or disposal of materials other than **Urban Runoff**.
  - d. Control through interagency agreements among **Permittees** the contribution of **Pollutants** from one portion of the **MS4** to another portion of the **MS4**;
  - e. Require compliance with conditions in **Permittee** ordinances, permits, contracts or orders consistent with the Enforcement and Compliance Strategy described in Section 1.7 of the **SWMP**; and
  - f. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with **MS4 Permit** conditions, including the prohibition on **IDs** to the **MS4**.

#### E. SPECIFIC **PERMITTEE** REQUIREMENTS

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- g. **Urban Runoff** collection, transport, and storage facilities shall be in good working condition at all times to effectuate compliance with this **MS4 Permit**.

Because the **RCFC&WCD** and **CVWD** are not general purpose local government entities and only operate facilities that may convey **Urban Runoff**, these **Permittees** lack the authority to adopt and enforce ordinances to regulate development and other authorities and abilities of general purpose government entities. The **RCFC&WCD** and **CVWD** shall therefore comply with this Provision as well as other aspects of this **MS4 Permit** only to the extent of their statutory authority and within the constraints imposed by the California Constitution.

4. Each **Permittee** shall review its ordinances to ensure that they continue to have adequate authority to implement and enforce this **MS4 Permit**. Each **Permittee** shall submit a statement (signed by legal counsel) certifying legal authority to implement and enforce this **MS4 Permit**. If such legal authority does not currently exist for a **Permittee**, that **Permittee** shall provide an implementation schedule identifying the legal changes necessary to adopt a new ordinance or to amend an existing ordinance that would enable the **Permittee** to obtain the requisite legal authority to fully implement and enforce this **MS4 Permit**. The implementation schedule shall be provided to **Regional Board** staff for its approval as part of the Fiscal Year 2008-2009 **Annual Report**. Upon completion of the approved implementation schedule, the **Permittee** shall submit a statement (signed by legal counsel) certifying legal authority to implement and enforce this **MS4 Permit**.

5. **Permittee Construction Activities:**

The **Permittees** are not required to file a Notice of Intent (**NOI**) for coverage under the "**General Construction Permit**" for **Permittee** construction projects within the **Whitewater River Region**. However, **Permittee** construction activities outside of the **Whitewater River Region** are required to file a **NOI** and must obtain coverage under and comply with the **General Construction Permit**.

For **Permittee's** activities inside the **Whitewater River Region**, the **Permittees** shall perform the following:

- a. All the **Permittees'** public works construction projects or activities that would otherwise necessitate coverage under the **General Construction Permit** by definition or pose a threat to water quality shall be reported to the **Regional Board**. The dates and location of the construction project, the party responsible for the project, and the telephone number of the responsible party shall be reported. This information shall be submitted and reported to the **Regional Board** prior to the start of construction on **MS4 Permit Notice of Intent (NOI)** form as shown on Attachment "A".
- b. A **Storm Water Pollution Prevention Plan (SWPPP)** shall be developed and implemented for all **Permittees'** public works construction projects in compliance with the appropriate **General Construction Permit**. The **SWPPP** shall be retained on-site during the entire construction period. The **Permittees** shall be responsible for assuring that the **SWPPP** is implemented. The

E. SPECIFIC **PERMITTEE** REQUIREMENTS

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**SWPPP** shall contain the elements required in the appropriate **General Construction Permit**.

- c. Discharges of **Non-Storm Water** are allowed as indicated in Section C. ALLOWABLE **NON-STORM WATER** DISCHARGES. Such discharges must be described in the **SWPPP**. Wherever feasible, alternatives that do not result in discharge of **Non-Storm Water** shall be implemented.
- d. Monitoring shall be performed for all construction projects in accordance with the Section L. MONITORING AND REPORTING, Item 11 of this **MS4 Permit**.
- e. A Notice of Termination (**NOT**), shown as Attachment "B", shall be submitted to the **Regional Board** within 30 days of the completion of all construction projects.
- f. **The General Construction Permit** defines routine maintenance activities that are exempt from coverage under the **General Construction Permit**. Specific maintenance activities, which include **BMPs** implemented as part of a **Permittee's** Municipal Facility/Activities **Pollution Prevention** Plan or model municipal maintenance **BMP** fact sheets, can be considered as meeting "routine maintenance activities", as defined in the **General Construction Permit**.

**F. BEST MANAGEMENT PRACTICES**

1. Each **Permittee** shall implement the programs and **BMPs** to the **MEP** as described in the **SWMP** and this **MS4 Permit**. These programs and **BMPs** include the following:

- a. **IC/ID, Litter, Debris, and Trash Control Program:**

- i. The **Permittees** shall continue to reduce the discharge of **Pollutants**, including trash and debris, from their respective **MS4s** facilities to **Receiving Waters** to the **MEP**;
- ii. Develop model forms (or other mechanisms) for reporting the observations of field personnel of unauthorized dumping or spills so that the information can be used to help locate the source of **Pollutants**. The model forms shall be submitted with the Fiscal Year 2008-2009 **Annual Report**. The **Permittees** shall also maintain a database of **IC/ID** investigations. The database shall track the outcome of the case (spill/connection was terminated and cleaned up, source owner/operator educational visit, warning letter, referral to an enforcement agency, etc.) and the enforcement actions issued/taken (e.g., notice of non-compliance, notice of violation and order to comply, referral to District Attorney for prosecution);
- iii. Continue to provide, collect, and maintain litter receptacles in strategic public areas and during public events; and
- iv. Continue and/or expand an existing field program to detect and prevent dumping or routinely discharging **Pollutants** into **MS4** facilities;
- v. Continue to implement and enforce leash laws and other pet laws (i.e., pet waste clean-up, no pets in public areas) in selected public-use areas;

**Field Screening/System Surveillance**

- vi. Continue to implement and improve routine inspection and monitoring and reporting programs for their **MS4s** facilities. If routine inspections or dry weather monitoring indicate **IC/IDs**, they shall be investigated and eliminated, or regulated by the **Regional Board**, as soon as possible after detection. Elimination measures may include an escalating series of enforcement action for those **IDs** that do not endanger public health or the environment. **IDs** that endanger public health or the environment (as defined in the Reporting Section F.1.a.x.2 below) shall be eliminated immediately. A summary of these actions shall be submitted annually beginning with the 2008-2009 **Annual Report**;
- vii. Develop an implementation schedule for conducting field inspections of **MS4** facilities;

- viii. Conduct field inspections to ensure identification and elimination of **IC/IDs**;
- ix. **Pollutants** in runoff from landfills and Superfund Amendments and Reauthorization Act (**SARA**) Title III facilities will continue to be monitored in compliance with existing **Regional Board WDRs**. This will also be used to assess compliance with the **Storm Water** requirements. Data compiled and provided to the **Regional Board** in compliance with the **WDRs** will be incorporated into the **MS4 Permit** compliance reports by reference;

#### Reporting

- x. The **Permittees** shall immediately (within 24 hours of receipt of notice) initiate an investigation of all spills, leaks, and/or **IDs** to the **MS4** upon being put on notice by staff or a third party. Based upon their assessment and as specified below, the **Permittees** with jurisdiction for the spill shall report all discharges that endanger human health or the environment as follows:
  - 1. By phone to the Office of Emergency Services (the "**OES**") at (800-852-7550) and to the **Regional Board** at (760-346-7491).
  - 2. At a minimum, any sewage spill above 1,000 gallons or that could impact water contact recreation, any oil spill that could impact wildlife, any **Hazardous Material** spill where residents are evacuated, any spill of reportable quantities of **Hazardous Waste** (as defined in 40CFR 117 and 40 CFR 302), or any other spill or discharge that is reportable to the **OES** (collectively, an "**Emergency Situation**") shall be reported within twenty-four (24) hours of becoming aware of the circumstances. Additional reporting requirements shall be per Section I. REPORTING REQUIREMENTS, Item No. 6.a.
- xi. Other spill incidents, including any unauthorized discharge, that are not incidents reportable to the **OES** shall be reported to the **Executive Officer** as part of the **Annual Report** per Section F.1.a.xvi. This report shall contain a description of the non-compliance, its causes, the duration, and the actual or anticipated time for achieving compliance. The report shall include complete details of the steps that the **Permittee** has taken, or intends to take in order to prevent recurrence;
- xii. A report of the discharge or incident described in Section F.1.a.x shall be submitted to the **Executive Officer** as part of the **Annual Report** per Section F.1.a.xvi. This report shall contain a description of the non-compliance, its causes, the duration, and the actual or anticipated time for achieving compliance. The report shall include complete details of the steps that the **Permittee** has taken, or intends to take in order to prevent recurrence;

- xiii. The **Permittees** may propose an alternative reporting program, including reportable incidents and quantities, jointly with other agencies such as the **County** Department of Environmental Health (**DEH**) for approval by the **Executive Officer**;
- xiv. In cases where an incident is reportable to the **OES** and/or **Executive Officer** and that incident has been reported to the **OES** and/or **Executive Officer**, as applicable, by another responsible agency, the **Permittee** with jurisdiction is not required to duplicate the report;

#### **Incident Response, Investigation, and Clean Up**

- xv. Continue to support the existing **Hazardous Materials** incident response programs implemented jointly by the **County DEH** and the **County** Fire Department **HAZMAT** Team;

#### **Evaluation and Assessment**

- xvi. The **Permittees** shall annually report on the reporting items described in the **SWMP**; and
- xvii. By June 15, 2009, the **Permittees** shall amend the **SWMP** as necessary to insure that they summarize their **IC/ID** activity programs annually. **IC/ID** performance and compliance evaluation shall include the following:
  - Provide a copy of standardized **IC/ID** reporting form(s).
  - Provide summary reports of the following on **IC/ID** activity information:
    - The number of reports received
    - The number of cases investigated/responded to by **IC/ID** source

#### **b. Commercial/Industrial Program**

##### **Source Identification, Inspection and Enforcement**

- i. The **Permittees** shall coordinate with **County DEH**, **Regional Board** staff, and others as necessary to develop a commercial and industrial facility database;
- ii. The **Permittees** shall maintain an implementation schedule for conducting inspections of the targeted list of facilities listed in the database;
- iii. The existing Compliance/Assistance Program (**CAP**) described in Section 3 of the **SWMP** meets the intent of this section. However, individual **Permittees** may propose an alternative inspection program for **Regional Board** approval as part of their **Annual Reports**;
- iv. Each **Permittee** shall continue to enforce its ordinances, including its **Storm Water Ordinance**, at industrial and commercial facilities as

necessary to maintain compliance with this **MS4 Permit**. **CAP** for Industrial/Commercial surveys that indicate facilities out of compliance with **Permittee's Storm Water Ordinances**, shall be re-inspected by **Permittee's** staff. Sanctions for non-compliance may include: verbal or written warnings, issuance of notices of violation or non-compliance, obtaining an administrative compliance, stop work, or cease and desist order, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor);

- v. Implement and enforce regulations that require all new industrial facilities subject to the General Industrial Activities **Storm Water Permit (General Industrial Permit)** to show proof of compliance (such as a waste discharge identification (**WDID**) number from submittal of a **NOI**) prior to: 1) issuance of a business license (applicable only to those **Permittees** which require business licenses) or 2) issuance of a certificate of occupancy for **New Development**;
- vi. Upon referral of an industrial facility to **Regional Board** staff for failure to obtain coverage under the **General Industrial Permit**, failure to keep a **SWPPP** at the industrial facility, or an observed act or omission that suggests failure to comply with either, the **Permittee** will take no further action at the industrial facility with regard to securing compliance with the **General Industrial Permit**. It is understood by the **Permittees** and **Regional Board** staff that this will preclude duplication of effort and insures that consistent direction is provided to the facility owner/manager as to what is required to bring the facility into compliance with the **General Industrial Permit**. Each **Permittee** shall take appropriate actions to bring an industrial facility into compliance with its local ordinances, rules, regulations, and **WQMP**, when approved;

#### **Evaluation and Assessment**

- vii. The **Permittees** shall annually report on the reporting items described in the **SWMP**;
- viii. By June 15, 2009, the **Permittees** shall amend the **SWMP** as necessary to require reporting of the number of commercial and industrial facilities in their source databases, by type:
  - Restaurants;
  - Automotive services;
  - Industrial; and
  - Mobile cleaning businesses.
- ix. By June 15, 2009, the **Permittees** shall amend the **SWMP** as necessary to require reporting of the number of commercial and industrial facilities visited under the auspices of the **CAP** provided by the **County** or alternative program approved by the **Regional Board**, and/or directly by the **Permittees** during the reporting period.

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c. **New Development/Redevelopment and Construction Activities Program**

**Permittees** shall:

- i. Inform developers, contractors, operators, and agency staff about upcoming educational and training workshops on construction site **Erosion** and **Sediment** control and construction materials management sponsored by industry groups, professional organizations and public agencies.

Make associated public education materials available at the public counter and staff bulletin boards, as appropriate;

- ii. Inform architects, engineers, building department personnel, and local government officials on water quality problems associated with **Urban Runoff** and the requirements for meeting **NPDES** laws and program goals for properly managing the quality of **Urban Runoff**.

Provide information on upcoming training workshops and distribute educational materials as appropriate;

- iii. The **Permittees** shall review and enhance the **SWMP New Development and Redevelopment Project** requirements in a manner appropriate for the unique conditions and needs of the **Whitewater River Region** by June 15, 2009. The revised **SWMP** should be submitted to the **Regional Board** as part of the Fiscal Year 2008-2009 **Annual Report**. These requirements will be incorporated into a revision of the **SWMP** when completed. In the interim, the **Permittees** shall continue to implement the development and approval review procedures outlined in the **SWMP**. The **Permittees** must:

1. Develop, implement and enforce a program to address **Urban Runoff** from **New Development and Redevelopment Projects** that disturb areas equal to or greater than 1 acre, including projects less than 1 acre that are part of a larger common plan of development or sale, that discharge into the **MS4** by ensuring that controls are in place that would prevent or minimize water quality impacts to the **MEP**;
2. Develop and implement **BMP** strategies, which include a combination of **Structural** and/or **Non-Structural BMPs** appropriate for the **Whitewater River Region**;
3. Use an ordinance or other regulatory mechanism to address post-construction **Urban Runoff** from **New Development and Redevelopment Projects** to the extent allowable under state or local law. The requirements must include the design standards specified in Item No. 1.c.iv, of this Section (below) or a functionally equivalent program that is acceptable to the **Regional Board**; and



4. Ensures adequate long-term operation and maintenance of **BMPs**.
- iv. All discretionary **New Development** and **Redevelopment Projects** (**Priority Development Projects**) submitted after June 15, 2009, that fall into one of the following Priority Development Project categories are subject to the **WQMP** design standards specified in Item No. 1. c.v. of this Section (below):
  1. Single-family hillside residences that create 10,000 square feet, or more, of impervious area where the natural slope is twenty-five percent (25%) or greater, including single-family hillside residences that create 10,000 square feet of impervious area where the natural slope is ten percent (10%) or greater where erosive soil conditions are known;
  2. 100,000 square foot commercial and industrial developments;
  3. Automotive repair shops (with Standard Industrial Classification ("**SIC**") codes 5013, 7532, 7533, 7534, 7537, 7438, and 7539);
  4. Retail gasoline outlets disturbing greater than 5,000 square feet;
  5. Restaurants disturbing greater than 5,000 square feet;
  6. Home subdivisions with 10 or more housing units; and
  7. Parking Lots 5,000 square feet or more or with 25 or more parking spaces and potentially exposed to **Urban Runoff**.
- v. **WQMP** Design Standards. Discretionary development specified in Section F.1.c.iv. (above) must implement the following **BMPs**:
  1. **Peak-Urban Runoff** Discharge Rates.

Post development peak **Urban Runoff** discharge rates shall not exceed pre-development rate for developments where the increased peak **Urban Runoff** discharge rate will result in increased potential for downstream **Erosion**. The **Permittees** shall propose a design standard for Peak-**Urban Runoff** Discharge Rate control.
  2. **Site Design BMPs**.

Unless infeasible, the following **Site Design BMPs** are required and must be implemented in the site layout during the subdivision design and approval process, consistent with applicable General Plan and Local Area Plan policies:

    - a. Minimize **Urban Runoff**, Minimize Impervious Footprint, and Conserve Natural Areas, and
    - b. Minimize Directly Connected Impervious Area.
    - c. The **Permittees** shall develop measurable goals for the implementation of these Site Design BMPs.

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### 3. *Source Control BMPs.*

The *Permittees* shall minimize *Pollutants* in *Urban Runoff* through the implementation of *Source Control BMPs*. *Urban Runoff* from a site has the potential to contribute oil and grease, suspended solids, metal, gasoline, pesticides, and pathogens to the *MS4*. The development must be designed so as to minimize, to the *MEP*, the introduction of *Pollutants* that may result in significant impacts, generated from site runoff of directly connected impervious areas to the *MS4* as approved by the building official. The *Permittees* shall require the following *Source Control BMPs*:

- a. Protect slopes and channels from eroding;
- b. Include storm drain inlet stenciling and signage;
- c. Include properly designed outdoor material storage areas;
- d. Include properly designed trash storage areas; and
- e. Design *Source Control BMPs* correctly so as to remove *Pollutants* to the *MEP*.

### 4. *Treatment Control BMPs.*

The *WQMP* shall require *Treatment Control BMPs* for all *Priority Development Projects*. All *Treatment Control BMPs* shall be located so as to infiltrate, filter or treat the required runoff volume or flow prior to its discharge to any *Receiving Water*. Multiple *Priority Development Projects* may share *Treatment Control BMPs* as long as construction of any shared *Treatment Control BMP* is completed prior to the use of any development project from which the *Treatment Control BMP* will receive *Urban Runoff*, and prior to discharge to a *Receiving Water*. *Treatment Control BMPs* shall be designed to address *Pollutants of Concern*. *Pollutants of Concern* consist of any *Pollutants* generated by the development, including *Pollutants* that are listed under *CWA* Section 303(d), *Pollutants* associated with the land use type of the development and legacy *Pollutants* associated with past use of the development site that may be exposed to *Urban Runoff*. *Treatment Control BMPs* shall be collectively sized to comply with the following numeric sizing criteria:

- a. Volumetric *Treatment Control BMP* design criteria.
  - i. The 85<sup>th</sup> percentile 24-hour event determined as the maximized capture *Storm Water* volume for the area, from the formula recommended in *Urban Runoff* Quality Management, Water

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Environment Federation Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

- ii. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80% or more volume treatment by the method recommended in California Stormwater **Best Management Practices** Handbook – Industrial/Commercial (2003); or
- iii. The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for "treatment" that achieves approximately the same reduction in **Pollutant** loads achieved by the 85<sup>th</sup> percentile 24-hour runoff event; or
- iv. The method approved in the **County** Water Quality Management Plan for **Urban Runoff**, dated September 17, 2004 (**WQMP**); or
- v. An alternative treatment design criteria, appropriate for the unique arid hydrologic conditions of the **Whitewater River Region** that has been proposed by the **Permittees** and is acceptable to the **Executive Officer**.

b. Flow-Based **BMP** design criteria

- i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour, for each hour of a storm event; or
- ii. The maximum flow rate of runoff produced by the 85<sup>th</sup> percentile hourly rainfall intensity (for each hour of the storm event), as determined from the local historical rainfall record, multiplied by a factor of two; or
- iii. The maximum flow rate of runoff for each hour of a storm event, as determined from the local historical rainfall record that achieves approximately the same reduction in **Pollutant** loads and flows as achieved by mitigation of the 85<sup>th</sup> percentile hourly rainfall intensity multiplied by a factor of two; or
- iv. An alternative treatment design criteria, appropriate for the unique arid hydrologic conditions of the **Whitewater River Region** proposed by the **Permittees** and accepted by the **Executive Officer**.

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5. **Treatment Control** Alternatives and Waivers.

- a. Projects that retain and infiltrate 100% of the rainfall conditions specified in Section F.1.c.v.4 are deemed to comply with the **Treatment Control BMP** requirements of that Section.
- b. The **Permittees** may propose, for **Executive Officer's** approval, a site design **BMP** substitution program for incorporation into the **WQMP**, which would allow the **Permittees** to substitute implementation of high level **Low Impact Development (LID) Site Design BMPs** for implementation of some or all **Treatment Control BMPs**. The site design **BMP** substitution program must develop and utilize specific design criteria for each **LID** site design **BMP** to be utilized by the site design **BMP** substitution program.
- c. A **Permittee** may provide for a **Priority Development Project** to be waived from the requirement of implementing **Treatment Control BMPs**. All waivers, along with documentation justifying the issuance of a waiver, must be submitted to the **Regional Board** staff in writing within thirty (30) calendar days. If the **Executive Officer** determines that waivers are being inappropriately granted, this **MS4 Permit** may be reopened to modify these waiver conditions. Waivers may be granted:
  - i. If infeasibility can be established. A waiver of infeasibility shall only be granted by a **Permittee** when all available **Treatment Control BMPs** have been considered and rejected as technically infeasible and/or the cost of implementing the **Treatment Control BMP** greatly outweighs the **Pollution** control benefit; or
  - ii. For those portions of the **Whitewater River Region** that will not result in a discharge to **Receiving Waters** under the rainfall conditions specified in Section F.1.c.v.4.

6. Limitation of Use of Infiltration **BMPs**.

- a. Infiltration based **Treatment Control BMPs** shall:
  - i. Be located at least 500 feet horizontally from water supply wells, unless it can be shown that well construction and site geology will provide adequate protection for the domestic water well in which case the minimum distance will be provided on a case by case basis; and

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- ii. Not cause a **Nuisance**, including odor, vectors or **Pollution** as defined by **CWC** Section 13050.

d. **Private Construction Activities Program**

- i. The **Permittees** shall continue to implement and enforce a program to reduce **Pollutants** in any **Urban Runoff** to the **MS4** from construction activities that result in a **Land Disturbance** of greater than or equal to one acre. Reduction of **Urban Runoff** discharges from construction activity disturbing less than one acre must be included in a program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must continue to include implementation of, at a minimum:
  - 1. Ordinances or other regulatory mechanism to require **Erosion** and **Sediment** controls, as well as sanctions, or other effective mechanisms, to ensure compliance, to the extent allowable under State or local law;
  - 2. Requirements for construction site operators to implement appropriate **Erosion** and **Sediment** control **BMPs**;
  - 3. Requirements for construction site operators to control **Waste** such as discarded building materials, concrete truck wash-out, chemicals, litter, and sanitary **Waste** at the construction site that may cause adverse impacts to water quality;
  - 4. Procedures for site plan review which incorporate consideration of potential water quality impacts; and
  - 5. Procedures for site inspection and enforcement control measures. Each **Permittee** shall continue to conduct construction site inspections for compliance with its ordinances, including its stormwater ordinance, regulations, codes and the **WQMP**, when approved. Sanctions for non-compliance may include: verbal and/or written warnings, issuance of notices of violation or non-compliance, obtaining an administrative compliance, stop work or cease and desist order, a civil citation or injunction, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor). Construction site inspections shall at a minimum address:
    - a. Check for submittal of a **NOI** in compliance with the **General Construction Permit**, if required;
    - b. Confirm a **SWPPP**, if required, is onsite;
    - c. Confirm compliance with the **Permittee's** ordinances; and
    - d. Check for active **Non-Storm Water** discharges or potential **IC/IDs** to the **MS4**.

- ii. Identify priorities for inspecting sites and enforcing control measures for construction projects that disturb areas equal to or greater than 1 acre. In establishing priorities for the inspection of construction sites consistent with this **MS4 Permit**, the **Permittees** shall identify sites of high threat to **Receiving Water** quality. Evaluation of construction sites should be based on such factors as soil **Erosion** potential, project size, proximity and sensitivity of **Receiving Waters**, history of compliance, and other relevant factors. High priority sites may be changed to a normal priority during a construction:
  1. Sites that disturb an area greater than fifty (50) acres; and
  2. Sites that disturb greater than one (1) acre and directly discharge to an identified 303 (d) listed waterbody.
- iii. If a **Permittee** receives notice by its staff of a possible violation of the **General Construction Permit** or other order or permit issued by the **State** or **Regional Board**, the **Permittee** shall, within two (2) working days, provide oral (Telephone: 760.346.7491) and e-mail notice to **Regional Board** staff of the location within its jurisdiction where the incident occurred and describe the nature of the incident;
- iv. Upon referral of a construction site to **Regional Board** staff for failure to obtain coverage under the applicable **General Construction Permit**, failure to keep a **SWPPP** at the construction site, if applicable, or an observed act or omission that suggests failure to comply with either, the **Permittee** will take no further action at the construction site with regard to securing compliance with the **General Construction Permit**. Each **Permittee** shall continue to take appropriate action to bring a construction site into compliance with its local ordinances, rules, and regulations;
- v. Prior to the issuance of a building, **Grading** or other construction project permits, the **Permittees** shall require proof that the applicant has filed a **NOI** for the **General Construction Permit** if such coverage is required;

#### **Evaluation and Assessment**

- vi. By June 15, 2009, the **Permittees** shall amend the **SWMP** to require **Annual Reports** to summarize and evaluate inspection prioritization criteria and inspection schedule as part of the **Annual Report**; and
- vii. By June 15, 2009, the **Permittees** shall amend the **SWMP** to require **Annual Reports** to describe and evaluate process for evaluating **New Development** and **Redevelopment Projects**.

#### **e. Permittee Activities Program**

##### **i. Sewage Systems**

**Permittees** shall provide Sanitary Sewer Operators access to their **MS4** facilities for the purposes of allowing control of **SSOs** or for the purpose of limiting the impacts to **Receiving Waters** once a spill has

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entered the **MS4**. **Permittees** subject to **State Board** Water Quality Order No. 2006-0003 (**SSOs**) shall obtain coverage under that Order.

ii. **Permittee** Facilities and Operations

Requirements for all **Permittees'** storage or maintenance areas.

1. Continue to maintain and implement **Permittee's** municipal facility/activity **Pollution Prevention** plans for **Permittee** maintenance areas; and
2. Incorporate the **BMPs** outlined in the **SWMP** for new **Permittee's** municipal facility/activity **Pollution Prevention** plans for existing facilities where applicable by June 15, 2009.

iii. Landscape Maintenance

Each **Permittee** will require that pesticides be applied in conformance with existing state and federal regulations.

iv. **Permittee** Streets and Roads

1. Maintain the model fact sheet of **BMPs** for common road maintenance activities. Each **Permittee** will continue to require road maintenance personnel to review periodically and implement the **BMPs**; and
2. Continue to implement appropriate elements of the model fact sheet of **BMPs** for common road maintenance activities into road maintenance contracts. Each **Permittee** will continue to incorporate applicable elements into road maintenance contracts.

v. **MS4** Facilities

1. Continue to implement the existing field program to detect and prevent dumping or **IDs** into **MS4** facilities; and
2. Continue to implement **MS4** maintenance schedules for basins, inlets and open channels.

vi. Evaluation and Assessment

1. The **Permittees** shall address the reporting items described in the **SWMP** in the **Annual Report**;
2. By June 15, 2009, the **SWMP** shall be amended as necessary to require the **Permittees** with jurisdiction over a sanitary sewer to confirm the sewage spill response plans are developed and current;
3. By June 15, 2009, the **SWMP** shall be amended as necessary to require the **Permittees** to summarize the number of municipal facilities that they operate in the **Whitewater River Region MS4 Permit Area** and to verify whether those municipal facilities have facility **Pollution Prevention** plans onsite;

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4. By June 15, 2009, the **SWMP** shall be amended as necessary to require the **Permittees** to maintain a list of pesticide application personnel and verify applicator certifications; and
5. By June 15, 2009, the **SWMP** shall be amended as necessary to require the **Permittees** to verify that stencils and/or markers are maintained on inlets to the **MS4**.

f. **Public Education and Outreach Program**

i. General Public Outreach

1. Continue to educate/inform the general public on the impacts of littering, and other improper disposal on **Receiving Water** quality;
2. Continue to educate/inform the general public on the impacts of dumping **Pollutants** into **MS4** facilities. Educate/inform the general public on **Receiving Water** impacts from leakage or dumping of gasoline, oil and grease, antifreeze and hydraulic fluid from vehicles into the streets; and
3. Continue to educate/inform the general public about **BMPs** for residential car washing.

ii. Landscaping

1. Continue to educate/inform the general public on the proper application and management of pesticides, fertilizers and herbicides, as well as the proper management of irrigation systems to prevent runoff to the **MS4**. Where appropriate, coordinate with the Natural Resources Conservation Service, Resource Conservation Districts and University of California Cooperative Extension;
2. Continue to educate/inform the general public on the **Receiving Water** impacts of dumping **Pollutants** into the **MS4**; and
3. Continue to support the efforts of the **County HHW Program**, which provides a convenient means to properly dispose of oil, antifreeze, pesticides, herbicides, paints, solvents, and other potentially harmful chemicals.

iii. Home Maintenance

1. Continue to educate/inform the general public on the **Receiving Water** impacts of dumping **Pollutants** into the **MS4**; and
2. Continue to support the efforts of the **County HHW Program**, which provides a convenient means to properly dispose of oil, antifreeze, pesticides, herbicides, paints, solvents, and other potentially harmful chemicals.

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## iv. Illegal Dumping

1. Continue to educate/inform the general public on the **Receiving Water** impacts of littering and other improper disposal; and
2. Continue to educate/inform the general public on the **Receiving Water** impacts of dumping **Pollutants** into the **MS4**;

## v. Pet Ownership

1. Continue to educate/inform the general public regarding the need to clean-up and properly dispose of pet **Waste**.

## vi. Construction

Continue to inform contractors, operators, and **Permittee's** staff about upcoming educational and training workshops on construction site **Erosion** control and construction materials management sponsored by professional organizations and public agencies. Make associated public education materials available at the public counter and staff bulletin boards, as appropriate.

## vii. Industrial/Commercial

Continue to educate/inform landowners, tenants, business owners, and industrial operations regarding the need to implement appropriate **BMPs** to control **Non-Storm Water** discharges and to properly maintain indoor and outdoor material storage areas.

viii. **Permittees'** Employees

The **Permittees** shall develop training programs for the following categories for their employees. The training program should cover a) requirements of this **MS4 Permit** and the **General Industrial and Construction Activities Permits**, b) proper **BMP** implementation, c) identification of **IC/IDs** that may be associated with the area of training, and d) address any additional topics described below:

1. **Permittee's** Maintenance Staff;

- a. **Permittees** shall continue to educate/inform **Permittee's** personnel responsible for **MS4** facility, park, golf course, and highway right-of-way maintenance on the proper use and management of pesticides, fertilizers, and herbicides. Alternative methods for controlling insects and weeds such as biological controls and the use of less toxic chemicals should be encouraged. This training may be accomplished through existing mandatory training programs for pesticide, fertilizer and herbicide management.

## 2. Industrial/Commercial Inspectors;

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3. **New Development/Redevelopment** Staff; and
4. Construction Inspectors.

ix. Evaluation and Assessment

1. The **Permittees** shall address on the reporting items described in the **SWMP** in the **Annual Report**,
2. By June 15, 2009, the **SWMP** shall be amended as necessary to require the **Permittees** to document usage (call volume, type) of the "Only Rain Down The Storm Drain **Pollution Prevention** Program" hotline;
3. By June 15, 2009, the **SWMP** shall be amended as necessary to require the **Permittees** to document **HHW** Collection Program activities including:
  - a. Event dates and number of days per event;
  - b. Type and amount of material collected; and
  - c. Advertisement impressions by type (newspaper, television, radio, banners, flyers, etc.) for the **Permittees'** internal use.
4. By June 15, 2009, the **SWMP** shall be amended as necessary to require the **Permittees** to track the number of regional public education outreach events conducted, by type (construction, industrial, residential, **New Development**, schools, general public, etc), including topic and approximate attendance where applicable;
5. By June 15, 2009, the **SWMP** shall be amended as necessary to require the **Permittees** to use public surveys and impression counts, where feasible, to assess the effectiveness of the public education and outreach program over the course of the **MS4 Permit** term and to document those results;
6. By June 15, 2009, the **SWMP** shall be amended as necessary to require **Permittees** to report, in summary, the scope and purpose of the regional public education materials available to the various target audiences used during the reporting period. It is expected that brief descriptions of materials would be appropriate; and
7. By June 15, 2009, the **SWMP** shall be amended as necessary to require the **Permittee** employee training to be reported. **Annual Reports** should include topic (municipal maintenance, industrial/commercial inspections, construction inspections, **New Development**), date and number of employees trained.
8. By June 15, 2009, the **SWMP** shall be amended as necessary to require the **Permittee** identify existing code requirements for on-site storage and infiltration of stormwater on new development and redevelopment projects, including the design

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storm and/or volumetric requirements, the exceptions to storage/infiltration requirements, and the methodology used to ensure that storage/infiltration areas are retained post-construction.

**G. TOTAL MAXIMUM DAILY LOADS**

1. The **Permittees** shall modify the **SWMP**, as necessary, to incorporate appropriate **BMPs** to address **WLAs** developed and approved pursuant to the **TMDL CWA** Section 303(d) process for impaired waterbodies. Proposed revisions to the **SWMP** shall be consistent with **TMDL** Implementation Tasks assigned to the **Permittees** and submitted to the **Executive Officer** for review and approval, which may include water quality monitoring and **BMPs** to **MEP**. Revisions to the **SWMP** approved by the **Executive Officer** shall be implemented in accordance with the Implementation Plan for the **TMDL WLAs**.
2. A Bacterial Indicator TMDL for CVSC was adopted by the Regional Board on May 16, 2007. The Regional Board also directed staff following adoption of the TMDL to conduct three public workshops with affected stakeholders and other interested persons to discuss the requirements of the TMDL. In the meantime, the TMDL was forwarded to the State Water Board for its review and approval. The first public workshop was held on July 25, 2007, the second was held on November 19, 2007, and the third was held on April 23, 2008.

The TMDL was withdrawn from the State Water Board's consideration of adoption, which had been placed as an agenda item to be heard at the State Water Board's March 18, 2008 public meeting. Pursuant to oral and written comments made in connection with the first two workshops, however, the Regional Board's Executive Officer determined that it would be appropriate to request the State Water Board to withdraw the TMDL from its agenda for a certain period of time. The withdrawal request letter, dated January 18, 2008, and addressed to the State Water Board Executive Director, explained that the withdrawal was needed to address comments and concerns raised by the Coachella Valley agricultural community regarding the appropriateness of being named as a Responsible Party in the TMDL Implementation Plan without sufficient data.

To address this data gap, agricultural dischargers and the Coachella Valley Water District proposed conducting the following tasks over an 18-month period: (1) for the first three months following State Water Board approval of the withdrawal request: the agricultural community would form a Task Force to develop a monitoring plan, which would be submitted to the Regional Board Executive Officer for his review and approval; (2) for the next 12 months: the Task Force would conduct quarterly monitoring; and (3) for the last three months: the Task Force would prepare a report of the sampling results and submit the report to the Regional Board for its consideration of approval.

The State Water Board approved the withdrawal request, which it announced in a public notice dated February 22, 2008. Since then, the agricultural community and the Coachella Valley Water District formed the proposed Task Force to begin developing a Monitoring Plan, which would be submitted to the Regional Board Executive Officer for his review and approval.

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The TMDL identified Urban Runoff from the County and the City of Coachella outfalls, Caltrans outfalls, outfalls from Native American Tribal lands, and Non-Point Source discharges, including wildlife and transients into the CVSC, as potential sources of pathogens. Therefore, TMDL pathogen Wasteload Allocations (WLAs) were assigned to the County and the City of Coachella. The pathogen WLA has been defined for *E. coli* as a log mean (Geomean) of the MPN  $\leq 126/100$  ml (based on a minimum of not less than five samples during a 30-day period), or 400 MPN/100 ml for a single sample. Monitoring this MS4 Permit requires the County and the City of Coachella to achieve the pathogen WLAs through compliance with the TMDL Implementation Plan, based on the compliance schedule provided in the TMDL for their Urban Runoff discharges.

The WLAs will be submitted to the State Water Board, OAL, and USEPA only after the agricultural community's Task Force has completed the 12 months of sampling and submitted a report of its findings to the Regional Board's Executive Officer for his review and approval. To the extent that the TMDL needs to be revised based on the data collected, the TMDL will be recirculated for another round of public comment. Following the public comment period, any revisions to the TMDL, which may result from comments received and the sampling data collected, will be scheduled for Regional Board consideration at another public hearing.

## H. GENERAL PROVISIONS

### 1. Duty to Mitigate [40 CFR 122.41(d)]

The **Permittees** shall take all reasonable steps to minimize any discharge or prevent any discharge or sludge use or disposal in violation of this **MS4 Permit**, which has a reasonable likelihood of adversely affecting human health or the environment.

### 2. Proper Operation and Maintenance [40 CFR 122.41(e)]

The **Permittees** shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the **Permittees** to achieve compliance with the conditions of this **MS4 Permit**. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by the discharger only when the operation is necessary to achieve compliance with the conditions of this **MS4 Permit**.

### 3. Permit Actions [40 CFR 122.41(f)] [CWC § 13381]

This **MS4 Permit** may be modified, revoked and reissued, or terminated for cause including, but not limited to the following:

- a. Violation of any condition contained in the requirements or Permits; or
- b. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

The filing of a request by the Permittee for a **MS4 Permit** modification, revocation, and reissuance, or termination or a notification of planned changes or anticipated noncompliance does not stay any permit condition of this **MS4 Permit**.

### 4. Property Rights [40 CFR 122.41(g)] [CWC §13263(g)]

This **MS4 Permit** does not convey any property rights of any sort or any exclusive privilege. No discharge of **Waste** into the **Waters of the State**, whether or not the discharge is made pursuant to **WDRs**, shall create a vested right to continue the discharge. All authorized discharges of **Waste** into **Waters of the State** are privileges not rights.

### 5. Inspection and Entry [40 CFR 122.41(i)] [CWC § 13267(c)]

The **Permittees** shall allow an authorized **Regional Board** representative, or an authorized representative of the **USEPA** (including an authorized contractor acting as a representative of the **Regional Board** or **USEPA**), upon presentation of credentials and other documents as may be required by law, to:

## H. GENERAL PROVISIONS

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- a. Enter upon the **Permittee's** premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this **MS4 Permit**;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this **MS4 Permit**;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this **MS4 Permit**; and
  - d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this **MS4 Permit** or as otherwise authorized by the **CWA** or **CWC**, any substances or parameters at any location.
6. The **Permittees** shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this **MS4 Permit**, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the non-complying discharge.
  7. The provisions of this **MS4 Permit** are severable, and if any provision of this **MS4 Permit**, or the application of any provision of this **MS4 Permit** to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this **MS4 Permit**, shall not be affected thereby.
  8. The **Permittees** shall comply with any interim **Effluent Limitations** as established by addendum, enforcement action, or revised **WDRs** that have been, or may be, adopted by this **Regional Board**.
  9. In cases where **Urban Runoff** quality is impacted by discharges of **Wastes** from lands not owned, operated or maintained by; or under the regulatory jurisdiction of the **Permittee(s)**, the **Permittee(s)** may petition the **Regional Board** to regulate those discharges, to the extent the **Regional Board** has jurisdiction over such discharges. Such a petition shall include:
    - a. A written description of the discharge and any documentation of water quality problems caused by the discharge;
    - b. An 8 ½ inch x 11 inch location map which delineates the problem area; and
    - c. Documentation that the **Permittee(s)** does not have jurisdiction over the discharge and/or is unable to require compliance.

The **Permittee(s)** may submit such petitions at any time.

#### H. GENERAL PROVISIONS

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## I. REPORTING REQUIREMENTS

### 1. Duty to Reapply [40 CFR 122.41(b)]

This **MS4 Permit** expires on May 21, 2013. If the **Permittees** wish to continue any activity regulated by this **MS4 Permit** after the expiration date of this **MS4 Permit**, the **Permittees** must apply for and obtain a new **MS4 Permit**. The **Permittees** must file a **ROWD** in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of the expiration date of this **MS4 Permit** as application for issuance of a new **MS4 Permit**. The **ROWD** shall, at a minimum, include:

- a. Any revisions to the **SWMP** including, but not limited to, activities the **Permittees** proposed to undertake during the next **MS4 Permit** term, goals and objectives of such activities, an evaluation of the need for additional **Source Control** and/or **Structural BMPs**, proposed pilot studies, etc.;
- b. Any new or revised program elements and compliance schedule(s) necessary to comply with Section D. **RECEIVING WATER LIMITATIONS** and Section G. **TOTAL MAXIMUM DAILY LOADS** of this **MS4 Permit**;
- c. Changes in land use and/or population including map updates; and
- d. Significant changes to the **MS4s**, outfalls, detention or retention basins or dams, and other controls, including map updates of the **MS4s**.

### 2. Duty to Provide Information [40 CFR 122.41 (h)]

The **Permittees** shall furnish to the **Regional Board**, **State Board**, or **USEPA**, within a reasonable time, any information which the **Regional Board**, **State Board**, or **USEPA** may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this **MS4 Permit**, or to determine compliance with this Permit. The **Permittees** shall also furnish to the **Regional Board**, **State Board**, or **USEPA**, upon request, copies of records required to be kept by this **MS4 Permit**.

### 3. Anticipated Non-Compliance [40 CFR 122.41 (l)(2)]

The **Permittees** shall give advance notice to the **Regional Board** of any planned changes in the permitted facility or activity that may result in noncompliance with the requirements of this **MS4 Permit**.

### 4. Transfers [40 CFR 122.41(l)(3)]

This **MS4 Permit** is not transferable to any **Person** except after notice to the **Regional Board**. The **Regional Board** may require modification or revocation and reissuance of this **MS4 Permit** to change the name of the **Permittees** and incorporate such other requirements as may be necessary under the **CWA** or the **CWC** in accordance with the following:

#### a. Transfers by Modification [40 CFR 122.61(a)]

This **MS4 Permit** may be transferred by the **Permittees** to a new owner or operator only if this **MS4 Permit** has been modified or revoked and

## I. REPORTING REQUIREMENTS

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reissued, or a minor modification made to identify the new **Permittee** and incorporate such other requirements as may be necessary under the **CWA** or **CWC**.

- b. The **Regional Board** does not notify the existing **Permittee** and the proposed new **Permittee** of its intent to modify or revoke and reissue this **MS4 Permit**. A modification under this subparagraph may also be a minor modification under 40 CFR Part 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 40 CFR Part 122.63 b. (2) of this reporting requirement.

5. Compliance Schedules [40 CFR 122.41(l)(5)]

Written reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this **MS4 Permit** shall be submitted to the **Regional Board** no later than 14 days following each schedule date.

6. Twenty-four Hour Reporting [40 CFR 122.41 (l)(6)]

- a. Each **Permittee** shall report any noncompliance that may endanger human health or the environment. Any information shall be provided orally to the **Regional Board** within 24 hours from the time the **Permittee** becomes aware of the circumstances. A written description of any noncompliance shall be submitted to the **Regional Board** within five business days of such an occurrence and contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

7. The **Permittees** shall report all instances of noncompliance at the time monitoring reports are submitted.

8. Where a **Permittee** becomes aware that it failed to submit any relevant facts in a **ROWD**, or submitted incorrect information in a **ROWD**, or in any report to the **Regional Board**, it shall promptly submit such facts or information.

9. Signatory Requirements [40 CFR 122.41(k)(1) and 40 CFR 122.22]

All applications, reports, or information submitted to the **Regional Board** shall be signed and certified.

All **ROWDs** shall be signed as follows:

- i. For a municipality or other public agency: by either a principal executive officer or ranking elected official.
- b. All reports required by this **MS4 Permit**, and other information requested by the **Regional Board** shall be signed by a **Person** described in Item No. 9.
  - a. of this reporting requirement, or by a duly authorized representative of that **Person**. A **Person** is a duly authorized representative only if:

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- i. The authorization is made in writing by a **Person** described in Item No. 9. a. of this reporting requirement;
    - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity (e.g., an individual or position having overall responsibility for environmental matters for the company); and
    - iii. The written authorization is submitted to the **Regional Board**.
  - c. If an authorization under paragraph b. of this reporting requirement is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirement of Item No. 9. b. of this reporting requirement must be submitted to **Regional Board** prior to or together with any reports, information, or applications to be signed by an authorized representative.
  - d. Any **Person** signing a document under paragraph Item No. 9 a. or b. of this reporting requirement shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the **Person** or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
10. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this **MS4 Permit** shall be available for public inspection at the offices of the **Regional Board**. As required by the **CWA**, **ROWDs**, this **MS4 Permit**, and monitoring data shall not be considered confidential.

11. The discharger shall submit reports and provide notifications as required by this **MS4 Permit** to the following:

Executive Officer  
California Regional Water Quality Control Board Colorado River Basin Region  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

Eugene Bromley  
U.S. Environmental Protection Agency - Region IX Permits Issuance Section  
(W-5-1)  
75 Hawthorne Street  
San Francisco, CA 94105

Unless otherwise directed, the discharger shall submit one hard copy and one electronic copy of each report required under this **MS4 Permit** to the **Regional Board** and one electronic copy to **USEPA**.

**J. NOTIFICATIONS****1. CWC Section 13263(g)**

No discharge of **Waste** into the **Waters of the State**, whether or not such discharge is made pursuant to **WDRs**, shall create a vested right to continue such discharge. All discharges of **Waste** into **Waters of the State** are privileges, not rights.

**2. The Regional Board** has, in prior years, issued a limited number of individual **NPDES** permits for **Non-Storm Water** discharges. The **Regional Board** or **State Board** may in the future, upon prior notice to the **Permittee(s)**, issue an **NPDES** permit for any **Non-Storm Water** discharge (or class of **Non-Storm Water** discharges) to the **MS4**. **Permittees** may prohibit any **Non-Storm Water** discharge (or class of **Non-Storm Water** discharges) to the **MS4** that is authorized under such separate **NPDES** permits.

**3. Enforcement Provisions [40 CFR 122.41(a)(2)] [CWC Sections 13385 and 13387].**

The **CWA** provides that any **Person**, who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation of this **MS4 Permit**, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The **CWA** provides that any **Person**, who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation of this **MS4 Permit**, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a **Person** shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two years, or both. Any **Person** who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a **Person** shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both. Any **Person** who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation of this **MS4 Permit**, and who knows at that time that he or she thereby places another **Person** in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a **Person** shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the **CWA** shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

4. Nothing in this **MS4 Permit** shall be construed to preclude the institution of any legal action or relieve the **Permittee** from any responsibilities, liabilities, or penalties to which the **Permittees** are or may be subject to under Section 311 of the **CWA** or established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the **CWA**.

## K. GLOSSARY OF TERMS

**AGR** – Agriculture Supply

**Annual Report** – Annual Compliance Report required under this **MS4 Permit**.

**AQUA** – Aquaculture

**Basin Plan** – Water Quality Control Plan developed by the **Regional Board**.

**Beneficial Uses** – The uses of water necessary for the survival and well-being of humans, plants, and wildlife. "**Beneficial Uses**" of the **Waters of the State** that may be protected include, but are not limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves. Existing **Beneficial Uses** are the uses that were actually attained in the surface or ground water on or after November 28, 1975; and potential **Beneficial Uses** are uses that may be attained through the implementation of various control measures. "**Beneficial Uses**" are equivalent to "Designated Uses" under federal law. [CWC Section 13050(f)].

**Best Available Technology (BAT)** – It is the technology-based standard established by congress in **CWA Section 402(p)(3)(A)** for industrial dischargers of **Storm Water**. Technology based standards established the level of **Pollutant** reductions that dischargers must achieve, typically by treatment or by a combination of treatment and **BMPs**. The best economically achievable technology that will result in reasonable further progress toward the national goal of eliminating the discharge of all **Pollutants**, as determined in accordance with regulations issued by the **USEPA** Administrator. Factors relating to the assessment of **BAT** shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the permitting authority deems appropriate. **BAT** generally emphasizes treatment methods first and **Pollution Prevention** and **Source Control BMPs** secondarily.

**Best Management Practices (BMPs)** – **BMPs** are defined in 40 CFR 122.2 as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the **Pollution of Waters of the United States**. **BMPs** also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or **Waste** disposal, or drainage from raw material storage. In the case of **MS4** permits, the **Effluent Limitations** required is implementation of **BMPs** to the **MEP**.

**CalTrans** – California Department of Transportation

**CAP** – Compliance Assistance Program

**CASQA** – California Stormwater Quality Association

**CEQA** – California Environmental Quality Act (Section 21000 et seq. of the California Public Resources Code)

**Cleaning** – The removal of litter or debris that can impact **Receiving Waters**.

## K. GLOSSARY OF TERMS

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**CMP** – Consolidated Program for Water Quality Monitoring

**COLD** – Cold and Freshwater Habitat **Beneficial Use**

**Contamination** – As defined in the Porter-Cologne Water Quality Control Act, **Contamination** is "an impairment of the quality of **Waters of the State** by **Waste** to a degree which creates a hazard to the public health through poisoning or through the spread of disease." '**Contamination**' includes any equivalent effect resulting from the disposal of **Waste** whether or not **Waters of the United States** are affected.

**Co-Permittees** – **CVWD** and incorporated cities, including the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage are identified as the **Co-Permittees** of this **MS4 Permit**.

**County** – County of Riverside, a legal subdivision of the State of California.

**CVSC** – Coachella Valley Stormwater Channel

**CVWD** – Coachella Valley Water District

**CWA** – Federal Clean Water Act

**CWA Section 402(p)** – [33 USC 1342(p)] is the federal statute requiring discharges of **Storm Water** from **MS4** and industrial facilities and activities to obtain **NPDES** permits.

**CWA Section 303(d) Water Bodies** – A "section 303(d) water body" is designated by the **State Board** and **USEPA** as an Impaired Water body where water quality does not meet applicable **WQS** and/or is not expected to meet **WQSS**, even after the application of technology based **Pollution** controls required by the **CWA**. The discharge of **Urban Runoff Pollutants** by the **Permittees** may contribute to violations of applicable **WQSS**.

**CWC** – California Water Code

**DEH** – **County** Department of Environmental Health

**Desert Task Force** – A **Permittee** staff committee to direct the development of the **SWMP** and the implementation of the overall **Urban Runoff** program as described in the **ROWD**.

**Designated Waste** – A "non-Hazardous Waste" containing **Pollutants** which, under ambient environmental conditions at the waste management unit, could be released at concentrations in excess of applicable **WQOs**, or which could cause degradation of **Waters of the State**." [CCR Title 27, Chapter 3, Subchapter 2, Article 2, Section 20210; **CWC** Section 13173]

**Effluent Limitations** – **Effluent Limitations** are further defined at 40 CFR 122.2 and are designed to ensure that the discharge does not cause **WQOs** to be exceeded in the **Receiving Water** and does not adversely affect **Beneficial Uses**. **Effluent Limitations** are typically numeric (e.g., 10 mg/l), but can also be narrative (e.g., no toxics in toxic amounts). The **Effluent Limitations** contain in this **MS4 Permit** are narrative and include the **SWMP's** requirement to implement appropriate **BMPs** to the **MEP**.

**Emergency Situation** – Any sewage spill above 1,000 gallons or that could impact water contact recreation, any oil spill that could impact wildlife, any **Hazardous Material** spill where residents are evacuated, any spill of reportable quantities of **Hazardous Waste** (as

defined in 40 CFR 117 and 40 CFR 302), or any other spill or discharge that is reportable to the **OES**.

**Ephemeral Streams** – Surface waters without perennial or intermittent flow. Table 2-3 of the **Basin Plan** defines **Beneficial Uses** for **Receiving Waters** within the Western Colorado River Basin. Table 2-3 broadly categorizes all surface waters not specifically named as either **Washes** or "Unlisted Perennial and Intermittent Streams". **Ephemeral Streams** include the section of flow from the headwaters in the San Geronio Mountains to (and including) the Whitewater recharge basins near Indian Avenue crossing in Palm Springs.

**Erosion** – When land is diminished or worn away due to wind, water, or glacial ice. Often the eroded debris (silt or **Sediment**) becomes a **Pollutant** via **Storm Water** runoff. **Erosion** occurs naturally but can be intensified by land clearing activities such as farming, development, road-building, and timber harvesting.

**Executive Officer** – The **Executive Officer** of the **Regional Board**

**FRSH** – Freshwater Replenishment Beneficial Use

**General Construction Permit** – General Permit for **Storm Water** Discharges Associated with Construction Activity; **State Board** Order No. 99-08-DWQ (**NPDES** No. CAS000002) and the Small Linear Underground/Overhead Utility **General Construction Permit**; **State Board** Order No. 2003-0007-DWQ (**NPDES** No. CAS000005).

**General Industrial Permit** – General Permit for **Storm Water** Discharges Associated with Industrial Activities; **State Board** Order No. 97-03-DWQ (**NPDES** No. CAS000001)

**General Storm Water Permits** – **General Industrial Permit** and **General Construction Permit**.

**Grading** – The cutting and/or filling of the land surface to a desired slope or elevation.

**GRW** – Groundwater Recharge **Beneficial Use**

**Hazardous Material** – Any substance that poses a threat to human health or the environment due to its **Toxicity**, corrosiveness, ignitability, explosive nature or chemical reactivity. These also include materials named by the **USEPA** to be reported if a designated quantity of the material is spilled into the **Waters of the United States** or emitted into the environment.

**Hazardous Waste** – **Hazardous Waste** is defined as "any **Waste**, which, under Section 600 of Title 22 of this code, is required to be managed according to Chapter 30 of Division 4.5 of Title 22 of this code." [CCR Title 22, Division 4.5, Chapter 11, Article 1]

**HAZMAT** – **Hazardous Materials**

**HHW** – Household **Hazardous Waste**

**IC/ID** – **Illicit Connection/Illegal Discharge**

**Illegal Discharge (ID)** - Defined at 40 CFR 122.26(b)(2) as any discharge to a **MS4** that is not composed entirely of **Storm Water** except discharges pursuant to a separate **NPDES** permit and discharges resulting from emergency fire fighting activities. The term excludes discharges that are identified as not prohibited in Section C. ALLOWABLE **NON-STORM WATER** DISCHARGES of this **MS4 Permit**, and discharges authorized by the **Executive Officer**.



**Illicit Connection (IC)** – Any connection to the **MS4** that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term **Illicit Connection** includes all **Non-Storm Water** discharges and connections except discharges pursuant to an **NPDES** permit, discharges that are identified in Section C. ALLOWABLE **NON-STORM WATER DISCHARGES** of this **MS4 Permit**, and discharges authorized by the **Executive Officer**.

**Impaired Waterbody** – Section 303(b) of the **CWA** requires each Regional Water Quality Control Board to routinely monitor and assess the quality of **Waters of the State** within their respective regions. If this assessment indicates that **Beneficial Uses** are not met, then that waterbody must be listed under Section 303(d) of the **CWA** as an **Impaired Waterbody**.

**Implementation Agreement** – Coordinates implementation of the responsibilities of the **Permittees** under the **MS4 Permit** and provides for funding of “umbrella” activities related to compliance with the **MS4 Permit**.

**IND** – Industrial water supply **Beneficial Use**.

**Inert Waste** – **Inert Waste** is defined as one that “does not contain **Hazardous Waste** or soluble **Pollutants** at concentrations in excess of applicable **WQOs**, and does not contain significant quantities of decomposable **Waste**.” [CCR Title 27, Chapter 3, Subchapter 2, Article 2, Section 20230]

**Intermittent Beneficial Use** – **Beneficial Uses**, which occur only seasonally because of limiting environmental conditions (e.g., provide habitat for trout during colder months of the year) and uses which are dependent on and occur only when sufficient flow exists.

**Land Disturbance** – The clearing, **Grading**, excavation, stockpiling, or other construction activity that result in the possible mobilization of soils or other **Pollutants** into the **MS4s**. This specifically does not include routine maintenance activity to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. This also does not include emergency construction activities required to protect public health and safety. The **Permittees** should first confirm with **Regional Board** staff if they believe that a particular routine maintenance activity is exempt under this definition from any **General Storm Water Permits** or other Orders (i.e., 401 Water Quality Certifications) issued by the **State** or **Regional Board**.

**Load Allocation (LA)** – The portion of a **Receiving Water’s** loading capacity that is attributed either to one of its existing or future **Nonpoint Sources of Pollution** or to natural background sources.

**Low Impact Development (LID)** – The integration of site ecological and environmental goal and requirements into all phases of urban planning and design from the individual residential lot level to the entire watershed.

**MEP (Maximum Extent Practicable)** – **MEP** is the technology-based standard established by Congress in **CWA Section 402(p)(3)(B)(iii)** that **MS4** dischargers must meet. Technology-based standards establish the level of **Pollutant** reductions that dischargers must achieve, typically by treatment or by a combination of treatment and **BMPs**. **MEP** generally emphasizes **Pollution Prevention** and **Source Control BMPs** primarily (as the first line of defense) in combination with treatment methods serving as a

backup (additional line of defense). **MEP** considers economics and is generally, but not necessarily, less stringent than **BAT**.

A definition for **MEP** is not provided either in the statute or in the regulations. Instead the definition of **MEP** is dynamic and will be defined by the following process over time: municipalities propose their definition of **MEP** by way of their **SWMP**. Their total collective and individual activities conducted pursuant to the **SWMP** becomes their proposal for **MEP** as it applies both to their overall effort, as well as to specific activities (e.g., **MEP** for street sweeping, or **MEP** for **MS4** facility maintenance). In the absence of a proposal acceptable to the **Regional Board**, the **Regional Board** defines **MEP**.

In a memo dated February 11, 1993, entitled "Definition of **Maximum Extent Practicable**," Elizabeth Jennings, Senior Staff Counsel of the **State Board**, addressed the achievement of the **MEP** standard as follows: "To achieve the **MEP** standard, municipalities must employ whatever **Best Management Practices (BMPs)** are technically feasible (i.e., are likely to be effective) and are not cost prohibitive. The major emphasis is on technical feasibility. Reducing **Pollutants** to the **MEP** means choosing effective **BMPs**, and rejecting applicable **BMPs** only where other effective **BMPs** will serve the same purpose or the **BMPs** would not be technically feasible, or the cost would be prohibitive. In selecting **BMPs** to achieve the **MEP** standard, the following factors may be useful to consider:

- a. *Effectiveness: Will the **BMPs** address a **Pollutant** (or **Pollutant** source) of concern?*
- b. *Regulatory Compliance: Is the **BMP** in compliance with **Storm Water** regulations as well as other environmental regulations?*
- c. *Public Acceptance: Does the **BMP** have public support?*
- d. *Cost: Will the cost of implementing the **BMP** have a reasonable relationship to the **Pollution** control benefits to be achieved?*
- e. *Technical Feasibility: Is the **BMP** technically feasible considering soils, geography, water resources, etc?*

The final determination regarding whether a municipality has reduced **Pollutants** to the **MEP** can only be made by the **Regional Board** or **State Board**, and not by the municipal discharger. If a municipality reviews a lengthy menu of **BMPs** and chooses to select only a few of the least expensive, it is likely that **MEP** has not been met. On the other hand, if a municipal discharger employs all applicable **BMPs** except those where it can show that they are not technically feasible in the locality, or whose cost would exceed any benefit derived, it would have met the standard. Where a choice may be made between two **BMPs** that should provide generally comparable effectiveness, the discharger may choose the least expensive alternative and exclude the more expensive **BMP**. However, it would not be acceptable either to reject all **BMPs** that would address a pollutant source, or to pick a **BMP** base solely on cost, which would be clearly less effective. In selecting **BMPs** the municipality must make a serious attempt to comply and practical solutions may not be lightly rejected. In any case, the burden would be on the municipal discharger to show compliance with its permit. After selecting a menu of **BMPs**, it is the responsibility of the discharger to ensure that all **BMPs** are implemented."

**MS4 Permit** – ORDER NO. R7-2008-0001 NPDES No. CAS617002

## K. GLOSSARY OF TERMS

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**MUN – Municipal and Domestic Supply *Beneficial Use***

**Municipal Separate Storm Sewer System (MS4)** – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, **Storm Water**, or other **Wastes**, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or designated and approved management agency under section 208 of the **CWA** that discharges to **Waters of the United States**; (ii) Designated or used for collecting or conveying **Storm Water**; (iii) Which is not a combined sewer; (iv) Which is not part of the Publicly Owned Treatment Works (**POTW**) as defined at 40 CFR 122.2.

**National Pollution Discharge Elimination System (NPDES)** – Federal permits authorizing the discharge of **Waste to Waters of the United States**. All **NPDES** permits issued by the State of California are also **WDRs**.

**New Development** – New construction on a previously undisturbed parcel. **New Developments** do not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility, nor do they include emergency new developments required to protect public health and safety. Dischargers should confirm with **Regional Board** staff whether or not a particular routine maintenance activity is subject to this **MS4 Permit**.

**New Development Guidelines –Supplement A** to the Riverside County Drainage Area Management Plan for the Santa Ana and Santa Margarita **Watersheds**. The **New Development Guidelines** are incorporated into the **Whitewater River Region SWMP**.

**NOI (Notice of Intent)** – A **NOI** is an application for coverage under either the **General Storm Water Permits**.

**Non-hazardous Solid Waste** – All putrescible and non-putrescible solid, semi-solid, and liquid **Wastes**, including garbage, trash, refuse, paper, rubbish, ashes, industrial **Wastes**, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid **Wastes** and other discarded solid or semi-solid **Waste**; provided that such **Wastes** do not contain **Wastes** which must be managed as **Hazardous Wastes**, or **Wastes** which contain soluble **Pollutants** in concentration which exceed applicable **WQOs** or could cause degradation of **Waters of the State**." [CCR Title 27, Chapter 3, Subchapter 2, Article 2, Section 20220]

**Non-Point Source** – Diffuse, widespread sources of **Pollution**. These sources may be large or small, but are generally numerous throughout a **Watershed**. **Non-Point Sources**, include but are not limited to urban, agricultural or industrial area, roads, highways, construction sites, communities served by septic systems, recreational boating activities, timber harvesting, mining, livestock grazing, as well as physical changes to stream channels, and habitat degradation. **Non-point Source Pollution** can occur year round any time rainfall, snowmelt, irrigation, or any other source of water runs over land or through the ground, picks up **Pollutants** from these numerous, diffuse sources and deposits them into rivers, lakes and coastal waters or introduces them into ground water.

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**Non-Storm Water – Non-Storm Water** consists of all discharges to and from a **MS4** that do not originate from precipitation events (i.e., all discharges from a **MS4** other than storm water). **Non-Storm Water** includes **IDs**, non-prohibited discharges, and **NPDES** permitted discharges.

**NOT** – Notice of Termination of coverage under a **General Stormwater Permit**.

**Nuisance** – As defined in the Porter-Cologne Water Quality Control Act, “anything which meets all of the following requirements: 1) Is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. 2) Affects at the same time an entire community or neighborhood, or any considerable number of **Persons**, although the extent of the annoyance or damage inflicted upon individuals may be unequal. 3) Occurs during, or as a result of, the treatment or disposal of **Wastes**.”

**Numeric Effluent Limitations** – A method by which **Effluent Limitations** are prescribed for **Pollutants** in **WDRs** using concentration based criteria to implement the federal **NPDES** regulations. When **Numeric Effluent Limitations** are met at the “end-of-pipe”, the effluent discharge generally will not cause **WQSS** to be exceeded in the receiving waters (i.e., **WQS** will also be met).

**OES** – The Governor’s Office of Emergency Services, an agency of the State of California.

**“Only Rain Down The Storm Drain” Pollution Prevention Program – County Urban Runoff** public education program.

**Permit Area** – The **Whitewater River Region** as defined in ATTACHMENT C -SITE MAP.

**Permittees** – **County, RCFC&WCD, CVWD** and the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage. A **Permittee** to the **Whitewater River Region** is only responsible for permit conditions relating to the discharge from **MS4** facilities for which it is the operator.

**Person** – A **Person** is defined as an individual, association, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof. [40 CFR 122.2].

**Point Source** – Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operations, landfill leachate collection systems, vessel, or other floating craft from which **Pollutants** are or may be discharged.

**Pollutant** – Broadly defined as any agent that may cause or contribute to the degradation of water quality such that a condition of **Pollution** or **Contamination** is created or aggravated.

**Pollutants of Concern** – Any **Pollutants** generated by the development, including **Pollutants** that are listed under CWA Section 303(d), **Pollutants** associated with the land use type of the development and legacy **Pollutants** associated with past use of the development site that may be exposed to **Urban Runoff**.

**Pollution** – As defined at 40 CFR 122.2, **Pollutant** means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge,

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munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

- (a) Sewage from vessels; or
- (b) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources; or
- (c) Those discharged substances that are specifically excluded from coverage under **NPDES** permits pursuant to 40 CFR 122.3.

**Pollution Prevention** - Practices and processes which reduce or eliminate the generation of **Pollutants**, in contrast to source control, **Pollution** control, treatment or disposal.

**Pollution Prevention BMPs** - In general, activities or programs that aim to educate the public in order to reduce or eliminate the generation of **Pollutants**.

**Post-Construction BMPs** - Subsets of **BMPs** including **Source Control** and structural treatment that detain, retain, filter, or educate to prevent the release of **Pollutants** to surface waters during the final functional life of development.

**Potential Pollutant** - In general, any agent that may possess the ability to cause or contribute to the degradation of water quality.

**POTW** - Publicly owned treatment works

**POW** - Hydropower Generation **Beneficial Use**

**Pre-Development Runoff Conditions** - The runoff conditions existing onsite immediately before the planned development activities occur. **Pre-Development Runoff Conditions** are not intended to be interpreted as those conditions that existed before any human-induced land activities occurred. This pertains to redevelopment as well as initial development.

**Principal Permittees** - **RCFC&WCD** and the **County**

**Priority Development Projects** - **New Development** and **Redevelopment Projects**

**Priority Pollutants** - **USEPA Priority Pollutants**. See Attachment D - List of **Priority Pollutants**.

**Rainy Season** - Not defined for the **Whitewater River Region**. Per the **General Industrial Permit**, defined as October 1<sup>st</sup> through May 30<sup>th</sup>.

**RCFC&WCD** - Riverside County Flood Control and Water Conservation District

**RARE** - Rare, Threatened or Endangered Species **Beneficial Use**

**RCWMD** - **County** Waste Management Department

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**Receiving Water(s)** – **Waters of the United States** within the **Whitewater River Region**.

**Receiving Water Limitations** - **Receiving Water Limitations** are requirements included in the **MS4 Permit** issued by the **Regional Board** to assure that the regulated discharges do not violate **WQSs** established in the **Basin Plan** at the point of discharge to **Waters of the United States**. **Receiving Water Limitations** are used to implement the requirement of **CWA** section 301(b)(1)(C) that **NPDES** permits must include any more stringent limitations necessary to meet **WQSs**.

**Receiving Water Quality Objectives** – **WQOs** specified in the **Basin Plan** for **Receiving Waters**.

**REC-I** – Contact water recreation **Beneficial Use**

**REC-II** – Non-contact water recreation **Beneficial Use**

**Redevelopment Project** - A project where major modifications to an existing site or structure requiring a permit issued by a **Permittee** is undertaken. Routine maintenance, interior remodeling, re-roofing, and parking lot maintenance are not included. A **Redevelopment Project** is not to be confused with the projects undertaken by a Redevelopment Agency.

**Regional Board** – California Regional Water Quality Control Board, Colorado River Basin

**Riverside County** – Territory within the geographical boundaries of the **County**.

**ROWD** – Report of Waste Discharge. Application for renewal of **WDRs**.

**Sanitary Sewer Overflow (SSO)** – Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system.

**SARA** – Superfund Amendments and Reauthorization Act. **SARA** amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) on October 17, 1986. **SARA** reflected **USEPA's** experience in administering the complex Superfund program during its first six years and made several important changes and additions to the program. **SARA**:

- stressed the importance of permanent remedies and innovative treatment technologies in cleaning up **Hazardous Waste** sites;
- required Superfund actions to consider the standards and requirements found in other State and Federal environmental laws and regulations;
- provided new enforcement authorities and settlement tools;
- increased State involvement in every phase of the Superfund program;
- increased the focus on human health problems posed by **Hazardous Waste** sites;
- encouraged greater citizen participation in making decisions on how sites should be cleaned up; and
- increased the size of the trust fund to \$8.5 billion.

**SARA** also required **USEPA** to revise the Hazard Ranking System (HRS) to ensure that it accurately assessed the relative degree of risk to human health and

the environment posed by uncontrolled **Hazardous Waste** sites that may be placed on the National Priorities List (NPL).

**Sediment** – Soil, sand, and minerals washed from land into water. **Sediment** can destroy fish-nesting areas, clog animal habitats, and cloud waters so that sunlight does not reach aquatic plants. This **MS4 Permit** regulates only the discharges of **Sediment** from anthropogenic sources and does not regulate naturally occurring sources of **Sediment**.

**SIC** – Standard Industrial Classification

**Site Design BMPs** – In general, activities or programs to educate the public or provide low cost non-physical solutions, as well as facility design or practices aimed at reducing **Urban Runoff**, increasing infiltration, reducing pollutant transport mechanisms, minimizing the difference between pre- and post-development **Urban Runoff**.

**Source Control BMPs** – In general, activities or programs to educate the public or provide low cost non-physical solutions, as well as facility design or practices aimed to limit the contact between **Pollutant** sources and **Storm Water** or authorized **Non-Storm Water**. Examples include: activity schedules, prohibitions of practices, street sweeping, facility maintenance, detection and elimination of **IC/ID**, and other non-structural measures. Facility design examples include providing attached lids to trash containers, or roof or awning over material and trash storage areas to prevent direct contact between water and **Pollutants**. Additional examples are provided in Section 4 of the **New Development Guidelines**, which is incorporated into the Whitewater River **SWMP**.

**Southern California Monitoring Coalition (SMC)** - A regional group working to improve monitoring program design, parameter test methods, calibrate labs, evaluate the effectiveness of **BMPs**, and/or advance the science and understanding of **Urban Runoff** impacts on **Receiving Waters**.

**State Water Resources Control Board – State Board or SWRCB**

**Storm Water** - "**Storm Water**" is as defined **Storm Water** runoff and snow melt runoff consisting only of those discharges that originate from precipitation events. **Storm Water** is that portion of precipitation, which flows across a surface to the **MS4 Receiving Waters**. Examples of this phenomenon include: the water that flows off a building's roof when it rains (runoff from an impervious surface); the water that flows into streams when snow on the ground begins to melt (runoff from a semi-pervious surface); and the water that flows from a vegetated surface when rainfall is in excess of the rate at which it can infiltrate into the underlying soil (runoff from a pervious surface). When all factors are equal, runoff increases as the perviousness of a surface decreases. During precipitation events in urban areas, rainwater picks up and transports **Pollutants** through **MS4s**, and ultimately to **Waters of the United States**.

**Storm Water Management Plan (SWMP)** – Document describing those activities and programs implemented by the **Permittees** to manage **Urban Runoff** to comply with the requirements of this **MS4 Permit** for the **Whitewater River Region**.

**Storm Water Ordinance** – The **Storm Water/Urban Runoff** Management and Discharge Control Ordinances and ordinances addressing **Grading** and **Erosion** control adopted by each of the **Co-Permittees**

**Structural BMPs** – Physical facilities or controls which may include secondary containment, treatment measures, (e.g. first flush diversion, detention/retention basins, and oil/grease separators), run-off controls (e.g., grass swales, infiltration trenches/basins, etc.), and engineering and design modification of existing structures. Additional examples are provided in Section 4 of the **New Development Guidelines**, which is incorporated into the Whitewater River **SWMP**.

**Supplement "A"** – Supplement "A" to the Riverside County Drainage Area Management Plan for the Santa Ana and Santa Margarita **Watersheds**. See "**New Development Guidelines**".

**SWPPP** – Storm Water **Pollution Prevention** Plan

**TDS** – Total dissolved solids.

**TMLA** – **County** Transportation and Land Management Agency.

**Total Maximum Daily Load (TMDL)** - The **TMDL** is the maximum amount of a **Pollutant** that can be discharged into a water body from all sources (point and non-point) and still maintain **WQS**. Under **CWA** section 303(d), **TMDLs** must be developed for all water bodies that do not meet **WQSs** after application of technology-based controls.

**Toxicity** – Adverse responses of organisms to chemicals or physical agents ranging from mortality to physiological responses such as impaired reproduction or growth anomalies.

**Treatment Control BMPs** – In general, activities or programs to educate the public or provide low cost non-physical solutions, as well as facility design or practices aimed at the removal of **Pollutants** from **Urban Runoff**.

**TSS** – Total suspended solids.

**Urban Runoff** - **Urban Runoff** includes those discharges from residential, commercial, industrial, and construction areas within the **Whitewater River Region MS4 Permit Area** and excludes discharges from feedlots, dairies, farms, **POTWs**, and open space. **Urban Runoff** discharges consist of **Storm Water** and **Non-Storm Water** surface runoff from drainage sub-areas with various, often mixed, land uses within all of the hydrologic drainage areas that discharge into the **Waters of the United States**. In addition to **Urban Runoff**, the **MS4s** regulated by the **MS4 Permit** receive flows from agricultural activities, open space, state and federal properties and other non-urban land uses not under the control of the **Permittees**. The quality of the discharges from the **MS4s** varies considerably and is affected by, among other things, past and present land use activities, basin hydrology, geography and geology, season, the frequency and duration of storm events, and the presence of past or present illegal and allowed disposal practices and **IC**. The **Permittees** lack legal jurisdiction over discharges into their respective **MS4s** facilities from agricultural activities, California and federal facilities, utilities and special districts, Native American tribal lands, wastewater management agencies and other point and **Non-Point Source** discharges otherwise permitted by or under the jurisdiction of the **Regional Board**. The **Regional Board** recognizes that the **Permittees** should not be held responsible for such facilities and/or discharges. Similarly, certain activities that generate **Pollutants** present in **Urban Runoff** are beyond the ability of the **Permittees** to eliminate. Examples of these include operation of internal combustion engines, atmospheric deposition, brake pad wear, tire wear, residues from lawful application of pesticides, nutrient runoff from agricultural activities, and leaching of naturally occurring minerals from local geography.

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**USEPA** – United States Environmental Protection Agency

**WARM** – Warm freshwater habitat **Beneficial Use**

**Wash** – Intermittent or Ephemeral Stream as specified in the **Basin Plan**.

**Waste** – As defined in **CWC** 13050(d), "**Waste** includes sewage and any and all other **Waste** substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including **Waste** placed within containers of whatever nature prior to, and for purposes of, disposal." Article 2 of CCR Title 23, Chapter 15 (Chapter 15) contains a **Waste** classification system, which applies to solid and semi-solid **Waste**, which cannot be discharged directly or indirectly to Water of the State and which therefore must be discharged to land for treatment, storage, or disposal in accordance with Chapter 15. There are four classifications of **Waste** (listed in order of highest to lowest threat to water quality): **Hazardous Waste**, **Designated Waste**, **Non-Hazardous Solid Waste**, and **Inert Waste**.

**Waste Discharge Requirements (WDRs)** – As defined in Section 13374 of the **CWC**, the term "**Waste Discharge Requirements**" is the equivalent of the term "permits" as used in the Federal Water **Pollution** Control Act, as amended. The **Regional Board** usually reserves reference to the term "permit" to **WDRs** for discharges to surface **Waters of the United States**.

**Waste Load Allocation (WLA)** – **WLAs** are portions of the **TMDL** assigned to existing and future **Point Sources** and **LAs** are portions of the **TMDL** assigned to existing and future **Nonpoint Sources**, including background loads.

**Waters of the United States.** – **Waters of the United States** can be broadly defined as navigable surface waters and their tributaries. Groundwater is not included. As defined in 40 CFR 122.2, the **Waters of the United States** are defined as: (a) All waters, which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (b) All interstate waters, including interstate "wetlands;" (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (3) Which are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as **Waters of the United States** under this definition; (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition; (f) The territorial seas; and (g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition. **Waters of the United States** do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the **CWA**, the final authority regarding **CWA** jurisdiction remains with the **USEPA**.

**Water Quality Objective (WQO)** – Numerical or narrative limits on constituents or characteristics of water designated to protect designated **Beneficial Uses** of the water. [**CWC** 13050 (h)]. California's **WQOs** are established by the State and Regional Water K. GLOSSARY OF TERMS

Boards in the Water Quality Control Plans. As stated in the Porter-Cologne requirements for discharge (**CWC** 13263): "**Waste Discharge Requirements** shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the **Beneficial Uses** to be protected, the water objectives reasonably required for that purpose, other **Waste** discharges, the need to prevent **Nuisance**, and the provisions of Section 13241."

Numeric or narrative limits for **Pollutants** or characteristics of water designed to protect the **Beneficial Uses** of the water. In other words, a **WQO** is the maximum concentration of a **Pollutant** that can exist in a **Receiving Water** and still generally ensure that the **Beneficial Uses** of the **Receiving Water** remain protected (i.e., not impaired). Since **WQOs** are designed specifically to protect the **Beneficial Uses**, when the objectives are violated the **Beneficial Uses** are, by definition, no longer protected and become impaired. This is a fundamental concept under the Porter Cologne Act. Equally fundamental is Porter Cologne's definition of **Pollution**. A condition of **Pollution** exists when the water quality needed to support designated **Beneficial Uses** has become unreasonably affected or impaired; in other words, when the **WQOs** have been violated. These underlying definitions (regarding **Beneficial Use** protection) are the reason why all **WDRs** implementing the federal **NPDES** regulations require compliance with **WQOs** (**WQOs** are also called water quality criteria in the **CWA**).

**Water Quality Standards (WQS)** – The water quality goals of a waterbody (or a portion of the waterbody) designating **Beneficial Uses** (e.g., swimming, fishing, municipal drinking water supply, etc.) to be made of the water and the **WQOs** necessary to protect those uses.

**Waters of the State** – Any water, surface or underground, including saline waters within the boundaries of the State [**CWC** Section 13050 (e)]

**Watershed** - That geographical area which drains to a specified point on a watercourse, usually a confluence of streams or rivers (also known as drainage area, catchment, or river basin).

**WDID** – Waste discharge identification number.

**Whitewater River Region** - The urbanized area of the **Whitewater River Watershed** under the jurisdiction of the **Permittees** as identified in ATTACHMENT C – SITE MAP.

**Whitewater River Watershed** – **Watershed** tributary to the Whitewater River.

**Whitewater River Watershed Benefit Assessment Area (WWBAA)** - the **RCFC&WCD's** funding source for **MS4 Permit** compliance program activities. The WWBAA covers the northwesterly portion of the **Watershed** including **County** and city jurisdictions that lie within the **RCFC&WCD's** service area. WWBAA revenues fund both area-wide **MS4** program and the **RCFC&WCD's** individual **MS4 Permit** compliance activities.

**WILD** – Wildlife habitat **Beneficial Use**

**WQMP** – Water Quality Management Plan

**L. MONITORING AND REPORTING**

1. Pursuant to Section 13267 of the **CWC**, the **Permittees** shall comply with Monitoring and Reporting Program No. R7-2008-0001 and with the "General Monitoring and Reporting Provisions."
2. The **Permittee(s)** shall monitor the **Receiving Water** and **MS4** for **Pollutants** during the fiscal year (July 1 to June 30) beginning July 1, 2008. This monitoring will assist in the, characterization of **Urban Runoff**, effectiveness of implemented **BMPs**, and determining the impact of **Urban Runoff** in the **Whitewater River Region**. Specifically, the **Permittee(s)** shall sample in accordance with the specified monitoring schedule and constituents of concern listed in this section of the **MS4 Permit**.
3. The **Permittee(s)** may propose alternative or additional monitoring locations for approval by the **Executive Officer**.
4. The collection, preservation and holding times of all samples shall be in accordance with **USEPA**-approved procedures. Unless otherwise approved by the **Executive Officer**, all analyses shall be conducted by a laboratory certified for such analysis by the California Department of Public Health. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of **Pollutants**" (40 CFR 136), promulgated by the **USEPA**.
5. The timing of sample collection will be contingent on the sample holding time and the normal working hours of the contract laboratory.
6. Due to the hazard of flash flooding that exists in waterbodies within the **Whitewater River Region MS4 Permit** area, sample collection shall occur only when there is enough sunlight to safely collect a monitoring sample during a **Receiving Water** wet weather monitoring event. Sampling shall not take place when it is unsafe and/or there is a flash flood warning and/or watch.
7. **Permittee** records of monitoring information shall include:
  - A. The date, exact place, and time of sampling or measurement(s);
  - B. The individual(s) who performed the sampling or measurement(s);
  - C. The date(s) analyses were performed;
  - D. The analytical techniques or method used; and
  - E. The results of such analyses.
8. The **Permittee(s)** shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this **Regional Board** Order, and records of all data used to complete the application for this **Regional Board** Order, for a period of at least five (5) years from the date of the sample, measurement, report, or application. This period may be extended by request of the **Executive Officer**.

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9. The **Permittees** shall conduct monitoring for field parameters, constituents of concern and for **Priority Pollutants** as described in the appropriate sections.

#### **Field Parameters**

Field Parameters to be monitored shall include: water temperature, pH, Electrical Conductivity (EC), Turbidity, and Dissolved Oxygen (DO). Additional parameters may be collected if necessary to characterize or document the **IC/ID** (oil and grease, etc.) or for use in follow up enforcement actions against sources of an **IC/ID**. The minimum levels of analysis for the field parameters shall be monitored at the appropriate minimum levels and units for comparison with **Basin Plan** objectives.

#### **Constituents of Concern**

The following table consists of constituents of concern commonly associated with **Urban Runoff**. The minimum levels of analysis for the metals shall be as shown on ATTACHMENT E – **STATE BOARD MINIMUM LEVELS**, all other constituents shall be monitored at the appropriate minimum levels and units for comparison with **Basin Plan** objectives.

**Table L-1 Constituents of Concern**

<b>Total Metals</b>	<b>Pathogen Indicator</b>	<b>Nutrients &amp; Other</b>
Arsenic	E. coli	Nitrate as Nitrogen
Barium		Nitrite as Nitrogen
Cadmium		Ammonia as Nitrogen
Chromium		Total Kjeldahl Nitrogen
Lead		Total Nitrogen (Calculation)
Mercury		Ortho Phosphorous
Selenium		Total Phosphorus
		Total Dissolved Solids ( <b>TDS</b> )

#### **Priority Pollutants**

Priority Pollutants to be monitored are shown on ATTACHMENT D- LIST OF **PRIORITY POLLUTANTS**. The minimum level of analysis is shown on ATTACHMENT E – **STATE BOARD MINIMUM LEVELS**.

10. The **Permittees** shall conduct the monitoring at the following types of locations:
- A. Dry Weather Outfall **IC/ID** Monitoring;
  - B. Wet Weather Outfall Monitoring;
  - C. Dry Weather **Receiving Water** Monitoring; and
  - D. Wet Weather **Receiving Water** Monitoring.

**A. Dry Weather Outfall IC/ID Monitoring**

Dry weather outfall **IC/ID** monitoring shall consist of regularly visiting fixed the dry weather outfall locations as shown in Table L-2 Dry Weather **IC/ID** Outfall Monitoring Locations, quarterly to look for evidence of non-typical flow and water quality conditions for each site.

The **Permittees** shall monitor for field parameters at the dry weather outfall monitoring locations as shown in the Table L-2 Dry Weather **IC/ID** Outfall Monitoring Locations.

When there is evidence of irregular flow or water quality conditions caused by an **IC/ID** activity, the **Permittee(s)** with jurisdiction over the tributary area to the outfall shall be notified of the potential **IC/ID** and be requested to conduct a follow-up **IC/ID** investigation. **IC/ID** investigation results shall be reported in the **Annual Report**.

**Table L-2 Dry Weather IC/ID Outfall Monitoring Locations**

Monitoring Location Lat/Long	Minimum No. of Events/Year	Type of Sample	Constituents
Ramsey Street Storm Drain 33°48'35.0", -116°51'31.5"	2	Grab or Composite	Field Parameters and E. Coli
Portola Ave Outfall 33°44'16.8", -116°22'24.6"	2	Grab or Composite	Field Parameters and E. Coli
Avenue 52 Outfall 33°40'17.4", -116°08'56.4"	2	Grab or Composite	Field Parameters and E. Coli

**B. Wet Weather Outfall Monitoring**

Wet Weather Outfall Monitoring shall be conducted for the purposes of evaluating long term trends in **Urban Runoff**. The data collected from these stations shall also be used to assist in assessment of potential urban contributions to chronic water quality conditions identified from the **Receiving Waters** Monitoring Program.

The **Permittees** shall monitor for field parameters and constituents of concern at the wet weather outfall monitoring locations as shown in the Table L-3 Wet Weather Outfall Monitoring Locations.

At least once during the last three years of the monitoring program the **Permittees** shall also monitor the **USEPA Priority Pollutants** list for one storm event to determine if other **Pollutants** that have historically not been detected in excess of **WQSS** are becoming problematic. See ATTACHMENT D- LIST OF **PRIORITY**

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**POLLUTANTS** and ATTACHMENT E – **STATE BOARD MINIMUM LEVELS** for list of **Priority Pollutants** and minimum levels for analysis.

**Table L-3 Wet Weather Outfall Monitoring Locations**

Monitoring Location Lat., Long.	Minimum No. of Events/Year	Type of Sample	Constituents
Ramsey Street Storm Drain 33°48'35.0", -116°51'31.5"	2	Grab or Composite	Field parameters and constituents of concern; Add <b>Priority Pollutants</b> list to one sample event during 2 <sup>nd</sup> , 3 <sup>rd</sup> or 4 <sup>th</sup> year of <b>MS4 Permit</b>
Portola Avenue Outfall 33°44'16.8", -116°22'24.6"	2	Grab or Composite	Same as above
Avenue 52 Outfall 33°40'17.4", -116°08'56.4"	2	Grab or Composite	Same as above

#### **C. Dry Weather Receiving Water Monitoring**

Dry Weather **Receiving Water** Monitoring shall be conducted for the purposes of evaluating the health of the perennial portion of the **CVSC** during dry weather conditions. The data collected shall also be used to assist in assessment of potential **Urban Runoff** contributions to chronic water quality conditions identified from the **Receiving Waters** Monitoring Program.

The **Permittees** shall monitor for field parameters, constituents of concern and **Priority Pollutants** at the dry weather **Receiving Water** monitoring location as shown in the Table L-4 Dry Weather **Receiving Water** Monitoring Location.

**Table L-4 Dry Weather Receiving Water Monitoring Location**

Monitoring Location Lat., Long.	Minimum No. of Events/Year	Type of Sample	Constituents
<b>CVSC</b> at Avenue 52 Bridge 33°40'20.9", -116°08'57.8"	2	Grab or Composite	Field parameters and constituents of concern; Add <b>Priority Pollutants</b> list to one sample event during 2 <sup>nd</sup> , 3 <sup>rd</sup> or 4 <sup>th</sup> year of this <b>MS4 Permit</b> .

#### **D. Wet Weather Receiving Water Monitoring**

The **Permittees** shall monitor the **CVSC** to assess **Receiving Water** conditions during wet weather conditions. When there is hydraulic connectivity throughout the **Whitewater River Region**, as evidenced by regional stormwater flows detected at Golf Center Parkway, the **Permittees** shall also monitor the Upper Whitewater River to assist with determination of natural background concentrations of field parameters and constituents of concern that may also be found in **Urban Runoff**.

The **Permittees** shall monitor for field parameters, constituents of concern and **Priority Pollutants** at the wet weather **Receiving Water** monitoring locations as shown in the Table L-5 Wet Weather **Receiving Water** Monitoring Locations.

**Table L-5 Wet Weather Receiving Water Monitoring Locations**

Monitoring Location Lat., Long.	Minimum No. of Events/Year	Type of Sample	Constituents
Upper White Water River 33°59'01.5", -116°08'57.8"	2*	Grab or Composite	Field parameters and constituents of concern; Add <b>Priority Pollutants</b> list to one sample event during 2 <sup>nd</sup> , 3 <sup>rd</sup> or 4 <sup>th</sup> year of this <b>MS4 Permit</b> .
CVSC at Avenue 52 Bridge 33°40'20.9", -116°08'57.8"	2	Grab or Composite	Same as above

\* - Note: Sample will be collected when there is hydraulic connectivity throughout the **Whitewater River Region**, as evidenced by regional stormwater flows detected at Golf Center Parkway.

### **Special Studies**

The **Permittees**, individually or collectively, shall continue to participate in regional monitoring and scientific studies conducted by the Southern California Monitoring Coalition (**SMC**) and or the California Stormwater Quality Association (**CASQA**), and/or other regional groups or efforts necessary to improve monitoring program design, parameter test methods, calibrate labs, evaluate the effectiveness of **BMPs**, and/or advance the science and understanding of **Urban Runoff** impacts on **Receiving Waters**.

The **Permittees** may also be required to conduct additional monitoring required by the Implementation Plans of legally approved **TMDLs** within the **Whitewater River Watershed**. See Section G. **TOTAL MAXIMUM DAILY LOADS**.

### **11. Public Works Construction Monitoring**

- A. The **Regional Board** may require the **Permittee(s)** to conduct additional site inspections, submit reports and certifications, or to perform sampling and analysis.
- B. The **Permittee(s)** shall conduct inspections of construction sites prior to anticipated storm events and after actual storm events to identify areas contributing to a discharge of **Storm Water** associated with construction activity. The **Permittee(s)** shall evaluate whether control practices to reduce **Pollutant** loadings identified in the **SWPPP** are adequate and properly implemented or whether additional control practices are needed. A record of the inspections must include the date of the inspection, the individual(s) who performed the inspection, and the observations. Other than reporting incidents of noncompliance with these inspections, the **Permittee(s)** are not required to submit inspection reports.
- C. Any noncompliance or anticipated noncompliance shall be reported to the **Regional Board**. The notifications shall identify the type(s) of noncompliance, describe the actions necessary to achieve compliance, and

### **L. MONITORING AND REPORTING**

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include a time schedule, subject to modifications by the **Regional Board**, indicating when compliance will be achieved. Noncompliance notifications must be submitted within 30 days of identification of noncompliance.

- D. Records of all inspections, compliance certifications, and noncompliance reporting must be retained for a period of at least five years. With the exception of noncompliance reporting, the **Permittee(s)** are not required to submit these records.

## 12. Reporting

- A. An **Annual Report** shall be submitted to the **Executive Officer** stating the results of monitoring and other reportable activities. This report shall be submitted to the **Regional Board** by January 15th of each year.
- B. The monitoring report shall describe monitoring station locations, frequency of sampling, quality assurance/quality control procedures and sampling and analysis protocols, summarize the data/results, identify methods of evaluating the data, and provide graphical summaries of the data.
- C. In addition, monitoring reports shall include an analysis of the findings of each monitoring year. The analysis shall identify acute Water Quality problems that may be indicated by water quality parameters that are measured outside of normal ranges for that parameter based on historic water quality data.
- D. Monitoring reports shall also include identification and analysis of any long-term trends in **Storm Water** or **Receiving Water** quality. The **Permittees** shall analyze long term trends for signs of chronic water quality problems. The analysis shall include identification of potential urban sources of chronic problems, effectiveness of existing **BMP** control measures, and recommend necessary next steps. Next steps may include allowing for additional time to statistically confirm a chronic water quality problem, additional data collection necessary to examine urban sources, potential revisions to the **SWMP** to address urban sources found to be contributing to the chronic condition, or other similar measures necessary to confirm and/or address the condition.
- E. All monitoring reports shall use a standard report format and shall include the following:
- i. An introduction;
  - ii. Summary of Special Studies participated in during the reporting period;
  - iii. Comprehensive interpretations and conclusions; and
  - iv. Recommendations for necessary future actions.



13. **IC/IDs**

The **Permittee(s)** shall report the following:

Activity	Reporting
To inspect and document any <b>IC/IDs</b> identified as part of the <b>SWMP</b>	Annually

14. **Whitewater River Region** Modifications

Per Section E.2.b., the **Permittees** shall report any necessary changes to the boundaries of the **Whitewater River Region**.

## 15. Legal Certifications

In the Fiscal Year 2008-2009 **Annual Report** the **Permittees** shall provide their legal certifications per Section E.4 of this **MS4 Permit**.

16. **MS4 Permit** Evaluation and Effectiveness Reporting Requirements

The **Permittee(s)** shall submit all reportable Evaluation and Effectiveness items contained within the **Permittees SWMP** and as required in the various Section F Evaluation and Reporting Requirements of this **MS4 Permit**.

## 17. Compliance Status

The **Permittee(s)** shall report the overall compliance level for the reporting period in the January 15 **Annual Report** based on the reportable items described in sections B through G of this **MS4 Permit**. This compliance status report shall also include a compliance status report for each **Permittee**.

## 18. Format

A. The **Permittee(s)** shall arrange the data in tabular form so that the specified information is readily discernible. The data shall be summarized in such a manner as to clearly illustrate whether the **Permittee(s)** are in compliance with the **MS4 Permit**.

B. Each **Permittee's Annual Reporting** form shall contain a transmittal page signed by a duly authorized representative of the **Permittee**. The transmittal page must contain the following statement:

"I declare under the penalty of law that I have personally examined and am familiar with the information submitted in this document, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

## L. MONITORING AND REPORTING

C. A duly authorized representative of the **Permittee(s)** may sign the documents if:

- i. The authorization is made in writing by the director, general manager or equivalent person in charge of overseeing the entire operation.
- ii. The authorization specified an individual or person having responsibility for the overall operation; and
- iii. The written authorization is submitted to the **Executive Officer**.

D. Submit monitoring reports to:

Executive Officer  
California Regional Water Quality Control Board Colorado River Basin  
Region  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

Eugene Bromley  
U.S. Environmental Protection Agency - Region IX Permits Issuance  
Section (W-5-1)  
75 Hawthorne Street  
San Francisco, CA 94105

Unless otherwise directed, the **Permittees** shall submit one hard copy and one electronic copy of each report required under this **MS4 Permit** to the **Regional Board** and one electronic copy to **USEPA**.

**M. ADMINISTRATIVE PROVISIONS**

1. These requirements do not exempt the **Permittees** from compliance with any other laws, regulations, or ordinances which may be applicable; do not legalize land treatment and disposal facilities; and leave unaffected any further restraints on those facilities which may be contained in other statutes or required by other regulatory agencies.
2. This **MS4 Permit** shall become the **NPDES** permit pursuant to Section 402 of the federal **CWA**, as amended from time to time, upon adoption by the **Regional Board** provided no objections from the **USEPA** Regional Administrator have been received. If the Regional Administrator objects to the issuance, this **MS4 Permit** shall not become effective until such objection is withdrawn.

**N. REQUIRED SUBMITTALS, REPORTS AND COMPLIANCE TIME SCHEDULES**

1. The following submittals and reports are required in accordance with Section 13267 of the **CWC**.

- a. This **MS4 Permit** expires on May 21, 2013 and the **Permittees** must file a **ROWD** in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for issuance of a new **MS4 Permit**.
- b. All reports required by this order shall be submitted to the **Executive Officer** in accordance with the following schedule:

REFERENCE	ITEM	COMPLETION TIME AFTER PERMIT ADOPTION/ FREQUENCY	REPORT DUE DATE
E.1.g. E.2.e	<b>Desert Task Force</b> meetings to discuss <b>MS4 Permit</b> implementation and regional and statewide issues.	Minimum quarterly meetings.	Annually on January 15 <sup>th</sup> .
E.1.h E.2.b.	Review and update the <b>Whitewater River Region MS4</b> boundary map.	Annually	If amended, annually on January 15 <sup>th</sup> .
E.4	Review of Ordinances	June 15, 2009	June 29, 2009
F.1.a.ii.	Develop model forms and maintain database relating to <b>IC/ID</b> , Litter, Debris and Trash Control Program	June 15, 2009	June 29, 2009
F.1.a.vi	Field Screening/System Surveillance	Annually	Annually on January 15 <sup>th</sup> .
F.1.a.xvi	Spill incidents, including unauthorized discharges	Annually	Annually on January 15 <sup>th</sup> .
F.1.a.xvi	<b>IC/ID</b> reporting requirements in SWMP.	Annually	Annually on January 15 <sup>th</sup> .
F.1.a.xvii	Amend SWMP to report on <b>IC/ID</b> Activity Program.	June 15, 2009	June 29, 2009
F.1.b.vii	Commercial/Industrial Program reporting requirements in SWMP.	Annually	Annually beginning January 15 <sup>th</sup> 2010.
F.1.b.viii F.1.b.ix	Amend SWMP to report on Commercial/Industrial requirement in SWMP.	June 15, 2009	June 29, 2009

**N. REQUIRED SUBMITTALS AND COMPLIANCE TIME SCHEDULES**

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REFERENCE	ITEM	COMPLETION TIME AFTER PERMIT ADOPTION/ FREQUENCY	REPORT DUE DATE
F.1.c.iii	Revise <b>SWMP New Development</b> and Redevelopment requirements.	June 15, 2009	June 29, 2009
F.1.d.vi	Summarize and evaluate construction inspection prioritization criteria and inspection schedule as part of <b>Annual Report</b> .	Annually	Annually, beginning January 15, 2010
F.1.d.vii	Describe and evaluate process for evaluating <b>New Development</b> and <b>Redevelopment Projects</b> .	Annually	Annually, beginning January 15, 2010
F.1.e.ii.2	Incorporate <b>Permittee</b> facilities and operations <b>BMPs</b> outlined in <b>SWMP</b> .	June 15, 2009	June 29, 2009
F.1.e.vi.1	<b>Permittee</b> activities program reporting requirements in <b>SWMP</b>	Annually	Annually on January 15 <sup>th</sup> .
F.1.e.vi.2	Amend <b>SWMP</b> to require <b>Permittees</b> with jurisdiction over a sanitary sewer to confirm sewage spill response plans are developed and current.	June 15, 2009	June 29, 2009
F.1.e.vi.3	Amend <b>SWMP</b> to summarize number of municipal facilities operated by <b>Permittees</b> and confirm all facilities have <b>Pollution Prevention</b> plans onsite.	June 15, 2009	June 29, 2009
F.1.e.vi.4	Amend <b>SWMP</b> to maintain list of pesticide application personnel and verify applicator certifications.	June 15, 2009	June 29, 2009
F.1.e.vi.5	Amend <b>SWMP</b> to verify stencils/markers are maintained on inlets to the MS4.	June 15, 2009	June 29, 2009
F.1.f.ix.1	Public Education Program reporting requirements in <b>SWMP</b>	Annually	Annually on January 15 <sup>th</sup> .

## N. REQUIRED SUBMITTALS AND COMPLIANCE TIME SCHEDULES

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REFERENCE	ITEM	COMPLETION TIME AFTER PERMIT ADOPTION/ FREQUENCY	REPORT DUE DATE
F.1.f.ix.2	Amend <b>SWMP</b> to document usage of 800 toll free line.	June 15, 2009	June 29, 2009
F.1.f.ix.3	Amend <b>SWMP</b> to document <b>HHW</b> Collection Program activities.	June 15, 2009	June 29, 2009
F.1.f.ix.4	Amend <b>SWMP</b> to track number of regional public education outreach event conducted.	June 15, 2009	June 29, 2009
F.1.f.ix.5	Amend <b>SWMP</b> to document impressions made through regional media outreach programs and to use public surveys to assess effectiveness of public education and outreach program.	June 15, 2009	June 29, 2009
F.1.f.ix.6	Amend <b>SWMP</b> to summarize scope and purpose of regional public education materials available to various audiences.	June 15, 2009	June 29, 2009
F.1.f.ix.7	Amend <b>SWMP</b> to report on <b>Permittee</b> employee training program.	June 15, 2009	June 29, 2009
F.1.f.ix.8	Amend <b>SWMP</b> to identify existing code requirements for on-site storage and infiltration of stormwater on new developments and redevelopment projects and the methodology used to ensure that storage/infiltration areas are retained post-construction.	June 15, 2009	June 29, 2009
G.	<b>SWMP</b> modifications in accordance to <b>TMDL</b> Implementation Tasks	Per <b>TMDL WLAs/</b> Implementation Plan	Per <b>TMDL WLAs/</b> Implementation Plan
L.12 – L.18	<b>Annual Report</b> Requirements	Annually	Annually on January 15 <sup>th</sup> .

## N. REQUIRED SUBMITTALS AND COMPLIANCE TIME SCHEDULES

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**O. FACT SHEET****1. Fact Sheet Format:**

This Fact Sheet briefly sets forth the principle facts and the significant factual, legal, methodological, and policy questions that the **Regional Board** considered in preparing Order No. R7-2008-0001. In accordance with the Code of Federal Regulations (CFR), Title 40, parts 124.8 and 124.56, this Fact Sheet includes, but is not limited to, the following information:

- Contact Information;
- Public process and notification procedures;
- A brief description of the type of facility or activity that is being regulated by the Order;
- The type and quantity of **Pollutants** discharged;
- A brief summary of the basis for the requirements in the Order; including references to the applicable statutory or regulatory provisions; and
- A discussion of the requirements in the Order.

**2. Project Description and *Permittees* Information:**

The following pages contain information concerning an application for renewal of **WDRs** and **NPDES** Permit, Board Order No. R7-2008-0001, **NPDES** No. CAS617002. This **MS4 Permit** prescribes **WDRs** for **Urban Runoff** from the Cities and the unincorporated areas in the **County** within the jurisdiction of the **Regional Board**.

On March 9, 2006, the **County** and the **RCFC&WCD**, in cooperation with the **CVWD** and incorporated cities, including the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage (hereinafter collectively referred to as the **Permittees**), jointly submitted **NPDES** Application No. CAS617002 and a **ROWD** for re-issuance of a **MS4 Permit**.

For the purposes of this **MS4 Permit**, the following two **Permittees** are identified as the **Principal Permittees**:

**County of Riverside**, 4080 Lemon Street, P.O. Box 1090, Riverside, California 92501-1090; and

**Riverside County Flood Control and Water Conservation District**, 1995 Market Street, Riverside, California 92501

The **CVWD** and the Cities are identified as **Co-Permittees**. Collectively, the **Principal Permittees** and **Co-Permittees** comprise the **Permittees**. Under this organizational framework, the **Principal Permittees** are responsible for coordinating collective **Permittee** activities required by the **MS4 Permit**, including report preparation and submittals to the **Regional Board**. Other specific duties

**O. FACT SHEET**

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and obligations of the **Principal Permittees** and the **Co-Permittees** imposed by this **MS4 Permit** are specified in further detail in the **Implementation Agreement**, which is described in Finding No. 5 of this Order.

3. Project Area:

This **MS4 Permit** applies to the urbanized areas that lie approximately between the San Gorgonio Pass area to the northwest and the Salton Sea to the southeast referred to as the **Whitewater River Region**. The majority of the **Whitewater River Region** is in the Coachella Valley and is identified in ATTACHMENT C – SITE MAP. The generally northwest-southeast trending Coachella Valley is in the northern portion of a large low area in the Colorado Desert known as the Salton Basin with major drainage to the Salton Sea. The San Jacinto Mountains bound the Coachella Valley on the southwest, and the San Gorgonio Mountains, Indio Hills and Mecca Hills bound the Coachella Valley on the northeast side. Major drainage is through the Whitewater River, and its tributaries, which reach the northern end of the Salton Sea. The headwaters of the Whitewater River originate from Mt. San Gorgonio. The valley surface is characterized as wide, boulderly alluvial fans and sand dunes.

4. Exclusions to the Permitted Area:

The **Permittees** may lack legal jurisdiction over storm water discharges into their respective **MS4s** facilities from certain facilities, entities, properties, and other **Point** and **Non-Point Source** discharges otherwise permitted by or under the jurisdiction of the **Regional Board**. The **Regional Board** recognizes that the **Permittees** should not be held responsible for such facilities and/or discharges. Similarly, certain activities that generate **Pollutants** present in **Urban Runoff** are beyond the ability of the **Permittees** to eliminate. Examples include: operation of internal combustion engines, atmospheric deposition, brake pad wear, tire wear, residues from lawful application of pesticides, nutrient runoff from agricultural activities, and leaching of naturally occurring minerals from local geography. Consequently, certain portions of the **Whitewater River Watershed** are excluded from coverage under this **MS4 Permit**. Excluded areas include:

- Federal lands and state properties, including, but not limited to, military bases, national forests, hospitals, colleges and universities, and highways;
- Native American tribal lands;
- Open space and rural (non-urbanized) areas;
- Agricultural lands (exempted under the **CWA**); and
- Utilities and special districts (including school districts, park districts, publicly owned treatment works and water utilities, etc.).

These areas in the **Whitewater River Region** for which coverage under the **MS4 NPDES Permit** is excluded, are shown in ATTACHMENT C – SITE MAP.



#### 5. CWA Requirements:

The **CWA** (33 U.S.C. § 1251 et seq.) established a national policy designed to help maintain and restore the physical, chemical and biological integrity of the nation's waters. In 1972, the **CWA** established the **NPDES** permit program to regulate the discharge of **Pollutants** from **Point Sources** to **Waters of the United States**. From 1972 to 1987, the main focus of the **NPDES** program was to regulate conventional **Pollutant** sources such as sewage treatment plants and industrial facilities. As a result, on a nationwide basis, **Non-Point Sources**, including agricultural and **Storm Water** runoff, now contribute a larger portion of many kinds of **Pollutants** than the more regulated sewage treatment plants and industrial facilities.

The National **Urban Runoff** Program (NURP) final report to Congress (**USEPA**, 1983) concluded that the goals of the **CWA** could not be achieved without addressing **Storm Water** discharges. The 1987 **CWA** amendments established a framework for regulating **Urban Runoff**. Pursuant to these amendments, the **Regional Board** began regulating municipal **Storm Water** runoff in 1996.

The **CWA** allows the **USEPA** to delegate its **NPDES** permitting authority to states with an approved environmental regulatory program. The State of California is one of the delegated states. The Porter-Cologne Act Water Quality Control Act (**CWC**, Section 13000 et seq.) authorizes the **State Board**, through its Regional Boards, to regulate and control the discharge of **Pollutants** into **Waters of the State** and tributaries thereto. Section 405 of the Water Quality Act (WQA) of 1987 added Section 402(p) to the **CWA**. Pursuant to Section 402(p)(4) of the **CWA**, the **USEPA** promulgated regulations for **Storm Water** permit applications for **Storm Water** discharges associated with industrial activities and **MS4s** serving a population of 100,000 or more. This **MS4 Permit** governing **Urban Runoff** meets both the statutory requirements of Section 402(p)(3)(B) and all requirements applicable to an **NPDES** permit issued under the issuing authority's discretionary authority in accordance with Section 401(a)(1)(B) of the **CWA**.

#### 6. Regulatory Background and CWA Storm Water Requirements:

The **CWA** prohibits the discharge of any **Pollutant** to navigable waters from a **Point Source** unless an **NPDES** permit authorizes the discharge. Efforts to improve water quality under the **NPDES** program traditionally and primarily focused on reducing **Pollutants** in discharges of industrial process wastewater and municipal sewage. The 1987 amendments to the **CWA** required **MS4s** and industrial facilities, including construction sites, to obtain **NPDES** permits for **Storm Water** runoff from their facilities. On November 16, 1990, the **USEPA** promulgated the final Phase 1 **Storm Water** regulations. The **Storm Water** regulations are contained in 40 CFR Parts 122, 123, and 124.

On June 22, 1996, the **Regional Board** issued Order No. 96-015 to the **Permittees** (first term permit). On September 5, 2001, the **Regional Board** adopted Order No. 01-077 (second term permit). Order No. 01-077 is administratively extended in accordance with Title 23, Division 3, Chapter 9, Article 3, Section 2235.4 of the California Code of Regulations.

#### 7. Area-Wide **MS4 Permit**:

To regulate and control **Urban Runoff** from the **Whitewater River Region** to the **MS4**, an area-wide approach is essential. The **MS4** is not controlled by a single entity; the **County**, several Cities, Caltrans, in addition to other entities (i.e. **CVWD**, **RCFC&WCD**), manage the systems. The management and control of the entire **MS4** cannot be effectively carried out without the cooperation and efforts of all these entities. Also, it would not be meaningful to issue a **MS4 Permit** to each of the entities within the **Whitewater River Region** whose land/facilities drain into the **MS4** operated by the **Permittees**. The **Regional Board** has concluded that the best management option for the **Whitewater River Region** is to issue an area-wide **MS4 Permit** to the **RCFC&WCD**, **County**, **CVWD** and the Cities within **Whitewater River Region**. A separate **MS4 Permit** has been issued to **Caltrans**. **Urban Runoff** from other state, federal, utility, or special district facilities and state or federal lands will be permitted separately.

This area-wide **NPDES** permit for the **Whitewater River Region MS4 Permit Area** is being considered for renewal in accordance with Section 402(p) of the **CWA** and all requirements applicable to an **NPDES** permit issued under the issuing authority's discretion authority. The requirements included in this **MS4 Permit** are consistent with the **CWA**, the federal regulations governing urban **Storm Water** discharges, the **Basin Plan**, the **CWC**, and the **State Board's** Plans and Policies.

#### 8. Coordination with Other Regional Agencies:

In developing **BMPs** and monitoring programs, consultation/coordination with other drainage management entities and other Regional Boards is essential. **Regional Board** staff will coordinate the program with other Regional Boards and other flood control entities/cities on an "as needed" basis. The **MS4 permit/program** process is at the same stage of development in both the Santa Ana and San Diego Regional Board areas of the **County**. Common programs, reports, implementation schedules and efforts are desirable and will be utilized to the **MEP**.

#### 9. Existing Facilities and Programs:

Within the **Whitewater River Region**, the California Department of Finance estimates a population of approximately 402,650 persons as of January 1, 2005. **Storm Water** discharges from urbanized areas consist mainly of surface runoff from residential, commercial, and industrial developments. In addition, there are **Storm Water** discharges from agricultural land uses. The constituents of concern and significance in **Storm Water** discharges are: total suspended solids (**TSS**), biochemical oxygen demand (**BOD**), chemical oxygen demand (**COD**), oil and grease (**O&G**), heavy metals, nutrients and organic chemicals such as base/neutral and acid extractables, pesticides and herbicides, and petroleum hydrocarbon components.

To protect the **Beneficial Uses of Waters of the State**, **Pollutants** from all sources need to be controlled. Recognizing this, and the fact that **Urban Runoff** contains **Pollutants**, the **Permittees** and the **Regional Board** have all agreed that an area-wide **MS4 Permit** is the most effective way to develop and implement a comprehensive **Storm Water** management program in a timely manner. This **MS4 Permit** contains requirements with time schedules that will allow the **Permittees** to

continue to address water quality problems caused by **Urban Runoff** through their management programs to reduce **Pollutants** in **Urban Runoff** to the **MEP**.

10. **MS4 Permit** Requirements:

In accordance with Section 402(p)(3), as part of a program to reduce the **Pollutants** in **Urban Runoff** to the **MEP**, the **Permittees** have been required to submit existing management plans and programs being implemented or developed in the previous **MS4 Permit** to reduce **Pollutants** in **Urban Runoff**. In addition, the **Permittees** will be required to report, review and/or revise the management programs and control measures in accordance with a time schedule approved by the **Executive Officer** for this **MS4 Permit**.

If existing management programs are not effective in controlling **Pollutant** loading and in achieving the **WQOs** of the **Receiving Waters**, additional programs shall be developed and implemented upon consultation and approval of the **Executive Officer**.

The **MS4 Permit** also requires the development and implementation of management programs and/or **BMPs** during the life of the **MS4 Permit** such that the quality of **Urban Runoff** discharged can be improved and the **WQOs** of the **Receiving Waters** ultimately can be met. It is also expected that through implementation of these programs and/or **BMPs** the **Beneficial Uses** of the **Receiving Waters** will be protected.

11. **Basin Plan** and **Beneficial Uses**:

The **Basin Plan** is the basis for the **Regional Board's** regulatory programs. The **Basin Plan** was developed and is periodically reviewed and updated in accordance with relevant federal and state law and regulation, including the **CWA** and the **CWC**. As required, the **Basin Plan** designates the **Beneficial Uses** of the **Waters of the State** within the **Whitewater River Region** and specifies **WQOs** intended to protect those uses. (Beneficial uses and **WQOs**, together with an anti-degradation policy, comprise federal **WQSS**). The **Basin Plan** also specifies an implementation plan, which includes certain discharge prohibitions. In general, the **Basin Plan** makes no distinction between wet and dry weather conditions in designating **Beneficial Uses** and setting **WQOs**, i.e., the **Beneficial Uses**, and correspondingly, the **WQOs** are assumed to apply year-round. (Note: In some cases, **Beneficial Uses** for certain surface waters are designated as "I", or intermittent, in recognition of the fact that surface flows (and **Beneficial Uses**) may be present only during wet weather.)

**Storm Water** flows which are discharged to the **CVSC** in the **Whitewater River Region** are tributary to the Salton Sea. The **Beneficial Uses** of Salton Sea and its tributaries include **MUN, AGR, IND, GWR, REC-1, REC-2, WARM, COLD, WILD,** and **RARE**. The ultimate goal of this **Urban Runoff** management program is to protect the **Beneficial Uses** of the **Receiving Waters**.

12. **CWA** Section 303(d) List and **TMDLS**:

Pursuant to Section 303(b) of the **CWA**, the 1998 water quality assessment conducted by the **Regional Board** listed a number of water bodies within the

Region under Section 303(d) of the **CWA** as impaired water bodies. These water bodies where the designated **Beneficial Uses** are not met and the **WQOs** are being violated. The sources of the impairments may include **POTW** discharges, and runoff from agricultural, **Caltrans** outfalls, Native American Tribal Lands, open space and **Non-Point Source** discharges including wildlife and transients and urban land uses. The **Impaired Waterbody** within this **MS4 Permit** is listed for pathogens and Toxaphene.

Federal regulations require that a **TMDL** be established for each 303(d) listed waterbody for each of the **Pollutants** causing impairment. The **TMDL** is the total amount of the problem **Pollutant** that can be discharged while **WQs** in the **Receiving Water** attained, i.e., **WQOs** are met and the **Beneficial Uses** are protected. It is the sum of the individual **WLAs** for **Point Source** inputs, **LAs** for **Non-Point Source** inputs and natural background, with a margin of safety. The **TMDLs** are the basis for limitations established in **WDRs**. The **Permittees** shall revise the SWMP, at the direction of the **Executive Officer**, to incorporate program implementation amendments so as to comply with regional, **Watershed** specific requirements, and/or **WLAs** developed and approved pursuant to the process for the designation and implementation of **TMDLs** for impaired water bodies.

### 13. Permit Requirements and Provisions:

The legislative history of **Storm Water** statutes (1987 **CWA** Amendments), **USEPA** regulations (40 CFR Parts 122, 123, and 124), and clarifications issued by the **State Board** (**State Board** Orders No. WQ 91-03 and WQ 92-04) indicate that a non-traditional **NPDES** permitting strategy was anticipated for regulating **Urban Runoff**. Due to the economic and technical infeasibility of full-scale end-of-pipe treatments and complexity of **Urban Runoff** quality and quantity, **MS4** permits generally include narrative requirements for the implementation of **BMPs** in place of **Numeric Effluent Limits**.

The requirements in this **MS4 Permit** are meant to specify those management practices, control techniques and system design and engineering methods that will result in **MEP** protection of the **Beneficial Uses** of the **Receiving Waters**. The **State Board** (Orders No. WQ 98-01 and WQ 99-05) concluded that **MS4s** must meet the technology-based **MEP** standard and **WQs** (**WQOs** and **Beneficial Uses**). The U.S. Court of Appeals for the Ninth Circuit subsequently held that strict compliance with **WQs** in **MS4** permits is at the discretion of the local permitting agency. Any requirements included in the **MS4 Permit** that are more stringent than the federal **Storm Water** regulations are in accordance with the **CWA Section 402(p)(3)(iii)**, and the **CWC** Section 13377 and are consistent with the **Regional Board's** interpretation of the requisite **MEP** standard.

The **ROWD** included a discussion of the current status of the **County Urban Runoff** management program and the proposed **Urban Runoff** management programs and policies proposed for the next five years (third permit term). This **MS4 Permit** incorporates these documents and specifies performance commitments for specific elements to the **Permittees Urban Runoff** management program.

The essential components of the **Urban Runoff** management program, as established by federal regulations [40CFR122.26(d)] are (i) Adequate Legal Authority, (ii) Fiscal Resources, (iii) **Storm Water Management Plan (SWMP)** – (Public Information and Participation Program, Industrial/Commercial Facilities Program, Development Planning Program, Development Construction Program, Public Agency Activities Program, **IC/ID** Elimination Program), and (iv) Monitoring and Reporting Program. The major sections in this Order include A. Findings, B. Discharge Prohibitions, C. Allowable **Non-Storm Water** Discharges, D. **Receiving Water Limitations**, E. Specific **Permittee** Requirements, F. **Best Management Practices**, G. **Total Maximum Daily Loads**, H. General Provisions, I. Reporting Requirements, J. Notifications, K. Glossary of Terms, L. Monitoring and Reporting, M. Administrative Provisions, and N. Required Submittals and Compliance Time Schedules. These programs and policies are intended to improve **Urban Runoff** quality and protect the **Beneficial Uses of Receiving Waters** of the **Whitewater River Region**.

#### 14. Rationale for Requirements

- a. Discharge Prohibitions – In accordance with **CWA Section 402(p)(3)(B)(ii)**, this Order prohibits the discharge of **Non-Storm Water** to the **MS4s**, with few exceptions;
- b. Allowable **Non-Storm Water** Discharges – The specified exceptions are consistent with 40 CFR 122.26(d)(2)(iv)(B)(1). If the **Permittees** or the **Executive Officer** determines that any of the exempted **Non-Storm Water** discharges is a significant source of **Pollutants**, a separate **NPDES** permit will be required;
- c. **Receiving Water Limitations** – **Receiving Water Limitations** are included to ensure that discharges of **Urban Runoff** from **MS4** systems do not exceed, cause or contribute to violations of applicable **WQs** in **Receiving Waters**. The compliance strategy for **Receiving Water Limitations** is consistent with the **USEPA** and **State Board** guidance and recognizes the complexity of **Urban Runoff** management.
- d. Specific **Permittee** Requirements – This section contains specific language on the responsibilities of the Principal and **Co-Permittees**.
  1. The **Principal Permittees** are required to coordinate the overall **Urban Runoff** management program and the **Co-Permittees** are responsible for managing the **Urban Runoff** Program within their jurisdictions as detailed in the **ROWD**, the **Annual Reports** and Order No. R7-2008-0001.
  2. Each **Permittee** is required to address its legal authority and enforcement for this **MS4 Permit**. Each **Permittee** has adopted a number of ordinances, to establish legal authority to control discharges to the **MS4s** and to enforce these ordinances as specified in 40 CFR 122.26(d)(2)(i)(B, C, E, and F). The **Permittees** are required to enforce these ordinances

and to take enforcement actions against violators (40 CFR 122.26(d)(2)(iv)(A-D).

- e. **Best Management Practices** – The federal Regulations 40 CFR 122.26(d)(2)(iv)(A-D) are clear in placing responsibility on municipalities for control of **Urban Runoff** from third party activities and land uses to their **MS4**. Under the **CWA Section 402(p)**, municipalities are required to reduce the discharge of **Pollutants** from their **MS4s** facilities to the **MEP**. **MEP** is the critical technology-based performance standard that municipalities must attain in order to comply with their **MS4** permits. The **MEP** standard establishes the level of **Pollutant** reductions the municipality must achieve. The **MEP** standard can be achieved by means of implementing **Pollution Prevention** and **Source Control BMPs** (as the first line of defense) in combination with **Treatment Control BMPs** serving as a backup (additional line of defense). Each **Permittee** is required to implement the programs and **BMPs** to the **MEP** as described in the **SWMP** and this **MS4 Permit**. These programs and **BMPs** include as follows:

1. **IC/ID, Litter, Debris and Trash Control Program** - The **Permittees** have established a program to address **IC/IDs** and a mechanism to respond to spills, leaks and other incidents of discharges to the **MS4**. The **Permittees** are required to continue these programs to ensure that the **MS4s** do not become a source of **Pollutants** in **Receiving Waters**.
2. **Commercial/Industrial Program** – The **Permittees** will continue to identify, inspect commercial and industrial facilities, which are known to contribute substantial **Pollutant** load to **MS4s** to ensure compliance with this **MS4** permit.
3. **New Development/Redevelopment** and Construction Activities Program – The **Permittees** are required to develop and implement strategies to ensure that controls are in place to prevent or minimize water quality impacts to the **MEP** for these activities.
4. **Private Construction Activities Program** – The **Permittees** shall continue to implement and enforce a program to reduce **Pollutants** in any **Urban Runoff** to the **MS4** from construction activities that result in a **Land Disturbance** of greater than or equal to one acre. This is to enforce the **State Board General Construction Permit**.
5. **Permittee Activities Program** – The **Permittees** are required to continue to eliminate the discharges of **Pollutants** from public agency activities and facilities and re-evaluate their **MS4s** facilities annually to see if additional **BMPs** are needed to ensure protection of the **Receiving Waters**; and
6. **Public Education and Outreach Program** – The **Permittees** have committed to implement a strategic and comprehensive public

education program to maintain the integrity of the **Receiving Waters** to sustain the **Beneficial Uses**.

- f. **Total Maximum Daily Loads** – See Item No. 12. **CWA** Section 303(d) List and **TMDLs** of this Section.
- g. **General Provisions** – These general provisions were included as part of the previous **MS4 Permit**.
- h. **Reporting Requirements** – These reporting requirements were included as part of the previous **MS4 Permit**.
- i. **Notifications** – These notification requirements were included as part of the previous **MS4 Permit**.
- j. **Glossary of Terms** – This was added to provide clarity on terms used in this **MS4 Permit**.
- k. **Monitoring and Reporting** – The key focus of the monitoring and reporting program is to collect data and develop methodologies and assessment tools to more effectively understand **Urban Runoff** impacts to the **Receiving Waters**.
- l. **Administrative Provisions** – These administrative provisions were included as part of the previous **MS4 Permit**.
- m. **Required Submittals and Compliance Time Schedules** – These requirements were included as part of the previous permit and reflect new **MS4 Permit** requirements.

15. Anti-degradation Analysis:

The **Regional Board** has considered whether a complete anti-degradation analysis, pursuant to 40 CFR 131.12 and **State Board** Resolution No. 68-16, is required for these **Urban Runoff** discharges. The **Regional Board** finds that the **Pollutant** loading rates to the **Receiving Waters** will be reduced with the implementation of the requirements in this **MS4 Permit**. As a result, the quality of **Storm Water** discharges and **Receiving Waters** will be improved, thereby protecting the **Beneficial Uses of Waters of the United States**. This is consistent with the federal and state anti-degradation requirements and a complete anti-degradation analysis is not necessary.

16. Public Participation:

The **Regional Board** is considering the issuance of **WDRs** that will serve as an **NPDES** Permit for **MS4 Permittees**. As a step in the **WDRs** adoption process, the **Regional Board** staff has developed tentative **WDRs**. The **Regional Board** encourages public participation in the **WDRs** adoption process.

## 17. Notification of Interested Parties:

The **Regional Board** has notified the Dischargers and interested agencies and **Persons** of its intent to prescribe **WDRs** for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided through the following newspapers: Desert Sun and Imperial Valley Press.

## 18. Public Workshop:

The **Regional Board** recognizes the significance of the County's "**Only Rain Down The Storm Drain**" **Pollution Prevention** Program and will conduct, participate, and/or assist with at least one workshop every year during the term of this **MS4 Permit** to promote and discuss the progress of the **Urban Runoff** management program. The details of the annual workshop will be published in local newspapers and mailed to interested parties. **Persons** wishing to be included in the mailing list for any of the items related to this **MS4 Permit** may register their name, mailing address and phone number with the **Regional Board** office at the address given below.

## 19. Written Comments:

The staff determinations are tentative. Interested **Persons** and agencies are invited to submit written comments concerning these tentative **WDRs**. Comments must be submitted either in person or by mail to the **Executive Officer**.

Executive Officer  
California Regional Water Quality Control Board  
Colorado River Basin Region  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

To be fully responded to by staff and considered by the **Regional Board**, written comments should be received at the **Regional Board** office by 5:00 p.m. on April 4, 2008.

## 20. Information and Copying:

The **ROWD**, related documents, tentative **WDRs**, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the **Regional Board** by calling (760) 346-7491.

## 21. Register of Interested Persons:

Any **Person** interested in being placed on the mailing list for information regarding the **WDRs** and **NPDES MS4 permit** should contact the **Regional Board**, reference this facility, and provide a name, address, and phone number.



## 22. Public Hearing:

The **Regional Board** will hold a public hearing on the tentative **WDRs** during its regular Board meeting on the following date and time and at the following location:

Date: May 21, 2008  
Time: 10:00 a.m.  
Location: City Council Chambers  
City of Indio  
150 Civic Center Mall  
Indio, CA 92201

Interested **Persons** are invited to attend. At the public hearing, the **Regional Board** will hear testimony, if any, pertinent to the discharge, **WDRs**, and **MS4 Permit**. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our Web address is [www.waterboards.ca.gov/coloradoriver](http://www.waterboards.ca.gov/coloradoriver) where you can access the current agenda for changes in dates and locations.

23. **WDRs** Petitions:

Any aggrieved person may petition the **State Board** to review the decision of the **Regional Board** regarding the final **WDRs**. The petition must be submitted within 30 days of the **Regional Board's** decision to the following address:

State Water Resources Control Board  
Office of Chief Counsel  
P.O. Box 100  
Sacramento, CA 95812-0100

## 24. Additional Information

Requests for additional information or questions regarding this Order should be directed to Jay Mirpour at (760) 776-8981.

Persons wishing further information may also write to the following address:

California Regional Water Quality Control Board  
Colorado River Basin Region  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260  
or call the **Regional Board** at (760) 346-7491

## ATTACHMENT A - NOTICE OF INTENT

NPDES

## DESERT TASK FORCE

TO COMPLY WITH THE TERMS OF THE RIVERSIDE COUNTY MUNICIPAL STORMWATER PERMIT  
FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

ORDER NO. R7-2008-0001 (NPDES NO. CAS617002)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - COLORADO RIVER BASIN REGION

MARK ONLY ONE ITEM    1 ☐ New Construction    2 ☐ Reconstruction    3 ☐ Change of Information for WDID#

## I. OWNER

Name	Contact Person		
Mailing Address	Title		
City	State	Zip	Phone ( ) -

## (a) II. CONTRACTOR INFORMATION

Name	Contact Person		
Local Mailing Address	Title		
City	State	Zip	Phone ( ) -

## III. SITE INFORMATION

A Project Title	Site Address		
City	State	Zip	Phone ( ) -
B Construction commencement date (Month / Day / Year)	C Projected construction completion date: (Month / Day / Year)		

D Type of Work <input type="checkbox"/> Utility <input type="checkbox"/> Flood Control <input type="checkbox"/> Transportation <input type="checkbox"/> Other (Specify)	E. Total size of site: _____ Acres
Description of Work:	

## (b) IV. RECEIVING WATER INFORMATION

A Does the storm water runoff from the construction site discharge to (Check all that apply).	
1. <input type="checkbox"/> Indirectly to waters of the U S	<input type="checkbox"/> N/A
2. <input type="checkbox"/> Storm Water Conveyance system - Enter owner's name: _____	
3. <input type="checkbox"/> Directly to waters of U.S. (e.g., river, lake, creek, stream, bay, ocean, etc.)	

## V. IMPLEMENTATION OF NPDES PERMIT REQUIREMENTS

A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (mark one)	B. MONITORING PROGRAM (MP) (mark one) <input type="checkbox"/> N/A
<input type="checkbox"/> A SWPPP has been prepared for this facility and is available for review	<input type="checkbox"/> A MP has been prepared for this facility and is available for review
<input type="checkbox"/> A SWPPP will be prepared and ready for review by (date): ____/____/____	<input type="checkbox"/> A MP will be prepared and ready for review by (date): ____/____/____

## VI. VICINITY MAP (must show site location in relation to nearest waterbodies, named streets, intersections, etc.)

Have you included a vicinity map with this submittal?.....	<input type="checkbox"/> YES <input type="checkbox"/> NO
The distance between the project site and its nearest waterbody is approximately _____	

## VII. CERTIFICATIONS

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. In addition, I certify that Section E.5 of Order No. R7-2008-0001, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan, will be complied with."

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## ATTACHMENT B - NOTICE OF TERMINATION

NPDES

## DESERT TASK FORCE

TO COMPLY WITH THE TERMS OF THE RIVERSIDE COUNTY MUNICIPAL STORMWATER PERMIT  
FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

ORDER NO. R7-2008-0001 (NPDES NO. CAS617002)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD -COLORADO RIVER BASIN REGION

## I. OWNER

Name	Contact Person		
Mailing Address	Title		
City	State	Zip	Phone (     )     -

## II. SITE INFORMATION

A. Project Title	Site Address		
City	State	Zip	Phone (     )     -
B. Contractor Name	Contact Person		
Local Mailing Address	Title		
City	State	Zip	Phone (     )     -

## III. BASIS OF TERMINATION

- \_\_\_ 1 The construction project is complete and the following conditions have been met. (Provide photograph of site to support the basis of termination)

- ✓ All elements of the Storm Water Pollution Prevention Plan have been completed.
- ✓ Construction materials and waste have been disposed of properly.
- ✓ The site is in compliance with all local storm water management requirements.
- ✓ A post-construction storm water operation and management plan is in place.
- ✓ All disturbed areas have been stabilized by the following method. (Attach additional sheet if necessary)

- \_\_\_ 2. Construction activities have been suspended, either \_\_\_ temporarily or \_\_\_ indefinitely and the following conditions have been met.

- ✓ All elements of the Storm Water Pollution Prevention Plan have been completed.
- ✓ Construction materials and waste have been disposed of properly.
- ✓ All disturbed areas and other areas of potential *Erosion* are stabilized.
- ✓ The site is in compliance with all local storm water management requirements.

Date of suspension \_\_\_ / \_\_\_ / \_\_\_

Expected start up date \_\_\_ / \_\_\_ / \_\_\_

## IV. CERTIFICATION

I certify under penalty of law that all storm water discharges associated with construction activity from the identified site that are authorized by Section E.5 of Board Order No. R7-2008-0001 have been eliminated or that I am no longer the owner of the site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with construction activity under Board Order No. R7-2008-0001, and that discharging pollutants in storm water associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an owner of liability for any violation of Board Order No. R7-2008-0001 or the Clean Water Act.

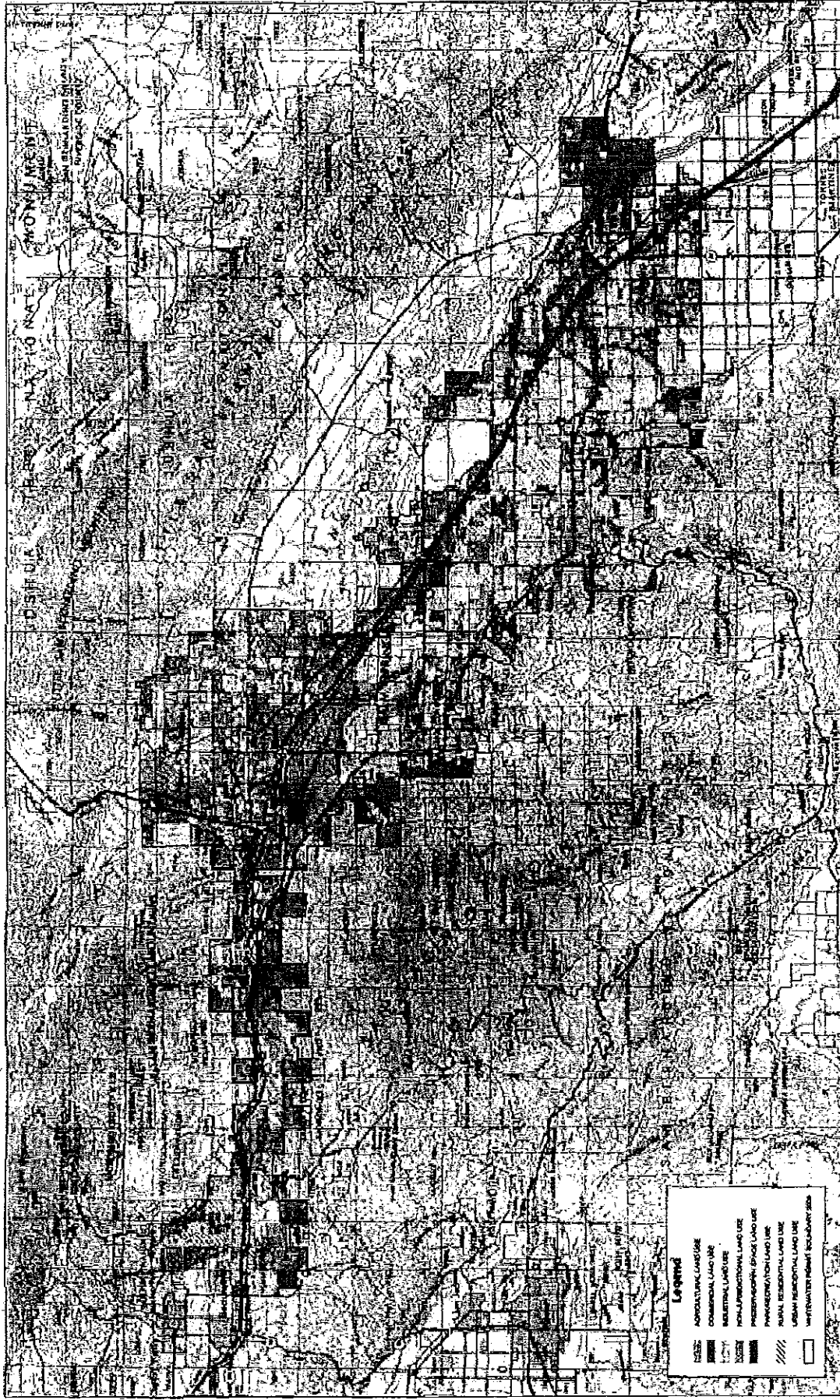
Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## V. REGIONAL WATER QUALITY CONTROL BOARD USE ONLY

This Notice of Termination has been reviewed and approved.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

ATTACHMENT C – SITE MAP



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**ATTACHMENT D- LIST OF PRIORITY POLLUTANTS**

Table D-1 List of Priority Pollutants

CTR Number	Parameter	CAS Number	Suggested Analytical Methods
1	Antimony	7440360	EPA 6020/200.8
2	Arsenic	7440382	EPA 1632
3	Beryllium	7440417	EPA 6020/200.8
4	Cadmium	7440439	EPA 1638/200.8
5a	Chromium (III)	16065831	EPA 6020/200.8
5a	Chromium (VI)	18540299	EPA 7199/1636
6	Copper	7440508	EPA 6020/200.8
7	Lead	7439921	EPA 1638
8	Mercury	7439976	EPA 1669/1631
9	Nickel	7440020	EPA 6020/200.8
10	Selenium	7782492	EPA 6020/200.8
11	Silver	7440224	EPA 6020/200.8
12	Thallium	7440280	EPA 6020/200.8
13	Zinc	7440666	EPA 6020/200.8
14	Cyanide	57125	EPA 9012A
15	Asbestos	1332214	EPA/600/R-93/116(PCM)
16	2,3,7,8-TCDD	1746016	EPA 8290 (HRGC) MS
17	Acrolein	107028	EPA 8260B
18	Acrylonitrile	107131	EPA 8260B
19	Benzene	71432	EPA 8260B
20	Bromoform	75252	EPA 8260B
21	Carbon Tetrachloride	56235	EPA 8260B
22	Chlorobenzene	108907	EPA 8260B
23	Chlorodibromomethane	124481	EPA 8260B
24	Chloroethane	75003	EPA 8260B
25	2-Chloroethylvinyl Ether	110758	EPA 8260B
26	Chloroform	67663	EPA 8260B
27	Dichlorobromomethane	75274	EPA 8260B
28	1,1-Dichloroethane	75343	EPA 8260B
29	1,2-Dichloroethane	107062	EPA 8260B
30	1,1-Dichloroethylene	75354	EPA 8260B
31	1,2-Dichloropropane	78875	EPA 8260B
32	1,3-Dichloropropylene	542756	EPA 8260B
33	Ethylbenzene	100414	EPA 8260B
34	Methyl Bromide	74839	EPA 8260B
35	Methyl Chloride	74873	EPA 8260B
36	Methylene Chloride	75092	EPA 8260B
37	1,1,2,2-Tetrachloroethane	79345	EPA 8260B
38	Tetrachloroethylene	127184	EPA 8260B
39	Toluene	108883	EPA 8260B
40	1,2-Trans-Dichloroethylene	156605	EPA 8260B
41	1,1,1-Trichloroethane	71556	EPA 8260B

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CTR Number	Parameter	CAS Number	Suggested Analytical Methods
42	1,12-Trichloroethane	79005	EPA 8260B
43	Trichloroethylene	79016	EPA 8260B
44	Vinyl Chloride	75014	EPA 8260B
45	2-Chlorophenol	95578	EPA 8270C
46	2,4-Dichlorophenol	120832	EPA 8270C
47	2,4-Dimethylphenol	105679	EPA 8270C
48	2-Methyl-4,6-Dinitrophenol	534521	EPA 8270C
49	2,4-Dinitrophenol	51285	EPA 8270C
50	2-Nitrophenol	88755	EPA 8270C
51	4-Nitrophenol	100027	EPA 8270C
52	3-Methyl-4-Chlorophenol	59507	EPA 8270C
53	Pentachlorophenol	87865	EPA 8270C
54	Phenol	108952	EPA 8270C
55	2,4,6-Trichlorophenol	88062	EPA 8270C
56	Acenaphthene	83329	EPA 8270C
57	Acenaphthylene	208968	EPA 8270C
58	Anthracene	120127	EPA 8270C
59	Benzidine	92875	EPA 8270C
60	Benzo(a)Anthracene	56553	EPA 8270C
61	Benzo(a)Pyrene	50328	EPA 8270C
62	Benzo(b)Fluoranthene	205992	EPA 8270C
63	Benzo(ghi)Perylene	191242	EPA 8270C
64	Benzo(k)Fluoranthene	207089	EPA 8270C
65	Bis(2-Chloroethoxy)Methane	111911	EPA 8270C
66	Bis(2-Chloroethyl)Ether	111444	EPA 8270C
67	Bis(2-Chloroisopropyl)Ether	108601	EPA 8270C
68	Bis(2-Ethylhexyl)Phthalate	117817	EPA 8270C
69	4-Bromophenyl Phenyl Ether	101553	EPA 8270C
70	Butylbenzyl Phthalate	85687	EPA 8270C
71	2-Chloronaphthalene	91587	EPA 8270C
72	4-Chlorophenyl Phenyl Ether	7005723	EPA 8270C
73	Chrysene	218019	EPA 8270C
74	Dibenzo(a,h)Anthracene	53703	EPA 8270C
75	1,2-Dichlorobenzene	95501	EPA 8260B
76	1,3-Dichlorobenzene	541731	EPA 8260B
77	1,4-Dichlorobenzene	106467	EPA 8260B
78	3,3'-Dichlorobenzidine	91941	EPA 8270C
79	Diethyl Phthalate	84662	EPA 8270C
80	Dimethyl Phthalate	131113	EPA 8270C
81	Di-n-Butyl Phthalate	84742	EPA 8270C
82	2,4-Dinitrotoluene	121142	EPA 8270C
83	2,6-Dinitrotoluene	606202	EPA 8270C
84	Di-n-Octyl Phthalate	117840	EPA 8270C
85	1,2-Diphenylhydrazine	122667	EPA 8270C
86	Fluoranthene	206440	EPA 8270C

CTR Number	Parameter	CAS Number	Suggested Analytical Methods
87	Fluorene	86737	EPA 8270C
88	Hexachlorobenzene	118741	EPA 8260B
89	Hexachlorobutadiene	87863	EPA 8260B
90	Hexachlorocyclopentadiene	77474	EPA 8270C
91	Hexachloroethane	67721	EPA 8260B
92	Indeno(1,2,3-cd)Pyrene	193395	EPA 8270C
93	Isophorone	78591	EPA 8270C
94	Naphthalene	91203	EPA 8260B
95	Nitrobenzene	98953	EPA 8270C
96	N-Nitrosodimethylamine	62759	EPA 8270C
97	N-Nitrosodi-n-Propylamine	621647	EPA 8270C
98	N-Nitrosodiphenylamine	86306	EPA 8270C
99	Phenanthrene	85018	EPA 8270C
100	Pyrene	129000	EPA 8270C
101	1,2,4-Trichlorobenzene	120821	EPA 8260B
102	Aldrin	309002	EPA 8081A
103	alpha-BHC	319846	EPA 8081A
104	beta-BHC	319857	EPA 8081A
105	gamma-BHC	58899	EPA 8081A
106	delta-BHC	319868	EPA 8081A
107	Chlordane	57749	EPA 8081A
108	4,4'-DDT	50293	EPA 8081A
109	4,4'-DDE	72559	EPA 8081A
110	4,4'-DDD	72548	EPA 8081A
111	Dieldrin	60571	EPA 8081A
112	alpha-Endosulfan	959988	EPA 8081A
113	beta-Endosulfan	33213659	EPA 8081A
114	Endosulfan Sulfate	1031078	EPA 8081A
115	Endrin	72208	EPA 8081A
116	Endrin Aldehyde	7421934	EPA 8081A
117	Heptachlor	76448	EPA 8081A
118	Heptachlor Epoxide	1024573	EPA 8081A
119	PCB-1016	12674112	EPA 8082
120	PCB-1221	11104282	EPA 8082
121	PCB-1232	11141165	EPA 8082
122	PCB-1242	53469219	EPA 8082
123	PCB-1248	12672296	EPA 8082
124	PCB-1254	11097691	EPA 8082
125	PCB-1260	11096825	EPA 8082
126	Toxaphene	8001352	EPA 8081A

## ATTACHMENT E – STATE BOARD MINIMUM LEVELS

### SWRCB Minimum Levels in ppb (µg/L)

The Minimum Levels (MLs) in this appendix are for use in reporting and compliance determination purposes in accordance with section 2.4 of the State Implementation Policy. These MLs were derived from data for priority pollutants provided by State certified analytical laboratories in 1997 and 1998. These MLs shall be used until new values are adopted by the SWRCB and become effective. The following tables (Tables E-1 through E-4) present MLs for four major chemical groupings: volatile substances, semi-volatile substances, inorganics, and pesticides and PCBs.

Table E-1 Volatile Substances

Table E-1 - VOLATILE SUBSTANCES*	GC	GCMS
1,1 Dichloroethane	0.5	1
1,1 Dichloroethylene	0.5	2
1,1,1 Trichloroethane	0.5	2
1,1,2 Trichloroethane	0.5	2
1,1,2,2 Tetrachloroethane	0.5	1
1,2 Dichlorobenzene (volatile)	0.5	2
1,2 Dichloroethane	0.5	2
1,2 Dichloropropane	0.5	1
1,3 Dichlorobenzene (volatile)	0.5	2
1,3 Dichloropropene (volatile)	0.5	2
1,4 Dichlorobenzene (volatile)	0.5	2
Acrolein	2.0	5
Acrylonitrile	2.0	2
Benzene	0.5	2
Bromoform	0.5	2
Methyl Bromide	1.0	2
Carbon Tetrachloride	0.5	2
Chlorobenzene	0.5	2
Chlorodibromo-methane	0.5	2
Chloroethane	0.5	2
Chloroform	0.5	2
Chloromethane	0.5	2
Dichlorobromo-methane	0.5	2
Dichloromethane	0.5	2
Ethylbenzene	0.5	2
Tetrachloroethylene	0.5	2
Toluene	0.5	2
Trans-1,2 Dichloroethylene	0.5	1
Trichloroethene	0.5	2
Vinyl Chloride	0.5	2

- \* The normal method-specific factor for these substances is 1; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.



Table E-2 Semi-Volatile Substances

Table E-2 - SEMI-VOLATILE SUBSTANCES*	GC	GCMS	LC	COLOR
Benzo (a) Anthracene	10	5		
1,2 Dichlorobenzene (semivolatile)	2	2		
1,2 Diphenylhydrazine		1		
1,2,4 Trichlorobenzene	1	5		
1,3 Dichlorobenzene (semivolatile)	2	1		
1,4 Dichlorobenzene (semivolatile)	2	1		
2 Chlorophenol	2	5		
2,4 Dichlorophenol	1	5		
2,4 Dimethylphenol	1	2		
2,4 Dinitrophenol	5	5		
2,4 Dinitrotoluene	10	5		
2,4,6 Trichlorophenol	10	10		
2,6 Dinitrotoluene		5		
2- Nitrophenol		10		
2-Chloroethyl vinyl ether	1	1		
2-Chloronaphthalene		10		
3,3' Dichlorobenzidine		5		
Benzo (b) Fluoranthene		10	10	
3-Methyl-Chlorophenol	5	1		
4,6 Dinitro-2-methylphenol	10	5		
4- Nitrophenol	5	10		
4-Bromophenyl phenyl ether	10	5		
4-Chlorophenyl phenyl ether		5		
Acenaphthene	1	1	0.5	
Acenaphthylene		10	0.2	
Anthracene		10	2	
Benzidine		5		
Benzo(a) pyrene		10	2	
Benzo(g,h,i)perylene		5	0.1	
Benzo(k)fluoranthene		10	2	
bis 2-(1-Chloroethoxyl) methane		5		
bis(2-chloroethyl) ether	10	1		
bis(2-Chloroisopropyl) ether	10	2		
bis(2-Ethylhexyl) phthalate	10	5		
Butyl benzyl phthalate	10	10		
Chrysene		10	5	
di-n-Butyl phthalate		10		
di-n-Octyl phthalate		10		
Dibenzo(a,h)-anthracene		10	0.1	
Diethyl phthalate	10	2		
Dimethyl phthalate	10	2		
Fluoranthene	10	1	0.05	
Fluorene		10	0.1	

Table E-2 - SEMI-VOLATILE SUBSTANCES*	GC	GC/MS	DC	COLOR
Hexachloro-cyclopentadiene	5	5		
Hexachlorobenzene	5	1		
Hexachlorobutadiene	5	1		
Hexachloroethane	5	1		
Indeno(1,2,3,cd)-pyrene		10	0.05	
Isophorone	10	1		
N-Nitroso diphenyl amine	10	1		
N-Nitroso-dimethyl amine	10	5		
N-Nitroso-di n-propyl amine	10	5		
Naphthalene	10	1	0.2	
Nitrobenzene	10	1		
Pentachlorophenol	1	5		
Phenanthrene		5	0.05	
Phenol **	1	1		50
Pyrene		10	0.05	

\* With the exception of phenol by colorimetric technique, the normal method-specific factor for these substances is 1,000; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance multiplied by 1,000.

\*\* Phenol by colorimetric technique has a factor of 1.

Table E-3 Inorganics

Table E-3 - INORGANICS*	FAA	GFA A	ICP	ICPMS	SPGFA A	HYDRIDE	CVA A	COLOR	DCP
Antimony	10	5	50	0.5	5	0.5			1,000
Arsenic		2	10	2	2	1		20	1,000
Beryllium	20	0.5	2	0.5	1				1,000
Cadmium	10	0.5	10	0.25	0.5				1,000
Chromium (total)	50	2	10	0.5	1				1,000
Chromium VI	5							10	
Copper	25	5	10	0.5	2				1,000
Cyanide								5	
Lead	20	5	5	0.5	2				10,000
Mercury				0.5			0.2		
Nickel	50	5	20	1	5				1,000
Selenium		5	10	2	5	1			1,000
Silver	10	1	10	0.25	2				1,000
Thallium	10	2	10	1	5				1,000
Zinc	20		20	1	10				1,000

\* The normal method-specific factor for these substances is 1; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance.

Table E-4 Pesticides and PCBs

Table E-4 - PESTICIDES - PCBs*	GC
4,4'-DDD	0.05
4,4'-DDE	0.05
4,4'-DDT	0.01
a-Endosulfan	0.02
alpha-BHC	0.01
Aldrin	0.005
b-Endosulfan	0.01
Beta-BHC	0.005
Chlordane	0.1
Delta-BHC	0.005
Dieldrin	0.01
Endosulfan Sulfate	0.05
Endrin	0.01
Endrin Aldehyde	0.01
Heptachlor	0.01
Heptachlor Epoxide	0.01
Gamma-BHC (Lindane)	0.02
PCB 1016	0.5
PCB 1221	0.5
PCB 1232	0.5
PCB 1242	0.5
PCB 1248	0.5
PCB 1254	0.5
PCB 1260	0.5
Toxaphene	0.5

\* The normal method-specific factor for these substances is 100; therefore, the lowest standard concentration in the calibration curve is equal to the above ML value for each substance multiplied by 100.

**Techniques:**

GC - Gas Chromatography

GCMS - Gas Chromatography/Mass Spectrometry

HRGCMS - High Resolution Gas Chromatography/Mass Spectrometry (i.e., EPA 1613, 1624, or 1625)

LC - High Pressure Liquid Chromatography

FAA - Flame Atomic Absorption

GFAA - Graphite Furnace Atomic Absorption

HYDRIDE - Gaseous Hydride Atomic Absorption

CVAA - Cold Vapor Atomic Absorption

ICP - Inductively Coupled Plasma

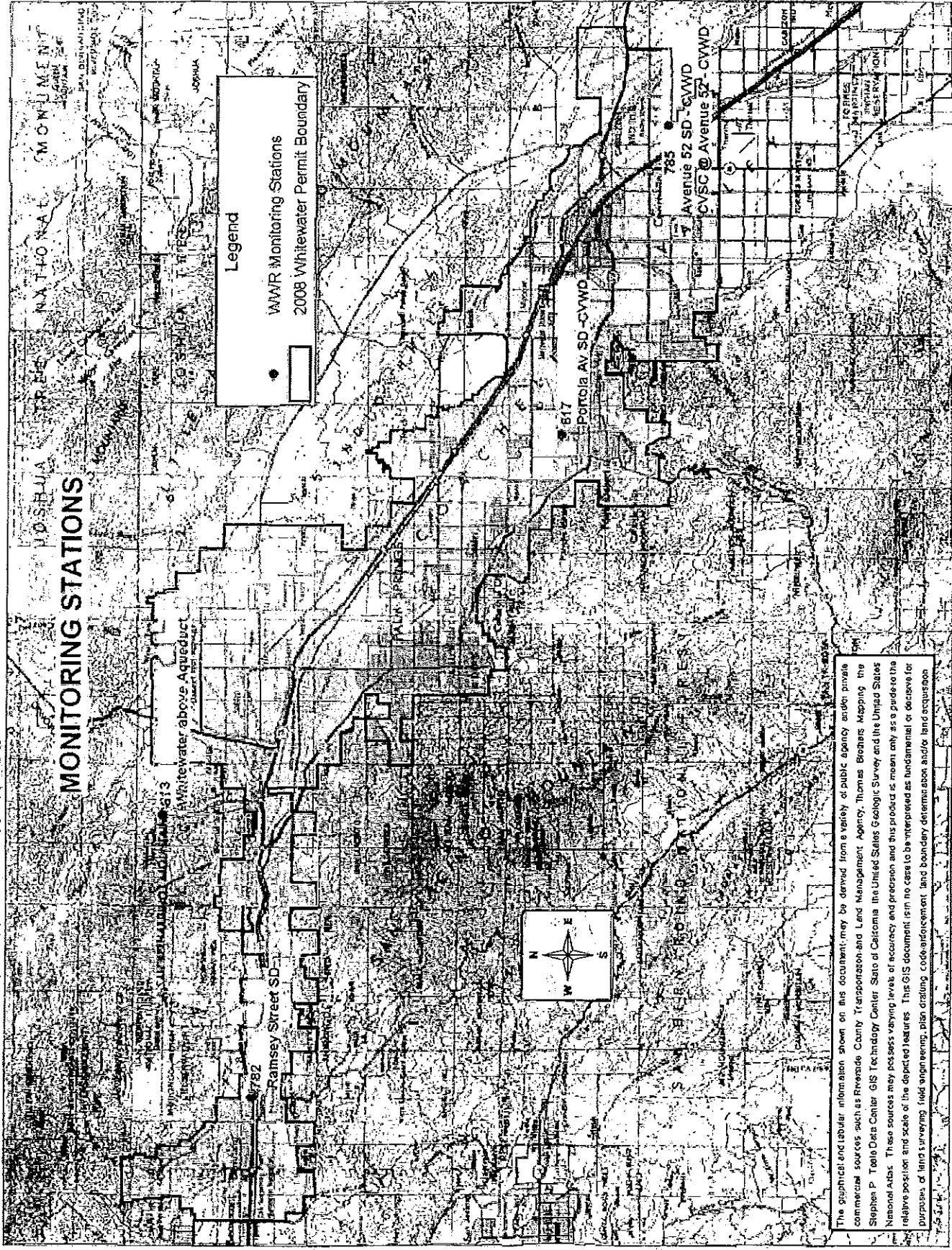
ICPMS - Inductively Coupled Plasma/Mass Spectrometry

SPGFAA - Stabilized Platform Graphite Furnace Atomic Absorption (i.e., EPA 200.9)

DCP - Direct Current Plasma

COLOR - Colorimetric

ATTACHMENT F – MONITORING LOCATION MAP



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## CITY COUNCIL/BANNING UTILITY AUTHORITY AGENDA

**DATE:** June 25, 2013

**TO:** Banning Utility Authority

**FROM:** Duane Burk, Director of Public Works

**SUBJECT:** Resolution No. 2013-12 UA, "Awarding the Construction Contract for Project No. 2013-01 WW, 'Florida Street Sewer Main Replacement' and Rejecting All Other Bids"

**RECOMMENDATION:** Adopt City Council Resolution No. 2013-12 UA:

- I. Awarding the Construction Contract for Project No. 2013-01 WW, "Florida Street Sewer Main Replacement" to Tri-Star Contracting II, Inc. of Calimesa, California for an amount of \$82,688.04 and allowing a 10% contingency of \$8,268.80.
- II. Authorizing the Administrative Services Director to approve change orders within the 10% contingency of \$8,268.80.

**JUSTIFICATION:** Tri-Star Contracting II, Inc. is the lowest responsive and responsible bidder to construct Project No. 2013-01 WW, "Florida Street Sewer Main Replacement."

**BACKGROUND:** During an inspection, staff noticed that the sewer main, which was constructed in 1951, had large fractures that could make it susceptible to a failure. In addition, the 6 inch line is a substandard size. The City of Banning Standard Specification for a residential sewer main requires a size of 8 inch minimum. The Public Works staff advertised a "Notice Inviting to Bid", as shown attached as Exhibit "A", on May 3, 2013 and May 10, 2013 for Project No. 2013-01WW, "Florida Street Sewer Main Replacement." The scope of work under this project includes the installation of an 8 inch vitrified clay pipe sewer main, removal and disposal of an existing 6 inch vitrified clay pipe sewer main, removal and replacement of sewer laterals, coring existing manholes to fit new main, and trench repair all per the City of Banning Standard Specifications. The limits of the project are from Theodore Street to Indian School Lane.

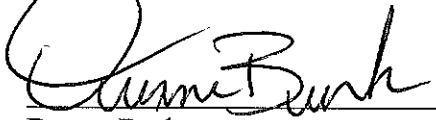
On June 11, 2013 the City Clerk received four (4) bids and publicly opened and read out loud the following results:

<u>Contractor</u>	<u>Total Bid</u>
1. Tri-Star Contracting II, Inc. Inc.	\$ 82,688.04
2. Merlin Johnson Construction Inc.	\$ 95,649.00
3. Atlas Underground, Inc.	\$ 98,623.00
4. TBU, Inc.	\$142,260.00

The Engineer's estimate for the project is \$98,000.00. If approved the project is anticipated to begin in August 2013.

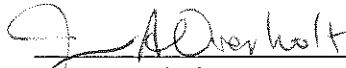
**FISCAL DATA:** The total project cost is equal to \$90,956.84, which includes a 10% construction contingency. The full amount is available in Account No. 680-8000-454.95-14 (Sewer Mains and Collection Systems) for Fiscal Year 2013-2014.

**RECOMMENDED BY:**



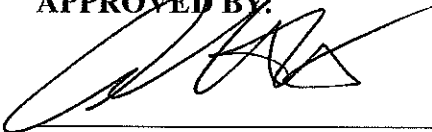
Duane Burk  
Director of Public Works

**REVIEWED BY:**



June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**



Andy Takata  
City Manager

## **RESOLUTION NO. 2013-12 UA**

### **A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, AWARDING THE CONSTRUCTION CONTRACT FOR PROJECT NO. 2013-01 WW, "FLORIDA STREET SEWER MAIN REPLACEMENT" AND REJECTING ALL OTHER BIDS**

**WHEREAS**, during an inspection, staff noticed that the sewer main, which was constructed in 1951, had large fractures that could make it susceptible to a failure and also, the 6 inch line is a substandard size and the City of Banning Standard Specification for a residential sewer main requires a size of 8 inch minimum; and

**WHEREAS**, a Notice Inviting Bids was advertised on May 3, 2013 and May 10, 2013, as shown attached as Exhibit "A", and four (4) bids were received and opened on June 11, 2013; and

**WHEREAS**, Tri-Star Contracting II, Inc. of Calimesa, California is the lowest responsible bidder to construct Project No. 2013-01 WW, "Florida Street Sewer Main Replacement"; and

**WHEREAS**, the limits of the project are from Theodore Street to Indian School Lane, and the scope of work under this project includes the installation of an 8 inch vitrified clay pipe sewer main, removal and disposal of an existing 6 inch vitrified clay pipe sewer main, removal and replacement of sewer laterals, coring existing manholes to fit new main, and trench repair all per the City of Banning Standard Specifications.

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

SECTION 1. Banning Utility Authority adopts Resolution No. 2013-12 UA, awarding the Construction Contract for Project No. 2013-01 WW, "Florida Street Sewer Main Replacement" to Tri-Star Contracting II, Inc. of Calimesa, California for an amount equal to \$82,688.04 and allowing a 10% contingency of \$8,268.80 and rejecting all other bids.

SECTION 2. The Administrative Services Director is authorized to approve change orders within the 10% contingency of \$8,268.80.

SECTION 3. The City Manager is authorized to execute the contract agreements for Project No. 2013-01 WW "Florida Street Sewer Main Replacement." This authorization will be rescinded if the contract agreements are not executed within sixty (60) days of the date of this resolution.

**PASSED, ADOPTED AND APPROVED** this 25<sup>th</sup> day of June, 2013.

\_\_\_\_\_  
Deborah Franklin, Chairman  
Banning Utility Authority

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, Secretary

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

\_\_\_\_\_  
David J. Aleshire, Authority Counsel  
Aleshire & Wynder, LLP

**CERTIFICATION:**

I, Marie A. Calderon, Secretary to the Banning Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2013-12UA, was duly adopted by the Banning Utility Authority of the City of Banning at a joint meeting thereof held on the 25<sup>th</sup> day of June, 2013, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Marie A. Calderon, Secretary  
Banning Utility Authority



**EXHIBIT “A”**

**NOTICE INVITING TO BID**

Record Gazette  
218 N. Murray St.  
**Proof of Publication**  
(2015.5 C.C.P.)

INVITINGTOBID-#2013-01WWW-88144

State of California )  
County of Riverside ) ss.

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

May 3, 10, 2013

Executed on: 05/10/2013

At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

  
Signature

NOTICE INVITING TO BID

PROJECT

NO. 2013-01WWW,  
"FLORIDA ST. SEWER

MAINLINE

REPLACEMENT"

OWNER: City of Banning

PROJECT DESCRIPTION: The primary scope of work under this project includes the installation of an 8 inch vitrified clay pipe sewer main, removal and disposal of an existing 6 inch vitrified clay pipe sewer main, removal and replacement of sewer laterals, coring existing manholes to fit new main, and trench repair all per the City of Banning Standards. PLANS & SPECS: Full-size drawings and specifications will be made available on May 7, 2013, and may be obtained at the Public Works Department, Engineering Division, City of Banning, 99 E. Ramsey Street, Banning, California 92220, by a non-refundable deposit of Thirty Dollars (\$30.00) per set. An additional non-refundable charge of Fifteen Dollars (\$15.00) to cover the cost of wrapping, handling, and postage will be made for each set of Contract Documents mailed. NON-MANDATORY PRE-BID CONFERENCE: May 21, 2013 at 10:00 a.m. at the City of Banning, City Hall, 99 E. Ramsey St., Banning. REQUIREMENTS: Prevailing Wage, Certified Payroll, Bid Bond, Payment and Performance Bond, Insurance, etc., per the approved specifications. Pursuant to the provisions of Public Contract Code Section 3300, the City has determined that the Contractor shall possess a valid Class "A" license at the time that the Contract is awarded. Failure to possess the specified license shall render the bid as not responsible and/or non-responsive and shall act as a bar to award the Contract to any bidder not possessing said license at the time of award. SEALED BIDS DUE: June 11, 2013 and Opened Publicly at 11:00 a.m. local time, at the above City Hall address, Attn: City Clerk. CITY OF BANNING, CALIFORNIA  
Publication Date: 5/3/2013 5/10/2013  
Dated: 4/30/2013  
6/10/2013  
Mario A. Calderon  
City Clerk  
Published in The Record  
Gazette  
No. 88144  
05/03, 10, 2013

## CITY COUNCIL/BANNING UTILITY AUTHORITY AGENDA

**DATE:** June 25, 2013

**TO:** Banning Utility Authority

**FROM:** Duane Burk, Director of Public Works

**SUBJECT:** Resolution No. 2013-13 UA, "Approving the Agreement with Beaumont Cherry Valley Water District for the Joint Utilization of the Noble Creek Recharge Facility"

### **RECOMMENDATION:**

- I. Adopt Resolution No. 2013-13 UA "Approving the Agreement with Beaumont Cherry Valley Water District for the Joint Utilization of the Noble Creek Recharge Facility" attached hereto as Exhibit "A."
- II. Authorize the City Manager to execute this agreement and future authority to modify spreading agreements with Beaumont Cherry Valley Water District.

**JUSTIFICATION:** It is essential to adopt Resolution No. 2013-13 UA to continue to recharge the City of Banning's imported State Project Water supply in the Beaumont Basin.

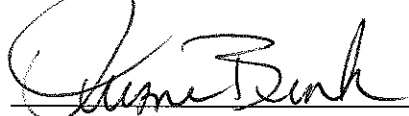
**BACKGROUND:** The Beaumont Cherry Valley Water District owns and operates the Noble Creek Recharge Facility. For several years, the City of Banning has purchased and recharged State Project Water from San Geronio Pass Water Agency and percolated the water at the Noble Creek Recharge Facility.

A formal agreement establishing this relationship has never been formally approved. However, at the June 12, 2013 meeting, the Beaumont Cherry Valley Water District Board of Directors adopted this agreement memorializing the opportunity to use the facility on a regular basis.

Per this agreement the City of Banning is charged a per acre-foot of water fee that is recharged. This agreement would keep the cost per acre-foot at the same current rate and is attached hereto as Exhibit "A."

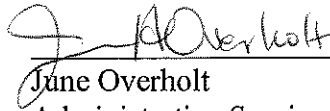
**FISCAL DATA:** The City of Banning currently pays \$61.14 per acre-foot of water recharged. This agreement keeps the same cost per acre-foot of water and is proportionate to the deliveries made to the City of Banning. This share of cost agreement will help avoid the significant capital costs for construction of the City's own recharge facility.

**RECOMMENDED BY:**



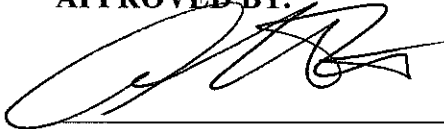
Duane Burk  
Director of Public Works

**REVIEWED BY:**



June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**



Andy Takata  
City Manager

**RESOLUTION NO. 2013-13 UA**

**A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE AGREEMENT WITH BEAUMONT CHERRY VALLEY WATER DISTRICT FOR THE JOINT UTILIZATION OF THE NOBLE CREEK RECHARGE FACILITY**

**WHEREAS**, the Beaumont Cherry Valley Water District owns and operates the Noble Creek Recharge Facility; and

**WHEREAS**, for several years, the City of Banning has purchased and recharged State Project Water from San Geronio Pass Water Agency and percolated the water at the Noble Creek Recharge Facility; and

**WHEREAS**, a formal agreement establishing this relationship has never been formally approved, however, at the June 12, 2013 meeting, the Beaumont Cherry Valley Water District Board of Directors adopted this agreement; and

**WHEREAS**, the City of Banning currently pays \$61.14 per acre-foot of water recharged and this agreement keeps the same cost per acre-foot of water and is proportionate to the deliveries made to the City of Banning.

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

SECTION 1. The Banning Utility Authority adopts Resolution No. 2013-13 UA "Approving the Agreement with Beaumont Cherry Valley Water District for the Joint Utilization of the Noble Creek Recharge Facility" attached hereto as Exhibit "A."

SECTION 2. Authorize the City Manager to execute this agreement and future authority to modify spreading agreements with Beaumont Cherry Valley Water District.

**PASSED, APPROVED AND ADOPTED** this 25<sup>th</sup> day of June, 2013.

\_\_\_\_\_  
Deborah Franklin, Chairman  
Banning Utility Authority

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, Secretary

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

\_\_\_\_\_  
David J. Aleshire, Authority Counsel  
Aleshire & Wynder, LLP

**CERTIFICATION:**

I, Marie A. Calderon, Secretary to the Banning Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2013-13UA, was duly adopted by the Banning Utility Authority of the City of Banning at a joint meeting thereof held on the 25<sup>th</sup> day of June, 2013, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Marie A. Calderon, Secretary  
Banning Utility Authority

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**DRAFT**

**AGREEMENT FOR JOINT USE OF NOBLE CREEK RECHARGE FACILITY**

THIS AGREEMENT is by and among the BEAUMONT-CHERRY VALLEY WATER DISTRICT ("DISTRICT"), CITY OF BANNING ("CITY"), collectively hereinafter called "PARTIES".

**RECITALS**

- A. San Geronio Pass Water Agency ("AGENCY") has a contract with the State of California to import supplemental water from the State Water Project and other sources when available to the San Geronio Pass Area. DISTRICT and CITY may purchase water from the AGENCY for their respective use.
- B. PARTIES desire to recharge the Beaumont Groundwater Basin with supplemental water.
- C. DISTRICT has constructed, owns, and operates existing spreading grounds at Brookside and Beaumont Avenue known as the Noble Creek Recharge Facility ("FACILITY").
- D. DISTRICT is the fee owner of the land containing said spreading grounds in the form of percolation ponds and operates extraction wells nearby said ponds.
- E. DISTRICT has the right to use its land pursuant to its authority as an Irrigation District duly formed and operating under the laws of the State of California for purposes including, but not limited to groundwater recharge.
- F. The proposed use of the percolation ponds for recharge of supplemental water by CITY is generally consistent with said existing uses.

NOW, THEREFORE, DISTRICT and CITY in consideration of the mutual promises as set forth herein, agree to the following:

- 1. RECHARGE: Subject to the rights of DISTRICT and CITY as provided herein, CITY may recharge supplemental water into the percolation ponds upon mutual agreement of the PARTIES as to the timing and amounts of water to be delivered.
- 2. RECHARGE FEE: In consideration for the utilization of the recharge facility to recharge water obtained from AGENCY, CITY shall pay DISTRICT \$61.14 per acre foot of water ordered from AGENCY and delivered to FACILITY. The DISTRICT may revise the FEE with 180 day notice to CITY based on actual costs of operation. CITY agrees to pay invoices issued by the DISTRICT within 30 days of issuance.



3. FACILITY OWNERSHIP: CITY shall not claim, or otherwise be entitled to, ownership of any water supply or water rights in local waters as a result of recharge activities conducted by DISTRICT. DISTRICT shall not claim or otherwise be entitled to ownership of any water supply or water rights in supplemental water imported by CITY.
4. DISCONTINUE RECHARGE, LOCAL WATER RECHARGE PURPOSE: CITY shall immediately discontinue recharge of supplemental water upon receipt of notice by DISTRICT that there is sufficient local flow in Little San Geronio Creek, Noble Creek, or other local sources of supply to warrant use of percolation ponds to recharge said local flow and sufficient capacity does not exist to recharge water purchased from AGENCY in addition to local flow; DISTRICT shall notify CITY when supplemental water recharge can be resumed. Said recharge of local flows shall take place unless or until DISTRICT elects to exercise its rights to use the subject land and percolation ponds for other purposes. CITY shall not claim, or otherwise be entitled to, ownership of any water supply or water rights in local waters as a result of said recharge activities.
5. DISCONTINUE OR REDUCE DELIVERIES TO CITY: PARTIES agree that the use and operation of FACILITY is under full DISTRICT control and that deliveries to DISTRICT shall take priority in the event FACILITY capacity is limited due to maintenance or other reasons. DISTRICT shall make reasonable attempts to accommodate CITY deliveries but does not guarantee any minimum annual percolation rates or FACILITY capacity to accommodate CITY deliveries from AGENCY.
6. SPREADING NOT REQUIRED: Nothing in this Agreement shall require CITY to take delivery of supplemental water at the FACILITY.
7. PURCHASE OF SUPPLEMENTAL WATER: CITY shall be solely responsible for the cost of all water ordered/delivered from AGENCY for CITY use. DISTRICT shall be responsible for the cost of all water ordered/delivered by AGENCY for DISTRICT use. PARTIES agree to coordinate deliveries of water ordered to meet the needs of the DISTRICT with respect to the efficient operation of the FACILITY.
8. TERM: The initial term for this Agreement shall be for a period of five (5) years from the date of execution, or until July 1, 2018, whichever is later. The initial term may be extended upon the written agreement of the PARTIES prior to expiration of the then current term. DISTRICT shall have the option to terminate this Agreement upon thirty (30) days prior written notice to CITY.
9. MONITORING AND REPORTS: CITY agrees to provide DISTRICT with copies of all invoices issued by AGENCY that reflect the amount of water ordered for CITY use and delivered to FACILITY. Said invoices shall be used as the basis for establishing the FEE due to DISTRICT.
10. ARBITRATION: Any controversy between the PARTIES regarding the construction of improvements, application of this Agreement, and/or any claim arising out of this Agreement, may be submitted to non-binding arbitration upon the mutual agreement of the PARTIES pursuant to the rules of the American Arbitration Association.

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11. ASSIGNMENT: This Agreement shall be binding upon the transferees, assignees/successors, and assigns of the parties hereto.
12. INDEMNITY, HOLD HARMLESS: CITY shall indemnify and hold harmless DISTRICT and the officers, directors, employees, and authorized volunteers of DISTRICT, from and against any damage, liability, or cost (including attorneys' fees and costs of defense) to the extent caused by CITY'S negligent acts, errors, or omissions in connection with activities under this Agreement, including subcontractors or others for whom AGENCY is legally liable. CITY'S obligation to indemnify and hold harmless shall not be restricted to available insurance proceeds.
13. DISTRICT shall indemnify and hold harmless CITY and the officers, directors, employees, and authorized volunteers of CITY, from and against any damage, liability, or cost (including attorneys' fees and costs of defense) to the extent caused by DISTRICT'S negligent acts, errors, or omissions in connection with activities under this Agreement. DISTRICT'S obligation to indemnify and hold harmless shall not be restricted to available insurance proceeds.
14. INSURANCE: Each party agrees to carry \$1,000,000/\$2,000,000 (occurrence/ general and products/completed operations aggregate) of commercial general liability coverage and each party agrees to give the other, its directors, officers, employees, or authorized volunteers insured status under its policy using ISO endorsement CG 2010, or equivalent, and to provide a certificate of insurance and additional insured endorsement. If any PARTY is self insured for legal liability, it is understood that said coverage will be equal to, or greater than, the amount identified in this Section 14.
15. This Agreement may be executed in counterparts, and shall become effective upon receipt by each of the PARTIES of two executed counterpart signature pages from each of the other PARTIES.

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**CITY COUNCIL/BANNING UTILITY AUTHORITY  
AGENDA**

**Date:** June 25, 2013

**TO:** Banning Utility Authority

**FROM:** Duane Burk, Director of Public Works

**SUBJECT:** Resolution No. 2013-14 UA, "Approving an Agreement with Layne Christensen Company of Fontana, California, for the Emergency Repairs to Water Well No. C-6"

**RECOMMENDATION:** Adopt Resolution No. 2013-14 UA:

- I. Approving an agreement with Layne Christensen Company of Fontana, California, for the emergency repairs to Water Well No. C-6 in the amount of "Not to Exceed" \$96,512.36.
- II. Authorizing the Administrative Services Director to make the necessary budget adjustments and appropriations in the amount of \$96,512.36 from the Water Operations Fund to Account No. 660-6300-471.95-08 (Wells/Pumping Equipment).

**JUSTIFICATION:** The agreement with Layne Christensen is necessary in order to construct the emergency repairs to ensure uninterrupted water supplies to the City's utility customers.

**BACKGROUND:** Banning Water Well No. C-6 is located on the south side of Lincoln Street within the City's Corporate Yard. It was drilled in 1990, equipped in 2004, and permitted by the California Department of Public Health on March 16, 2005.

A recent failure at the well caused the production of water to cease. Layne Christensen Company, a reputable contractor in the water industry, assisted staff in further investigating the problem which required the entire removal of the well shaft, approximately 720 feet. It was later determined that the problem was caused by the seizing of the bowl shaft bearings.

Staff solicited a proposal from Layne Christensen Company to perform the necessary repairs. Staff recommends the award of an emergency agreement to Layne Christensen Company, based on the provided proposal, as shown in Exhibit "A." The scope of work will include the brush and bail of the well, replacement of the badly pitted columns and couplings, repair of the bowl assembly, installation of a new head shaft and line shaft sections and miscellaneous items for completing the installation.

In the case of an emergency, which does not permit the delay resulting from the competitive bidding process, Public Contract Code Section 22050 authorizes the City of Banning to take corrective actions necessary to respond to the situation without securing bids. Staff believes the

abovementioned repairs are necessary and need to be addressed as expeditiously as possible in order to meet the upcoming high demands of water during the summer months.

**FISCAL DATA:** An appropriation in the amount of \$96,512.36, from the Water Operations Fund to Account No. 660-6300-471.95-08 (Wells/Pumping Equipment) is necessary in order to fund the repairs.

**RECOMMENDED BY:**



Duane Burk  
Director of Public Works

**REVIEWED BY:**



June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**



Andy Takata  
City Manager

**RESOLUTION NO. 2013-14 UA**

**A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, APPROVING AN AGREEMENT WITH LAYNE CHRISTENSEN COMPANY OF FONTANA, CALIFORNIA, FOR THE EMERGENCY REPAIRS TO WATER WELL NO. C-6**

**WHEREAS**, Banning Water Well No. C-6 is located on the south side of Lincoln Street within the City's Corporate Yard and was drilled in 1990, equipped in 2004, and permitted by the California Department of Public Health on March 16, 2005; and

**WHEREAS**, a recent failure at the well caused the production of water to cease; and

**WHEREAS**, after further investigating the problem it was later determined that the problem was caused by the seizing of the bowl shaft bearings; and

**WHEREAS**, in the case of an emergency, which does not permit the delay resulting from the competitive bidding process, Public Contract Code Section 22050 authorizes the City of Banning to take corrective actions necessary to respond to the situation without securing bids; and

**WHEREAS**, staff believes the repairs are necessary and need to be addressed as expeditiously as possible in order to meet the upcoming high demands of water during the summer months; and

**WHEREAS**, staff recommends the award of an emergency agreement in the amount of \$96,512.36 to Layne Christensen Company, based on the provided proposal, as shown in Exhibit "A".

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

SECTION I. The Banning Utility Authority approves an agreement with Layne Christensen Company of Fontana, California, for the emergency repairs to Water Well No. C-6 in the amount of "Not to Exceed" \$96,512.36.

SECTION II. The Banning Utility Authority authorizes the Administrative Services Director to make the necessary budget adjustments and appropriations in the amount of \$96,512.36 from the Water Operations Fund to Account No. 660-6300-471.95-08 (Wells/Pumping Equipment).

SECTION III. The City Manager is authorized to execute the Agreement and this authorization will be rescinded if the parties do not execute the contract agreement within Sixty (60) days of the date of this resolution.

**PASSED, APPROVED, AND ADOPTED** this 25<sup>th</sup> day of June, 2013.

\_\_\_\_\_  
Deborah Franklin, Chairman  
Banning Utility Authority

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, Secretary

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

\_\_\_\_\_  
David J. Aleshire, Authority Counsel  
Aleshire & Wynder, LLP

**CERTIFICATION:**

I, Marie A. Calderon, Secretary of the Banning Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2013-14 UA was duly adopted by the Utility Authority of the City of Banning at a joint meeting thereof held on the 25<sup>th</sup> day of June, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Marie A. Calderon, Secretary  
Banning Utility Authority  
City of Banning, California

**EXHIBIT “A”**

**Layne Christensen Company  
Quotation**

6/17/2013  
Well C-6

Quote: DS6172013-001

Shop Repair	<b>Lump Sum</b>	\$921.13
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New Materials	Qty	Units	Unit Price	Ext Price
New Flowserve 12 EMM	1	Ea	\$16,014.29	\$16,014.29
10" x 20' HeavyWall .365	36	Ea	\$984.62	\$35,446.32
3" x 20' Oil Enclosing Tubes	6	Ea	\$103.17	\$619.02
3" x 1.9375" IR Tube End Bearings	2	Ea	\$134.92	\$269.84
1.9375" 10 Thread Carbon Steel Line Shaft Coupling	35	Ea	\$47.62	\$1,666.70
1.6875" 10 Thread x 1.9375 10 Thread Change Over C	1	Ea	\$150.79	\$150.79
SS Poly Coated .25" Airline 650'	1	LS	\$1,428.57	\$1,428.57
3" x 1.9375" x 20' Tube & Shaft Assembly IR	3	Ea	\$1,000.00	\$3,000.00
Rubber Centralizer	1	Ea	\$19.05	\$19.05
New Head Shaft	1	Ea	\$1,428.57	\$1,428.57
Freight	1	LS	\$134.62	\$134.62
			<b>Sub-Total</b>	<b>\$60,177.77</b>

Install	<b>Lump Sum</b>	\$10,913.10
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Start Up	<b>Lump Sum</b>	\$2,163.34
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Efficiency Test	<b>Lump Sum</b>	\$899.15
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Pull Pump, Teardown & Inspect and Video Log	Qty	Units	Unit Price	Ext Price
Pull, Teardown, Inspect and Video	1	LS	\$9,392.00	\$9,392.00
			<b>Sub-Total</b>	<b>\$9,392.00</b>

Brush & Bail	<b>Lump Sum</b>	\$6,844.00
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<b>Sub-Total</b>	<b>\$91,310.49</b>
<b>Tax</b>	<b>\$4,803.44</b>

<b>Consumables</b>	<b>\$398.43</b>
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<b>Estimated Price</b>	<b>\$96,512.36</b>
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Our estimate is valid for 30 days and is subject to the attached Terms and Conditions. Our terms and conditions are hereby incorporated by reference and constitute a part of this estimate. Please contact your Layne representative if you have any questions.

## **WATER RESOURCES**



## BANNING UTILITY AUTHORITY AGENDA

**Date:** June 25, 2013  
**TO:** Banning Utility Authority  
**FROM:** Duane Burk, Director of Public Works  
**SUBJECT:** Report of Watermaster Services Account

**RECOMMENDATION:** The Banning Utility Authority receive and file report on account activity for the Watermaster Services Account.

**JUSTIFICATION:** Budget transfer necessary to pay Beaumont Basin Watermaster invoices.

**BACKGROUND:** On March 26, 2013, Banning Utility Authority adopted Resolution No. 2013-05 UA "Approving the payment of "Not to Exceed" \$50,000.00 to the Beaumont Basin Watermaster for the Redetermination Study of the Beaumont Basin Safe Yield." The City of Banning's share of the cost for the Redetermination of the Beaumont Safe Yield was estimated at \$50,000.00, which was one-fifth of the total cost.

The City of Beaumont filed a reply brief and supporting declaration stating that the redetermination of the safe yield is a special project and that the expenses are not part of the general administrative expenses of the Watermaster and objected to the incurrence of litigation expenses over the issue and indicated it would not share in that expense either. On May 3, 2013 the Superior Court of California granted the City of Beaumont's motion.

As a result, the City of Banning's share of cost for the Redetermination Study became 33% of the total cost, which is based on the City of Banning's original allocation of the Beaumont Basin Safe Yield. The invoice total of the Redetermination Study of the Beaumont Basin Safe Yield is \$74,440.70.

**FISCAL DATA:** Invoice totals for Fiscal Year 2012-2013 totaled \$108,357.55, attached hereto as Exhibit "A." The original budget for the Watermaster Services for Fiscal Year 2012-2013 was \$90,000.00. The total expenditures required a budget transfer in the amount of \$18,375.00 from Account No. 660-6300-471.27-14 to the Watermaster Services Account no. 660-6300-471.42-43.

**RECOMMENDED BY:**



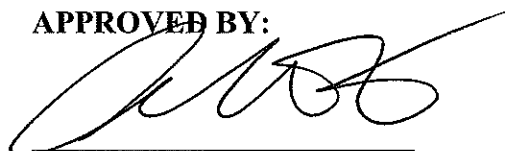
Duane Burk,  
Director of Public Works

**REVIEWED BY:**



June Overholt,  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**



Andy Takata,  
City Manager

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## Beaumont Basin Watermaster

INVOICE #	DESCRIPTION	COST
B-139	Annual Member Contribution	\$15,161.25
B-145a	Annual Reports, Technical Support Services, Legal Expenses FY 2012-2013	\$18,755.60
B-145b	Redetermination of Beaumont Basin Safe Yield and Legal Expenses	\$74,440.70
TOTAL		\$108,357.55

**COUNCIL AGENDA/SUCCESSOR AGENCY/UTILITY AUTHORITY  
SPECIAL JOINT MEETING  
REPORT OF OFFICERS**

**DATE:** June 25, 2013

**TO:** Mayor and Members of the City Council

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

**SUBJECT:** Adoption of Resolutions Related to the Revised Budget Plan for Fiscal Year 2013-14 for the City of Banning, Banning Utility Authority, and Successor Agency; Adoption of the GANN Limit, and the Classification and Compensation Plan Amendments.

**RECOMMENDATION:**

1. That the City Council adopt Resolution No. 2013-60 approving the City's Budget
2. That the Banning Utility Authority Board adopt Resolution No. 2013-11UA approving the Utility Authority's Budget
3. That the Successor Agency Board adopt Resolution No. 2013-07SA approving the Successor Agency's Budget
4. That the City Council adopt Resolution No. 2013-61 approving the Fiscal Year 2013-14 Gann Limit Calculations.
5. That the City Council adopt Resolution No. 2013-64 amending the classification and compensation plan.
6. That the City Council adopt Resolution No. 2013-67 amending the classification and compensation plan for part time employees.

**DISCUSSION:** Each fiscal year the City Council, Utility Authority Board and now the Successor Agency Board adopt a budget to provide a variety of services to citizens, to complete planned projects and to pay the required debt service payments for the coming year. The budgets and the related policy statements serve as a control and monitoring tool.

The Fiscal Year 2013/14 (FY14) budget was preliminarily approved as part of the two year budget document last June 2012. To update the budget, the process included department input, meetings with the City Manager, additional reviews by Finance to identify areas of concern, budget savings or changes in estimates, and a Council briefing. The total appropriations for all funds for Fiscal Year 2013/14 (FY14) are \$92,551,359.

The budget consists of 7 categories of funds as follows:

- Governmental (General Fund)
- Special Revenue Funds

- Capital Improvement Funds
- Banning Utility Authority
- Enterprise Funds
- Internal Service Funds
- Successor Agency Funds

A budget message has been included in the budget document which highlight some of the budget changes, observations or areas of concern for future budgets. There are three resolutions required to adopt the budget by the Council and board members of the City of Banning, the Banning Utility Authority and the Successor Agency.

The budgetary and fiscal policies annually adopted by the Council and Boards have been included as a part of Resolution No. 2013-60. No changes have been made to the policies during this budget cycle. The policies represent the accumulation of budgetary and fiscal policies adopted by Council throughout the years.

The proposed budget document is on file with the City Clerk and available on the City website. The document is presented at a fund total level. A line item, detailed version will be completed following adoption for use by management and department personnel in controlling and monitoring expenditure and revenue activity. A copy of the detailed version will be available on the City website in July.

### **Position Control**

With the adoption of the FY14 budget, Council is adopting the authorized positions identified in personnel section of the budget. The budget document provides a personnel summary by fund/division. This section also includes a reconciliation of the position changes being recommended. There are several changes recommended that represent organizational restructuring and/or titles that better represent the functions. Resolution's 2013-64 & 2013-67 have been included to amend the classification and compensation plan to include any new classifications, ranges and job descriptions needed for the recommended changes. The personnel summary also reflects changes that do not require amending the classification study. The net impact of all the changes is a net decrease of part time positions of 1.16.

### **Capital Improvement Program**

NEW to the budget document is the section showing the 5 Year Capital Improvement Program (CIP). Included in this section is an overview describing the program, a description of the funds that typically have CIP projects, a summary of the available resources for FY14, a summary of the CIP, and a listing of projects by Fund.

The CIP is a planning tool that is updated through Council action. The listing of projects by Fund includes many projects that Council has reviewed and approved throughout recent years. Projects in progress will have "Project to Date" expenditures. The FY13/14 budget for projects has been incorporated into the budget being presented to Council for approval. Council approval to enter contracts is still required in the future as each project moves forward to construction.


### **Gann Limit Calculation**

In accordance with Article XIII B of the California Constitution, the City is limited as to how much revenue from taxes it may receive. The revenue is actually limited by the appropriations in the base year of FY 1978-79, adjusted by inflation and population growth.

The limit is calculated by taking the prior year's limit and applying growth factors as appropriate. The appropriation limit for FY 2013-14 is calculated to be \$35,507,426. The limit exceeds taxes subject to appropriation by \$7,332,099. Details about the Gann Limit for the City of Banning are included within the budget document.

**FISCAL DATA:** The budgets as currently proposed for the City, Utility Authority and Successor Agency contain the estimated revenue and appropriation requests necessary to begin the new fiscal year on July 1, 2013.

### **RECOMMENDED BY:**

  
June Overholt  
Administrative Services Director/  
Deputy City Manager

### **APPROVED BY:**

  
Andy Takata  
City Manager

**RESOLUTION NO. 2013-60**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING ADOPTING THE ANNUAL BUDGET FOR THE FISCAL PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014, ADOPTING THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM, AND MAKING APPROPRIATIONS TO MEET EXPENSES APPROVED THEREIN, APPROVING BUDGETARY POLICIES AND RECOMMENDATIONS**

**WHEREAS**, the Administrative Services Director prepared the revised budget plan for Fiscal Year 2013-14 which set forth all of the expected revenue of the City of Banning, and the recommended appropriations to meet the operating and capital expenses for all City of Banning funds; and

**WHEREAS**, the revised budget for fiscal year 2013-14 of the City of Banning has been submitted to this Council, and said budget has been considered and, is in form and substance satisfactory to this Council; and

**WHEREAS**, the City departments may not exceed their appropriations by character of expense, with character of expense being defined as personnel services, services and supplies, capital outlay, debt service and interfund transfers, without the consent of the City Manager; and

**WHEREAS**, the City may transfer appropriations, between departments and within their respective funds, as long as those appropriations do not exceed their fund total unless approved by Council; and

**WHEREAS**, the City requires public improvements, and a capital improvement program (CIP) allows for the planning, financing, and prioritizing of said improvements; and

**WHEREAS**, the City Departments may not hire in excess of the approved number of positions in the job classification as indicated by the budget detail without the consent of the City Council; and

**WHEREAS**, certain capital projects, programs and commitments have been approved for appropriation in fiscal year 2012-13, the Administrative Services Director shall be authorized to carry over appropriation budgets for these items as approved by the City Manager; and

**WHEREAS**, it is essential that the City of Banning adopt a budget plan establishing the revenues and expenditures for all of its governmental, proprietary and fiduciary funds.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

SECTION 1: The Annual Budget for the City of Banning, for fiscal period July 1<sup>st</sup>, 2013 through June 30<sup>th</sup>, 2014, as summarized in the fund summary, is hereby approved and adopted in the form on file with the City Clerk.

SECTION 2: The Capital Improvement Program (CIP) for the City of Banning for fiscal period July 1<sup>st</sup>, 2013 through June 30<sup>th</sup>, 2018, as summarized in the fund summary and CIP documents, is hereby approved and adopted in the form on file with the City Clerk.

SECTION 3: The Budgetary and Fiscal Policies as incorporated, are hereby approved and adopted.

SECTION 4: The Authorized position control is amended as incorporated in the budget document.

**PASSED, APPROVED AND ADOPTED** this 25<sup>th</sup> day of June 2013.

\_\_\_\_\_  
Deborah Franklin, 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 the foregoing Resolution No. 2013-60 was duly adopted by the City Council of the City of Banning, California, at a joint meeting thereof held on the 25<sup>th</sup> day of June, 2013, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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



**RESOLUTION NO. 2013-11 UA**

**A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING ADOPTING THE REVISED BUDGET PLAN FOR THE FISCAL PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014, ADOPTING THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM, AND MAKING APPROPRIATIONS TO MEET EXPENSES APPROVED THEREIN.**

**WHEREAS**, the Executive Director prepared the budget plan for fiscal year 2013-14 which sets forth all of the expected revenues of the City of Banning Utility Authority (Authority), and the recommended appropriations to meet the operating and capital expenses for all Authority funds; and

**WHEREAS**, the Authority has considered the recommendations and approved or modified them so as to best serve the interest of the citizens of the City of Banning; and

**WHEREAS**, the revised budget for fiscal year 2013-14 of the City of Banning Utility Authority has been submitted to this Board, and said budget has been considered and, is in form and substance satisfactory to this Board; and

**WHEREAS**, the Authority departments may not exceed their appropriations by character of expense, with character of expense being defined as personnel services, services and supplies, capital outlay, debt service and interfund transfers, without the consent of the Executive Director; and

**WHEREAS**, the Authority may transfer appropriations, between departments and within their respective funds, as long as those appropriations do not exceed their fund total unless approved by this Board; and

**WHEREAS**, the Authority requires public improvements, and a capital improvement program (CIP) allows for the planning, financing, and prioritizing of said improvement; and

**WHEREAS**, the Authority departments may not hire in excess of the approved number of positions in the job classification as indicated by the budget detail without the consent of this Board; and

**WHEREAS**, certain capital projects, programs and commitments have been approved for appropriation in fiscal year 2012-13, the Administrative Services Director shall be authorized to carry over appropriation budgets for these items as approved by the Executive Director; and

**WHEREAS**, it is essential that the City's Utility Authority adopt a budget plan establishing the revenues and expenditures for all of its funds;

**NOW, THEREFORE, BE IT RESOLVED BY THE BANNING UTILITY  
AUTHORITY BOARD:**

SECTION 1: The Annual Budget for the Banning Utility Authority for fiscal period July 1<sup>st</sup>, 2013 through June 30<sup>th</sup>, 2014, as summarized in the fund summary and CIP documents, is hereby approved and adopted in the form on file with the City Clerk.

SECTION 2: The Capital Improvement Program (CIP) for the Banning Utility Authority for fiscal period July 1<sup>st</sup>, 2013 through June 30<sup>th</sup>, 2018, as summarized in the fund summary and CIP documents, is hereby approved and adopted in the form on file with the City Clerk.

SECTION 3: The Budgetary and Fiscal Policies as incorporated, are hereby approved and adopted.

**PASSED, APPROVED AND ADOPTED** this 25th day of June, 2013.

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Deborah Franklin, Chairman  
Banning Utility Authority

**ATTEST:**

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Marie A. Calderon, Secretary  
Banning Utility Authority

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

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

**CERTIFICATION:**

I, Marie A. Calderon, Secretary to the Utility Authority of the City of Banning, California, do hereby certify that the foregoing Resolution 2013-11 UA was duly adopted by the Banning Utility Authority of the City of Banning, at a joint meeting thereof held on the 25<sup>th</sup> day of June 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Marie A. Calderon, Secretary  
Banning Utility Authority  
Banning, California

**RESOLUTION NO. 2013-07 SA**

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER BANNING COMMUNITY REDEVELOPMENT AGENCY ADOPTING THE REVISED BUDGET PLAN FOR JULY 1, 2013 THROUGH JUNE 30, 2014, ADOPTING THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM, AND MAKING APPROPRIATIONS TO MEET EXPENSES APPROVED THEREIN**

**WHEREAS**, the Community Redevelopment Agency of the City of Banning is a public body, corporate and politic, organized and existing under the California Community Redevelopment laws (Health & Safety Code § 33000, et seq.; hereinafter, the "CCRL"); and

**WHEREAS**, the City of Banning is a municipal corporation and a general law city organized and existing under the Constitution of the State of California ("City"); and

**WHEREAS**, as a result of Assembly Bill X1 26 (AB26), which was signed by the Governor on June 28, 2011 and confirmed by the Supreme Court (California Redevelopment Association, et al. v. Matosantos, et al. (Case No. S194861)) on December 29, 2011, all California redevelopment agencies were dissolved as of February 1, 2012 and successor entities became responsible for winding down the affairs of the former redevelopment agencies; and

**WHEREAS**, the City is, by operation of law, the Successor Agency to the Redevelopment Agency for purposes of winding-down the Redevelopment Agency under ABX126; and

**WHEREAS**, the Executive Director prepared the revised budget plan for the Fiscal Year 2013-14 which set forth all of the expected revenues of the City of Banning Successor Agency (Agency), and the recommended appropriations to meet the operating and capital expenses for all Agency funds; and

**WHEREAS**, the revised budget for fiscal year 2013-14 of the Successor Agency has been submitted to this Agency, and said budget has been considered and, is in form and substance satisfactory to the Agency Board; and

**WHEREAS**, the Agency departments may not exceed their appropriations by character of expense, with character of expense being defined as personnel services, services and supplies, capital outlay, debt service and interfund transfers, without the consent of the Executive Director; and

**WHEREAS**, the Agency may transfer appropriations, between departments and within their respective funds, with approval of the Executive Director, as long as those appropriations do not exceed their fund total unless approved by this Board; and

**WHEREAS**, the Agency requires public improvements, and a capital improvement program (CIP) allows for the planning, financing, and prioritizing of said improvements; and

**WHEREAS**, the Agency departments may not hire in excess of the approved number of positions in the job classification as indicated by the budget detail without the consent of this Board; and

**WHEREAS**, certain capital projects, programs and commitments have been approved for appropriation in fiscal year 2012-13, the Administrative Services Director shall be authorized to carry over appropriation budgets for these items as approved by the Executive Director; and

**WHEREAS**, it is essential that the Agency adopt a budget plan establishing the revenues and expenditures for all of its funds; and

**WHEREAS**, the Banning Oversight Board and California Department of Finance approve the Recognized Obligation Payment Schedule (ROPS) every six months which incorporate expenditures identified in the budget; and

**WHEREAS**, the Budgetary and Fiscal Policies that are incorporated into the budget document provide some policies applicable to the Agency.

**NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY BOARD:**

SECTION 1: The Annual Budget for the Successor Agency for fiscal period July 1<sup>st</sup>, 2013 through June 30<sup>th</sup>, 2014, as summarized in the fund summary (funds 805 to 860), is hereby approved and adopted in the form on file with the City Clerk.

SECTION 2: The Capital Improvement Program (CIP) for the Successor Agency for fiscal period July 1<sup>st</sup>, 2013 through June 30<sup>th</sup>, 2018, as summarized in the fund summary and CIP documents, is hereby approved and adopted in the form on file with the City Clerk.

**PASSED, APPROVED AND ADOPTED** this 25<sup>th</sup> day of June, 2013.

---

Deborah Franklin, Chairman  
Successor Agency

**ATTEST:**

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Marie A. Calderon, Secretary  
Successor Agency

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

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

**CERTIFICATION**

I, Marie A. Calderon, Secretary of the Successor Agency do hereby certify that the foregoing Resolution No. 2013-07 SA was duly adopted by the Successor Agency Board at a joint meeting thereof held on the 25<sup>th</sup> day of June, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Marie A. Calderon, Secretary  
Successor Agency  
City of Banning, California

**RESOLUTION NO. 2013-61**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA  
ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2013-14,  
PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION**

**WHEREAS**, Article XIII B of the California Constitution provides that the total annual appropriations subject to limitation of each governmental entity, including this City, shall not exceed the appropriation limit of such entity of government for the prior year adjusted for changes in the cost of living or personal income and population, except as otherwise provided for in said Article XIII B and implementing State statutes; and

**WHEREAS**, pursuant to said Article XIII B of said California Constitution, and Section 7900 et seq. of the California Government Code, the City is required to set its appropriation limit for each fiscal year; and

**WHEREAS**, the Finance Department of the City of Banning has interpreted the technical provisions of said Article XIII B and Section 7900 et seq., performed computations and a technical review of the documentation for the City's said appropriation limitation, and has caused the numbers upon which the City's appropriation limit was and is based; and

**WHEREAS**, based on such calculations the Finance Department has determined the said appropriation limit and, pursuant to Section 7910 of said California Government Code, has made available to the public the documentation used in the determination of said appropriation limit;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANNING**, that said appropriation limit for Fiscal Year 2013-14 is set in the amount of \$35,507,426 for said fiscal year as incorporated in the budget document.

**PASSED, APPROVED AND ADOPTED** this 25<sup>th</sup> day of June, 2013.

\_\_\_\_\_  
Deborah Franklin, Mayor  
City of Banning

**ATTEST:**

\_\_\_\_\_  
Marie A. Calderon, City Clerk  
City of Banning

**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 the foregoing Resolution No. 2013-61 was duly adopted by the City Council of the City of Banning at a joint meeting thereof held on the 25<sup>th</sup> day of June, 2013, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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



**RESOLUTION 2013-64**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING  
AMENDING THE CLASSIFICATION & COMPENSATION PLAN FOR THE  
CITY OF BANNING**

**WHEREAS**, it is necessary to amend the City's Classification Plan from time to time to maintain a current plan which reflects the nature of work, organizational structure, or otherwise;

**WHEREAS**, the classification and compensation plan has been updated to reflect changes in salary ranges per recently approved Memorandums of Understanding (MOU) and agreements with employees;

**WHEREAS**, changes to job descriptions, job titles and/or pay ranges require Council approval.

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

**SECTION 1:** That the City Council approve the following classifications and salary ranges as incorporated in the attached classification and compensation plan – Schedule "A" (Exhibit "A"):

Program Coordinator– Salary Range 43

Community Center Caretaker – Salary Range 36

**SECTION 2:** That the City Council approve the job description for Program Coordinator (Job Code 3328) and Community Center Caretaker (Job Code 4441) as attached in Exhibit "B".

**PASSED, APPROVED, AND ADOPTED** this 25th day of June, 2013.

\_\_\_\_\_  
Deborah Franklin, Mayor  
City of Banning, California

**ATTEST:**

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

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 the foregoing Resolution, No. 2013-64 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25<sup>th</sup> day of June, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

# EXHIBIT “A”

CITY OF BANNING  
CLASSIFICATION & COMPENSATION PLAN  
REVISED JUNE 25, 2013  
RESOLUTION NO. 2013-64 (AMENDING RESOLUTION NO. 2012-75)

MATRIX BY CLASS SERIES/JOB CODE

Class Series/Occupational Job Group	Job Code	Classification/Position	Salary Range	Bargaining Unit
<b>1000 – CITY ADMINISTRATION SERIES</b>				
City Administration Group	1010	City Manager	113	Council Contract
	1020	City Clerk/Executive Assistant	57	Elected
	1605	Executive Assistant	57	IBEW-G
Financial Services Group	1105	Administrative Services Director/Deputy City Manager	101	Contract
	1115	Deputy Finance Director	87	Mgmt/Conf
	5028	Utility Financial Analyst	76	CBAM
	1125	Accountant II	59	IBEW-G
	1140	Accountant	54	IBEW-G
	1135	Payroll Coordinator	53	IBEW-G
	1130	Financial Services Specialist	47	IBEW-G
Human Resources Group	1215	Deputy Human Resources Director	83	Mgmt/Conf
	1230	Human Resources Technician	54	Conf/Gen
Utility Billing Group	1340	Senior Utility Billing Rep	48	IBEW-G
	1350	Utility Billing Representative	43	IBEW-G
Information/Cable Systems Group	1410	Information Technology Coordinator	59	IBEW-G
	1416	Police Information Technology Technician	59	IBEW-G
	1415	Information Technology/Media Technician	57	IBEW-G
	1510	Cable Services Specialist	44	IBEW-G
Office Support Group	1610	Executive Secretary	53	IBEW-G
	1620	Office Specialist	44	IBEW-G
	1630	Receptionist	31	IBEW-G

## Schedule "A"

## 2000 – POLICE SERIES

Police Group	2010	Police Chief	100	Contract
	2025	Police Lieutenant	87	Police Mgmt
	2030A	Police Staff/Master Sergeant	78	POA
	2040	Police Corporal	71	POA
	2050	Police Officer	67	POA
	2060	Police Recruit/Trainee	N/A	At-Will
Police Support Group	2143	Lead Public Safety Dispatcher	56	IBEW-G
	2110	Public Safety Dispatcher	52	IBEW-G
	2151	Police Assistant II	48	IBEW-G
	2152	Police Assistant I	44	IBEW-G

## 3000-COMMUNITY DEVELOPMENT SERIES

Community Development Group	3010	Community Development Director	92	Contract
	3026	Development Project Coordinator	58	IBEW-G
	3020	Associate Planner	68	CBAM
	3015	Assistant Planner	63	CBAM
Economic Development Group	3110	Economic Development Director	92	Contract
Development Services Group	3210	Development Services Manager (Building Official)	84	CBAM
	3215	Senior Building Inspector	67	IBEW-G
	3230	Code Compliance Officer	58	IBEW-G
	3240	Building Permit Specialist	55	IBEW-G

## 3300-COMMUNITY SERVICES GROUP

Community Services Group	3310	Community Services Director	86	Contract
	3325	Recreation Coordinator	51	IBEW-G
	3328	Program Coordinator	43	IBEW-G
	3350	Lead Bus Driver/Trainer	55	IBEW-G
	3340	Bus Driver	47	IBEW-G

## 4000-PUBLIC WORKS SERIES

Public Works Management Group	4010	Public Works Director	100	Contract
Streets/Parks Group	4210	Public Works Superintendent	78	CBAM
	4230	Work Release Crew Leader	47	IBEW-G
	4240	Senior Maintenance Worker	50	IBEW-G
	4250	Maintenance Worker	45	IBEW-G
	4260	Motor Sweeper Operator	50	IBEW-G

## Schedule "A"

Engineering Group	4300	City Engineer	85	CBAM
	4350	Senior Civil Engineer	82	CBAM
	4320	Associate Civil Engineer	76	CBAM
	4325	Assistant Civil Engineer	68	CBAM
	4330	Public Works Inspector	62	IBEW-G
	4340	Engineering Services Assistant	48	IBEW-G
General Maintenance and Support Group	4420	Fleet Maintenance Mechanic	53	IBEW-G
	4430	Building Maintenance Specialist	49	IBEW-G
	4441	Community Center Caretaker	36	IBEW-G
	4450	Warehouse Services Specialist	52	IBEW-G
Water/Wastewater Group	4115	Water/Wastewater Superintendent	78	CBAM
	4130	Water Crew Supervisor	60	IBEW-U
	4140	Water Services Worker	52	IBEW-U
	4155	Wastewater Collection System Supervisor	60	IBEW-U
	4145	Wastewater Collection System Technician	52	IBEW-U
	4132	Water Valve Flushing Crew Lead	56	IBEW-U
	4133	Water Construction Crew Lead	56	IBEW-U
	4131	Water Meter Crew Lead	56	IBEW-U

## 5000 ELECTRIC UTILITIES SERIES

Electric Services & Operations Group	5001	Electric Utility Director	100	Contract
	5021	Power Contracts & Revenue Administrator	85	CBAM
	5025	Associate Electrical Engineer	76	CBAM
	5028	Utility Financial Analyst	76	CBAM
	5029	Senior Electric Service Planner	79	IBEW-U7
	5030	Electric Service Planner	77	IBEW-U
	5050	Public Benefits Coordinator	55	IBEW-U
	5055	Utility Services Assistant	48	IBEW-U
	5110	Electric Operations & Maintenance Manager	85	CBAM
	5120	Powerline Crew Supervisor	79	IBEW-U
	5130	Powerline Technician	75	IBEW-U
	5140	Powerline Apprentice	67/73	IBEW-U
	1340	Lead Field Service Representative	55	IBEW-U
	1325	Field Service Representative	51	IBEW-U
	5150	Electric Services Worker	52	IBEW-U

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Schedule "A"

	5161	Substation Test Technician	75		IBEW-U
	5160	Electric Meter Test Technician	75		IBEW-U
	5170	Apprentice Electric Meter Test Technician	67 / 73		IBEW-U

222

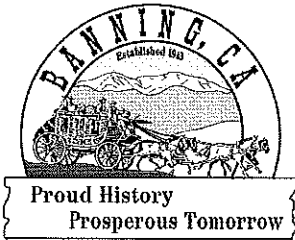
# EXHIBIT “B”



# CITY OF BANNING, CALIFORNIA

## Program Coordinator

Job Code: 3328



FLSA

☐ Exempt

☒ Non-Exempt

**JOB DEFINITION:** Under general supervision, performs a variety of duties associated with supervising the senior center facility and associated recreational activities.

**ESSENTIAL FUNCTIONS:** *The following duties **ARE NOT** intended to serve as a comprehensive list of all duties performed by all employees in this classification. Shown are duties intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.*

**REPRESENTATIVE DUTIES:** Supervises the operation of the senior center facility and recreational activities at the community center, as well as plans, implements and purchases supplies for recreational programs and activities. Provides information and referrals to social services, trains and supervises citizen volunteers. Accounts for program registration payments and newsletter subscriptions and provides cash reports. Creates, prints and reproduces flyers and program information for the senior center. Assists senior citizens with completing forms and applications for social services. Attends meetings, conferences and presentations. Conducts presentations and educates the community on senior citizen needs and programs as well as recreational opportunities that are offered. Recruits volunteers to participate in programs and services. Monitors program and center compliance with contract and grant guidelines and procedures. Works directly with Senior Recreation Leader to plan and coordinate youth programs. Performs other duties as assigned or required.

### KNOWLEDGE and SKILLS:

- Knowledge of applicable city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders and other operational guidelines and directives.
- Knowledge of the City's and the Department's policies and procedures.
- Knowledge of file management and recordkeeping techniques.
- Knowledge of recreation planning concepts and principles.
- Knowledge of contract compliance and grant guidelines.
- Skill in reading, understanding, interpreting and applying relevant city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders, policies and procedures and other operational guidelines and directives.
- Skill in assessing and prioritizing multiple tasks, projects and/or demands.
- Skill in working within deadlines to complete projects and assignments.
- Skill in assessing, analyzing, identifying and implementing solutions to complex problems.
- Skill in establishing and maintaining effective working relations with co-workers, staff, vendors, contractors, visitors, the general public and others having business with the City of Banning.
- Skill in operating a personal computer utilizing a variety of software applications.

**MINIMUM QUALIFICATIONS:** Three (3) years of progressively responsible recreation experience and special event planning.

**ADDITIONAL REQUIREMENTS:** Must have at the time of application and must maintain a California driver license.

# CITY OF BANNING, CALIFORNIA

## Community Center Caretaker



Job Code: 4441

FLSA

☐ Exempt

☒ Non-Exempt

**JOB DEFINITION:** Under general supervision, performs work related to the cleaning and general maintenance and repair of Community Services buildings.

**ESSENTIAL FUNCTIONS:** *The following duties **ARE NOT** intended to serve as a comprehensive list of all duties performed by all employees in this classification. Shown are duties intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties.*

**REPRESENTATIVE DUTIES:** Performs cleaning, sanitizing and restocking of restrooms. Set up, tears down and cleans prior to and following programs and activities. Receives, assembles and sets up furniture and equipment. Cleans and maintains Community Services rooms and offices. Vacuums, shampoos and maintains carpeted areas and cleans, mops, waxes, buffs and polishes floors. Monitors proper use of equipment and facilities.

Inspects facilities, grounds and bus shelters for necessary minor maintenance and repair. Repairs or replaces damaged or non-working equipment. Submits work orders for equipment and facility repairs. Receives and stocks supplies, equipment and tools.

Responsible for the maintenance of the municipal pool to the standards required by the Riverside County Health Department. Regularly tests water to ensure proper chlorination, pH and alkalinity. Periodically test for calcium hardness and stabilizer. Ensure proper handling of pool chemicals, including the use of personal protective equipment, proper hazard communication labeling and maintenance of MSDS documentation. Back wash filters, skim and vacuum pool regularly. Follows occupational safety and health regulations and guidelines.

Performs other duties as assigned or required.

### KNOWLEDGE and SKILLS:

- Knowledge of applicable city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders and other operational guidelines and directives.
- Knowledge of the City's and the Department's policies and procedures.
- Knowledge of inventory control methods and techniques.
- Knowledge of operation, use and maintenance of cleaning equipment.
- Knowledge of basic building maintenance methods and practices.
- Skill in reading, understanding, interpreting and applying relevant city, county, state and Federal statutes, rules, regulations, ordinances, codes, administrative orders, policies and procedures and other operational guidelines and directives.
- Skill in reading and following written instructions regarding the mixing and handling of cleaning and maintenance chemicals.
- Skill in establishing and maintaining effective working relations with co-workers, staff, vendors, contractors, visitors, the general public and others having business with the City of Banning.

**MINIMUM QUALIFICATIONS:** A high school diploma or GED **AND** one (1) year of custodial or building maintenance experience. Position requires possession of either CPO (Certified Pool Operator) or AFO (Aquatic Facility Operator) certification.

**ADDITIONAL REQUIREMENTS:** May be required to lift and/or carry heavy, bulky supplies and materials weighing up to 75 pounds.

**RESOLUTION NO. 2013-67**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING  
AMENDING, THE CLASSIFICATION AND COMPENSATION POLICY  
FOR PART-TIME EMPLOYEES OF THE CITY OF BANNING**

**WHEREAS**, part-time employees are individuals who customarily work less than 1,000 hours per fiscal year, or an average of 20 hours per week on a regular year-round basis; and

**WHEREAS**, it is necessary and desirable to employ persons on a part-time basis to provide valuable services to augment the provision of City services; and

**WHEREAS**, such part-time employees are unrepresented "at-will" individuals that pay no dues to, nor receive benefits from, negotiations by employee unions; and

**WHEREAS**, the Council desires to provide guidelines for the compensation to such employees for the rendering of such valuable service;

**WHEREAS**, the City Council now desires to adopt an amended and restated resolution of salaries for the Part-Time classifications, which restates and replaces any and all pre-existing salary resolutions for the Part-Time classifications, including, but not limited to Council Resolution No. 2010-48.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

That the City Council approve the following:

Section 1: Classification and Pay Structure

Part-time classification titles shall be authorized as set forth in Exhibit "A" effective July 1, 2013, which includes the addition of the Police Assistant I, Office Specialist and Public Safety Dispatcher. The minimum and maximum annual ranges used for such part-time classification hourly calculations shall be as shown on the permanent Salary Range Table, attached as Exhibit "B".

Section 2: Performance Review System for Part-Time Employees

Part-time employees will receive performance reviews and merit adjustments after completing 1,000 hours of the service and thereafter upon completion of each additional period of 1,000 hours of service. Recommended merit adjustments must be based upon written performance evaluations and included in the City's annual budget.

**PASSED, APPROVED, AND ADOPTED** this 25<sup>th</sup> day of June, 2013.

---

Deborah Franklin, Mayor  
City of Banning

ATTEST:

---

Marie A. Calderon, City Clerk  
City of Banning

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 the foregoing Resolution No. 2013-67 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25<sup>th</sup> day of June, 2013, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

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

EXHIBIT "A"

PART-TIME CLASSIFICATION TITLES (INCLUDING SEASONAL)

EFFECTIVE JULY 1, 2013

Airport Attendant	Range 17
Assistant Pool Manager	Range 27
Building Attendant	Range 29
Bus Driver	Range 41
Cashier	Range 17
Community Center Caretaker	Range 36
Crossing Guard	Range 12
Development Assistant	Range 42
Dial-A-Ride Driver	Range 31
Financial Services Specialist	Range 44
Lifeguard	Range 22
Lifeguard w/WSI Certification	Range 25
Office Specialist	Range 44
Police Assistant I	Range 44
Police Records Assistant	Range 29
Pool Manager	Range 32
Public Safety Dispatcher	Range 52
Recreation Program Coordinator	Range 43
Senior Center Coordinator	Range 49
Senior Recreation Leader	Range 36
Utility Billing Representative	Range 40

**EXHIBIT "B"**
**Permanent Salary Range Table**

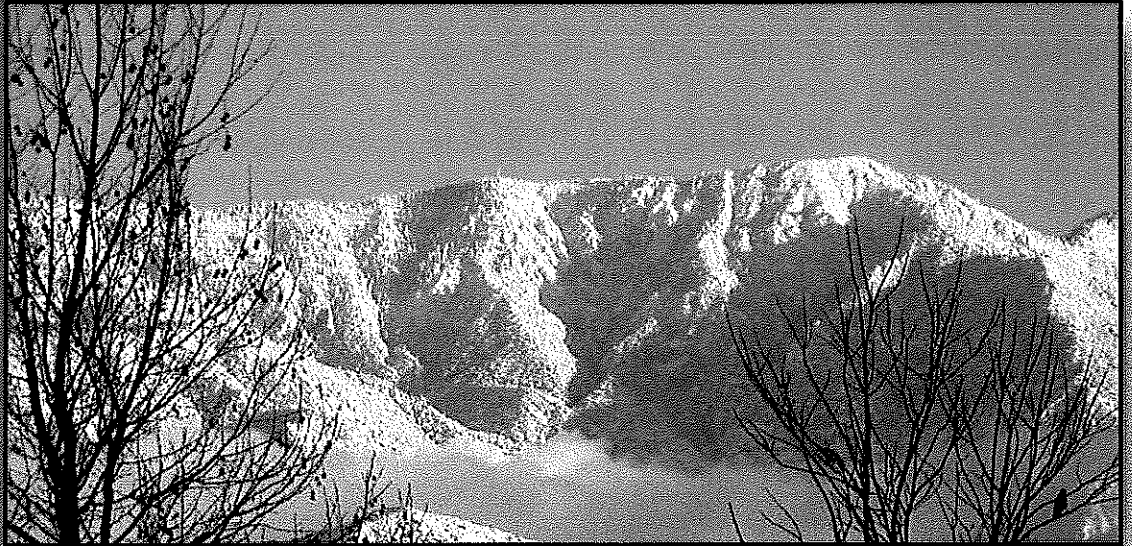
Salary Range	Minimum	Midpoint	Maximum		Salary Range	Minimum	Midpoint	Maximum
1	\$10,712	\$12,602	\$14,492		59	\$44,858	\$52,774	\$60,691
2	\$10,979	\$12,917	\$14,855		60	\$45,980	\$54,094	\$62,208
3	\$11,254	\$13,240	\$15,226		61	\$47,129	\$55,446	\$63,763
4	\$11,535	\$13,571	\$15,607		62	\$48,307	\$56,832	\$65,357
5	\$11,824	\$13,910	\$15,997		63	\$49,515	\$58,253	\$66,991
6	\$12,119	\$14,258	\$16,397		64	\$50,753	\$59,709	\$68,666
7	\$12,422	\$14,614	\$16,807		65	\$52,022	\$61,202	\$70,383
8	\$12,733	\$14,980	\$17,227		66	\$53,322	\$62,732	\$72,142
9	\$13,051	\$15,354	\$17,657		67	\$54,655	\$64,301	\$73,946
10	\$13,377	\$15,738	\$18,099		68	\$56,022	\$65,908	\$75,794
11	\$13,712	\$16,132	\$18,551		69	\$57,422	\$67,556	\$77,689
12	\$14,055	\$16,535	\$19,015		70	\$58,858	\$69,245	\$79,631
13	\$14,406	\$16,948	\$19,491		71	\$60,329	\$70,976	\$81,622
14	\$14,766	\$17,372	\$19,978		72	\$61,838	\$72,750	\$83,663
15	\$15,135	\$17,806	\$20,477		73	\$63,384	\$74,569	\$85,754
16	\$15,514	\$18,251	\$20,989		74	\$64,968	\$76,433	\$87,898
17	\$15,902	\$18,708	\$21,514		75	\$66,592	\$78,344	\$90,096
18	\$16,299	\$19,175	\$22,052		76	\$68,257	\$80,303	\$92,348
19	\$16,707	\$19,655	\$22,603		77	\$69,964	\$82,310	\$94,657
20	\$17,124	\$20,146	\$23,168		78	\$71,713	\$84,368	\$97,023
21	\$17,552	\$20,650	\$23,747		79	\$73,506	\$86,477	\$99,449
22	\$17,991	\$21,166	\$24,341		80	\$75,343	\$88,639	\$101,935
23	\$18,441	\$21,695	\$24,950		81	\$77,227	\$90,855	\$104,483
24	\$18,902	\$22,238	\$25,573		82	\$79,157	\$93,126	\$107,095
25	\$19,375	\$22,794	\$26,213		83	\$81,136	\$95,455	\$109,773
26	\$19,859	\$23,363	\$26,868		84	\$83,165	\$97,841	\$112,517
27	\$20,355	\$23,947	\$27,540		85	\$85,244	\$100,287	\$115,330
28	\$20,864	\$24,546	\$28,228		86	\$87,375	\$102,794	\$118,213
29	\$21,386	\$25,160	\$28,934		87	\$89,559	\$105,364	\$121,169
30	\$21,921	\$25,789	\$29,657		88	\$91,798	\$107,998	\$124,198
31	\$22,469	\$26,434	\$30,399		89	\$94,093	\$110,698	\$127,303
32	\$23,030	\$27,094	\$31,159		90	\$96,446	\$113,465	\$130,485
33	\$23,606	\$27,772	\$31,938		91	\$98,857	\$116,302	\$133,747
34	\$24,196	\$28,466	\$32,736		92	\$101,328	\$119,210	\$137,091
35	\$24,801	\$29,178	\$33,554		93	\$103,861	\$122,190	\$140,518
36	\$25,421	\$29,907	\$34,393		94	\$106,458	\$125,245	\$144,031
37	\$26,057	\$30,655	\$35,253		95	\$109,119	\$128,376	\$147,632
38	\$26,708	\$31,421	\$36,134		96	\$111,847	\$131,585	\$151,323
39	\$27,376	\$32,207	\$37,038		97	\$114,644	\$134,875	\$155,106
40	\$28,060	\$33,012	\$37,964		98	\$117,510	\$138,247	\$158,984
41	\$28,762	\$33,837	\$38,913		99	\$120,447	\$141,703	\$162,958
42	\$29,481	\$34,683	\$39,886		100	\$123,459	\$145,245	\$167,032
43	\$30,218	\$35,550	\$40,883		101	\$126,545	\$148,876	\$171,208
44	\$30,973	\$36,439	\$41,905		102	\$129,709	\$152,598	\$175,488
45	\$31,747	\$37,350	\$42,952		103	\$132,951	\$156,413	\$179,875
46	\$32,541	\$38,284	\$44,026		104	\$136,275	\$160,324	\$184,372
47	\$33,355	\$39,241	\$45,127		105	\$139,682	\$164,332	\$188,982
48	\$34,189	\$40,222	\$46,255		106	\$143,174	\$168,440	\$193,706
49	\$35,043	\$41,227	\$47,411		107	\$146,753	\$172,651	\$198,549
50	\$35,919	\$42,258	\$48,597		108	\$150,422	\$176,967	\$203,512
51	\$36,817	\$43,314	\$49,812		109	\$154,183	\$181,392	\$208,600
52	\$37,738	\$44,397	\$51,057		110	\$158,037	\$185,926	\$213,815
53	\$38,681	\$45,507	\$52,333		111	\$161,988	\$190,574	\$219,161
54	\$39,648	\$46,645	\$53,642		112	\$166,038	\$195,339	\$224,640
55	\$40,639	\$47,811	\$54,983		113	\$170,189	\$200,222	\$230,256
56	\$41,655	\$49,006	\$56,357		114	\$174,444	\$205,228	\$236,012
57	\$42,697	\$50,231	\$57,766		115	\$178,805	\$210,359	\$241,912
58	\$43,764	\$51,487	\$59,210		116	\$183,275	\$215,617	\$247,960

**Midpoint%**
**2.50%**

Exhibit "A"

4

**Range Spread**
**35.00%**



Fiscal Year 2013-2014

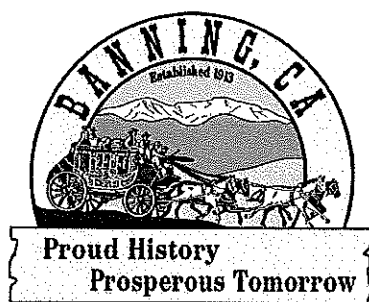
# BUDGET

*2<sup>nd</sup> Year of the Two Year Budget*



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## OFFICIALS

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Deborah "Debbie" Franklin..... Mayor  
Robert E. "Bob" Botts..... Mayor Pro Tem  
Don Peterson..... Council Member  
/Housing Authority Chairperson  
Edward Miller ..... Council Member  
Art Welch ..... Council Member  
John McQuown ..... City Treasurer  
Marie Calderon ..... City Clerk

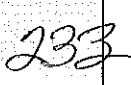
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## EXECUTIVE STAFF

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Andrew (Andy) Takata  
City Manager

Dave Aleshire ..... City Attorney  
June Overholt ..... Administrative Services Director/Deputy City Manager  
Zai Abu Bakar ..... Community Development Director  
Heidi Meraz..... Community Services Director  
Bill Manis..... Economic Development Director  
Fred Mason..... Electric Utility Director  
Jeff Stowells..... Fire Battalion Chief (CalFire)  
Leonard Purvis ..... Police Chief  
Duane Burk ..... Public Works Director



# CITY of BANNING

Fiscal Year 2013/2014

## Revised Budget

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## CITY of BANNING *Budget Message*

June 25<sup>th</sup>, 2013

Honorable Mayor, City Council and Citizens,

**T**his budget document reflects the second year of the two year budgeting cycle and includes the recommendations for Fiscal Year 2013-2014 (FY14). The FY14 budget has been updated to reflect Council actions taken throughout fiscal year 2012-13, updated estimates on revenues, adjustments to expenditures due to negotiations with the employee groups and other expenditure trends. It reflects continued efforts by staff to manage the available resources while maintaining current service levels. The budget message will describe major changes in the budget, observations and areas of concern for future budgets.

### General Fund

*General Fund*

The General Fund has a balanced budget. This is a significant improvement from the projected deficit of over \$600k that was presented in the two-year budget document adopted June 2013. Achieving a balanced budget in the General Fund is subject to the economy continuing to improve. The main reasons for the improvement relate to improved revenues in property taxes, sales tax revenue and the Electric administrative charge. Fortunately, the State has not taken any new action to directly harm any City General Fund revenue source.

With expenditures, a significant savings was achieved from eliminating four vacant police officer positions. These positions were discussed as part of the negotiation process with the employee groups and Council. The terms of the new Memorandum of Understanding (MOU) with the employee groups were incorporated into the budget. The most significant terms included requiring employees to pay the employee rate of the PERS pension plan in exchange for a salary increase. Updated PERS rates were included in the budget, which included an increase from

what was previously budgeted. ⌘ COPS grant funding is no longer available in FY14. The officer hired through the grant continues with the City per the terms of the grant. ⌘ The MOU that shares the cost for Fire Engine 20 with the City of Beaumont and the County of Riverside has been modified to share the costs equally. ⌘ The budget includes the lobbyist the Council recently engaged to represent City interests at the State and Federal level. ⌘ Both full time and part time positions were added or deleted to realign operations and services to maximize the benefit with the least financial impact. ⌘ Most position changes were in Community Services to reflect the operational structure needed to properly meet the demands for service.

It is important to acknowledge the challenges of balancing the budget during a time of economic recession that has been compounded by State legislation that removed revenue sources previously relied upon by the City, such as the Redevelopment Agency and Vehicle License Fees. During this time, the City has downsized the organization by eliminating positions beginning in 2008, negotiated compensation reductions with the employees, absorbed costs previously covered by the eliminated Redevelopment Agency, and absorbed losses in revenues from State takeaways. The future will hopefully tell a better story as signs of improvement in the local economy become more evident.

The General Fund reserves are showing signs of improvement with an estimated available balance for July 1st of \$2.9M. This balance is based on the midyear estimates for fiscal year 2012-13 (FY13). The actual available reserves will be determined through the year-end closing and audit process. Council has a "Committed Fund Balance" policy goal to maintain reserves of a minimum of \$1.5M up to 25% of the operating budget, whichever is higher. The available resources in the budget represent approximately 22% of the goal. Staff at a later date would like to review this policy to increase the maximum reserves.

#### Future Outlook

There are several challenges on the horizon that will impact the General Fund budget and operations. Below are some of these challenges:

- The Transient Occupancy Tax increased by the voters in 2009 included a sunset date of November 2, 2014. The increased rate and increased occupancy at the local hotels has generated an additional \$300k in revenues to the General Fund. During the next 12

months, staff and Council will be considering how to extend this rate further into the future.

- CalPERS rates continue to rise. The CalPERS board recently adopted a strategy to improve funding levels at CalPERS. This is being achieved through changes to the smoothing methods previously used by the actuaries. As a result, it appears that the Misc employee rates will likely increase by at least 2% and the Safety rate will increase by at least 3% in fiscal year 2015-2016. Additional rate increases are planned over a five year period until the new funding minimums are achieved. Specific information for Banning will become available later in 2013.
- With the elimination of the Redevelopment Agency, the City General Fund will need to absorb the administrative operations of \$250k by approximately fiscal year 2015-2016.

### **Special Revenue Funds**

#### *Special Revenue Funds*

Special Revenue Funds, as the title suggests, include budgets from revenue sources that are restricted in their use. Typically this includes grants and other dedicated amounts used to pay for specialized operations, such as some police services, streets and roads, restricted monies and assessment districts, to name a few. The budgets in this category of funds are typically self-balancing. Some of the funds may have a structural deficit in the proposed budgets due to a timing issue. For example, revenues are received in one year but the expenditures occur in a subsequent year. In those situations fund balance is utilized. Grants that are received during the year are budgeted at the time the grant is awarded.

Observations regarding some specific funds follow:

- The Riverside County MOU (F003) records the revenue received from the County related to the impacts of the jail. Currently, four officers are funded from this source. However, whenever the costs exceed the funds received per the MOU, the General Fund provides a transfer to cover any shortfall.
- The Gas Tax Fund (F100) receives a transfer from the General Fund of \$164k as a contribution to the Maintenance of Effort (MOE) requirements. This transfer includes funding from the Water and Refuse funds.

### **Capital Improvement Funds**

#### *Capital Improvement Funds*

These categories primarily account for development impact fee related funds and capital funds financed through other sources. Any projects in progress already approved by Council in prior years will have any remaining budget carried forward through continuing appropriations. If there are any Capital projects, they are listed in the Capital Improvement Program section of the budget document. Any new projects will be budgeted at the time it is presented to Council for approval.

### **Banning Utility Authority (BUA)**

#### *Banning Utility Authority*

The Water Operations Fund (F660) has a budget surplus, which will assist in meeting bond covenant requirements. The Wastewater Operations Fund (F680) has a deficit and will not meet the bond covenant requirements. Both budgets include the rate increases approved by Council October 2010. The budget is still lean and does not include the operational capital projects that had been contemplated when the rates were presented for approval.

The budgetary and fiscal policies state a goal of maintaining a fund balance reserve of 10% of the upcoming appropriations budget. There is a projected balance at the end of FY13 of \$5M for Water and \$1M for Wastewater to meet this requirement.

Capital projects included in the budget and funded through impact fees or remaining bond proceeds are listed in the Capital Improvement Program section of the budget document.

### **Enterprise Funds**

#### *Enterprise Funds*

The Airport Fund (F600) shows a deficit as a result of an operating deficit and ongoing grant related projects available fund balance will be used to cover the expenditures, if needed. The Transit Fund (F610) is balanced. Funding comes from the Riverside County Transportation Commission (RCTC) and bus fares. Two full time positions were added to provide better coverage to the operations. Transit has been relying completely on part time bus drivers in the past. The Refuse Fund (690) shows an operating surplus. The CPI rate increase has not been included in the revenue estimates.



The Electric Operations budget is balanced. The new rates have been incorporated into the budget. Overall costs for the Electric Operations increased due to Federal actions through the EPA and State legislation through Cap & Trade related to the San Juan facility. In addition, overall transmission and operating expenses have increased. These increases were described in more detail during the rate increase presentation. ⌘ Two full time position reclassifications were included in the budget to reflect the operational structure needed for the apprentice program and the other was to allow for better cross training and sharing of responsibilities.

Capital projects included in the budget and funded through remaining Electric Improvement funds or bond proceeds are listed in the Capital Improvement Program section of the budget document.

### **Internal Service Funds**

### *Internal Service Funds*

The Internal Service Funds contain expenditures that, by their nature, are shared among most funds in the City and Utility Authority. The annual amounts are analyzed and then allocated out to the various funds, thereby including the applicable costs in each department's budget.

The largest of these funds is the Risk Management Fund (F700). Costs related to workers compensation, unemployment, general liability, and attorney fees are accounted for in this fund. The Council has adopted a policy of maintaining a minimum fund balance of \$500,000 in this fund to be available for unknown lawsuits and other insurance costs. There is a balance projected at the end of FY14 of approximately \$523K to meet this requirement. ⌘ The Information Systems Services Fund (F703) provides technology services to the City departments. Additional budget was included utilizing fund balance for the purpose of upgrading several workstations and the city website. ⌘ The remaining funds have a budgeted deficit that will utilize fund balance, if needed.

### **Successor Agency Funds**

#### *Successor Agency Funds*

Effective February 1, 2012, all California redevelopment agencies were dissolved and their assets and functions transferred to the Successor Agency. The City elected to be the Successor Agency for the Community Redevelopment Agency (CRA) and elected to have the Housing Authority as the successor to the CRA low/mod housing functions.

As part of complying with AB26, the Oversight Board and the Department of Finance (DOF) for the State of California reviewed and approved the Recognized Obligation Payment Schedule (ROPS 13-14A) for the period of July through December 2013, which is incorporated into the FY14 budget. Similar activity is assumed for the second half of the budget year and was incorporated in the FY14 budget. The budget basically includes the debt service obligations and the second half of the administrative fee.

The ROPS 13-14A included requests to utilize bond funds. These were approved subject to the DOF providing a Finding of Completion. The Finding was issued to the Agency April 26<sup>th</sup>, 2013. The Finding of Completion was necessary before the Agency could evaluate moving forward with any remaining bond funded projects. Staff is currently working on the Long-Range Property Management Plan required by DOF.

Capital projects included in the budget and funded through remaining bond proceeds are listed in the Capital Improvement Program section of the budget document.

The greatest risk to the City would be a situation where there is insufficient "tax increment" (now called RPTTF funds) to pay for debt service obligations, City General Fund pass through payments and administrative costs. However, because property taxes are improving, sufficient RPTTF funds are available to meet these obligations.

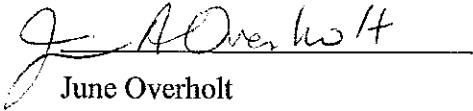
### **In Conclusion**

#### *In Conclusion*

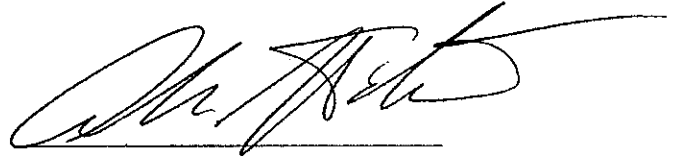
Approval of the budget document provides a framework and necessary authority to provide a variety of services to citizens, to complete planned projects and to pay the required debt service payments for the Fiscal Year 2013-2014. The budget is a living document. Adjustments to the budget are expected throughout the year.

Thank you to all the staff who actively participate in the preparation and monitoring of the budget.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "June Overholt", written over a horizontal line.

June Overholt  
Administrative Services Director/  
Deputy City Manager

A handwritten signature in cursive script, appearing to read "Andy Takata", written over a horizontal line.

Andy Takata  
City Manager

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CITY OF BANNING  
Fund Summary Status  
FY14 Projections  
FY 2013-14

#	FUND NAME	(1) Available Resources @ July 1, 2013	(2) FY 2013-14 Revised Revenue	(3) FY 2013-14 Revised Expenditures	(4) Proj. YTD Gain/(Loss) (Col. 2-3)	(5) Proj. Balance @ June 30, 2014 (Col. 1+4)
<b><u>Governmental Funds</u></b>						
001	General	2,962,573	13,354,930	13,354,930	-	2,962,573
	<b>Sub-Total</b>	<b>2,962,573</b>	<b>13,354,930</b>	<b>13,354,930</b>	<b>-</b>	<b>2,962,573</b>
<b><u>Special Revenue Funds</u></b>						
002	Developer Deposit Fund	-	-	-	-	-
003	Riverside County MOU	134,334	457,003	591,337	(134,334)	-
100	Gas Tax Street	172,694	1,044,416	1,027,655	16,761	189,455
101	Measure A Street	659,153	478,000	470,000	8,000	667,153
103	SB300 Street Improvement	71,392	425	-	425	71,817
104	Article 3 - Sidewalk Construction	13,619	-	-	-	13,619
110	C.D.B.G.	-	119,000	119,000	-	-
111	Landscape Maintenance Assmt. Dist.#1	212,192	136,312	128,994	7,318	219,510
132	Air Quality Improvement	149,996	30,250	3,000	27,250	177,246
140	Asset Forfeiture	2,496	-	-	-	2,496
148	Supplemental Law Enforcement	-	-	-	-	-
149	Public Safety - Sales Tax	-	-	-	-	-
150	State Park Bond Act	932	-	-	-	932
190	Housing Authority Fund	-	-	-	-	-
200	Special Donations	20,760	8,250	6,500	1,750	22,510
201	Senior Center Activities	55,467	6,650	13,000	(6,350)	49,117
202	Animal Control Reserve	4,891	-	-	-	4,891
203	Police Volunteer	2,613	-	2,613	(2,613)	-
300	City Hall COP Debt Service*	1,395	437,001	437,001	-	1,395
360	Sun Lakes CFD #86-1	34,973	-	-	-	34,973
365	Wilson Street #91-1 Assessment Debt	43,181	-	-	-	43,181
370	Area Police Computer	12,103	50,669	50,699	(30)	12,073
375	Fair Oaks #2004-1 Debt Service	182,910	199,493	199,943	(450)	182,460
376	Cameo Homes	45,753	100	-	100	45,853
	<b>Sub-Total</b>	<b>1,820,854</b>	<b>2,967,569</b>	<b>3,049,742</b>	<b>(82,173)</b>	<b>1,738,681</b>

CITY OF BANNING  
Fund Summary Status  
FY14 Projections  
FY 2013-14

#	FUND NAME	(1) Available Resources @ July 1, 2013	(2) FY 2013-14 Revised Revenue	(3) FY 2013-14 Revised Expenditures	(4) Proj. YTD Gain/(Loss) (Col. 2-3)	(5) Proj. Balance @ June 30, 2014 (Col. 1+4)
<b>Capital Improvement Funds</b>						
400	Police Facilities Development	33,988	-	-	-	33,988
410	Fire Facility Development	932,262	-	-	-	932,262
420	Traffic Control Facility	333,918	600	35,000	(34,400)	299,518
421	Ramsey/Highland Home Traffic Signal	80,615	150	-	150	80,765
430	General Facilities	476,468	1,200	45,000	(43,800)	432,668
441	Sunset Grade Separation Fund	1,541	-	-	-	1,541
444	Wilson Median	377,024	500	-	500	377,524
451	Park Development	24,064	250	-	250	24,314
470	Capital Improvement Fund	641,628	400	-	400	642,028
	<b>Sub-Total</b>	<b>2,901,508</b>	<b>3,100</b>	<b>80,000</b>	<b>(76,900)</b>	<b>2,824,608</b>
<b>Banning Utility Authority</b>						
660	Water Operations	4,921,228	9,673,000	9,013,200	659,800	5,581,028
661	Water Capital Facility Fee	4,148,303	195,000	2,300,000	(2,105,000)	2,043,303
663	BUA Water Capital Project Fund	1,707,303	2,150	135,000	(132,850)	1,574,453
669	BUA Water Debt Service Fund	86,891	2,289,205	2,289,805	(600)	86,291
	<b>Water Subtotal</b>	<b>10,863,725</b>	<b>12,159,355</b>	<b>13,738,005</b>	<b>(1,578,650)</b>	<b>9,285,075</b>
680	Wastewater Operations	1,002,958	3,112,950	3,139,673	(26,723)	976,235
681	Wastewater Capital Facility Fees	10,617,313	60,000	760,000	(700,000)	9,917,313
683	BUA WWtr Capital Project Fund	2,727,645	2,000	-	2,000	2,729,645
685	State Revolving Loan	770,462	303,000	299,995	3,005	773,467
689	BUA Wastewater Debt Service Fund	89,273	393,618	393,118	500	89,773
	<b>Wastewater Subtotal</b>	<b>15,207,651</b>	<b>3,871,568</b>	<b>4,592,786</b>	<b>(721,218)</b>	<b>14,486,433</b>
662	Irrigation Water	1,166,541	1,888,459	3,055,000	(1,166,541)	-
682	Wastewater Tertiary	3,742,365	334,000	1,882,459	(1,548,459)	2,193,906
	<b>Reclaimed Water Subtotal</b>	<b>4,908,906</b>	<b>2,222,459</b>	<b>4,937,459</b>	<b>(2,715,000)</b>	<b>2,193,906</b>
	<b>Sub-Total</b>	<b>30,980,282</b>	<b>18,253,382</b>	<b>23,268,250</b>	<b>(5,014,868)</b>	<b>25,965,414</b>
<b>Enterprise Funds</b>						
600	Airport	162,637	181,700	269,173	(87,473)	75,164
610	Transit Operations	-	1,490,520	1,490,520	-	-
690	Refuse	385,641	3,155,850	3,113,138	42,712	428,353
	<b>Subtotal</b>	<b>548,278</b>	<b>4,828,070</b>	<b>4,872,831</b>	<b>(44,761)</b>	<b>503,517</b>
670	Electric Operations	6,493,469	30,005,000	29,601,756	403,244	6,896,713
672	Rate Stability	5,995,907	-	-	-	5,995,907
673	Electric Improvement	6,890,545	-	682,000	(682,000)	6,208,545
674	2007 Elec Rev Bond Project Fund	8,612,151	-	1,430,000	(1,430,000)	7,182,151
675	Public Benefit Fund	175,870	792,300	786,843	5,457	181,327
678	2007 Elec Rev Bond Debt Service	387,611	2,667,546	2,667,546	-	387,611
	<b>Electric Subtotal</b>	<b>28,555,553</b>	<b>33,464,846</b>	<b>35,168,145</b>	<b>(1,703,299)</b>	<b>26,852,254</b>
	<b>Sub-Total</b>	<b>29,103,831</b>	<b>38,292,916</b>	<b>40,040,976</b>	<b>(1,748,060)</b>	<b>27,355,771</b>

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CITY OF BANNING  
Fund Summary Status  
FY14 Projections  
FY 2013-14

#	FUND NAME	(1) Available Resources @ July 1, 2013	(2) FY 2013-14 Revised Revenue	(3) FY 2013-14 Revised Expenditures	(4) Proj. YTD Gain/(Loss) (Col. 2-3)	(5) Proj. Balance @ June 30, 2014 (Col. 1+4)
<b>Internal Service Funds</b>						
700	Risk Management Fund	467,057	2,448,866	2,392,096	56,770	523,827
702	Fleet Maintenance	595,441	1,104,209	1,107,636	(3,427)	592,014
703	Information Systems Services	91,168	406,282	447,185	(40,903)	50,265
761	Utility Billing Administration	180,247	1,634,150	1,643,515	(9,365)	170,882
	<b>Sub-Total</b>	<b>1,333,913</b>	<b>5,593,507</b>	<b>5,590,432</b>	<b>3,075</b>	<b>1,336,988</b>
<b>Successor Agency Funds</b>						
805	Redevelopment Obligation Retirement Fund	1,708,312	3,415,240	3,415,240	-	1,708,312
810	Successor Housing Agency	39,154	100	-	100	39,254
830	Debt Service Fund	621,928	3,296,464	3,121,938	174,526	796,454
850	Successor Agency	837,204	269,500	271,627	(2,127)	835,077
855	2007 TABS Bond Proceeds	8,627,195	3,000	358,224	(355,224)	8,271,971
856	2003 TABS Bond Proceeds	83,808	32,874	-	32,874	116,682
857	2003 TABS Bond Proceeds Low/Mod	437,454	1,000	-	1,000	438,454
	<b>Sub-Total</b>	<b>12,355,055</b>	<b>7,018,178</b>	<b>7,167,029</b>	<b>(148,851)</b>	<b>12,206,204</b>
	<b>GRAND TOTAL ALL FUNDS</b>	<b>81,458,016</b>	<b>85,483,582</b>	<b>92,551,359</b>	<b>(7,067,777)</b>	<b>74,390,239</b>

City of Banning  
**Total City Revenues By Category and Fund**

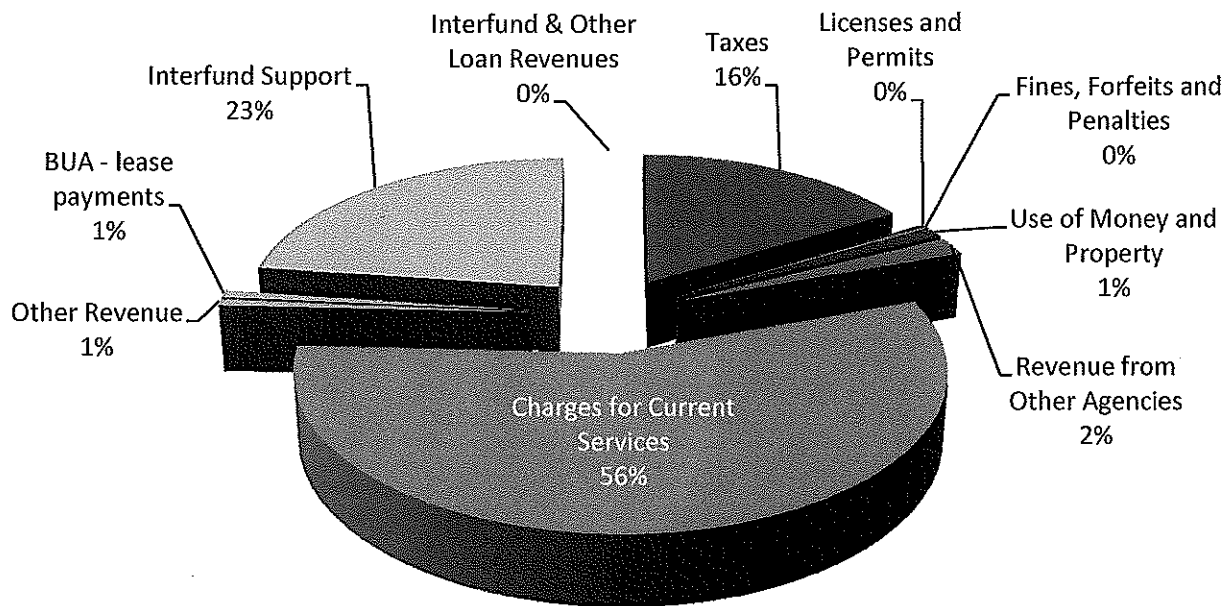
Category	Actual 2010/2011	Actual 2011/2012	Revised Adopted Budget 2012/2013	Revised 2013/2014
Taxes	14,395,213	13,180,190	13,453,435	13,990,994
Licenses and Permits	149,519	132,197	132,950	126,450
Fines, Forfeits and Penalties	355,280	292,192	265,300	261,550
Use of Money and Property	1,422,771	945,918	854,936	795,598
Revenue from Other Agencies	4,306,760	2,899,276	4,381,187	1,570,866
Charges for Current Services	42,392,238	44,873,882	46,177,983	47,988,680
Other Revenue	2,585,048	3,247,704	3,385,739	580,289
BUA - lease payments	651,000	651,000	651,000	651,000
Interfund Support	20,425,077	20,675,435	18,007,265	19,500,693
Interfund & Other Loan Revenues	-	76,086	4,111	17,462
<b>Total</b>	<b>86,682,906</b>	<b>86,973,880</b>	<b>87,313,906</b>	<b>85,483,582</b>

Funds	Actual 2010/2011	Actual 2011/2012	Revised Adopted Budget 2012/2013	Revised 2013/2014
General Fund	13,699,491	12,897,523	14,539,087	13,354,930
Special Revenue	3,914,858	4,627,754	4,007,768	2,967,569
Capital Improvement	771,836	598,254	2,871,680	3,100
Banning Utility Authority	15,091,493	16,966,634	16,322,983	18,253,382
Enterprise*	5,821,622	4,928,013	5,571,210	4,828,070
Electric	36,992,756	35,794,145	31,643,080	33,464,846
Internal Service	4,250,841	7,059,346	5,400,860	5,593,507
Successor Agency	6,140,009	4,102,211	6,957,238	7,018,178
<b>Total</b>	<b>86,682,906</b>	<b>86,973,880</b>	<b>87,313,906</b>	<b>85,483,582</b>

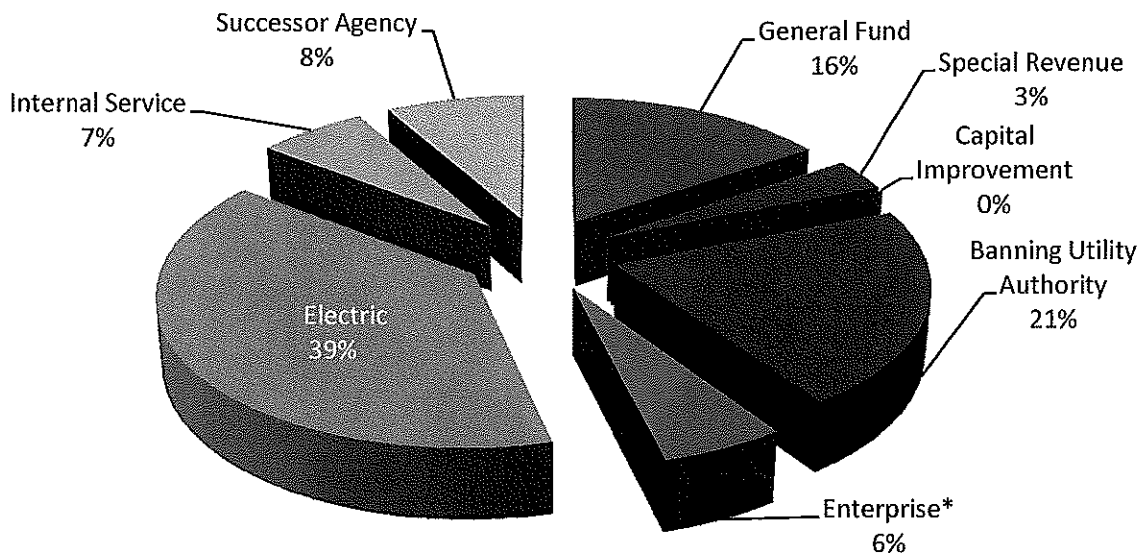
\*Electric Utility Funds are not calculated in these totals.



City of Banning  
Fiscal year 2013-14  
**Total Revenue All Funds = \$85,483,582**  
**Revenue by Category - All Funds**



**Revenue by Fund - All Funds**



## City of Banning

Category	Actual 2010/2011	Actual 2011/2012	Revised Adopted Budget 2012/2013	Revised 2013/2014
Employee Services	16,848,146	16,802,161	17,185,596	17,854,833
Services and Supplies	39,943,263	38,065,603	38,782,154	35,094,282
Capital	4,731,233	6,317,518	18,230,897	9,621,230
Debt Service	11,574,166	9,657,077	9,198,336	9,392,671
Interfund Support	21,736,233	21,996,648	18,994,395	20,588,343
<b>Total</b>	<b>94,833,041</b>	<b>92,839,007</b>	<b>102,391,378</b>	<b>92,551,359</b>

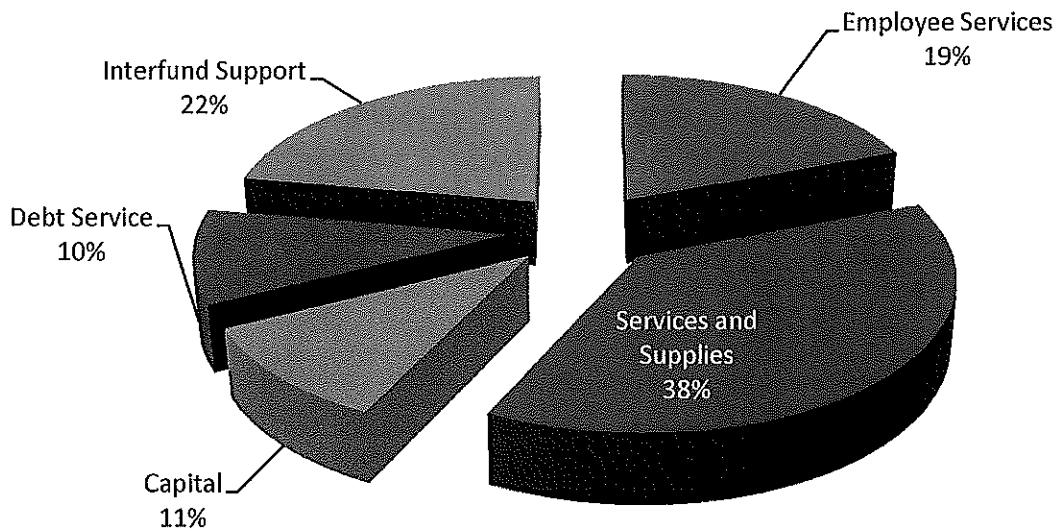
<b>Budgeted Personnel*</b>	<b>161.34</b>	<b>158.68</b>	<b>160.18</b>	<b>159.02</b>
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Funds	Actual 2010/2011	Actual 2011/2012	Revised Adopted Budget 2012/2013	Revised 2013/2014
General Fund	12,996,253	15,380,355	13,600,883	13,354,930
Special Revenue	7,700,717	5,275,924	5,266,122	3,049,742
Capital Improvement	773,951	1,385,309	2,336,189	80,000
Banning Utility Authority	14,240,027	13,696,880	19,129,618	23,268,250
Enterprise	43,352,426	41,053,403	46,646,420	40,040,976
Internal Service	4,667,778	6,804,011	5,497,369	5,590,432
Successor Agency	11,101,889	9,243,125	9,914,777	7,167,029
<b>Total</b>	<b>94,833,041</b>	<b>92,839,007</b>	<b>102,391,378</b>	<b>92,551,359</b>

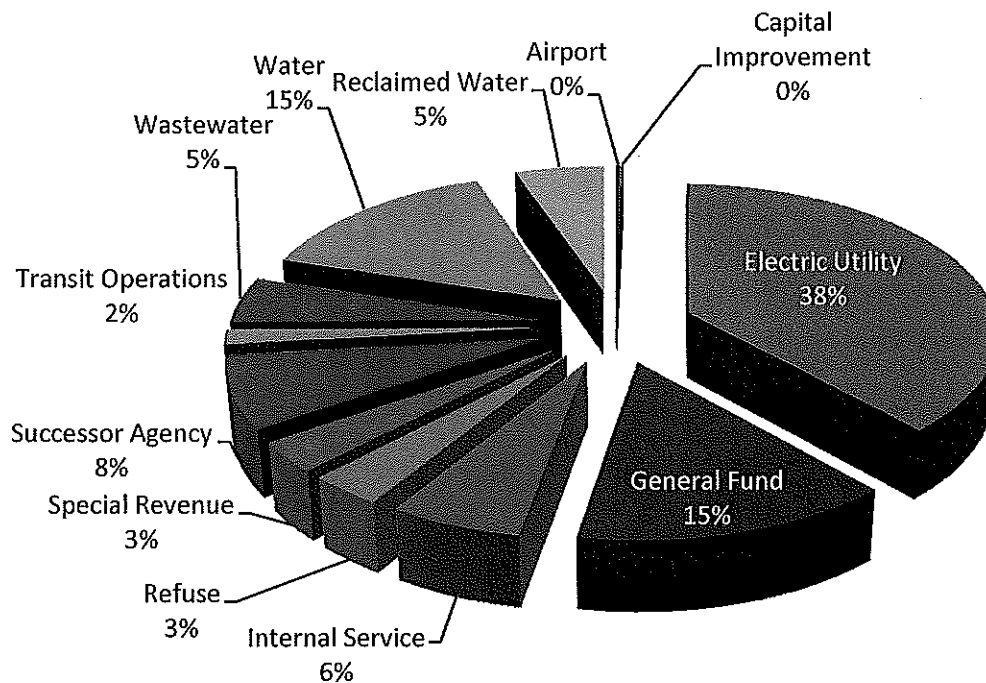
*\*No longer includes Fire*

City of Banning  
Fiscal year 2013-14  
**Total Expenditures All Funds = \$92,551,359**

**Expenditure by Category - All Funds**



**Expenditures by Fund - All Funds**



City of Banning  
**Other Funds Revenue Summary**

Fund #	Description	Actual 2010/2011	Actual 2011/2012	Revised Adopted Budget 2012/2013	Revised 2013/2014
<b><u>SPECIAL REVENUE FUNDS</u></b>					
002	Developer Deposits - Community Dev.	55,903	209,172	222,904	-
003	County of Riverside - Police MOU	451,089	450,521	451,000	457,003
100	Gas Tax	810,858	1,416,655	921,300	1,044,416
101	Measure A Street	444,491	1,063,518	903,491	478,000
103	SB300 Street Improvement	862	374	725	425
104	Article 3 - Sidewalk Construction	601,434	308	300	-
110	C.D.B.G.	84,672	14,000	399,549	119,000
111	Landscape Maintenance Assmt. Dist.#1	132,439	130,743	133,474	136,312
132	Air Quality	34,721	37,851	20,250	30,250
140	Asset Forfeiture	15	6	-	-
148	Supplemental Law Enforcement	101,014	100,697	100,365	-
149	Public Safety - Sales Tax	189,226	204,767	4	-
150	State Park Bond Act	5	2	-	-
190	Housing Authority Fund	-	287,300	150,000	-
200	Special Donations	7,456	10,450	20,140	8,250
201	Senior Center Activities	5,976	6,858	3,800	6,650
202	Animal Control Reserve	29	12	-	-
203	Police Volunteer	31	8	-	-
204	D.A.R.E./Great Grant	49	-	-	-
300	City Hall COP Debt Service	515,941	426,428	437,001	437,001
360	Sun Lakes CFD #86-1	204	88	50	-
365	Assessment Dist - #91-1 Wilson St. Debt	207,260	1,356	75	-
370	Area Police Computer	48,568	64,882	41,487	50,669
375	Fair Oaks 2004-1 Debt Service	222,349	201,642	201,753	199,493
376	Cameo Homes	266	116	100	100
<b><i>Special Revenue Funds Subtotal</i></b>		<b><i>3,914,858</i></b>	<b><i>4,627,754</i></b>	<b><i>4,007,768</i></b>	<b><i>2,967,569</i></b>

City of Banning  
**Other Funds Revenue Summary**

Fund #	Description	Actual 2010/2011	Actual 2011/2012	Revised Adopted Budget 2012/2013	Revised 2013/2014
<b><u>CAPITAL IMPROVEMENT FUNDS</u></b>					
400	Police Facilities Development	5,808	8,989	100	-
410	Fire Facility Development	6,209	8,582	1,200	-
420	Traffic Control Facility	16,441	23,257	5,600	600
421	Ramsey & Highland Home Traffic Signal	469	204	150	150
430	General Facilities	7,153	5,417	1,200	1,200
441	Sunset Grade Separation Fund	728,677	548,179	2,858,728	-
444	Wilson Median	2,195	954	500	500
451	Park Development	988	1,708	250	250
470	Capital Improvement Funds	3,896	964	3,952	400
<b><i>Capital Improvement Funds Subtotal</i></b>		<b><i>771,836</i></b>	<b><i>598,254</i></b>	<b><i>2,871,680</i></b>	<b><i>3,100</i></b>
<b><u>BANNING UTILITY AUTHORITY</u></b>					
660	Water Operations	7,553,772	9,392,421	9,640,000	9,673,000
661	Water Capital Facility Fee	80,837	176,883	322,500	195,000
663	BUA Water Capital Project Fund	7,040	1,961	2,750	2,150
669	BUA Water Debt Service Fund	2,292,211	2,288,013	2,289,405	2,289,205
<b><i>Water Subtotal</i></b>		<b><i>9,933,860</i></b>	<b><i>11,859,278</i></b>	<b><i>12,254,655</i></b>	<b><i>12,159,355</i></b>
680	Wastewater Operations	2,826,552	2,694,004	2,917,159	3,112,950
681	Wastewater Capital Facility Fees	1,469,987	1,358,302	105,000	60,000
683	BUA Wastewater Capital Project Fund	6,822	1,689	1,500	2,000
685	State Revolving Loan	304,366	301,921	302,000	303,000
689	BUA Wastewater Debt Service Fund	532,354	392,943	393,669	393,618
<b><i>Wastewater Subtotal</i></b>		<b><i>5,140,081</i></b>	<b><i>4,748,859</i></b>	<b><i>3,719,328</i></b>	<b><i>3,871,568</i></b>
662	Irrigation Water	17,552	7,625	5,000	1,888,459
682	Wastewater Tertiary	-	350,872	344,000	334,000
<b><i>Reclaimed Water Subtotal</i></b>		<b><i>17,552</i></b>	<b><i>358,497</i></b>	<b><i>349,000</i></b>	<b><i>2,222,459</i></b>
<b><i>Banning Utility Authority Subtotal</i></b>		<b><i>15,091,493</i></b>	<b><i>16,966,634</i></b>	<b><i>16,322,983</i></b>	<b><i>18,253,382</i></b>

City of Banning  
**Other Funds Revenue Summary**

Fund #	Description	Actual 2010/2011	Actual 2011/2012	Revised Adopted Budget 2012/2013	Revised 2013/2014
<b>ENTERPRISE FUNDS</b>					
600	Airport	673,547	525,720	349,012	181,700
610	Transit Operations	2,081,444	1,366,647	2,044,348	1,490,520
690	Refuse	3,066,631	3,035,646	3,177,850	3,155,850
	<i>Subtotal</i>	<i>5,821,622</i>	<i>4,928,013</i>	<i>5,571,210</i>	<i>4,828,070</i>
670	Electric Operations	27,702,647	29,258,833	28,241,000	30,005,000
672	Rate Stability	25,950	2,215,257	60,000	-
673	Electric Improvement	74,692	835,994	-	-
674	2007 Electric Bond Project Fund	73,656	7,009	-	-
675	Public Benefit Fund	637,039	930,700	669,750	792,300
678	2007 Electric Debt Service Fund	8,478,772	2,546,352	2,672,330	2,667,546
	<i>Electric Subtotal</i>	<i>36,992,756</i>	<i>35,794,145</i>	<i>31,643,080</i>	<i>33,464,846</i>
	<b>Enterprise Funds Subtotal</b>	<b>42,814,378</b>	<b>40,722,158</b>	<b>37,214,290</b>	<b>38,292,916</b>
<b>INTERNAL SERVICE FUNDS</b>					
700	Risk Management	1,908,093	3,936,004	2,384,584	2,448,866
702	Fleet Maintenance	993,810	1,254,569	1,097,404	1,104,209
703	Information Systems Services	400,699	386,687	389,073	406,282
761	Utility Billing Services	948,239	1,482,086	1,529,799	1,634,150
	<b>Internal Service Funds Subtotal</b>	<b>4,250,841</b>	<b>7,059,346</b>	<b>5,400,860</b>	<b>5,593,507</b>
<b>SUCCESSOR AGENCY FUNDS</b>					
805	Redevelopment Obligation Retirement	-	1,452,036	3,309,848	3,415,240
810	Successor Housing Agency	884,234	3,988	1,200	100
830	Debt Service Fund	4,602,352	2,306,315	3,502,504	3,296,464
850	Successor Agency	596,009	323,653	129,200	269,500
855	Tax Allocation Bonds-2007 Tabs	21,730	8,925	4,770	3,000
856	Tax Allocation Bonds-2003 Tabs	5,946	921	8,516	32,874
857	Low\Mod Tax Alloc Bonds-2003 Tabs	6,254	1,729	1,200	1,000
860	Project Fund	23,484	4,644	-	-
	<b>Successor Agency Funds Subtotal</b>	<b>6,140,009</b>	<b>4,102,211</b>	<b>6,957,238</b>	<b>7,018,178</b>
<b>Other Funds Grand Total</b>		<b>72,983,415</b>	<b>74,076,357</b>	<b>72,774,819</b>	<b>72,128,652</b>

City of Banning  
**Other Funds Expenditure Summary**

Fund #	Description	Actual 2010/2011	Actual 2011/2012	Revised Adopted Budget 2012/2013	Revised 2013/2014
<b><u>SPECIAL REVENUE FUNDS</u></b>					
002	Developer Deposits - Community Dev.	57,113	207,963	222,904	-
003	County of Riverside - Police MOU	426,555	524,271	555,868	591,337
100	Gas Tax	551,084	1,395,255	1,433,747	1,027,655
101	Measure A Street	708,935	1,264,096	1,137,190	470,000
103	SB300 Street Improvement	-	-	77,190	-
104	Article 3 - Sidewalk Construction	512,714	-	-	-
110	C.D.B.G.	89,947	14,000	394,275	119,000
111	Landscape Maintenance Assmt. Dist.#1	115,819	125,442	138,246	128,994
132	Air Quality	3,069	3,000	43,000	3,000
140	Asset Forfeiture	-	-	-	-
148	Supplemental Law Enforcement	19,680	34,752	353,515	-
149	Public Safety - Sales Tax	170,000	202,676	24,633	-
150	State Park Bond Act	-	-	-	-
190	Housing Authority Fund	-	287,345	149,955	-
200	Special Donations	4,705	8,425	24,201	6,500
201	Senior Center Activities	8,920	8,187	15,935	13,000
202	Animal Control Reserve	-	-	-	-
203	Police Volunteer	1,463	580	1,080	2,613
204	D.A.R.E./Great Grant	46,787	-	-	-
300	City Hall COP Debt Service	4,447,206	435,895	437,001	437,001
360	Sun Lakes CFD #86-1	-	-	-	-
365	Assessment Dist - #91-1 Willson St. Debt	268,460	506,942	-	-
370	Area Police Computer	46,949	54,007	55,279	50,699
375	Fair Oaks 2004-1 Debt Service	221,311	203,088	202,103	199,943
376	Cameo Homes	-	-	-	-
<b><i>Special Revenue Funds Subtotal</i></b>		<b><i>7,700,717</i></b>	<b><i>5,275,924</i></b>	<b><i>5,266,122</i></b>	<b><i>3,049,742</i></b>

City of Banning  
**Other Funds Expenditure Summary**

Fund #	Description	Actual 2010/2011	Actual 2011/2012	Revised Adopted Budget 2012/2013	Revised 2013/2014
<b><u>CAPITAL IMPROVEMENT FUNDS</u></b>					
400	Police Facilities Development	-	-	-	-
410	Fire Facility Development	-	-	-	-
420	Traffic Control Facility	-	-	95,000	35,000
421	Ramsey & Highland Home Traffic Signal	-	-	-	-
430	General Facilities	-	-	-	45,000
441	Sunset Grade Separation Fund	728,067	1,361,501	2,085,866	-
444	Wilson Median	-	-	-	-
451	Park Development	26,590	-	132,046	-
470	Capital Improvement Funds	19,294	23,808	23,277	-
<b><i>Capital Improvement Funds Subtotal</i></b>		<b>773,951</b>	<b>1,385,309</b>	<b>2,336,189</b>	<b>80,000</b>
<b><u>BANNING UTILITY AUTHORITY</u></b>					
660	Water Operations	8,250,282	7,577,067	8,815,169	9,013,200
661	Water Capital Facility Fee	145,279	39,133	930,782	2,300,000
663	BUA Water Capital Project Fund	49,295	25,000	770,000	135,000
666	Water Participation CTF-86	3,522	-	-	-
667	Water Participation CTFS-8	34,857	-	-	-
669	BUA Water Debt Service Fund	1,591,388	2,294,246	2,288,905	2,289,805
<b><i>Water Subtotal</i></b>		<b>10,074,623</b>	<b>9,935,446</b>	<b>12,804,856</b>	<b>13,738,005</b>
680	Wastewater Operations	3,409,662	2,926,847	3,120,645	3,139,673
681	Wastewater Capital Facility Fees	169,963	5,776	85,000	760,000
683	BUA Wastewater Capital Project Fund	207,229	135,097	576,166	-
685	State Revolving Loan	70,874	300,208	300,103	299,995
687	Water Participation CTFS-89	25,531	-	-	-
689	BUA Wastewater Debt Service Fund	282,145	393,506	393,389	393,118
<b><i>Wastewater Subtotal</i></b>		<b>4,165,404</b>	<b>3,761,434</b>	<b>4,475,303</b>	<b>4,592,786</b>
662	Irrigation Water	-	-	1,849,459	3,055,000
682	Wastewater Tertiary	-	-	-	1,882,459
<b><i>Reclaimed Water Subtotal</i></b>		<b>-</b>	<b>-</b>	<b>1,849,459</b>	<b>4,937,459</b>
<b><i>Banning Utility Authority Subtotal</i></b>		<b>14,240,027</b>	<b>13,696,880</b>	<b>19,129,618</b>	<b>23,268,250</b>



City of Banning  
**Other Funds Expenditure Summary**

Fund #	Description	Actual 2010/2011	Actual 2011/2012	Revised Adopted Budget 2012/2013	Revised 2013/2014
<b><u>ENTERPRISE FUNDS</u></b>					
600	Airport	487,329	449,899	387,282	269,173
610	Transit Operations	1,381,648	1,373,063	2,044,348	1,490,520
690	Refuse	2,962,949	3,097,887	3,088,719	3,113,138
	<i>Subtotal</i>	<i>4,831,926</i>	<i>4,920,849</i>	<i>5,520,349</i>	<i>4,872,831</i>
670	Electric Operations	29,143,038	27,996,623	29,499,463	29,601,756
672	Rate Stability	-	1,200,000	-	-
673	Electric Improvement	290,475	3,057,629	1,753,053	682,000
674	2007 Electric Bond Project Fund	5,730,973	297,640	6,504,528	1,430,000
675	Public Benefit Fund	1,439,836	910,016	694,697	786,843
678	2007 Electric Debt Service Fund	1,916,178	2,670,646	2,674,330	2,667,546
	<i>Electric Subtotal</i>	<i>38,520,500</i>	<i>36,132,554</i>	<i>41,126,071</i>	<i>35,168,145</i>
	<b><i>Enterprise Funds Subtotal</i></b>	<b><i>43,352,426</i></b>	<b><i>41,053,403</i></b>	<b><i>46,646,420</i></b>	<b><i>40,040,976</i></b>
<b><u>INTERNAL SERVICE FUNDS</u></b>					
700	Risk Management	1,912,720	3,707,062	2,444,943	2,392,096
702	Fleet Maintenance	996,114	1,155,483	1,103,886	1,107,636
703	Information Systems Services	396,663	481,988	425,478	447,185
761	Utility Billing Services	1,362,281	1,459,478	1,523,062	1,643,515
	<b><i>Internal Service Funds Subtotal</i></b>	<b><i>4,667,778</i></b>	<b><i>6,804,011</i></b>	<b><i>5,497,369</i></b>	<b><i>5,590,432</i></b>
<b><u>SUCCESSOR AGENCY FUNDS</u></b>					
805	Redevelopment Obligation Retirement	-	-	3,053,580	3,415,240
810	Successor Housing Agency	809,421	286,959	1,822,344	-
830	Debt Service Fund	5,285,011	2,912,352	2,921,380	3,121,938
850	Successor Agency	595,856	554,529	1,312,906	271,627
855	Tax Allocation Bonds-2007 Tabs	2,357,488	4,281,324	603,165	358,224
856	Tax Allocation Bonds-2003 Tabs	1,099,379	465,424	51,402	-
857	Low\Mod Tax Alloc Bonds-2003 Tabs	569,844	361,908	150,000	-
860	Project Fund	384,890	380,629	-	-
	<b><i>Successor Agency Funds Subtotal</i></b>	<b><i>11,101,889</i></b>	<b><i>9,243,125</i></b>	<b><i>9,914,777</i></b>	<b><i>7,167,029</i></b>
<b><u>Other Funds Grand Total</u></b>					
		<b>81,836,788</b>	<b>77,458,652</b>	<b>88,790,495</b>	<b>79,196,429</b>

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City of Banning  
**General Fund Financial Overview**

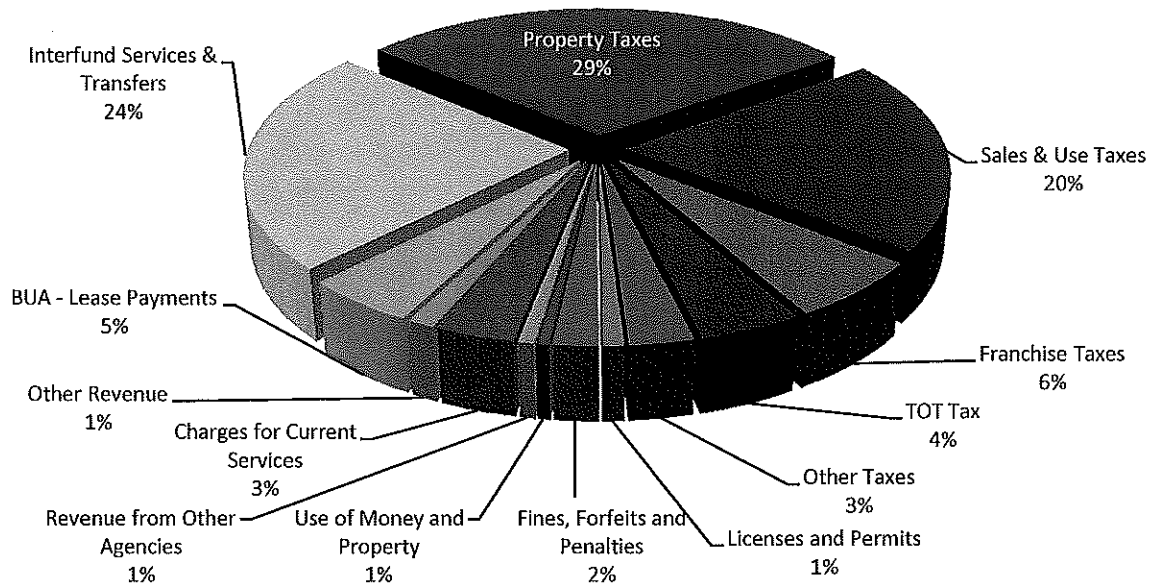
Description	Actual 2010/2011	Actual 2011/2012	Revised Adopted Budget 2012/2013	Revised 2013/2014
<b>General Fund Revenues By Category</b>				
<b>Taxes</b>				
Property Taxes	3,852,014	3,681,435	3,788,444	3,873,499
Sales & Use Taxes	2,130,506	2,324,025	2,719,426	2,724,915
Franchise Taxes	800,346	819,203	835,000	826,000
TOT Tax	506,074	586,083	550,000	590,000
Other Taxes	407,087	333,202	303,435	373,485
<b>Subtotal Taxes</b>	<b>7,696,027</b>	<b>7,743,948</b>	<b>8,196,305</b>	<b>8,387,899</b>
Licenses and Permits	149,519	132,197	132,950	126,450
Fines, Forfeits and Penalties	355,280	292,192	265,300	261,550
Use of Money and Property	99,207	50,549	36,726	74,175
Revenue from Other Agencies	1,398,300	312,450	1,771,063	95,750
Charges for Current Services	572,028	571,072	421,390	450,710
Other Revenue	228,963	120,379	111,120	160,578
BUA - Lease Payments	651,000	651,000	651,000	651,000
Interfund Services & Transfers	2,549,167	3,023,736	2,953,233	3,146,818
<b>Total</b>	<b>13,699,491</b>	<b>12,897,523</b>	<b>14,539,087</b>	<b>13,354,930</b>

<b>General Fund Expenditures By Department</b>				
City Manager/Council/Econ. Dev.	364,186	289,164	527,652	513,276
City Attorney	215,680	74,729	161,000	161,000
City Clerk/Elections	103,410	84,450	123,807	93,623
Community Enhancement	43,000	10,196	-	-
TV Government Access	33,291	23,493	81,340	56,800
Financial Services	137,134	206,530	279,395	263,051
Human Resources	153,151	172,782	166,649	148,683
Police/Dispatch	7,132,585	7,007,683	6,779,915	6,414,993
Fire Services	2,254,894	2,980,145	2,468,058	2,543,188
Community Development	555,546	654,747	777,438	797,144
Community Services	322,553	339,630	365,152	369,390
Public Works	656,409	689,991	686,557	662,001
Central Services/Debt	1,024,414	2,846,815	1,183,920	1,331,781
<b>Total</b>	<b>12,996,253</b>	<b>15,380,355</b>	<b>13,600,883</b>	<b>13,354,930</b>

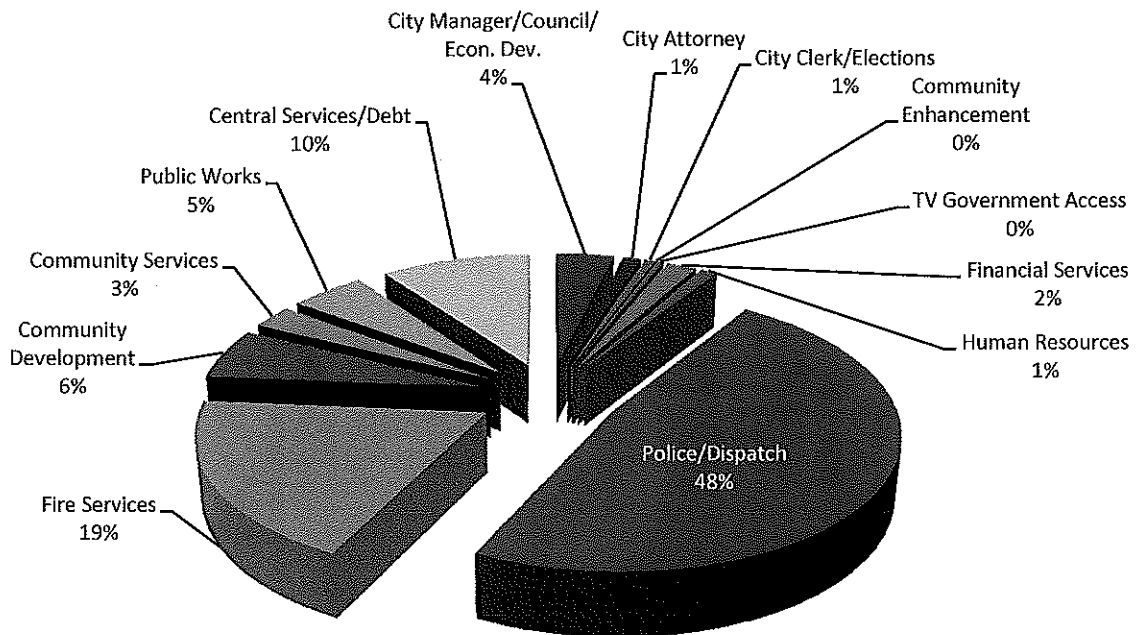
<b>Surplus/(Deficit)</b>	<b>703,238</b>	<b>(2,482,832)</b>	<b>938,204</b>	<b>-</b>
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City of Banning  
Fiscal year 2013-14  
**General Fund Financial Overview**

**General Fund Revenues**  
**Total = \$13,354,930**



**General Fund Expenditures**  
**Total = \$13,354,930**

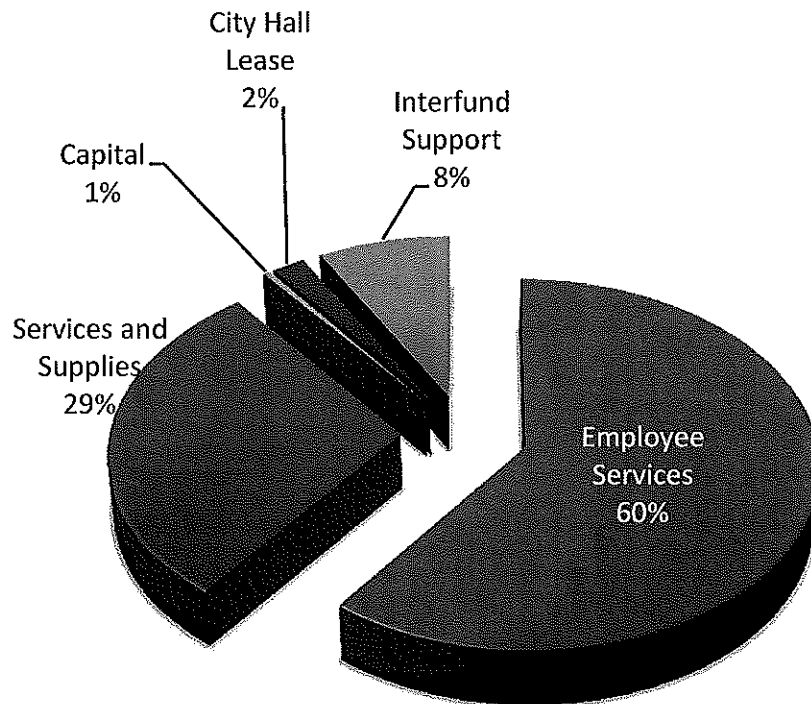


City of Banning  
**General Fund Expenditures By Category**

Category	Actual 2010/2011	Actual 2011/2012	Revised Adopted Budget 2012/2013	Revised 2013/2014
Employee Services	7,922,030	7,978,043	8,084,098	8,062,377
Services and Supplies	3,543,088	4,090,884	3,750,821	3,868,558
Capital	390,443	271,465	398,235	56,730
City Hall Lease	317,105	259,437	269,951	269,951
Interfund Support	823,587	2,780,526	1,097,778	1,097,314
<b>Total</b>	<b>12,996,253</b>	<b>15,380,355</b>	<b>13,600,883</b>	<b>13,354,930</b>

\*Note: Contracted Fire Services are approximately \$2.5M per year and is included in Services and Supplies.

Fiscal year 2013-14  
**General Fund Expenditures By Category**  
**Total = \$13,354,930**



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City of Banning  
**Budgeted Positions Summary**

Description	Revised Adopted 2010/2011	Revised Adopted 2011/2012	Revised Adopted 2012/2013	Revised Adopted 2013/2014
<b>General Fund</b> Personnel By Department (Including Fire)				
City Manager/Council	5.68	5.68	6.69	6.37
City Attorney	Contracted	Contracted	Contracted	Contracted
City Clerk	1.75	1.75	1.83	1.83
Financial Services	5.95	5.95	5.95	6.45
Human Resources	1.02	1.02	1.05	1.15
Police/Dispatch	45.00	43.25	43.25	39.85
Fire Services	1.00	1.00	1.00	1.00
Community Development	2.70	4.30	5.00	5.00
Community Services	5.41	5.41	5.41	5.73
Public Works	6.33	6.33	6.33	6.33
<b>Subtotal General Fund</b>	<b>74.84</b>	<b>74.69</b>	<b>76.51</b>	<b>73.71</b>
<b>Other Funds</b> Personnel By Department				
Streets	4.90	4.90	4.90	4.90
Airport	1.55	1.55	1.55	1.55
Transit	13.78	11.87	11.87	12.81
Water	15.07	15.07	15.10	15.17
Electric	21.40	21.40	22.43	22.50
Wastewater	5.32	5.32	5.35	5.42
Refuse	0.69	0.69	0.69	0.69
Insurance	1.55	1.55	1.55	1.55
Fleet Maintenance	2.50	3.50	3.50	3.50
Information Systems Services	2.40	2.40	2.40	2.40
Utility Billing	8.65	8.65	9.15	9.63
Utility Billing - Meter Reading	4.20	4.20	4.20	4.20
Successor Agency	4.50	2.90	1.00	1.00
<b>Subtotal Other Funds</b>	<b>86.51</b>	<b>84.00</b>	<b>83.67</b>	<b>85.31</b>
<b>Total All Funds</b>	<b>161.34</b>	<b>158.68</b>	<b>160.18</b>	<b>159.02</b>
<b>TOTAL ALL FUNDS</b>				
Less Part Time	12.34	11.68	11.18	10.02
Less Elected	7.00	7.00	7.00	7.00
<b>Full Time Employees</b>	<b>142.00</b>	<b>140.00</b>	<b>142.00</b>	<b>142.00</b>

\* Note: CalFire contract employees are no longer listed on this schedule

City of Banning  
**Citywide Personnel Summary by Fund/Division**

Description	Revised Adopted 2010/2011	Revised Adopted 2011/2012	Revised Adopted 2012/2013	Revised Adopted 2013/2014
<b>GENERAL FUND</b>				
<b>CITY COUNCIL</b>				
Mayor	1.00	1.00	1.00	1.00
Mayor Pro Tem	1.00	1.00	1.00	1.00
Council Members	3.00	3.00	3.00	3.00
DIVISION TOTAL FTE	5.00	5.00	5.00	5.00
<b>CITY MANAGER</b>				
City Manager	0.48	0.48	0.69	0.69
Executive Assistant	0.00	0.00	0.00	0.69
Executive Secretary	0.20	0.20	1.00	0.00
DIVISION TOTAL FTE	0.68	0.68	1.69	1.37
<b>HUMAN RESOURCES</b>				
City Manager	0.07	0.07	0.10	0.10
Admin Services Director	0.20	0.20	0.20	0.20
Human Resources Director	0.00	0.00	0.00	0.00
Deputy HR Director	0.50	0.50	0.50	0.50
Executive Assistant	0.00	0.00	0.00	0.10
Sr. Human Resources Analyst	0.00	0.00	0.00	0.00
Human Resources Technician	0.25	0.25	0.25	0.25
DIVISION TOTAL FTE	1.02	1.02	1.05	1.15
<b>CITY CLERK</b>				
City Clerk - Elected	1.00	1.00	1.00	1.00
Executive Assistant	0.75	0.75	0.83	0.83
DIVISION TOTAL FTE	1.75	1.75	1.83	1.83
<b>CITY ATTORNEY</b>				
City Attorney	Contract	Contract	Contract	Contract
<b>FISCAL SERVICES</b>				
City Treasurer - Elected	1.00	1.00	1.00	1.00
Finance Director	0.00	0.00	0.00	0.00
Admin Services Director	0.20	0.20	0.20	0.20
Deputy Finance Director	0.50	0.50	0.50	0.50
Accounting Manager	0.00	0.00	0.00	0.00
Accountant II	0.00	0.00	0.50	0.50
Accountant	1.00	1.00	1.00	1.00
Financial Services Specialist	2.25	2.25	1.75	2.25
DIVISION TOTAL FTE	4.95	4.95	4.95	5.45



City of Banning  
**Citywide Personnel Summary by Fund/Division**

Description	Revised Adopted 2010/2011	Revised Adopted 2011/2012	Revised Adopted 2012/2013	Revised Adopted 2013/2014
<b>PURCHASING &amp; ACCOUNTS PAYABLE</b>				
Purchasing Manager	0.00	0.00	0.00	0.00
Buyer	0.00	0.00	0.00	0.00
Financial Services Specialist	1.00	1.00	1.00	1.00
<b>DIVISION TOTAL FTE</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>
<b>T.V. GOVERNMENT ACCESS</b>				
Cable Services Specialist	0.00	0.00	0.00	0.00
<b>DIVISION TOTAL FTE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>POLICE</b>				
Police Chief	0.90	0.90	0.90	0.90
Police Captain	1.00	0.00	0.00	0.00
Police Lieutenant	2.00	2.00	2.00	2.00
Police Master Sergeant	1.00	1.00	1.00	1.00
Police Staff Sergeant	4.00	5.00	5.00	5.00
Sergeant	3.00	0.00	0.00	0.00
Corporal	0.00	3.00	3.00	3.00
Officer	14.00	13.00	13.00	10.00
Officer-School Resource Officer-BUSD	1.00	0.00	0.00	0.00
Officer-Traffic Grant	1.00	1.00	1.00	0.00
Officer-Gang Officer Funded by CRA	1.00	0.00	0.00	0.00
Officer-GREAT	1.00	1.00	1.00	1.00
Officer-County MOU (003-2289)	4.00	4.00	4.00	4.00
Executive Secretary	0.00	0.25	0.25	0.25
Evidence Technician	0.00	0.00	0.00	0.00
Police Info Systems Technician	1.00	1.00	1.00	1.00
Police Assistant II	0.00	1.00	1.00	1.00
Police Assistant I	0.00	2.00	2.00	2.60
Records Assistant	1.00	0.00	0.00	0.00
Lead Records Specialist	1.00	0.00	0.00	0.00
<b>DIVISION TOTAL FTE</b>	<b>36.90</b>	<b>35.15</b>	<b>35.15</b>	<b>31.75</b>
<b>DISPATCH</b>				
Police Chief	0.10	0.10	0.10	0.10
Lead Public Safety Dispatcher	2.00	2.00	2.00	2.00
Public Safety Dispatcher-Paid By SanJ	0.00	0.00	0.00	0.00
Public Safety Dispatcher	6.00	6.00	6.00	6.00
<b>DIVISION TOTAL FTE</b>	<b>8.10</b>	<b>8.10</b>	<b>8.10</b>	<b>8.10</b>

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City of Banning  
**Citywide Personnel Summary by Fund/Division**

Description	Revised Adopted 2010/2011	Revised Adopted 2011/2012	Revised Adopted 2012/2013	Revised Adopted 2013/2014
<b>FIRE</b>	Contract	Contract	Contract	Contract
Office Specialist	1.00	1.00	1.00	1.00
<b>DIVISION TOTAL FTE</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>
<b>BUILDING SAFETY</b>				
Community Development Director	0.30	0.42	0.60	0.60
Development Svcs Manager	0.00	0.00	0.00	0.00
Senior Building Inspector	0.00	0.00	0.00	0.00
Code Compliance Officer	0.30	0.00	0.00	0.00
Building Permit Specialist	0.00	0.00	0.00	0.00
Office Specialist	0.30	0.00	0.00	0.00
<b>DIVISION TOTAL FTE</b>	<b>0.90</b>	<b>0.42</b>	<b>0.60</b>	<b>0.60</b>
<b>CODE ENFORCEMENT</b>				
Code Compliance Officer	0.00	1.00	1.00	1.00
Office Specialist	0.00	1.00	1.00	1.00
<b>DIVISION TOTAL FTE</b>	<b>0.00</b>	<b>2.00</b>	<b>2.00</b>	<b>2.00</b>
<b>PLANNING</b>				
Community Development Director	0.20	0.28	0.40	0.40
Associate Planner	0.00	0.00	1.00	1.00
Development Project Coordinator	0.80	0.80	1.00	1.00
Assistant Planner	0.80	0.80	0.00	0.00
<b>DIVISION TOTAL FTE</b>	<b>1.80</b>	<b>1.88</b>	<b>2.40</b>	<b>2.40</b>
<b>ENGINEERING</b>				
Public Works Director	0.09	0.09	0.09	0.09
City Engineer	0.24	0.24	0.24	0.24
Associate Engineer-Career PT	0.10	0.10	0.10	0.10
Assistant Civil Engineer	0.00	0.00	0.00	0.00
Executive Secretary	0.09	0.09	0.09	0.09
Engineering Services Assistant	0.00	0.00	0.00	0.00
Public Works Inspector	0.25	0.25	0.25	0.25
<b>DIVISION TOTAL FTE</b>	<b>0.77</b>	<b>0.77</b>	<b>0.77</b>	<b>0.77</b>
<b>BUILDING MAINTENANCE</b>				
Public Works Director	0.02	0.02	0.02	0.02
Public Works Superintendent	0.12	0.12	0.12	0.12
Executive Secretary	0.14	0.14	0.14	0.14
Building Maintenance Specialist	1.00	1.00	1.00	1.00
<b>DIVISION TOTAL FTE</b>	<b>1.28</b>	<b>1.28</b>	<b>1.28</b>	<b>1.28</b>

City of Banning  
**Citywide Personnel Summary by Fund/Division**

Description	Revised Adopted 2010/2011	Revised Adopted 2011/2012	Revised Adopted 2012/2013	Revised Adopted 2013/2014
<b>PARKS</b>				
Public Works Superintendent	0.28	0.28	0.28	0.28
City Maintenance Worker	4.00	4.00	4.00	4.00
<b>DIVISION TOTAL FTE</b>	<b>4.28</b>	<b>4.28</b>	<b>4.28</b>	<b>4.28</b>
<b>RECREATION</b>				
Community Services Director	0.25	0.25	0.25	0.25
Executive Secretary	0.00	0.00	0.00	0.00
Office Specialist	0.50	0.50	0.50	0.50
Caretaker	0.25	0.25	0.25	0.20
Program Coordinator	0.38	0.38	0.38	0.38
Building Attendants	1.25	1.25	1.25	0.00
Sr. Recreation Leader	0.00	0.00	0.00	0.45
Recreation Leaders	0.00	0.00	0.00	1.29
<b>DIVISION TOTAL FTE</b>	<b>2.63</b>	<b>2.63</b>	<b>2.63</b>	<b>3.07</b>
<b>AQUATICS</b>				
Caretaker	0.25	0.25	0.25	0.20
Pool Manager	0.00	0.00	0.00	0.17
Assistant Pool Manager	0.20	0.20	0.20	0.23
Lifeguards	1.08	1.08	1.08	1.00
Cashiers	0.63	0.63	0.63	0.49
<b>DIVISION TOTAL FTE</b>	<b>2.16</b>	<b>2.16</b>	<b>2.16</b>	<b>2.09</b>
<b>SENIOR CENTER</b>				
Caretaker	0.25	0.25	0.25	0.20
Program Coordinator	0.38	0.38	0.38	0.38
<b>DIVISION TOTAL FTE</b>	<b>0.63</b>	<b>0.63</b>	<b>0.63</b>	<b>0.58</b>
<b>TOTAL GENERAL FUND</b>	<b>74.84</b>	<b>74.69</b>	<b>76.51</b>	<b>73.71</b>

City of Banning  
**Citywide Personnel Summary by Fund/Division**

Description	Revised Adopted 2010/2011	Revised Adopted 2011/2012	Revised Adopted 2012/2013	Revised Adopted 2013/2014
<b>OTHER FUNDS</b>				
<b>STREETS</b>				
Public Works Director	0.05	0.05	0.05	0.05
City Engineer	0.20	0.20	0.20	0.20
Public Works Superintendent	0.10	0.10	0.10	0.10
Executive Secretary	0.25	0.25	0.25	0.25
Associate Engineer-Career PT	0.05	0.05	0.05	0.05
Assistant Civil Engineer	0.00	0.00	0.00	0.00
Engineering Services Assistant	0.00	0.00	0.00	0.00
Public Works Inspector	0.25	0.25	0.25	0.25
Motor Sweeper Operator	1.00	1.00	1.00	1.00
Sr City Maintenance Worker	2.00	2.00	2.00	2.00
Work Release Crew Leader	1.00	1.00	1.00	1.00
<b>FUND TOTAL FTE</b>	<b>4.90</b>	<b>4.90</b>	<b>4.90</b>	<b>4.90</b>
<b>AIRPORT</b>				
Public Works Director	0.05	0.05	0.05	0.05
Executive Secretary	0.10	0.10	0.10	0.10
Airport Attendants	1.40	1.40	1.40	1.40
<b>FUND TOTAL FTE</b>	<b>1.55</b>	<b>1.55</b>	<b>1.55</b>	<b>1.55</b>
<b>TRANSIT-FIXED ROUTE</b>				
Community Services Director	0.75	0.75	0.75	0.75
Caretaker	0.00	0.00	0.00	0.40
Program Coordinator	0.00	0.00	0.00	0.25
Lead Bus Driver	1.00	1.00	1.00	1.00
Bus Drivers	7.65	7.08	7.08	7.37
Fleet Maintenance Mechanic	1.00	0.00	0.00	0.00
Transit Specialist	0.00	0.00	0.50	0.00
Office Specialist	1.00	1.00	0.50	1.00
<b>DIVISION TOTAL FTE</b>	<b>11.40</b>	<b>9.83</b>	<b>9.83</b>	<b>10.77</b>
<b>TRANSIT-DIAL-A-RIDE</b>				
Dial-A-Ride Driver - Part Time	1.88	1.54	1.54	1.54
Transit Specialist	0.00	0.00	0.50	0.00
Office Specialist	0.50	0.50	0.00	0.50
<b>DIVISION TOTAL FTE</b>	<b>2.38</b>	<b>2.04</b>	<b>2.04</b>	<b>2.04</b>
<b>FUND TOTAL FTE</b>	<b>13.78</b>	<b>11.87</b>	<b>11.87</b>	<b>12.81</b>

City of Banning  
**Citywide Personnel Summary by Fund/Division**

Description	Revised Adopted 2010/2011	Revised Adopted 2011/2012	Revised Adopted 2012/2013	Revised Adopted 2013/2014
<b>WATER DEPARTMENT</b>				
City Manager	0.05	0.05	0.07	0.07
Public Works Director	0.30	0.30	0.30	0.30
City Engineer	0.23	0.23	0.23	0.23
Water/Wastewater Superintendent	0.70	0.70	0.70	0.70
Executive Assistant	0.05	0.05	0.06	0.13
Senior Civil Engineer	0.70	0.70	0.70	0.70
Assistant Civil Engineer	0.00	0.00	0.00	0.00
Executive Secretary	0.84	0.84	0.84	0.84
Engineering Services Assistant	0.00	0.00	0.00	0.00
Public Works Inspector	0.25	0.25	0.25	0.25
Office Assistant/Specialist	0.70	0.70	0.70	0.70
Warehouse Services Specialist	0.25	0.25	0.25	0.25
Meter Crew Lead	1.00	1.00	1.00	1.00
Valve Flushing Crew Lead	1.00	1.00	1.00	1.00
Construction Crew Lead	1.00	1.00	1.00	1.00
Water Crew Supervisor	2.00	2.00	2.00	2.00
Water Services Worker I/II	6.00	6.00	6.00	6.00
<b>FUND TOTAL FTE</b>	<b>15.07</b>	<b>15.07</b>	<b>15.10</b>	<b>15.17</b>
<b>ELECTRIC DEPARTMENT-DISTRIBUTION</b>				
City Manager	0.05	0.05	0.07	0.07
Electric Utility Director	0.95	0.95	0.95	0.95
Executive Assistant	0.05	0.05	0.06	0.13
Executive Secretary	1.00	1.00	1.00	1.00
Office Specialist	0.00	0.00	1.00	0.00
Associate Electrical Engineer	1.00	1.00	1.00	1.00
Warehouse Services Specialist	0.50	0.50	0.50	0.50
Electric Operations Manager	1.00	1.00	1.00	1.00
Powerline Crew Supervisor	3.00	3.00	3.00	3.00
Powerline Technician	5.00	5.00	7.00	8.00
Sr. Electric Service Planner	0.00	0.00	1.00	1.00
Electric Service Planner	1.00	1.00	0.00	0.00
Meter Test Technician	1.00	1.00	0.00	1.00
Substation Test Technician	0.00	0.00	1.00	1.00
Apprentice Meter Test Technician	1.00	1.00	1.00	0.00
Electric Service Worker	0.00	0.00	1.00	0.00
Utility Services Assistant	0.00	0.00	0.00	1.00
Powerline Apprentices	3.00	3.00	0.00	0.00
<b>DIVISION TOTAL FTE</b>	<b>18.55</b>	<b>18.55</b>	<b>19.58</b>	<b>19.65</b>

City of Banning  
**Citywide Personnel Summary by Fund/Division**

Description	Revised Adopted 2010/2011	Revised Adopted 2011/2012	Revised Adopted 2012/2013	Revised Adopted 2013/2014
<b>ELECTRIC DEPARTMENT-GENERATION</b>				
Power Contract & Rev Adm	0.00	0.00	0.00	0.00
Utility Financial Analyst	0.85	0.85	0.85	0.85
<b>DIVISION TOTAL FTE</b>	<b>0.85</b>	<b>0.85</b>	<b>0.85</b>	<b>0.85</b>
<b>ELECTRIC DEPARTMENT-PUBLIC BENEFIT PROGRAM</b>				
Public Benefit Coordinator	1.00	1.00	1.00	1.00
Utility Services Assistant	1.00	1.00	1.00	1.00
<b>DIVISION TOTAL FTE</b>	<b>2.00</b>	<b>2.00</b>	<b>2.00</b>	<b>2.00</b>
<b>FUND TOTAL FTE</b>	<b>21.40</b>	<b>21.40</b>	<b>22.43</b>	<b>22.50</b>
<b>WASTEWATER</b>				
City Manager	0.05	0.05	0.07	0.07
Public Works Director	0.30	0.30	0.30	0.30
City Engineer	0.23	0.23	0.23	0.23
Water/Wastewater Superintendent	0.30	0.30	0.30	0.30
Executive Secretary	0.44	0.44	0.44	0.44
Executive Assistant	0.05	0.05	0.06	0.13
Associate Engineer-Career PT	0.10	0.10	0.10	0.10
Senior Civil Engineer	0.30	0.30	0.30	0.30
Assistant Civil Engineer	0.00	0.00	0.00	0.00
Engineering Services Assistant	0.00	0.00	0.00	0.00
Public Works Inspector	0.25	0.25	0.25	0.25
Office Assistant/Specialist	0.30	0.30	0.30	0.30
WasteWater Coll Crew Suprv.	1.00	1.00	1.00	1.00
WasteWater Collections	2.00	2.00	2.00	2.00
<b>FUND TOTAL FTE</b>	<b>5.32</b>	<b>5.32</b>	<b>5.35</b>	<b>5.42</b>
<b>REFUSE</b>				
Public Works Director	0.20	0.20	0.20	0.20
City Engineer	0.10	0.10	0.10	0.10
Public Works Superintendent	0.25	0.25	0.25	0.25
Executive Secretary	0.14	0.14	0.14	0.14
<b>FUND TOTAL FTE</b>	<b>0.69</b>	<b>0.69</b>	<b>0.69</b>	<b>0.69</b>

City of Banning  
**Citywide Personnel Summary by Fund/Division**

Description	Revised Adopted 2010/2011	Revised Adopted 2011/2012	Revised Adopted 2012/2013	Revised Adopted 2013/2014
<b>INSURANCE-WORK COMP.</b>				
Human Resources Director	0.00	0.00	0.00	0.00
Admin Services Director	0.15	0.15	0.15	0.15
Deputy HR Director	0.20	0.20	0.20	0.20
Risk Management Analyst	0.00	0.00	0.00	0.00
Human Resources Technician	0.30	0.30	0.30	0.30
DIVISION TOTAL FTE	0.65	0.65	0.65	0.65
<b>INSURANCE-SUI</b>				
Human Resources Technician	0.08	0.08	0.08	0.08
Risk Management Analyst	0.00	0.00	0.00	0.00
DIVISION TOTAL FTE	0.08	0.08	0.08	0.08
<b>INSURANCE-GENERAL LIABILITY</b>				
City Attorney	Contract	Contract	Contract	Contract
Human Resources Director	0.00	0.00	0.00	0.00
Admin Services Director	0.15	0.15	0.15	0.15
Deputy HR Director	0.30	0.30	0.30	0.30
Risk Management Analyst	0.00	0.00	0.00	0.00
Human Resources Technician	0.38	0.38	0.38	0.38
DIVISION TOTAL FTE	0.83	0.83	0.83	0.83
FUND TOTAL FTE	1.55	1.55	1.55	1.55
<b>FLEET MAINTENANCE</b>				
Public Works Superintendent	0.25	0.25	0.25	0.25
Fleet Maintenance Mechanic	2.00	3.00	3.00	3.00
Warehouse Services Specialist	0.25	0.25	0.25	0.25
FUND TOTAL FTE	2.50	3.50	3.50	3.50
<b>INFORMATION SYSTEMS SERVICES</b>				
Finance Director	0.00	0.00	0.00	0.00
Admin Services Director	0.15	0.15	0.15	0.15
Deputy Finance Director	0.25	0.25	0.25	0.25
Purchasing Manager	0.00	0.00	0.00	0.00
Information Technology Coordinator	1.00	1.00	1.00	1.00
Information Technology Media Technician	1.00	1.00	1.00	1.00
FUND TOTAL FTE	2.40	2.40	2.40	2.40

City of Banning  
**Citywide Personnel Summary by Fund/Division**

Description	Revised Adopted 2010/2011	Revised Adopted 2011/2012	Revised Adopted 2012/2013	Revised Adopted 2013/2014
<b>UTILITY BILLING</b>				
Finance Director	0.00	0.00	0.00	0.00
Admin Services Director	0.15	0.15	0.15	0.15
Deputy Finance Director	0.25	0.25	0.25	0.25
Utility Billing Financial Analyst	0.00	0.00	1.00	1.00
Accountant II	0.00	0.00	0.50	0.50
Customer Services Manager	1.00	1.00	0.00	0.00
Purchasing Manager	0.00	0.00	0.00	0.00
Senior U/Billing Representative	2.00	2.00	3.00	3.00
Receptionist	1.00	1.00	1.00	0.00
Office Specialist	0.00	0.00	0.00	1.00
Utility Billing Representative	4.00	4.00	3.00	3.48
Financial Services Specialist	0.25	0.25	0.25	0.25
DIVISION TOTAL FTE	8.65	8.65	9.15	9.63
<b>UTILITY BILLING-METER READING</b>				
Electric Utility Director	0.05	0.05	0.05	0.05
Power Contract & Rev Adm	0.00	0.00	0.00	0.00
Utility Financial Analyst	0.15	0.15	0.15	0.15
Lead Field Service Rep	1.00	1.00	1.00	1.00
Field Service Reps	3.00	3.00	3.00	3.00
DIVISION TOTAL FTE	4.20	4.20	4.20	4.20
FUND TOTAL FTE	12.85	12.85	13.35	13.83
<b>SUCCESSOR HOUSING AGENCY</b>				
City Manager	0.07	0.07	0.00	0.00
Community Development Director	0.00	0.30	0.00	0.00
Redevelopment Manager	0.00	0.00	0.00	0.00
Executive Secretary	0.16	0.16	0.00	0.00
RDA Project Coordinator	0.00	0.00	0.00	0.00
FUND TOTAL FTE	0.23	0.53	0.00	0.00



City of Banning  
**Citywide Personnel Summary by Fund/Division**

Description	Revised Adopted 2010/2011	Revised Adopted 2011/2012	Revised Adopted 2012/2013	Revised Adopted 2013/2014
<b>SUCCESSOR AGENCY</b>				
City Manager	0.23	0.23	0.00	0.00
Redevelopment Director	1.00	1.00	1.00	1.00
Community Development Director	0.50	0.00	0.00	0.00
Redevelopment Manager	0.00	0.00	0.00	0.00
Executive Secretary	0.64	0.64	0.00	0.00
Executive Assistant	0.10	0.10	0.00	0.00
Development Project Coordinator	0.20	0.20	0.00	0.00
RDA Project Coordinator	0.00	0.00	0.00	0.00
Associate Planner	0.00	0.20	0.00	0.00
Assistant Planner	0.20	0.00	0.00	0.00
<b>FUND TOTAL FTE</b>	<b>2.87</b>	<b>2.37</b>	<b>1.00</b>	<b>1.00</b>
<b>COMMUNITY REDEVELOPMENT-CODE ENFORCEMENT</b>				
Code Compliance Officer	0.70	0.00	0.00	0.00
Office Specialist	0.70	0.00	0.00	0.00
<b>FUND TOTAL FTE</b>	<b>1.40</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TOTAL SUCCESSOR AGENCY FUNDS</b>	<b>4.50</b>	<b>2.90</b>	<b>1.00</b>	<b>1.00</b>
<b>TOTAL OTHER FUNDS</b>	<b>86.51</b>	<b>84.00</b>	<b>83.67</b>	<b>85.31</b>
<b>TOTAL ALL FUNDS</b>	<b>161.34</b>	<b>158.68</b>	<b>160.18</b>	<b>159.02</b>
<b>TOTAL ALL FUNDS</b>	<b>161.34</b>	<b>158.68</b>	<b>160.18</b>	<b>159.02</b>
Less Part Time	12.34	11.68	11.18	10.02
Less Elected	7.00	7.00	7.00	7.00
<i>Full Time Employees</i>	<i>142.00</i>	<i>140.00</i>	<i>142.00</i>	<i>142.00</i>

City of Banning  
**Citywide Personnel Summary Reconciliation**

**Reconciliation of Positions from Adopted FY2012-13 Budget to Revised FY2013-14 Budget**

**FY2012-13 Budgeted Positions** **177.18**

**FY2012-13 Full Time Position Changes**

001	City Manager	Executive Secretary	Reclassified to Executive Assistant	(1.00)
001	City Manager	Executive Assistant	Reclassified from Executive Secretary	1.00
670	Electric	Apprentice Meter Test Technician	Reclassified to Meter Test Technician	(1.00)
670	Electric	Meter Test Technician	Reclassified from Apprentice Meter Test Technician	1.00
761	Utility Billing	Receptionist	Reclassified to Office Specialist	(1.00)
761	Utility Billing	Office Specialist	Reclassified from Receptionist	1.00
Net				-

**Revised FY2012-13 Budgeted Positions** **177.18**

**FY2013-14 Full-Time (FT) Position Changes**

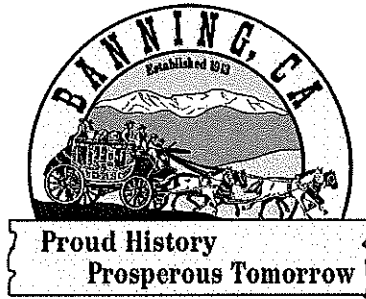
001	Police	Police Officers	Positions eliminated	(4.00)
001	Recreation	Caretaker	Changed from PT to FT	1.00
001	Recreation	Program Coordinator	Changed from PT to FT	1.00
610	Transit	Bus Drivers	New positions	2.00
670	Electric	Electric Service Worker	Position eliminated	(1.00)
670	Electric	Powerline Technician	New position	1.00
670	Electric	Office Specialist	Reclassified to Utility Svcs Assist	(1.00)
670	Electric	Utility Services Assistant	Reclassified from Office Specialist	1.00
Net				-

**FY2013-14 Part-Time (PT) Position Changes**

001	Fiscal Services	Part-Time Financial Svcs Spec	New PT position	0.50
001	Police	Part-Time Police Assistant	New PT position	0.60
001	Recreation	Caretaker	Changed to FT	(0.75)
001	Recreation	Recreation Leaders	Reclassified from Bldg Attend, increase hours	1.29
001	Recreation	Sr. Recreation Leaders	Reclassified from Bldg Attend, increase hours	0.45
001	Recreation	Building Attendant	Reclassified to Recreation Leaders	(1.25)
001	Recreation	Program Coordinator	Changed to FT	(0.75)
001	Aquatics	Pool Manager	Changed number of hours	0.17
001	Aquatics	Assistant Pool Manager	Changed number of hours	0.03
001	Aquatics	Lifeguards	Changed number of hours	(0.08)
001	Aquatics	Cashier	Changed number of hours	(0.14)
610	Transit	Part-Time Bus Driver	Reduced PT hours due to new FT positions	(1.71)
761	Utility Billing	Part-Time Utility Billing Rep	New PT position	0.48
Net				(1.16)

**Total Changes to Budgeted Positions** **(1.16)**

**Total FY2013-14 Budgeted Positions** **176.02**



# CAPITAL IMPROVEMENT PROGRAM

FY's 2013/2014 - 2017/2018

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## CITY COUNCIL

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Deborah "Debbie" Franklin ..... Mayor  
Robert E. "Bob" Botts ..... Mayor Pro Tem  
Don Peterson ..... Council Member  
Edward Miller..... Council Member  
Art Welch..... Council Member

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## CITY MANAGER

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Andrew (Andy) Takata  
City Manager

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## CIP ADMINISTRATOR

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Duane Burk  
Public Works Director



## CITY of BANNING *Capital Improvement Program*

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### CAPITAL IMPROVEMENT PROGRAM

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The Capital Improvement Program (CIP) is a roadmap that provides direction and guidance for planning, managing, and financing the City's capital and infrastructure assets. The 5-year CIP is used by the City to review the funding of desired capital improvements that compete for scarce financial resources. This document is dynamic and, consequently, must be revised on a regular basis to address the changing needs, priorities, and financial conditions of the City. The capital improvements presented in this document are the City's major projects, those that exceed \$25,000 in cost, have long-term life spans, and are generally non-recurring. CIP projects typically include land and right-of-way acquisition; design, planning, and engineering services for capital projects; construction or rehabilitation of public buildings or facilities; utility and transportation infrastructure construction; park construction; and, economic and Successor Agency projects. Some projects less than \$25,000 are listed for ease of reconciling with capital line items in the budget.

The project costs listed are strictly estimates and will vary based on the state of the economy and other factors not easily predictable. Final project costs for fiscal year 2013-2014 have already been incorporated into the budget. The actual year-to-date (YTD) project costs show activity through May 2013.

The CIP and consequent amendments will be revised and updated on a periodic basis during the future budget cycles and during the year, through Council approval. Changes to the priorities established in the program and its amendments should be expected. Changes can be caused by reductions in funding levels, opportunities for grants or other aids, delays in obtaining construction permits or necessary approvals, emergency needs or simply changes in Council direction.

The projects contained in the CIP and amendments are necessary to maintain the existing infrastructure of the City and to properly provide for the health, safety and general well-being of its residents.

The CIP and future amendments are designed to make the most effective use of all financial resources available to the City including fund reserves, current budgeted revenue, grants, and borrowing. The City's goal is to strike a reasonable balance among all of its resources.

In preparing the CIP amendment, the City has considered the impact on operating costs. Projects are designed to keep the increases in operating costs to a minimum. Increases in operating costs are balanced with the overall need to provide the improvement.

# CITY of BANNING

*Capital Improvement Program*

**Fiscal Year 2013/2014**

## CURRENT FUNDING SOURCES

	Fund #
<p><b><u>General Fund</u></b></p> <p>The General Fund is the general operating fund of the city. All general tax receipts and fee revenue not allocated by law, council policy or contractual agreement to other funds are accounted for in the General Fund. General Fund expenditures include operations traditionally associated with activities that are not required to be accounted for or paid by another fund.</p>	001
<p><b><u>Measure A Street Fund</u></b></p> <p>Measure "A" was approved by the voters of Riverside County authorizing an additional half-cent sales tax specifically for transportation improvement purposes. This fund accounts for the receipt and expenditures of the money collected under the Measure "A" program.</p>	101
<p><b><u>C.D.B.G</u></b></p> <p>The C.D.B.G Fund Accounts for monies received and expended by the City as a participant in the Federal Community Development Block Grant Housing Program.</p>	110
<p><b><u>Air Quality Improvement Fund</u></b></p> <p>The Air Quality Management District (A.Q.M.D.) Fund proceeds are intended for improving the air quality within Riverside County. Quarterly allocations are received from the District for governmental agencies to improve air quality. Qualifying fund uses include alternative fuel vehicles that are used for City operations and compressed natural gas (CNG) fueling stations.</p>	132
<p><b><u>Supplemental Law Enforcement Fund</u></b></p> <p>This program was approved in FY 1996-97. Funding is restricted to front line law enforcement programs. Funding for this program is considered each year by the State and is not guaranteed.</p>	148
<p><b><u>Police Facilities Development Fund</u></b></p> <p>This fund was created to mitigate the cost of needed additional police facilities resulting from new development that has increased the City's population. Expenditures from this fund are restricted to the development of new, or expansion of existing, police sites and the acquisition of capital equipment such as vehicles.</p>	400
<p><b><u>Fire Facilities Development Fund</u></b></p> <p>This fund was created to record the financial activities related to the impact on fire service level resulting from new development. The fee is collected at the time a building permit is requested. The fees can be used to develop additional fire stations or acquire additional capital projects.</p>	410
<p><b><u>Traffic Control Facility Fund</u></b></p> <p>Traffic Control Facilities Fees are the impact fees paid by the new developments for construction of traffic signals at various locations within the City.</p>	420
<p><b><u>General Facilities Fund</u></b></p> <p>This fund was created to reserve funds obtained from new development to update the City's General Plan and to construct City Hall Annex. Fees are collected at the time a building permit is issued and are intended to update the City Hall Facilities.</p>	430

<b><u>Sunset Grade Separation Fund</u></b>	
This fund was created to isolate payments made with the intent to account for the funding resources and expenditures related to the Sunset Grade Separation Project.	441
<b><u>Park Development Fund</u></b>	
The Park Development Department is responsible for the acquisition and development of parks and recreation facilities. Functions include land acquisition, planning and design, grant funding acquisition, identification and administration of rehabilitation and improvement projects, establishment and collection of developer fees, and development of leases.	451
<b><u>Airport</u></b>	
The Banning Municipal Airport is an element of the national and local transportation system, which affects the economic development of the City of Banning. The Airport Fund reflects annual revenues, expenditures and proposed capital improvement projects funded through matching grants with the FAA.	600
<b><u>Transit Operations</u></b>	
The Fixed Transit Route Division operates fixed-route bus services that serve the City of Banning and provides service between Banning and Cabazon. The Dial-A-Ride Division provides curb-to-curb transit services to elderly and disabled citizens residing within the City of Banning.	610
<b><u>Water Fund</u></b>	
The Water Department is responsible for providing domestic water to residences, businesses and industries within the City. The Division is also responsible for providing adequate flows for the City's fire protection system. The Water Division is an enterprise function; i.e. all costs relative to the production and delivery of water (maintenance, replacement and expansion) are paid with user fees and capital connection fees.	660
<b><u>Water Capital Facilities Fund</u></b>	
The Water Capital Facility fees are a one-time impact fee collected from new developments or existing developments requesting new services from the City's Water Distribution System. The fees collected can be utilized for the Water Department Capital Improvement Programs.	661
<b><u>Irrigation Water Fund</u></b>	
The purpose of the Irrigation Water Fund is to set aside funds for an irrigation water/reclaimed water project. Funding for this project is obtained on an incremental basis over a period of years until adequate funds are available to pay for a project.	662
<b><u>BUA Water Capital Project Fund</u></b>	
Water 2005 revenue bonds were set aside to fund specific water utility capital improvement projects.	663
<b><u>Electric Improvement Fund</u></b>	
The Electric Improvement Fund includes interest and payments received from Southern California Edison (SCE) as per Federal Energy Regulatory Commission decisions. City Council has adopted Resolution 1993-37 setting the guidelines for utilization of these funds. Resolution No. 1993-37 strictly prohibits the use of these funds for salaries or for operations and maintenance of the electric distribution system.	673
<b><u>'07 Electric Revenue Bond Project Fund</u></b>	
Electric revenue bonds proceeds were set aside to fund certain capital improvements to the Electric System.	674

<p><b><u>Wastewater Fund</u></b></p> <p>The Wastewater Department collects the effluent from the city's residential, commercial and industrial facilities and discharges the effluent after required treatment in compliance with the Discharge Permit issued by the State Water Resources Control Board. The Wastewater Treatment Facilities are operated by United Water Environmental Services, on a contract basis.</p>	680
<p><b><u>Wastewater Capital Facility Fund</u></b></p> <p>The Wastewater Capital Facility Fee is a one-time charge collected from new development or existing development requesting new services from the City's wastewater collection system. The fees collected can be utilized for Wastewater Division Capital Improvement Programs.</p>	681
<p><b><u>BUA Wastewater Capital Facility Fund</u></b></p> <p>Wastewater 2005 revenue bonds were set aside to pay for specific wastewater utility capital improvement projects.</p>	683
<p><b><u>State Revolving Loan Fund</u></b></p> <p>The State Revolving Fund (SRF) is a low interest loan program for the construction of publicly owned wastewater treatment and water reclamation facilities, correction of nonpoint source and stormwater drainage pollution problems, and estuary enhancement activities. For point source discharge (i.e. wastewater treatment facilities, water reclamation facilities, and some stormwater facilities) the loan recipient must be a municipality. Loans are fixed rate loans with an interest rate equal to one-half the rate of the most recent sale of State General Obligation Bonds. The repayment period is up to 20 years. Annual repayments begin one year after completion of construction for point source projects.</p> <p>The City currently has an SRF loan that was obtained in 1999 for renovations at the wastewater treatment plant. This loan will be paid off in November 2020. Additional funding will likely be needed to construct water reclamation facilities to meet State requirements.</p>	685
<p><b><u>2007 Tax Allocation Bond Proceeds Fund</u></b></p> <p>Proceeds from this bond issue may be used for a variety of improvements. The Agency Board has developed and approved a number of programs intended to upgrade the appearance of the project area, stimulate investment, produce jobs and revitalize the area. AB 1x 26 and AB 1438 provide guidelines bond proceeds may be expended once the Agency has received a Finding of Completion from the State Department of Finance. This was received April 26, 2013.</p>	855

**CITY OF BANNING**  
**CAPITAL IMPROVEMENT PROJECTS**  
**AVAILABLE RESOURCES/FUND SUMMARY**  
**FISCAL YEAR 2013/2014**

FUND#	FUNDING SOURCE	AVAILABLE RESOURCES JULY 1, 2013	REVENUES	EXPENDITURES	PROJECTED GAIN/(LOSS)	PROJECTED RESOURCES JUNE 30, 2014
001	General	\$ 2,962,573	\$ 13,354,930	\$ 13,354,930	\$ -	\$ 2,962,573
101	Measure A Street	\$ 659,153	\$ 478,000	\$ 470,000	\$ 8,000	\$ 667,153
110	C.D.B.G.	\$ -	\$ 119,000	\$ 119,000	\$ -	\$ -
132	Air Quality Improvement	\$ 149,996	\$ 30,250	\$ 3,000	\$ 27,250	\$ 177,246
148	Supplemental Law Enforcement	\$ -	\$ -	\$ -	\$ -	\$ -
400	Police Facilities Development	\$ 33,988	\$ -	\$ -	\$ -	\$ 33,988
410	Fire Facility Development	\$ 932,262	\$ -	\$ -	\$ -	\$ 932,262
420	Traffic Control Facility	\$ 333,918	\$ 600	\$ 35,000	\$ (34,400)	\$ 299,518
430	General Facilities	\$ 476,468	\$ 1,200	\$ 45,000	\$ (43,800)	\$ 432,668
441	Sunset Grade Separation Fund	\$ 1,541	\$ -	\$ -	\$ -	\$ 1,541
451	Park Development	\$ 24,064	\$ 250	\$ -	\$ 250	\$ 24,314
660	Water Operations	\$ 4,921,228	\$ 9,673,000	\$ 9,013,200	\$ 659,800	\$ 5,581,028
661	Water Capital Facility Fee	\$ 4,148,303	\$ 195,000	\$ 2,300,000	\$ (2,105,000)	\$ 2,043,303
663	BUA Water Capital Project Fund	\$ 1,707,303	\$ 2,150	\$ 135,000	\$ (132,850)	\$ 1,574,453
680	Wastewater Operations	\$ 1,002,958	\$ 3,112,950	\$ 3,139,673	\$ (26,723)	\$ 976,235
681	Wastewater Capital Facility Fees	\$ 10,617,313	\$ 60,000	\$ 760,000	\$ (700,000)	\$ 9,917,313
683	BUA WWTr Capital Project Fund	\$ 2,727,645	\$ 2,000	\$ -	\$ 2,000	\$ 2,729,645
662	Irrigation Water	\$ 1,166,541	\$ 1,888,459	\$ 3,055,000	\$ (1,166,541)	\$ -
600	Airport	\$ 162,637	\$ 181,700	\$ 269,173	\$ (87,473)	\$ 75,164
610	Transit Operations	\$ -	\$ 1,490,520	\$ 1,490,520	\$ -	\$ -
673	Electric Improvement	\$ 6,890,545	\$ -	\$ 682,000	\$ (682,000)	\$ 6,208,545
674	2007 Elec Rev Bond Project Fund	\$ 8,612,151	\$ -	\$ 1,430,000	\$ (1,430,000)	\$ 7,182,151
855	2007 TABS Bond Proceeds	\$ 8,627,195	\$ 3,000	\$ 358,224	\$ (355,224)	\$ 8,271,971

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**CITY OF BANNING**  
**CAPITAL IMPROVEMENT PROGRAM**  
**5 YEAR SUMMARY BY FUND**  
**FISCAL YEAR'S 2013/2014 - 2017/2018**

FUND#	FUNDING SOURCE	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
001	GENERAL FUND	\$ -	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,000
101	MEASURE A	\$ 13,020	\$ 1,025,500	\$ 470,000	\$ 422,000	\$ 435,000	\$ 448,000	\$ -	\$ 2,813,520
110	CDBG	\$ -	\$ 394,275	\$ 119,000	\$ -	\$ -	\$ -	\$ -	\$ 513,275
132	AIR QUALITY IMPROVEMENT	\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000
148	SLEF	\$ 174,959	\$ 126,370	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 301,329
420	TRAFFIC CONTROL	\$ -	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 60,000
430	GENERAL FACILITIES	\$ -	\$ -	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ 45,000
441	SUNSET GRADE SEPERATION	\$ 3,680,932	\$ 1,054,276	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,735,208
451	PARK DEVELOPMENT	\$ -	\$ 132,046	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 132,046
660	AIRPORT	\$ 278,371	\$ 30,084	\$ 32,500	\$ 175,000	\$ 58,000	\$ 17,500	\$ 82,500	\$ 673,954
661	TRANSIT	\$ 218,529	\$ 708,652	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 927,181
663	WATER	\$ 118,375	\$ 211,734	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ 345,109
680	WATER CAPITAL FACILITIES	\$ 33,352	\$ 675,000	\$ 2,275,000	\$ 1,575,000	\$ 1,900,000	\$ 250,000	\$ 250,000	\$ 6,958,352
681	IRRIGATION WATER	\$ 1,507,110	\$ 342,349	\$ 3,025,000	\$ 4,700,000	\$ 25,650,000	\$ 60,000	\$ -	\$ 35,284,459
683	BUA WATER CAPITAL	\$ -	\$ -	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ 500,000
662	ELECTRIC IMPROVEMENT	\$ 42,276	\$ 1,471,842	\$ 682,000	\$ 415,000	\$ -	\$ -	\$ -	\$ 2,611,118
600	ELECTRIC REVENUE BOND	\$ 26,649	\$ 6,327,879	\$ 1,130,000	\$ 5,050,000	\$ 1,850,000	\$ -	\$ -	\$ 14,384,528
610	WASTEWATER	\$ -	\$ 156,530	\$ 115,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ -	\$ 346,530
673	WASTEWATER CAPITAL FACILITIES	\$ -	\$ 10,000	\$ 710,000	\$ 125,000	\$ 250,000	\$ 175,000	\$ 700,000	\$ 1,970,000
674	BUA WASTEWATER CAPITAL	\$ 39,231	\$ 536,936	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 576,166
855	2007 TAB PROCEEDS	\$ -	\$ -	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ 250,000
	GRAND TOTAL	\$ 6,132,803	\$ 13,313,472	\$ 9,378,500	\$ 12,497,000	\$ 30,178,000	\$ 985,500	\$ 1,042,500	\$ 73,527,775

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GENERAL FUND										
PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Community Center Generator	001-3200-412.90-56	Machinery/Equipment		\$ 60,000	\$ -					\$ 60,000
	GENERAL FUND		\$ -	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,000

## MEASURE A

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Westward: HH Rd to Sunset (D)	101-4900-431.93-04	Design Street Projects	\$ 13,020	\$ 25,500						\$ 38,520
Westward: HH Rd to Sunset (C)	101-4900-431.93-15	Measure A		\$ 1,000,000						\$ 1,000,000
Hoffer: Aless to Hargrave	101-4900-431.93-15	Measure A Street Imp			\$ 160,000					\$ 160,000
Aless: Williams to Ramsey	101-4900-431.93-16	Measure A Street Imp			\$ 60,000					\$ 60,000
Ramsey: Hargrave to SG Ave	101-4900-431.93-15	Measure A Street Imp			\$ 250,000					\$ 250,000
Cherry: Hoffer to George	101-4900-431.93-16	Measure A Street Imp				\$ 100,000				\$ 100,000
Lincoln: SG to Hargrave	101-4900-431.93-16	Measure A Street Imp			\$ 255,000					\$ 255,000
City Wide Slurry Seal	101-4900-431.93-16	Measure A Street Imp			\$ 57,000	\$ 60,000				\$ 127,000
Allen: Hoffer to George	101-4900-431.93-16	Measure A Street Imp				\$ 70,000				\$ 70,000
Nicolet: Sims to Sunset	101-4900-431.93-16	Measure A Street Imp				\$ 305,000				\$ 305,000
Ramsey: SG to 8th	101-4900-431.93-16	Measure A Street Imp					\$ 210,000			\$ 210,000
8th: Lincoln to Westward	101-4900-431.93-16	Measure A Street Imp					\$ 130,000			\$ 130,000
Charles: Hargrave to 1037 E. Charles	101-4900-431.93-16	Measure A Street Imp					\$ 54,000			\$ 54,000
Wesley: Hargrave to 1401 E. Wesley	101-4900-431.93-16	Measure A Street Imp					\$ 54,000			\$ 54,000
MEASURE A TOTALS			\$ 13,020	\$ 1,025,500	\$ 470,000	\$ 422,000	\$ 435,000	\$ 448,000	\$ -	\$ 2,813,520

**CDBG**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Replier Park Bowl	110-5510-461.90-67	Replier Park Bowl Renvtn		\$ 10,000						\$ 10,000
	110-5511-461.90-67	Replier Park Bowl Renvtn		\$ 141,570						\$ 141,570
	110-5512-461.90-67	Replier Park Bowl Renvtn		\$ 121,970						\$ 121,970
	110-5513-461.90-67	Replier Park Bowl Renvtn		\$ 120,735						\$ 120,735
	110-5514-461.90-67	Replier Park Bowl Renvtn			\$ 119,000					\$ 119,000
CDBG TOTALS			\$ -	\$ 394,275	\$ 119,000	\$ -	\$ -	\$ -	\$ -	\$ 513,275

**CITY OF BANNING**  
**CAPITAL IMPROVEMENT PROJECTS**  
**FISCAL YEAR'S 2013/2014 - 2017/2018**

**AIR QUALITY IMPROVEMENT**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Vehicles	132-4900-446-90-52	Vehicles		\$ 40,000						\$ 40,000
<b>AIR QUALITY IMPROVEMENT TOTALS</b>										
			\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000

**SLESF GRANTS**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
SLESF GRANT 2011	148-2211-421-9056	Machinery & Equipment	\$ 99,909	\$ 1,148						\$ 101,057
SLESF GRANT 2012	148-2212-421-9056	Machinery & Equipment	\$ 75,050	\$ 25,222						\$ 100,272
SLESF GRANT 2013	148-2213-421-90-56	Machinery & Equipment	\$ -	\$ 100,000						\$ 100,000
<b>SLESF TOTALS</b>										
			\$ 174,959	\$ 126,370	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 301,329

**TRAFFIC CONTROL**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Traffic Signal Improvements	420-4900-431-93-27	Traffic Signals/Synchron		\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 60,000
<b>TRAFFIC CONTROL TOTALS</b>										
			\$ -	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 60,000

**GENERAL FACILITIES**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Restroom Addition-City Hall	430-2900-441-90-15	Building Improvements		\$ 45,000						\$ 45,000
<b>GENERAL FACILITIES TOTALS</b>										
				\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,000

**SUNSET GRADE SEPERATION**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Sunset Avenue Grade Sep.	441-6500-431-93-02	Sunset Grade Separation	\$ 3,680,932	\$ 1,054,276						\$ 4,735,208
<b>SUNSET GRADE SEPERATION TOTALS</b>										
			\$ 3,680,932	\$ 1,054,276	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,735,208

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**CITY OF BANNING**  
**CAPITAL IMPROVEMENT PROJECTS**  
**FISCAL YEAR'S 2013/2014 - 2017/2018**

**PARK DEVELOPMENT**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Repllier Park Improvement	451-3600-461.90-37	Repllier Park Improvement		\$ 132,046						\$ 132,046
<b>PARK DEVELOPMENT TOTALS</b>										
			\$ -	\$ 132,046	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 132,046

**AIRPORT**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Taxiway "A" Relocation (Design)	600-5100-435.90-10	Professional Services	\$ 199,981	\$ 4,147						\$ 204,128
Taxiway "A" Relocation (Const)	600-5100-435.90-41	Runway Improvements			\$ 175,000					\$ 175,000
Fuel Facility Relocation (Design)	600-5100-435.90-10	Professional Services	\$ 78,390	\$ 25,937						\$ 104,326
Fuel Facility Relocation (Const)	600-5100-435.93-73	Airport Improvements			\$ 25,000					\$ 25,000
Property Acquisition EA	600-5100-435.90-10	Planning/Engineering			\$ 7,500					\$ 7,500
Sign/Stripe Terminal Pkg Lot	600-5100-435.93-73	Airport Improvements					\$ 6,500			\$ 6,500
Airport Security Fence	600-5100-435.93-73	Airport Improvements					\$ 50,000			\$ 50,000
REILS (Runway 6 & 26)	600-5100-435.93-73	Airport Improvements					\$ 1,500			\$ 1,500
Pavement Management Plan	600-5100-435.90-10	Planning/Engineering					\$ 2,500			\$ 2,500
PAPI Runway 8 (Design)	600-5100-435.90-10	Planning/Engineering					\$ 15,000			\$ 15,000
PAPI Runway 8 (Const)	600-5100-435.93-73	Airport Improvements						\$ 82,500		\$ 82,500
<b>AIRPORT TOTALS</b>										
			\$ 278,371	\$ 30,084	\$ 32,500	\$ 175,000	\$ 58,000	\$ 17,500	\$ 82,500	\$ 673,954

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**CITY OF BANNING**  
**CAPITAL IMPROVEMENT PROJECTS**  
**FISCAL YEAR'S 2013/2014 - 2017/2018**

**TRANSIT**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Bus Stop Amenities	610-5800-434.9019	STA	\$ 149,815	\$ 185						\$ 150,000
DAR Vehicles	610-5850-434.9051	STA	\$ 54,069	\$ 104,111						\$ 158,180
Decaling	610-5850-434.9051	STA	\$ 14,645	\$ 5,355						\$ 20,000
ADA Accessible Van	610-5850-434.9051	STA	\$ -	\$ 50,000						\$ 50,000
Schedule Holders for stops	610-5800-434.9019	STA	\$ -	\$ 5,000						\$ 5,000
GPS for Dial-A-Ride	610-5850-434.9056	STA	\$ -	\$ 25,000						\$ 25,000
Paratransit Schedule Software	610-5850-434.9049	STA	\$ -	\$ 25,000						\$ 25,000
Computer Equipment	610-5800-434.9048	STA	\$ -	\$ 60,000						\$ 60,000
Electric Fareboxes	610-5800-434.9056	STA	\$ -	\$ 150,000						\$ 150,000
Security Cameras	610-5800-434.9056	STA	\$ -	\$ 48,818						\$ 48,818
On Board Schedule Holders	610-5800-434.9019	STA	\$ -	\$ 300						\$ 300
Automated Enunciators	610-5800-434.9019	STA	\$ -	\$ 50,000						\$ 50,000
Automated Enunciators	610-5800-434.9056	STA	\$ -	\$ 50,000						\$ 50,000
Bus Security Upgrades	610-5800-434.9051	CEMA-Prop 1B	\$ -	\$ 18,650						\$ 18,650
Dial-A-Ride Vehicle	610-5850-434.9051	PTMISEA	\$ -	\$ 59,367						\$ 59,367
WiFi Download System	610-5800-434.9056	CalEMA	\$ -	\$ 56,866						\$ 56,866
<b>TRANSIT TOTALS</b>			<b>\$ 218,529</b>	<b>\$ 708,652</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 927,181</b>

**WATER**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Water Canyon Pipe Mapping	660-6300-471.33.11	Professional Services	\$ 79,486	\$ 495						\$ 79,981
Building Improvements	660-6300-471.90-15	Building Improvements	\$ 24,000	\$ 21,000	\$ 5,000					\$ 50,000
Plant Improvements	660-6300-471.90-18	Plant Improvements		\$ 35,000	\$ 10,000					\$ 45,000
SCAADA radios	660-6300-471.95-08	Wells/Pumping Equipment		\$ 57,500						\$ 57,500
Well M-3	660-6300-471.95-08	Wells/Pumping Equipment	\$ -	\$ 96,085						\$ 96,085
Scadda/Telemetry/imp	660-6300-471.95-27	SCAADA/Telemetry	\$ 14,889	\$ 1,654						\$ 16,543
<b>WATER TOTALS</b>			<b>\$ 118,375</b>	<b>\$ 211,734</b>	<b>\$ 15,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 345,109</b>

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**CITY OF BANNING**  
**CAPITAL IMPROVEMENT PROJECTS**  
**FISCAL YEAR'S 2013/2014 - 2017/2018**

**WATER CAPITAL FACILITIES**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Water Master Plan Update	661-6300-471.95-08	Planning/Design-Capital			\$ 75,000					\$ 75,000
Pilot Well in Cabazon SU	661-6300-471.95-08	Wells/Pumping Equip.		\$ 250,000	\$ 500,000					\$ 750,000
Equip Well in Cabazon SU	661-6300-471.95-08	Wells/Pumping Equip.			\$ 750,000					\$ 750,000
Main to Cabazon Well	661-6300-471.95-10	Water Mains			\$ 350,000					\$ 350,000
Annual Water Line Replacement	661-6300-471.95-10	Water Mains		\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000		\$ 600,000
Water Yard Building	661-6300-471.95-12	Water Yard Building		\$ 200,000	\$ 325,000					\$ 325,000
Water Yard Block Wall/Pkg Lot	661-6300-471.95-07	Treatment Plant Improvement		\$ 75,000	\$ 300,000					\$ 300,000
Westward: HH Rd to Sunset (C)	661-6300-471.95-10	Water Mains			\$ 75,000					\$ 75,000
Westward St Impr (Paving)	661-6300-471.95-10	Water Mains			\$ 75,000					\$ 75,000
Water Canyon Pipe Replacement (Design)	661-6300-471.95-07	Planning/Design-Capital	\$ 33,352	\$ 50,000	\$ 100,000					\$ 183,352
Water Canyon Pipe Replacement (Const)	661-6300-471.95-10	Water Mains				\$ 150,000	\$ 150,000	\$ 150,000		\$ 450,000
Altitude Valves	661-6300-471.95-09	Reservoirs			\$ 200,000					\$ 200,000
Sunset Grade Sep. Water Main	661-6300-471.95-10	Water Mains			\$ 400,000					\$ 400,000
San G to Mountain East Bottleneck (Design)	661-6300-471.95-07	Planning/Design-Capital			\$ 75,000					\$ 75,000
San G to Mountain East Bottleneck (Const)	661-6300-471.95-10	Water Mains				\$ 450,000				\$ 450,000
Flume Restoration	661-6300-471.95-10	Water Mains			\$ 100,000	\$ 1,200,000				\$ 1,300,000
Water Main on Sunset: Lincoln to Westward	661-6300-471.95-10	Water Mains			\$ 325,000					\$ 325,000
<b>WATER CAPITAL FACILITIES TOTALS</b>										
			\$ 33,352	\$ 675,000	\$ 2,275,000	\$ 1,575,000	\$ 1,900,000	\$ 250,000	\$ 250,000	\$ 6,958,352

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**CITY OF BANNING**  
**CAPITAL IMPROVEMENT PROJECTS**  
**FISCAL YEAR'S 2013/2014 - 2017/2018**

**IRRIGATION WATER**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Westward: HH Rd to Sunset (C)	662-6300-471.95-10	Mains			\$ 75,000					\$ 75,000
Recycled Water Master Plan Update	662-6300-471.90-10	Planning/Engineering			\$ 75,000					\$ 75,000
Phase I Segment A	662-6300-471.95-12	Irrigation Wtr Mains	\$ 1,507,110	\$ 342,349						\$ 1,849,459
Phase I Segment B	662-6300-471.95-10	Irrigation Wtr Mains			\$ 2,200,000	\$ 2,500,000				\$ 2,200,000
Phase I Segment C	662-6300-471.95-10	Irrigation Wtr Mains			\$ 200,000					\$ 200,000
R1 Rehab/Pump Test	662-6300-471.95-08	Wells/Pumping Equip								\$ 250,000
Equip R1	662-6300-471.95-08	Wells/Pumping Equip			\$ 250,000					\$ 250,000
R1 Reservoir/Pump Station (Design)	662-6300-471.90-10	Planning/Engineering			\$ 75,000					\$ 75,000
R1 Reservoir/Pump Station (Construction)	662-6300-471.95-08	Wells/Pumping Equip			\$ 1,250,000					\$ 1,250,000
Booster Station (Construction)	662-6300-471.95-08	Wells/Pumping Equip			\$ 650,000	\$ 650,000				\$ 1,300,000
Sunset Grade Sep RW Main	662-6300-471.95-10	Irrigation Wtr Mains			\$ 400,000					\$ 400,000
Package Plant (Design)	662-6300-471.90-10	Planning/Engineering			\$ 50,000					\$ 50,000
Package Plant (Construction)	662-6300-471.95-12	Treatment Plant Impr				\$ 25,000,000				\$ 25,000,000
Sun Lakes Ponds Main/Inter-tie	662-6300-471.95-10	Irrigation Wtr Mains					\$ 60,000			\$ 60,000
<b>IRRIGATION WATER TOTALS</b>										
			\$ 1,507,110	\$ 342,349	\$ 3,025,000	\$ 4,700,000	\$ 25,650,000	\$ 60,000	\$ -	\$ 35,284,459

**BUA WATER CAPITAL**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Reservoirs	663-6300-471.95-09	Reservoirs			\$ 150,000					\$ 150,000
Water Mains	663-6300-471.95-10	Water Mains			\$ 350,000					\$ 350,000
<b>BUA WATER CAPITAL TOTALS</b>										
			\$ -	\$ -	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ 500,000

**ELECTRIC IMPROVEMENT**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Sunset Grade Separation	673-7000-473.95-02	Sunset Grade Separation	\$ 25,000	\$ 250,180	\$ 82,000	\$ 415,000				\$ 772,180
Rebuild Hydro Generating Units	673-7000-473.95-34	Hydro Units			\$ 600,000					\$ 600,000
Block Wall at City Yard	673-7000-473.90-16	Block Wall - City	\$ 17,276	\$ 1,221,662						\$ 1,238,938
<b>ELECTRIC IMPROVEMENT TOTALS</b>										
			\$ 42,276	\$ 1,471,842	\$ 682,000	\$ 415,000	\$ -	\$ -	\$ -	\$ 2,611,118

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**CITY OF BANNING**  
**CAPITAL IMPROVEMENT PROJECTS**  
**FISCAL YEAR'S 2013/2014 - 2017/2018**

**ELECTRIC REVENUE BOND**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Downtown UG-Decorative Lights	674-7000-473.96-29	D.T. Underground	\$ 14,829	\$ 3,519,699						\$ 3,594,528
City Yard Warehouse Building	674-7000-473.90-11	New building City	\$ 11,820	\$ 2,688,180						\$ 2,700,000
Alola Substation Conversion	674-7000-473.96-32	Alola Substation		\$ 100,000	\$ 500,000	\$ 2,850,000				\$ 3,450,000
Airport Substation Conversion	674-7000-473.96-33	Airport Substation			\$ 600,000	\$ 1,600,000				\$ 2,200,000
Midway Substation Upgrade	674-7000-473.96-12	Midway Substation			\$ 500,000					\$ 500,000
Sunset Substation Distribution	674-7000-473.96-18	Sunset Substation		\$ 20,000	\$ 30,000	\$ 100,000	\$ 1,850,000			\$ 2,000,000
Circuits										
<b>ELECTRIC REVENUE BOND TOTALS</b>			\$ 26,649	\$ 6,327,879	\$ 1,130,000	\$ 5,050,000	\$ 1,850,000	\$ -	\$ -	\$ 14,384,528

**WASTEWATER**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Digester Cleaning	680-8000-454.95-12	Treatment Plant Impro			\$ 30,000					\$ 30,000
Repairs to Heat Exchanger (WWTP)	680-8000-454.95-12	Treatment Plant Impro			\$ 60,000					\$ 60,000
Digester Sludge Recirculation Pumps (WWTP)	680-8000-454.95-12	Treatment Plant Impro								\$ 73,030
Manhole Rehab	680-8000-454.95-14	Sewer Mains & Coll. Syst		\$ 73,030	\$ 25,000	\$ 25,000	\$ 25,000			\$ 100,000
Engineering Design	680-8000-454.90-10	Planning/Engineering Svc		\$ 6,000						\$ 6,000
Equipment Replacement	680-8000-454.90-56	Machinery/Equipment		\$ 17,500						\$ 17,500
Treatment Plant Improvements	680-8000-454.95-12	Treatment Plant Improv		\$ 60,000						\$ 60,000
<b>WASTEWATER TOTALS</b>			\$ -	\$ 156,530	\$ 115,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ -	\$ 346,530

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**CITY OF BANNING**  
**CAPITAL IMPROVEMENT PROJECTS**  
**FISCAL YEAR'S 2013/2014 - 2017/2018**

**WASTEWATER CAPITAL FACILITIES**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Sewer Master Plan Update	681-8000-454.90-78	Planning/Design			\$ 75,000					\$ 75,000
Sunset Grade Sep Sewer Main	681-8000-454.95-14	Sewer Mains & Coll. Syst			\$ 400,000					\$ 400,000
Sewer Line Replacement	681-8000-454.95-14	Sewer Mains & Coll. Syst			\$ 100,000	\$ 100,000	\$ 100,000			\$ 400,000
PVC Digester Gas Piping	681-8000-454.95-12	Treatment Plant Impro			\$ 25,000					\$ 25,000
Replacement of 30" Trunk to WWTP w/DIP (Design)	681-8000-454.90-78	Planning/Design						\$ 75,000		\$ 75,000
Replacement of 30" Trunk to WWTP w/DIP (Const)	681-8000-454.95-14	Sewer Mains & Coll. Syst							\$ 500,000	\$ 500,000
Lab	681-8000-454.95-12	Treatment Plant Impro					\$ 150,000			\$ 150,000
SCADA (Lift Stations)	681-8000-454.95-14	Sewer Mains & Coll. Syst			\$ 125,000					\$ 125,000
Deutsch Sewer Trunk Line (D)	681-8000-454.90-10	Planning/Engineering							\$ 200,000	\$ 200,000
Deutsch Sewer Trunk Line (C)	681-8000-454.95-14	Sewer Mains & Coll. Syst								
Treatment Plan Improvements	681-8000-454.95-12	Treatment Plant Improv		\$ 10,000	\$ 10,000					\$ 20,000
<b>WASTEWATER CAPITAL FACILITIES TOTALS</b>			\$ -	\$ 10,000	\$ 710,000	\$ 125,000	\$ 250,000	\$ 175,000	\$ 700,000	\$ 1,970,000

**BUA WASTEWATER CAPITAL**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Planning/Design	683-8000-454.90-78	Planning/Design	\$ 39,231	\$ 536,936						\$ 576,166
<b>BUA WASTEWATER CAPITAL TOTALS</b>			\$ 39,231	\$ 536,936	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 576,166

**2007 TABB PROCEEDS**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Ramsey Street Improvements	855-9500-490.93-30	Ramsey Street Improvements			\$ 250,000					\$ 250,000
<b>2007 TABB PROCEEDS TOTALS</b>			\$ -	\$ -	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ 250,000

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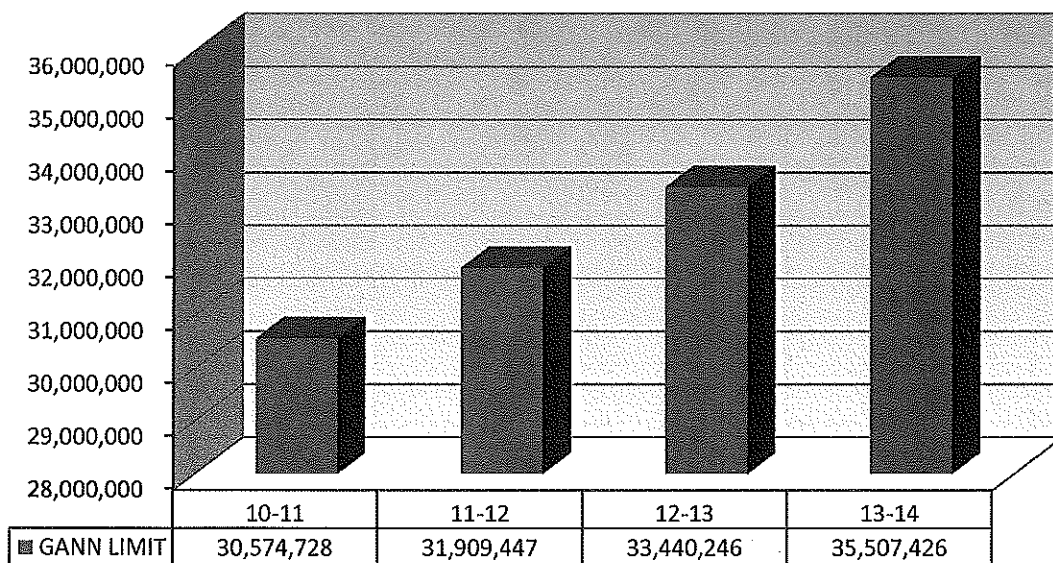
# CITY of BANNING

## Proposition 4 - Government Spending Limits

In November 1979 voters passed Proposition 4, also known as the Gann Initiative. Proposition 4 Article XIII (B) of the California Constitution provides that the City's annual appropriations be subject to certain State limitations. This appropriation limit is referred to as the Gann Spending Limitation. The calculation limits the increase in annual appropriations to a factor which is based on a combination of population growth, State per capita income change, and the change in assessment value for non-residential property. Appropriations for proprietary related activities such as water, wastewater, airport, etc., and Redevelopment functions are not subject to the limit. When the limit is exceeded, Proposition 4 requires the surplus to be returned to the taxpayers within two years. Appropriations in the two year period can be averaged before becoming subject to the excess revenue provisions of the Gann limit.

The City of Banning calculated the Gann Limit of \$35,507,426 for Fiscal Year 2013-14 using the prior year's limitation of \$33,440,246 multiplied by the 5.12% (1.0512) increase in per capita income multiplied by the 1.01% (1.0101) increased population growth in Riverside County. This calculation maintains a safe cushion for the City's financial health.

### GANN LIMIT



## City of Banning FY 2013-14 Budget Document

## GANN LIMIT CALCULATION

Article XIII B of the California State Constitution was adopted by California voters in November 1979, and is more commonly referred to as the Gann Limit. The Article places limits on the amount of revenue which can be appropriated (spent) each fiscal year. Only revenues which are considered proceeds of taxes are subject to the limit. The limit is different for each agency and changes each year, modified for changes in inflation and population.

(1) Fiscal Year	(2) Prior Year Gann Limit	(3) Previous Year's Population	(4)* City Population Change %	(5)* County Population Change %	(6) % Change In Per Capita Income	(7) Current Year Gann Limit
03-04	19,141,477	24,655	3.44%	3.69%	2.31%	20,319,990
04-05	20,319,990	25,581	6.30%	3.37%	3.28%	22,308,634
05-06	22,308,634	27,192	1.02%	3.87%	5.26%	24,390,824
06-07	24,390,824	27,954	-0.01%	3.45%	3.96%	26,231,507
07-08	26,231,507	28,128	-0.17%	3.31%	4.42%	28,297,580
08-09	28,297,580	28,272	0.19%	2.71%	4.29%	30,311,309
09-10	30,311,309	28,348	1.10%	1.44%	0.62%	30,938,428
10-11	30,938,428	28,457	0.70%	1.40%	-2.54%	30,574,728
11-12	30,574,728	28,751	1.14%	1.81%	2.51%	31,909,447
12-13	31,909,447	29,844	0.81%	0.99%	3.77%	33,440,246
13-14	33,440,246	29,965	0.40%	1.01%	5.12%	35,507,426

The Gann Limit is adjusted annually by multiplying the "Prior Year Gann Limit" (column 1) by the greater of the "City or County % Change in Population" (column 4 or 5) and then by the "% Change in Per Capita Income" (column 6). This annual Gann adjustment figure is then added to the Prior Year's limit amount to obtain the Current Year Gann Limit amount in column 7. The shaded boxes indicate the calculation factors that were used in determining the adjustment to the Gann Limit.

\*City and County population change % figures are provided by the Department of Finance Demographic Research Unit.

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# CITY of BANNING

## *Historical Information*

**T**he City of Banning is strategically located in Riverside county along the route of U.S. Interstate 10 approximately 25 miles northwest of Palm Springs and 82 miles east of Los Angeles. Beautifully located in the San Geronio Pass between the two highest mountain peaks in Southern California, Banning is only minutes away from many desert and mountain resorts. One of Banning's unique characteristics is that it provides the serenity of a rural setting yet has easy access to major metropolitan areas. Its unique location is at a relatively high altitude (2,350 feet) in the pass which provides a favorable year-round climate and air quality. Its municipal boundaries encompass 22.117 square miles.



Banning has a rich and colorful history. Its first permanent landmark, an adobe house, was built on a tract of land now known as the Gilman place, in 1854. The house was used as a stagecoach station and meal stop for many years. The Colorado Stage and Express Line included Banning on its route from Los Angeles to the Colorado River in 1862, where gold had been discovered. The railroad replaced the stagecoach in 1876.

Incorporated in 1913, Banning is a general law city with a council/manager type administration. The City has five elected council members. Mayor is appointed by the City Council. The City Manager is the Chief Administrative Officer and is appointed by the City Council.

The City of Banning is a full service municipal government, which owns and operates its own electric and water utilities. It also offers its residents an airport, local police protection, municipal bus service, seven parks, a swimming complex, a seasonally operated play house bowl, as well as youth and leisure programs. Recreation opportunities are also abundant in nearby areas, which offer golfing, fishing, hiking, and equestrian trails.

# CITY of BANNING

## *Budgetary and Fiscal Policies*

### I. PHILOSOPHY

To maintain a financially viable City that can provide an adequate level of municipal services and to ensure a stable and diverse financial condition of the City through budgeting and fiscal policies.

### II. METHODS

#### Operational Policies

##### *Operational Policies*

1. The City will maintain a budgetary control system to ensure compliance with the budget. The City will prepare monthly status reports comparing actual revenues and expenditures to budgeted amounts. Where practical, the City will develop performance measures to be included in the operating budget.
2. The City will provide for adequate maintenance of capital plant and equipment and for the orderly replacement thereof.
3. The City will project its equipment replacement and maintenance needs for the next several years and will update this projection each year. For this projection, a maintenance and replacement schedule will be developed and followed.
4. During the budget process, the City will reassess services and service levels. Staff may seek citizen input by surveys, citizen's forums and similar methods to accomplish this evaluation.
5. The City will strive to maintain all of its assets at an adequate level in order to protect the City's capital investment and to minimize future maintenance and replacement costs.

#### Capital Improvement Policies

##### *Capital Improvement Policies*

1. Capital improvements are to be funded primarily by user fees, service charges, assessments, special taxes or developer agreements when benefits can be attributed to users of the facility.
2. The City will require that project costs and related funding be submitted with requested capital projects. "Full life" costs including operating, maintenance and demolition, if any, should be identified.
3. Although the City will strive to finance projects on a pay-as-you-go basis, the City Council may conclude, based on a study of the economy and other matters, that the most equitable way of financing a project that benefits the entire community would be debt financing (pay-as-you-use) in order to provide the services in a timely manner. The City will use the following criteria to evaluate the use of long-term financing and pay-as-you-go funding for capital projects:

##### Factors favoring pay-as-you-go

- current revenues and excess reserves are available or project phasing can be accomplished.
- debt levels adversely affect credit rating.
- market conditions are unstable or marketing difficulties exist.

##### Factors favoring long-term financing

- revenues available for debt service are determined to be sufficient and reliable to provide funding for long-term financing which can be marketed with investment grade credit ratings.
- the facility securing the financing is of the type that will support an investment grade credit rating.
- market conditions present favorable interest rates and demand for City financing.
- a project is mandated by state and/or federal requirements and current revenues or fund surplus balances are insufficient.
- the facility is immediately required to meet or relieve capacity needs.
- the life of the asset financed is ten years or longer.

## **Revenue Policies**

### *Revenue Policies*

1. The City will strive to maintain a diversified revenue system to protect it from short-run fluctuations in any one revenue source.
2. State and Federal funds may be utilized, but only when the City can be assured that the total costs and requirements of accepting funds are known and judged not to adversely impact the City's General Fund.
3. The City, where allowed by law, will review all fees for licenses, permits, fines, utility user fees and other miscellaneous charges on a periodic basis. They will be adjusted as necessary after considering inflation, processing time, expenses to the City, and any other factors pertinent to the specific item. A regular review and implementation of index escalators will be applied wherever authorized by resolution or ordinance.
4. An administrative fee will be charged where allowed by law for administrative services, provided the fee is based on the reasonable estimated costs incurred.
5. All proposed projects will have a detailed capital budget specifying total costs and total revenues, and shall identify the source of proposed revenues.

## **Debt Management Policies**

### *Debt Management Policies*

1. The City will not use long-term debt to finance current operations. Long-term borrowing will be confined to capital improvements or similar projects with an extended life which cannot be financed from current revenues.
2. Debt payments shall not extend beyond the estimated useful life of the project being financed. The City will try to keep the average maturity of bonded debt at or below 20 years.
3. The City will maintain good communications with bond rating agencies concerning its financial condition.
4. The City may utilize lease purchasing with specific approval of the City Manager. The useful life of the item must be equal to or greater than the length of the lease. A lease purchase will require City Council approval beyond a five-year lease term or principal amount over the City Manager's authorized contract level.
5. The City will not obligate the General Fund to secure financing unless the marketability of the issue will be significantly enhanced.
6. A feasibility analysis shall be prepared for each request for long-term financing which analyzes the impact on current and future fiscal year budgets for debt service and operations. The analysis shall also address the reliability of revenues supporting annual debt service.
7. The City shall conduct financing on a competitive basis unless, for reasons of market volatility, the use of an unusual financing structure or a complex security structure indicates the negotiated financing is preferred.
8. The City will monitor all forms of debt on an annual basis and report concerns or suggested restructuring, if any, to the City Council as part of the budget hearing process.
9. Enterprise and Property owner based financing will only be issued under the assumption that the issue is self-supporting from user fees and charges, assessments and special taxes without impacting the General Fund.
10. The City's minimum acceptable rating objective on any direct debt is "Baa/BBB". Appropriate credit enhancements, such as insurance or letters of credit shall be considered for marketing purposes, availability and cost effectiveness.
11. The City shall diligently monitor its compliance with bond covenants and ensure its compliance with federal arbitrage regulations.
12. The City may issue interfund loans rather than outside debt instruments. Interfund loans will be permitted only if an analysis of the lending fund indicates excess funds are available, and the use of these funds will not impact the fund's current operations. The average annual interest rate, as established by the Local Agency Investment Fund (LAIF), will be paid to the lending fund.

## **General Fund Balance Reserve Policy**

### *General Fund Balance Reserve Policy*

This Fund Balance Policy establishes the procedures for reporting unrestricted fund balance in the General Fund financial statements. Certain commitments and assignments of fund balance will help ensure that there will be adequate financial resources to protect the City against unforeseen circumstances and events such as revenue shortfalls and unanticipated expenditures. The policy also authorizes and directs the Administrative Services

Director to prepare financial reports which accurately categorize fund balance as per Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.

#### PROCEDURES

Fund balance is essentially the difference between the assets and liabilities reported in a governmental fund. There are five separate components of fund balance, each of which identifies the extent to which the City is bound to honor constraints on the specific purpose for which amounts can be spent.

- Nonspendable fund balance (*inherently nonspendable*)
- Restricted fund balance (*externally enforceable limitations on use*)
- Committed fund balance (*self-imposed limitations on use*)
- Assigned fund balance (*limitation resulting from intended use*)
- Unassigned fund balance (*residual net resources*)

The first two components listed above are not addressed in this policy due to the nature of their restrictions. An example of nonspendable fund balance is inventory. Restricted fund balance is either imposed by law or constrained by grantors, contributors, or laws or regulations of other governments. This policy is focused on financial reporting of unrestricted fund balance, or the last three components listed above. These three components are further defined below.

#### Committed Fund Balance

The City Council, as the City's highest level of decision-making authority, may commit fund balance for specific purposes pursuant to constraints imposed by formal actions taken, such as an ordinance or resolution. These committed amounts cannot be used for any other purpose unless the City Council removes or changes the specified use through the same type of formal action taken to establish the commitment. City Council action to commit fund balance needs to occur within the fiscal reporting period; however, the amount can be determined subsequently.

- General Fund Emergency Contingency  
The City's General Fund balance committed for emergency contingencies is established at a minimum of \$1.5 million or up to 25% of operating appropriations if funds are available. The Emergency Contingency is reserved for economic uncertainties, local disasters, recession or other financial hardships; to subsidize unforeseen operating or capital needs; and for cash flow requirements. The City Council may, by the affirming vote of three members, change the amount of this commitment and/or the specific uses of these monies.

#### Assigned Fund Balance

Amounts that are constrained by the City's intent to be used for specific purposes, but are neither restricted nor committed, should be reported as assigned fund balance. This policy hereby delegates the authority to assign amounts to be used for specific purposes to the Administrative Services Director for the purpose of reporting these amounts in the annual financial statements. A few examples of assigned fund balance follow.

- Continuing Appropriations  
Fund balance levels must be sufficient to meet funding requirements for projects approved in prior years and which must be carried forward into the new fiscal year.
- Debt Service  
Established to provide for future debt service obligations.

#### Unassigned Fund Balance

These are residual positive net resources of the General Fund in excess of what can properly be classified in one of the other four categories.

#### Fund Balance Classification

The accounting policies of the City consider Restricted Fund Balance to have been spent first when an expenditure is incurred for purposes for which both Restricted and Unrestricted Fund Balance is available. Similarly, when an



expenditure is incurred for purposes for which amounts in any of the Unrestricted classifications of fund balance could be used, the City considers Committed amounts to be reduced first, followed by Assigned amounts and then Unassigned amounts.

This policy is in place to provide a measure of protection for the City against unforeseen circumstances and to comply with GASB Statement No. 54. No other policy or procedure supersedes the authority and provisions of this policy.

#### **Available Fund Balance Reserve Policies**

##### *Available Fund Balance Reserve Policies*

1. Each fund shall maintain, if necessary, an appropriate Available Fund Balance reserve to fund prior year's incomplete capital projects, continuing appropriations, cash flow needs and any other financial need not included in the current fiscal year budget.
2. The BUA Water and Wastewater operational funds shall maintain a minimum Available Fund Balance reserve of 10% of the upcoming fiscal year's total operating appropriations and debt service payments.
3. The Electric operational fund shall maintain a minimum Available Fund Balance reserve of 10% of the upcoming fiscal year's total operating appropriations and debt service payments. The Available Fund Balance for the Electric Rate Stability Fund shall be maintained at a minimum of 20% of the upcoming fiscal year's total operating appropriations and debt service payments.
4. The Self-Insurance Fund shall maintain a \$500,000 minimum Available Fund Balance reserve which is in excess of the estimated loss reserve as reported at the end of the fiscal year by the City's claims administrator.

#### **Electric Administrative Transfer Policy**

##### *Electric Administrative Transfer Policy*

The Electric Operation Fund's administrative transfer to the General Fund is authorized at 10% of operational revenues. The rate will be reviewed by the City Council during the budget process.

#### **Budget and Budgetary Accounting Policies**

##### *Budget and Budgetary Accounting Policies*

The City uses the following procedures in establishing the budget:

1. Before the beginning of the budget cycle, the City Manager submits to the City Council a proposed budget commencing July 1.
2. A budget workshop(s) may be conducted every two years or as needed to obtain citizen comments.
3. The budget is subsequently adopted through passage of a resolution.
4. For a given fiscal year, all appropriations are as originally adopted or as amended by the City Council. At year end, all unencumbered budgeted amounts lapse, subject to requests for continuing appropriations. Outstanding encumbrances will be carried forward into the new fiscal year with City Manager approval.
5. Continuing Appropriations requests and Authorized Capital Projects are approved by the City Manager after the adoption of the original budget. The original budget is then adjusted accordingly.
6. The legal level of budgetary control is at the fund level. A Department Head may transfer budget appropriations within a major category in a department or fund under his authority. The City Manager's approval must be obtained when a budget appropriation transfer request moves from one major appropriation category to another within a department.
7. The City Council may, at any time, amend the budget or delete appropriations, transfer appropriations within a fund, or change appropriation transfers between funds.

#### **Accounting, Auditing & Financial Reporting Policies**

##### *Accounting, Auditing & Financial Reporting Policies*

1. Ordinance No. 1445 established section 3.21, Financial Procedures as follows:

##### 3.21.010 Warrants

All disbursements except petty cash are made on warrants. A combined demand-warrant is employed and signed by use of check signature plates (or most current technology) to imprint signatures of any two of the

following: The Administrative Services Director, Finance Director, City Manager, and the Mayor or Councilmember.

The warrants shall be drawn on the City of Banning bank account.

Warrants shall be of four types:

1. General;
2. Payroll;
3. Return of Deposit;
4. Such other warrants as may be necessary for expenditures from certain restricted and special accounts.

All warrants issued must be properly documented. No warrants shall be made payable to "bearer" or "cash".

All warrants appear on the warrant registers in numerical sequence. Voided or canceled warrants are so indicated on the registers and are properly defaced. There may be separate warrant registers to cover the different types of warrants.

Warrants may be issued by the Finance Department on a weekly basis for demands which are accompanied by supporting documents. Such disbursements shall only be for items which have followed the procurement procedures prescribed by this code and for which funds have been appropriated by the city council. Monthly warrant registers for these disbursed items shall be submitted to the city council for ratification at the next regularly scheduled council meeting after the issuance thereof.

#### 3.21.020 Accounting Methods

The basis of accounting is in conformity with generally accepted principles of municipal accounting.

#### 3.21.030 Audit

An audit of the accounts and records is made annually by a certified public accountant.

#### 3.21.040 Receipts, Deposit and Safekeeping of Moneys

All collections of cash are the responsibility of the Administrative Services Director, who outlines the procedures pertaining to the physical aspects of the receipt, deposit and safekeeping of all moneys. Receipts are issued for all collections in a form as prescribed by the director and suitable to the nature of the collection. Cash is deposited daily. Cash on the premises shall be safeguarded through the use of locked cash drawers, safes, or other protective devices. Persons having access to cash shall be kept to a minimum and adequately bonded.

2. Periodic financial reports will be submitted to the City Council for review.
3. The Administrative Services Director will annually submit an investment policy to the City Council for review and approval.

# CITY of BANNING

## *Description of Funds*

### (001) General Fund

The General Fund is the general operating fund of the city. All general tax receipts and fee revenue not allocated by law, council policy or contractual agreement to other funds are accounted for in the General Fund. General Fund expenditures include operations traditionally associated with activities that are not required to be accounted for or paid by another fund.

### Special Revenue Funds

Special Revenue Funds account for revenues derived from specific sources that are required by law or administrative regulation to be accounted for in a separate fund. Funds included are (Ordered by fund number):

(002) Developer Deposits – Community Development: This fund accounts for deposits required of developers that are used by the City for studies and reports required due to the development. These funds are combined with the General Fund for financial statement reporting.

(003) County of Riverside – MOU: In February, 2007 an agreement was executed between the County of Riverside and the City of Banning with respect to expansion of the Smith Correctional Facility located in Banning, California. To mitigate the potential impacts of this expansion on the citizens of the City of Banning, the County will, over the course of 10 years, provide the City with 4.5 million dollars and implement a reverse 9-1-1 system; in exchange, over the same period, the City will use these funds to hire four sworn police officers.

(100) Gas Tax: The Street Division is responsible for the maintenance of streets and storm drains or operation of traffic controls and related facilities. The Division uses State and local standards to ensure protection and maintenance of public infrastructure.

(101) Measure A Street: Measure "A" was approved by the voters of Riverside County authorizing an additional half-cent sales tax specifically for transportation improvement purposes. This fund accounts for the receipt and expenditures of the money collected under the Measure "A" program.

(103) SB300 Street Improvement: This Fund pertains to Senate Bill 300 where the State participates in local

transportation projects meeting the eligibility criteria under the State-Local Transportation Partnership Program.

(104) Article 3 – Sidewalk Construction: This program provides grants under Senate Bill 821 for Bicycle and Pedestrian Facilities on a competitive basis. Projects are submitted by the local agencies annually to the Riverside County Transportation Commission.

(110) C.D.B.G.: Accounts for monies received and expended by the City as a participant in the Federal Community Development Block Grant Housing Program.

(111) Landscape Maintenance Assessment District #1: This fund is responsible for the maintenance of landscaping installed in public right-of-ways within Landscape Maintenance District No. 1. The City collects the assessments through the County of Riverside Tax Collector's office. The Engineer's Report and all paperwork is prepared in-house by staff on an annual basis and assessments are recorded on individual parcels within the district, subject to the approval of the City Council.

(132) Air Quality: The Air Quality Management District (A.Q.M.D.) Fund proceeds are intended for improving the air quality within Riverside County. Quarterly allocations are received from the District for governmental agencies to improve air quality. Qualifying fund uses include alternative fuel vehicles that are used for City operations and compressed natural gas (CNG) fueling stations.

(140) Asset Forfeiture: The Asset Forfeiture Fund is used as a depository for assets forfeited as a result of Police Department arrests, narcotics-related arrests, etc. The forfeited assets then become available for operating costs or capital equipment needs in the continuation of drug enforcement within the Police Department.

(148) Supplemental Law Enforcement: This program was approved in FY 1996-97. This funding is restricted to front line law enforcement programs. Funding for this program is considered each year by the State and is not guaranteed.

(149) Public Safety – Sales Tax: The adoption of a one-half cent sales tax strictly used for public safety operations was authorized by Proposition 172. The sales tax is recorded in a separate fund and subsequently transferred to the City's General Fund to subsidize fire and police operations.

(150) State Park Bond Act: This fund was established during Fiscal Year 2003 to account for funds received through the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 and the Clean Water, Clean Air, Safe Neighborhoods Parks, and Coastal Protection Bond Act of 2002. This fund ensures that the monies expended and reimbursed on bond funded projects is tracked separately from other funding sources.

(190) Housing Authority: Undertakes a variety of housing projects provided in the Housing Authority Law including: leasing housing, multiple family housing, mobile home housing, housing certificates and other State and Federal housing programs.

(200) Special Donations: This fund was established during Fiscal Year 1989-90 to account for special donations received by the City. This separate fund ensures that the monies received will be applied toward the specific purpose named in the donation.

(201) Senior Center Activities: This separate fund ensures that the monies received will be applied toward the specific purpose named in the donation.

(202) Animal Control Reserve: This separate fund ensures that the monies received will be applied toward the specific purpose named in the donation.

(203) Police Volunteer: The Volunteer Citizen Patrol Program is designed to relieve regular officers of duties not specifically defined as law enforcement activities. This separate fund ensures that the monies received will be applied toward the specific purpose named in the donation.

(300) City Hall COP Debt Service: This fund was created to record the debt service transactions for the 1997 City Administration Certificates of Participation Refunding Bonds. The bonds were refinanced in FY11. The new debt matures in 2020.

(360) Sun Lakes CFD #86-1: This fund is used to record the financial activities of the Sun Lakes Community Facilities District (C.F.D.) #86-1 Refunding Bond's annual debt service and related administrative costs. The original bond proceeds were used to create an overpass for the railroad. A bridge and thoroughfare district was created to mitigate the cost of the capital improvement from future development in the area.

Each year the City certifies and collects a special tax through the County of Riverside property tax collection program to provide funds for the District's expenditures. The refunding bonds matured in 2005. The fund still exists to track bridge and thoroughfare revenue.

(365) Assessment District - #91-1 Wilson St. Debt: This fund is used to record the principal, interest and related administrative costs for the Wilson Street Assessment District #91-1 Bond debt service activities. The proceeds were used to develop infrastructure in new residential subdivisions. The improvements are an obligation of the property owners located within the District and no City Funds are used to subsidize any costs associated with the District.

Each year the City certifies an assessed amount for the property owners to the County of Riverside and collects the amounts due through the County's property tax system. The bonds have a final maturity in 2012 and may be prepaid at any time by a property owner. The prepayment proceeds can only be used to call outstanding District bonds.

(370) Area Police Computer: This fund has been created to isolate the costs associated with the Area Police Network. The network increases communication to each agency and provides the capability to obtain information from Sacramento. Three Riverside County cities are currently participating in the program, which is administered by the City. The participating agencies include Banning, Beaumont, and Hemet. The City of Banning's portion of this program is reflected in the Police department's budget located in the General Fund.

(375) Fair Oaks 2004-1 Debt Service: This fund was used to record the deposit and use of funds provided by Century Homes to develop an assessment district relating to the Fair Oaks Ranch Estates Development. In 2004-05 the Fair Oaks Assessment District was formed. In May 2005 bonds in the amount of \$2,898,000 were issued to finance the cost of constructing and acquiring certain public improvements funded by the District. Since FY 2005-06, this fund has been used to track the debt service activity related to the bond issue.

(376) Cameo Homes: This fund was used to record the deposit and use of funds provided to develop an assessment district.

#### Capital Improvement Funds

(400) Police Facilities Development: This fund was created to mitigate the cost of needed additional police facilities resulting from new development that has increased the City's population. Expenditures from this fund are restricted to the development of new, or expansion of existing, police sites and the acquisition of capital equipment such as vehicles.

(410) Fire Facility Development: This fund has been created to record the financial activities related to the increased fire service level impact resulting from new development. The fee is collected at the time a building permit is requested.

The fees are used to mitigate the cost of increased service levels resulting from additional population. The fees can be used to develop additional fire stations or acquire additional capital projects.

(420) Traffic Control Facility: Traffic Control Facilities Fees are the impact fees paid by the new developments for construction of traffic signals at various locations within the City.

(421) Ramsey & Highland Home Traffic Signal: This fund has been created to segregate payments made by developers to subsidize a capital infrastructure project. The project has been isolated to ensure developer payments are being used specifically for the intended improvement.

(430) General Facilities: This fund has been created to reserve funds obtained from new development to update the City's General Plan and to construct City Hall Annex. Fees are collected at the time a building permit is issued and are intended to update the City Hall Facilities.

(441) Sunset Grade Separation Fund: This fund was created to isolate payments made with the intent to fund the capital improvement in the future.

(444) Wilson Median: This fund was created to isolate developer payments made with the intent to fund a capital improvement in the future. Only costs associated with the capital improvement project are to be expensed to this fund.

(451) Park Development: The Park Development Department is responsible for the acquisition and development of parks and recreation facilities. Functions include land acquisition, planning and design, grant funding acquisition, identification and administration of rehabilitation and improvement projects, establishment and collection of developer fees, and development of leases.

(470) Capital Improvement Funds: This fund is used to record the receipt and expenditure of the one-time upfront lease payment received from the Banning Utility Authority. In as much as this lease payment came from bond proceeds, it can only be used to fund capital expenditures. The Council initially earmarked these for a variety of projects.

#### **Banning Utility Authority**

The Banning Utility Authority was created in 2005 for the purpose of, among other things, providing financing for capital improvement projects for water and wastewater.

(660) Water Operations: The Water Department is responsible for providing domestic water to residences, businesses and industries within the City. The Division is also responsible for providing adequate flows for the City's fire protection system. The City's main source of water

supply is water wells in the City's water canyon along with wells scattered throughout other parts of the City. The Water Division is an enterprise function; i.e. all costs relative to the production and delivery of water (maintenance, replacement and expansion) are paid with user fees and capital connection fees.

(661) Water Capital Facility Fee: The Water Capital Facility Fees are a one-time charge collected from new developments or existing developments requesting new services from the City's Water Distribution System. The fees collected can be utilized for the Water Department Capital Improvement Programs.

(662) Irrigation Water: The purpose of the Irrigation Water Fund is to set aside funds for an irrigation water/reclaimed water project. Funding for this project is obtained on an incremental basis over a period of years until adequate funds are available to pay for the project.

(663) BUA Water Capital Project Fund: A portion of the water 2005 revenue bonds was set aside to fund specific water utility capital improvement projects.

(669) BUA Water Debt Service Fund: The Banning Utility Authority issued \$35,635,000 in Water Bonds dated November 1, 2005. The proceeds of the Water Bonds were used to (i) pay costs of certain capital improvements to the Water Enterprise; (ii) defease the 1986 Water Certificates; (iii) defease the 1989 Water Certificates; (iv) make an initial up-front lease payment to the City; and pay costs of issuance of the Water Bonds. Debt service costs are funded by net water revenues. The bonds are scheduled to mature in the year 2035.

(680) Wastewater Operations: The Wastewater Department collects the effluent from the city's residential, commercial and industrial facilities and discharges the effluent after required treatment in compliance with the Discharge Permit issued by the State Water Quality Control Board. The Wastewater Treatment Facilities are operated by United Water Environmental Services, on a contract basis.

(681) Wastewater Capital Facility Fees: The Wastewater Capital Facility Fee is a one-time charge collected from new development or existing development requesting new services from the City's wastewater collection system. The fees collected can be utilized for Wastewater Division Capital Improvement Programs.

(682) Wastewater Tertiary Fund: The rate charged is intended to offset costs for wastewater system operations, maintenance of utility equipment, replacement of wastewater infrastructure, future construction of tertiary facilities, loan or bond indebtedness, maintaining the minimum bond coverage ratio, and other unforeseen expenses.

(683) BUA Wastewater Capital Project Fund: A portion of the wastewater 2005 revenue bonds was set aside to pay for specific wastewater utility capital improvement projects.

(685) State Revolving Loan: The City has completed the renovating and expanding of the wastewater treatment plant. To fund the project construction, the City submitted an application for low-interest financing under the State Revolving Loan Program. As part of the requirements of the State Revolving Loan Program, the State requires that the City dedicate a special fund to ensure the ability of the City to repay the loan. This fund was created in FY 1998-99 to comply with this requirement.

(689) BUA Wastewater Debt Service Fund: The Banning Utility Authority issued \$7,100,000 in Wastewater Bonds dated November 1, 2005. The proceeds of the Wastewater Bonds were used to (i) pay costs of certain capital improvements to the Wastewater Enterprise; (ii) defease the 1989 Wastewater Certificates; and pay costs of issuance of the Wastewater Bonds. Debt service costs are funded by net wastewater revenues. The bonds are scheduled to mature in the year 2035.

#### Enterprise Funds

(600) Airport: The Banning Municipal Airport is an element of the national and local transportation system, which significantly affects the economic development of the City of Banning. The Airport Fund reflects annual revenues, expenditures and proposed capital improvement projects. A sound and realistic planning of Airport operations has the means to increase its contribution to the economy of the community.

(610) Transit Operations: The Fixed Transit Route Division operates fixed-route bus services that serve the City of Banning and provides service between Banning and Cabazon. The Dial-A-Ride Division provides curb-to-curb transit services to elderly and disabled citizens residing within the City of Banning.

(690) Refuse: The City provides solid waste disposal through a franchise agreement with Waste Management. The City tracks collections of revenue and the costs to provide the service in this fund.

(670) Electric Operations: The Electric Department provides economical, reliable, and safe distribution of electricity to residents and businesses in the City of Banning. The Department contracts with both public and private entities for the provision of specialized services.

(672) Rate Stability: Accumulated funds are used to offset operational costs to mitigate the need for rate increases.

There is a minimum reserve of 20% required per the Available Fund Balance Reserve policy.

(673) Electric Improvement: The Electric Improvement Fund includes interest and payments received from Southern California Edison (SCE) as per Federal Energy Regulatory Commission decisions. City Council has adopted Resolution 1993-37 setting the guidelines for utilization of these funds. Resolution No. 1993-37 strictly prohibits the use of these funds for salaries or for operations and maintenance of the electric distribution system.

(674) Electric Bond Project Fund: The Banning Financing Authority was created in 2003 for the purpose of, among other things, providing financing for the acquisition or construction of public capital improvements. A portion of the electric revenue bonds proceeds was set aside to fund certain improvements to the Electric System.

(675) Public Benefit Fund: The California electric restructuring legislation, Assembly Bill 1890, requires publicly owned utilities to maintain a usage based Public Benefits Charge to be used for Public Benefit Programs. Among the provisions of this legislation are requirements for utilities to collect and spend monies on any or all of the following four categories:

1) Cost-effective demand-side management programs that promote energy-efficiency and conservation. 2) New investments in renewable energy sources. 3) Research, development and demonstration programs to advance science or technology. 4) Services provided to low-income customers.

(678) Electric Debt Service Fund: The Banning Financing Authority issued \$45,790,000 in Electric Bonds dated July 3, 2007. The proceeds of the Electric Bonds are being used to (i) finance certain improvements to the City's Electric System; and pay costs of issuance of the Bonds. Debt service costs are funded by net electric revenues. The bonds are scheduled to mature in the year 2038.

#### Internal Service Funds

(700) Risk Management: Costs associated with liability exposures and employee related cost for worker's comp and unemployment insurance are accounted for here. The Council has adopted a policy of maintaining a minimum fund balance of \$500,000 in this fund to be available for unknown lawsuits and other insurance costs.

(702) Fleet Maintenance: The Fleet Maintenance Division is responsible for the maintenance and repair of all City owned vehicles and equipment. Costs of maintaining and repairing vehicles and equipment are assessed to each division, including an appropriate share of overhead costs.

(703) Information Systems Services: The Information Technology Services Division is responsible for the effective utilization of information technology throughout the City and for implementation of information systems planning consistent with the City's business systems plan.

(761) Utility Billing Services: The Utility Billing Operations is responsible for preparing and collecting bills for electric, water, wastewater and refuse (trash), and also serves as the central revenue collection point for the City. The Utility Meter Services Operations is responsible for meter reading.

#### Successor Agency Funds

*(Fund Descriptions may change subject to the implementation of ABX1 26.)*

(805) Redevelopment Obligation Retirement: Is intended as the repository for property taxes received from the County Auditor-Controller to pay enforceable obligations as set forth in the Enforceable Obligation Payment Schedule ("EOPS") and the Recognized Obligation Payment Schedule ("ROPS").

(810) Successor Housing Agency (Previously Low/Mod Housing): The fund was used to provide, facilitate and develop housing programs for the rehabilitation or construction of housing for low/moderate income persons. Per ABX1 26, this activity has been eliminated. The Due Diligence Review required by the State has been completed.

(830) Debt Service Fund: The Debt Service Fund is the fund which: 1) makes principal and interest payments on agency debt service, and 2) was used to allocate payment for pass thru's.

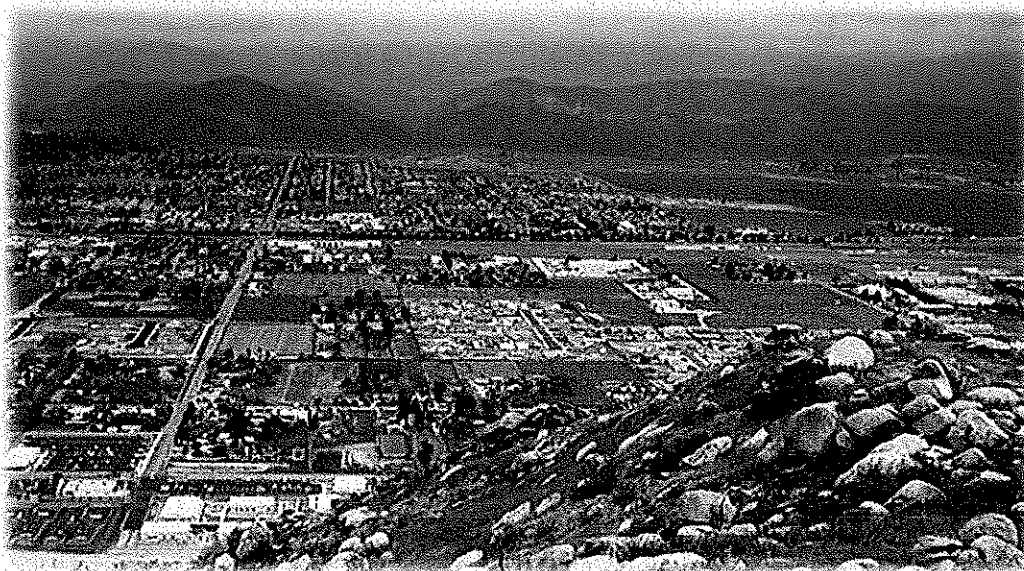
(850) Successor Agency Fund (Previously Administration Fund): This fund accounts for costs associated with the administration of the Agency.

(855) Tax Allocation Bonds-2007 Tabs: Proceeds from this bond issue may be used for a variety of improvements. The Agency Board has developed and approved a number of programs intended to upgrade the appearance of the project area, stimulate investment, produce jobs and revitalize the area. Per ABX1 26 and AB 1484, these funds may be utilized once the Notice of Completion is issued by the State Department of Finance.

(856) Tax Allocation Bonds-2003 Tabs: Proceeds from these bonds may be used for a variety of improvements. The Agency Board has developed and approved a number of programs intended to upgrade the appearance of the project area, stimulate investment, produce jobs and revitalize the area.

(857) Low/Mod Tax Allocation Bonds-2003 Tabs: A portion of the proceeds from the bond sale are to be used exclusively for the rehabilitation and construction of housing for low and moderate-income persons. The essence of the use of these funds is: 1) to result in the fulfillment of the Housing Element and the adopted Redevelopment Implementation Plan Goals and Policies, 2) to improve the visual image of the community and 3) to assist in the removal of blight.

(860) Project Fund: The Redevelopment Projects Fund was budget available to the Redevelopment Agency from tax increment for focused activities to accomplish the objectives of the Agency.



# CITY of BANNING

## *Glossary of Terms*

**Accrual Basis of Accounting:** A basis of accounting in which transactions are recognized at the time they are incurred, as opposed to when cash is received or spent.

**Appropriation:** Legal authorization by the City Council to make expenditures and to incur obligations for specific purposes.

**Assessed Valuation:** A dollar value that is established for real estate or other property, by Riverside County, as a basis for levying property taxes.

**Assessments:** Charges made to parties for actual services or benefits received.

**Audit:** A financial audit is a review of the accounting system and financial information to determine how government funds were spent and whether expenditures were in compliance with the legislative body's appropriation.

**Bond:** A Municipal Bond is a written promise from a government to repay a sum of money on a specific date at a specified interest rate. Bonds are most frequently used to finance large capital projects, such as buildings, streets, and bridges.

**Budget:** A plan for financial operation listing an estimate of proposed appropriations and the proposed means of financing them for a particular time period. Once the budget has been approved by the City Council it then considered the "adopted" budget.

**Budget Adjustment:** A procedure to revise a budget appropriation or revenue estimate.

**Budget Document:** The instrument used to present a comprehensive financial plan of operations to the City Council and the public.

**Budget Message:** The opening section of the budget which provides the City Council and the public with a general summary of the most important aspects of the budget and changes from the previous fiscal year.

**Building Permit:** Fee required for new construction or any alterations or addition to a residence or commercial building. The fee is based on square footage and valuation.

**Business License Tax:** A fee collected from those conducting business within the City.

**Capital or Community Improvements:** Capital or community improvements are major construction, acquisition or maintenance/repair projects. Typical examples of major construction would include new street improvement, park development and public buildings. Acquisitions include land. Major maintenance/repairs may include street resurfacing and modifications to public buildings.

**Capital Outlay:** Expenditure for non-expendable equipment, which has a usable life greater than one year.

**Contingency (Operating):** Funds set aside by the City within the budget for emergencies and economic uncertainties.

**Contingency (Emergency Reserve):** Funds set aside by that City within the fund balance for emergencies and economic uncertainties.

**CVC Fines:** The City's portion of California Vehicle Code (CVC) fines collected upon conviction of a misdemeanor or infraction committed within City boundaries. The majority of the fines are allocated through the Court system.

**Debt Service:** The City's obligation to pay the principal and interest of all bonds and other debt instruments according to a predetermined payment schedule.

**Disbursement:** Payment for goods and services in cash or by check.

**Employee Services:** Salaries and fringe benefits earned by employees of the City for work performed.

**Encumbrances:** The commitment of appropriated funds to purchase goods which have not yet been received, or services that have yet to be rendered.

**Enterprise Funds:** Funds established to account for the total costs of those governmental facilities and services that operate in a manner similar to private enterprise. These programs are entirely, or predominately, self-supporting, and render services on a user charge basis to the general public.

**Expenditure:** The cost of goods received or services rendered.

**Fiscal Year:** A 12-month period of time to which an annual operating budget applies. The City of Banning has specified July 1 through June 30 as its fiscal year.

**Fixed Assets:** Assets of long-term character such as land, buildings, machinery, furniture and other equipment.

**Fund:** A self-balancing set of accounts. Governmental accounting information is organized into funds, each with separate revenues, expenditures and fund balances. There are seven major types of funds: General, Special Revenue, Capital, Debt, Internal Service, Enterprise, and Trust & Agency.

**Fund Balance:** The difference between a fund's assets and liabilities. Portions of the fund balance may be reserved or designated for various purposes, such as contingencies, encumbrances or specific projects.



**Function:** A group of related programs crossing organization (departmental) boundaries and aimed at accomplishing a broad goal or a major service.

**General Fund:** The City's major operating fund. The activities budgeted in the General Fund represent the daily on-going services provided to the citizens of Banning. General government services, e.g. Police, Fire, Planning, Code Enforcement, Parks and Recreation expenditures are accounted for in this fund.

**Grant:** Contributions of gifts or cash or other assets from another governmental entity to be used or expended for a specific purpose, activity, or facility. An example is the Community Development Block Grant allocated by the Federal Government.

**Internal Service Fund:** This fund type is used to account for the payment of goods and services provided by one department or agency to other departments or agencies of the City, on a cost reimbursement basis. The City of Banning operates four internal service funds: Insurance; Fleet Maintenance; Information Services, and Utility Billing Administration.

**Investment Income:** Revenue received as interest from investment of funds not currently required to maintain current operation.

**Line-Item Budget:** A budget that lists each expenditure category (salary, materials, telephone service, travel, etc.) separately, along with the dollar amount budgeted for each specified category. Line item budgets are produced and used internally for budgetary control purposes only.

**Modified Accrual Accounting:** A basis of accounting in which revenues are recognized in the accounting period when they become available and measurable. Expenditures are recognized in the accounting period in which the fund liability is incurred.

**Operating Budget:** The portion of the budget that pertains to the daily operations of the City which provides basic governmental services. The operating budget contains appropriations for such expenditures as personnel, supplies, materials and capital assets required to maintain service levels.

**Ordinance:** A formal legislative enactment by the City Council. An ordinance has the full force and effect of law within the City boundaries, unless it is in conflict with any higher form of law, such as a State statute or constitutional provision. The difference between an ordinance and a resolution is that the latter requires less legal formality and has a lower legal status. Revenue raising measures, such as the imposition of taxes, special assessments and service charges, universally require ordinances.

**Program:** Group activities, operations, or organizational units directed to attaining specific purposes or objectives.

**Redevelopment Agency:** An entity created by a legislative body in accordance with state statutes which has elected to exercise the powers granted to it for planning, development, redesign, clearance, reconstruction, or rehabilitation of an area. Eliminated by the State through ABX1 26 January, 2011. The wind down is managed by the Successor Agency.

**Reserve:** Used to earmark a portion of the fund balance as segregated for a specific use.

**Retained Earnings:** The accumulated earnings of an Enterprise or Internal Service Fund which have been retained in the fund and which are not reserved for any specific purpose.

**Revenue:** An account used to indicate that a portion of a fund's balance is legally restricted for a specific purpose and is, therefore, not available for general appropriation.

**Resolution:** A special order of the City Council, which requires less legal formality than an ordinance in terms of public notice and the number of public readings prior to approval. A resolution has lower legal standing than an ordinance. The Budget is approved by resolution, and requires a majority vote of the Council Members present.

**Risk Management:** An organized attempt to protect a government's assets against accidental loss in the most economical manner.

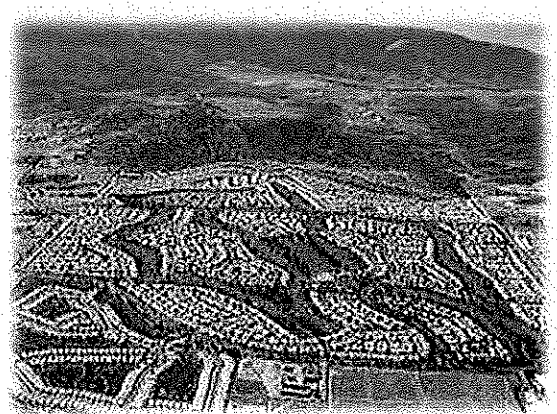
**Subventions:** That portion of revenues collected by other government agencies on behalf of the City.

**Tax Increment Financing (TIF):** Tax increment financing is an economic tool used by redevelopment agencies to finance economic development and rehabilitation costs within a project area. Additional property taxes generated by new development within a district formed are used to finance these development and infrastructure costs. A tax increment (TI) is that portion of property taxed generated by the development above what the taxes would have been had the development not occurred.

**Transient Occupancy Tax (TOT):** Bed tax imposed on hotels, motels, inns or other lodging facilities. The rate in Banning is 12%.

**Self-Insurance:** Assuming risk of loss through the maintenance of reserves or some other plan instead of through the purchase of insurance coverage.

**User Fees:** The payment of a charge or fee for direct receipt of a service by the party benefiting from the service. For example, fees charged to use a community swimming pool rather than a broad-based tax on the community.



# CITY of BANNING

## *Summary of Acronyms*

**AB** – Assembly Bill  
**ADA** – Americans with Disabilities Act  
**AED** – Automatic External Defibrillator  
**AQMD** – Air Quality Management District  
**ASP** – After School Program  
**BFA** – Banning Financing Authority  
**BPAL** – Banning Police Activities League  
**BTA** – Banning Transit Authority  
**BUA** – Banning Utility Authority  
**BUSD** – Banning Unified School District  
**CAD** – Computer Aided Dispatch  
**CALBO** – California Building Officials  
**CalHome** – General Home Buyer Assistance Program  
**CD** – Certificate of Deposit  
**CDBG** – Community Development Block Grant  
**CERT** – Computer Emergency Response Team  
**CFD** – Community Facilities District  
**CIP** – Capital Improvement Program  
**COPS** – Citizens Opt for Public Safety  
**CPR** – Cardio Pulmonary Resuscitation  
**CRA** – California Redevelopment Agency  
**D.O.D.** – Department of Defense  
**D.O.J.** – Department of Justice  
**DARE** – Drug Abuse Resistance Education  
**DUI** – Driving Under the Influence  
**EMS** – Emergency Medical Services  
**EOC** – Emergency Operations Center  
**EOPS** – Enforceable Obligation Payment Schedule  
**FAA** – Federal Aviation Agency  
**FY** – Fiscal Year  
**GASB** – Government Accounting Standards Board  
**GIS** – Geographical Information System  
**HAZMAT** – Hazardous Material  
**HHW** – Household Hazardous Waste  
**HUD** – Housing and Urban Development  
**HVAC** – Heating Ventilating Air Conditioning  
**ICSC** – International Council of Shopping Centers  
**IT** – Information Technology  
**ITS** – Information Technology Services  
**JPA** – Joint Power Authority  
**LAIF** – Local Agency Investment Fund  
**LF** – Landfill  
**LLC** – Limited Liability Company

**LMD** – Landscape Maintenance District  
**MIS** – Management Information System  
**MOU** – Memorandum of Understanding  
**NFIRS** – National Fire Incident Reporting System  
**NPDES** – National Pollutant Discharge Elimination System  
**OPEB** – Other Post-Employment Benefits  
**OTS** – Office of Traffic Safety  
**PD** – Police Department  
**PDF** – Portable Document Format  
**PEG** – Public Educational & Government  
**PERS** – Public Employees Retirement System  
**POST** – Police Officers Standards and Training  
**RCTC** – Riverside County Transportation Commission  
**RDA** – Redevelopment Agency  
**RPTTF** – Redevelopment Property Tax Trust Fund  
**RMS** – Records Management Systems  
**ROPS** – Recognized Obligation Payment Schedule  
**SA** – Successor Agency  
**SCAQMD** – South Coast Air Quality Management District  
**SEMS** – Standardized Emergency Management System  
**TAB** – Tax Allocation Bond  
**TOT** – Transient Occupancy Tax  
**TUMF** – Transportation Uniform Mitigation Fees  
**VLF** – Vehicle License Lee  
**WDA** – Wastewater District Assessments  
**WRCOG** – Western Regional Council of Governments  
**WWTP** – Wastewater Treatment Plant

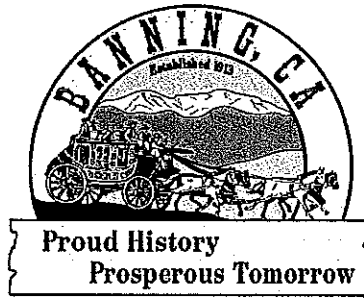


City of Banning  
**Citywide Personnel Summary by Fund/Division**

Description	Revised Adopted 2010/2011	Revised Adopted 2011/2012	Revised Adopted 2012/2013	Revised Adopted 2013/2014
<b>INSURANCE-WORK COMP.</b>				
Human Resources Director	0.00	0.00	0.00	0.00
Admin Services Director	0.15	0.15	0.15	0.15
Deputy HR Director	0.20	0.20	0.20	0.20
Risk Management Analyst	0.00	0.00	0.00	0.00
Human Resources Technician	0.30	0.30	0.30	0.30
<b>DIVISION TOTAL FTE</b>	<b>0.65</b>	<b>0.65</b>	<b>0.65</b>	<b>0.65</b>
<b>INSURANCE-SUI</b>				
Human Resources Technician	0.08	0.08	0.08	0.08
Risk Management Analyst	0.00	0.00	0.00	0.00
<b>DIVISION TOTAL FTE</b>	<b>0.08</b>	<b>0.08</b>	<b>0.08</b>	<b>0.08</b>
<b>INSURANCE-GENERAL LIABILITY</b>				
City Attorney	Contract	Contract	Contract	Contract
Human Resources Director	0.00	0.00	0.00	0.00
Admin Services Director	0.15	0.15	0.15	0.15
Deputy HR Director	0.30	0.30	0.30	0.30
Risk Management Analyst	0.00	0.00	0.00	0.00
Human Resources Technician	0.38	0.38	0.38	0.38
<b>DIVISION TOTAL FTE</b>	<b>0.83</b>	<b>0.83</b>	<b>0.83</b>	<b>0.83</b>
<b>FUND TOTAL FTE</b>	<b>1.55</b>	<b>1.55</b>	<b>1.55</b>	<b>1.55</b>
<b>FLEET MAINTENANCE</b>				
Public Works Superintendent	0.25	0.25	0.25	0.25
Fleet Maintenance Mechanic	2.00	3.00	3.00	3.00
Warehouse Services Specialist	0.25	0.25	0.25	0.25
<b>FUND TOTAL FTE</b>	<b>2.50</b>	<b>3.50</b>	<b>3.50</b>	<b>3.50</b>
<b>INFORMATION SYSTEMS SERVICES</b>				
Finance Director	0.00	0.00	0.00	0.00
Admin Services Director	0.15	0.15	0.15	0.15
Deputy Finance Director	0.25	0.25	0.25	0.25
Purchasing Manager	0.00	0.00	0.00	0.00
Information Technology Coordinator	1.00	1.00	1.00	1.00
Information Technology Media Technician	1.00	1.00	1.00	1.00
<b>FUND TOTAL FTE</b>	<b>2.40</b>	<b>2.40</b>	<b>2.40</b>	<b>2.40</b>

City of Banning  
**Citywide Personnel Summary by Fund/Division**

Description	Revised Adopted 2010/2011	Revised Adopted 2011/2012	Revised Adopted 2012/2013	Revised Adopted 2013/2014
<b>SUCCESSOR AGENCY</b>				
City Manager	0.23	0.23	0.00	0.00
Redevelopment Director	1.00	1.00	1.00	1.00
Community Development Director	0.50	0.00	0.00	0.00
Redevelopment Manager	0.00	0.00	0.00	0.00
Executive Secretary	0.64	0.64	0.00	0.00
Executive Assistant	0.10	0.10	0.00	0.00
Development Project Coordinator	0.20	0.20	0.00	0.00
RDA Project Coordinator	0.00	0.00	0.00	0.00
Associate Planner	0.00	0.20	0.00	0.00
Assistant Planner	0.20	0.00	0.00	0.00
<b>FUND TOTAL FTE</b>	<b>2.87</b>	<b>2.37</b>	<b>1.00</b>	<b>1.00</b>
<b>COMMUNITY REDEVELOPMENT-CODE ENFORCEMENT</b>				
Code Compliance Officer	0.70	0.00	0.00	0.00
Office Specialist	0.70	0.00	0.00	0.00
<b>FUND TOTAL FTE</b>	<b>1.40</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TOTAL SUCCESSOR AGENCY FUNDS</b>	<b>4.50</b>	<b>2.90</b>	<b>1.00</b>	<b>1.00</b>
<b>TOTAL OTHER FUNDS</b>	<b>86.51</b>	<b>84.00</b>	<b>83.67</b>	<b>85.31</b>
<b>TOTAL ALL FUNDS</b>	<b>161.34</b>	<b>158.68</b>	<b>160.18</b>	<b>159.02</b>
<b>TOTAL ALL FUNDS</b>	<b>161.34</b>	<b>158.68</b>	<b>160.18</b>	<b>159.02</b>
Less Part Time	12.34	11.68	11.18	10.02
Less Elected	7.00	7.00	7.00	7.00
<i>Full Time Employees</i>	<i>142.00</i>	<i>140.00</i>	<i>142.00</i>	<i>142.00</i>



# CAPITAL IMPROVEMENT PROGRAM

FY's 2013/2014 – 2017/2018

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## CITY COUNCIL

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Deborah "Debbie" Franklin ..... Mayor  
Robert E. "Bob" Botts ..... Mayor Pro Tem  
Don Peterson ..... Council Member  
Edward Miller ..... Council Member  
Art Welch ..... Council Member

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## CITY MANAGER

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Andrew (Andy) Takata  
City Manager

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## CIP ADMINISTRATOR

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Duane Burk  
Public Works Director

# CITY of BANNING

## *Capital Improvement Program*

**Fiscal Year 2013/2014**

### CURRENT FUNDING SOURCES

	Fund #
<b><u>General Fund</u></b> The General Fund is the general operating fund of the city. All general tax receipts and fee revenue not allocated by law, council policy or contractual agreement to other funds are accounted for in the General Fund. General Fund expenditures include operations traditionally associated with activities that are not required to be accounted for or paid by another fund.	001
<b><u>Measure A Street Fund</u></b> Measure "A" was approved by the voters of Riverside County authorizing an additional half-cent sales tax specifically for transportation improvement purposes. This fund accounts for the receipt and expenditures of the money collected under the Measure "A" program.	101
<b><u>C.D.B.G</u></b> The C.D.B.G Fund Accounts for monies received and expended by the City as a participant in the Federal Community Development Block Grant Housing Program.	110
<b><u>Air Quality Improvement Fund</u></b> The Air Quality Management District (A.Q.M.D.) Fund proceeds are intended for improving the air quality within Riverside County. Quarterly allocations are received from the District for governmental agencies to improve air quality. Qualifying fund uses include alternative fuel vehicles that are used for City operations and compressed natural gas (CNG) fueling stations.	132
<b><u>Supplemental Law Enforcement Fund</u></b> This program was approved in FY 1996-97. Funding is restricted to front line law enforcement programs. Funding for this program is considered each year by the State and is not guaranteed.	148
<b><u>Police Facilities Development Fund</u></b> This fund was created to mitigate the cost of needed additional police facilities resulting from new development that has increased the City's population. Expenditures from this fund are restricted to the development of new, or expansion of existing, police sites and the acquisition of capital equipment such as vehicles.	400
<b><u>Fire Facilities Development Fund</u></b> This fund has been created to record the financial activities related to the impact on fire service level resulting from new development. The fee is collected at the time a building permit is requested. The fees can be used to develop additional fire stations or acquire additional capital projects.	410
<b><u>Traffic Control Facility Fund</u></b> Traffic Control Facilities Fees are the impact fees paid by the new developments for construction of traffic signals at various locations within the City.	420
<b><u>General Facilities Fund</u></b> This fund was created to reserve funds obtained from new development to update the City's General Plan and to construct City Hall Annex. Fees are collected at the time a building permit is issued and are intended to update the City Hall Facilities.	430

<b><u>Wastewater Fund</u></b>	
The Wastewater Department collects the effluent from the city's residential, commercial and industrial facilities and discharges the effluent after required treatment in compliance with the Discharge Permit issued by the State Water Resources Control Board. The Wastewater Treatment Facilities are operated by United Water Environmental Services, on a contract basis.	680
<b><u>Wastewater Capital Facility Fund</u></b>	
The Wastewater Capital Facility Fee is a one-time charge collected from new development or existing development requesting new services from the City's wastewater collection system. The fees collected can be utilized for Wastewater Division Capital Improvement Programs.	681
<b><u>BUA Wastewater Capital Facility Fund</u></b>	
Wastewater 2005 revenue bonds were set aside to pay for specific wastewater utility capital improvement projects.	683
<b><u>State Revolving Loan Fund</u></b>	
<p>The State Revolving Fund (SRF) is a low interest loan program for the construction of publicly owned wastewater treatment and water reclamation facilities, correction of nonpoint source and stormwater drainage pollution problems, and estuary enhancement activities. For point source discharge (i.e. wastewater treatment facilities, water reclamation facilities, and some stormwater facilities) the loan recipient must be a municipality. Loans are fixed rate loans with an interest rate equal to one-half the rate of the most recent sale of State General Obligation Bonds. The repayment period is up to 20 years. Annual repayments begin one year after completion of construction for point source projects.</p> <p>The City currently has an SRF loan that was obtained in 1999 for renovations at the wastewater treatment plant. This loan will be paid off in November 2020. Additional funding will likely be needed to construct water reclamation facilities to meet State requirements.</p>	685
<b><u>2007 Tax Allocation Bond Proceeds Fund</u></b>	
Proceeds from this bond issue may be used for a variety of improvements. The Agency Board has developed and approved a number of programs intended to upgrade the appearance of the project area, stimulate investment, produce jobs and revitalize the area. AB 1x 26 and AB 1438 provide guidelines bond proceeds may be expended once the Agency has received a Finding of Completion from the State Department of Finance. This was received April 26, 2013.	855

**CITY OF BANNING**  
**CAPITAL IMPROVEMENT PROGRAM**  
**5 YEAR SUMMARY BY FUND**  
**FISCAL YEAR'S 2013/2014 - 2017/2018**

FUND#	FUNDING SOURCE	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
001	GENERAL FUND	\$ -	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,000
101	MEASURE A	\$ 13,020	\$ 1,025,500	\$ 470,000	\$ 422,000	\$ 435,000	\$ 448,000	\$ -	\$ 2,813,520
110	CDBG	\$ -	\$ 394,275	\$ 119,000	\$ -	\$ -	\$ -	\$ -	\$ 513,275
132	AIR QUALITY IMPROVEMENT	\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000
148	SLESF	\$ 174,959	\$ 126,370	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 301,329
420	TRAFFIC CONTROL	\$ -	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 60,000
430	GENERAL FACILITIES	\$ -	\$ -	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ 45,000
441	SUNSET GRADE SEPERATION	\$ 3,680,932	\$ 1,054,276	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,735,208
451	PARK DEVELOPMENT	\$ -	\$ 132,046	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 132,046
660	AIRPORT	\$ 278,371	\$ 30,084	\$ 32,500	\$ 175,000	\$ 58,000	\$ 17,500	\$ 82,500	\$ 673,954
661	TRANSIT	\$ 218,529	\$ 708,652	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 927,181
663	WATER	\$ 118,375	\$ 211,734	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ 345,109
680	WATER CAPITAL FACILITIES	\$ 33,352	\$ 675,000	\$ 2,275,000	\$ 1,575,000	\$ 1,900,000	\$ 250,000	\$ 250,000	\$ 6,958,352
681	IRRIGATION WATER	\$ 1,507,110	\$ 342,349	\$ 3,025,000	\$ 4,700,000	\$ 25,650,000	\$ 60,000	\$ -	\$ 35,284,459
683	BUA WATER CAPITAL	\$ -	\$ -	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ 500,000
662	ELECTRIC IMPROVEMENT	\$ 42,276	\$ 1,471,842	\$ 682,000	\$ 415,000	\$ -	\$ -	\$ -	\$ 2,611,118
600	ELECTRIC REVENUE BOND	\$ 26,649	\$ 6,327,879	\$ 1,130,000	\$ 5,050,900	\$ 1,850,000	\$ -	\$ -	\$ 14,384,528
610	WASTEWATER	\$ -	\$ 156,530	\$ 115,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ -	\$ 346,530
673	WASTEWATER CAPITAL FACILITIES	\$ -	\$ 10,000	\$ 710,000	\$ 125,000	\$ 250,000	\$ 175,000	\$ 700,000	\$ 1,970,000
674	BUA WASTEWATER CAPITAL	\$ 39,231	\$ 536,936	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 576,166
855	2007 TAB PROCEEDS	\$ -	\$ -	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ 250,000
GRAND TOTAL		\$ 6,132,803	\$ 13,313,472	\$ 9,378,500	\$ 12,497,000	\$ 30,178,000	\$ 985,500	\$ 1,042,500	\$ 73,527,775

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**CITY OF BANNING**  
**CAPITAL IMPROVEMENT PROJECTS**  
**FISCAL YEAR'S 2013/2014 - 2017/2018**

**AIR QUALITY IMPROVEMENT**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Vehicles	132-4900-446-90-52	Vehicles		\$ 40,000						\$ 40,000
<b>AIR QUALITY IMPROVEMENT TOTALS</b>										
			\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000

**SLESF GRANTS**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
SLESF GRANT 2011	148-2211-421-9056	Machinery & Equipment	\$ 99,909	\$ 1,148						\$ 101,057
SLESF GRANT 2012	148-2212-421-9056	Machinery & Equipment	\$ 75,050	\$ 25,222						\$ 100,272
SLESF GRANT 2013	148-2213-421-90-56	Machinery & Equipment	\$ -	\$ 100,000						\$ 100,000
<b>SLESF TOTALS</b>										
			\$ 174,959	\$ 126,370	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 301,329

**TRAFFIC CONTROL**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Traffic Signal Improvements	420-4900-431-93-27	Traffic Signals/Synchron		\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 60,000
<b>TRAFFIC CONTROL TOTALS</b>										
			\$ -	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 60,000

**GENERAL FACILITIES**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Restroom Addition-City Hall	430-2900-441-90-15	Building Improvements		\$ 45,000						\$ 45,000
<b>GENERAL FACILITIES TOTALS</b>										
				\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,000

**SUNSET GRADE SEPERATION**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Sunset Avenue Grade Sep.	441-6500-431-93-02	Sunset Grade Separation	\$ 3,680,932	\$ 1,054,276						\$ 4,735,208
<b>SUNSET GRADE SEPERATION TOTALS</b>										
			\$ 3,680,932	\$ 1,054,276	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,735,208

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**CITY OF BANNING**  
**CAPITAL IMPROVEMENT PROJECTS**  
**FISCAL YEAR'S 2013/2014 - 2017/2018**

TRANSIT										
PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Bus Stop Amenities	610-5800-434.9019	STA	\$ 149,815	\$ 185						\$ 150,000
DAR Vehicles	610-5850-434.9051	STA	\$ 54,069	\$ 104,111						\$ 158,180
Decaling	610-5850-434.9051	STA	\$ 14,645	\$ 5,355						\$ 20,000
ADA Accessible Van	610-5850-434.9051	STA	\$ -	\$ 50,000						\$ 50,000
Schedule Holders for stops	610-5800-434.9019	STA	\$ -	\$ 5,000						\$ 5,000
GPS for Dial-A-Ride	610-5850-434.9056	STA	\$ -	\$ 25,000						\$ 25,000
Paratransit Schedule Software	610-5850-434.9049	STA	\$ -	\$ 25,000						\$ 25,000
Computer Equipment	610-5800-434.9048	STA	\$ -	\$ 60,000						\$ 60,000
Electric Fareboxes	610-5800-434.9056	STA	\$ -	\$ 150,000						\$ 150,000
Security Cameras	610-5800-434.9056	STA	\$ -	\$ 48,818						\$ 48,818
On Board Schedule Holders	610-5800-434.9019	STA	\$ -	\$ 300						\$ 300
Automated Annunciators	610-5800-434.9019	STA	\$ -	\$ 50,000						\$ 50,000
Automated Annunciators	610-5800-434.9056	STA	\$ -	\$ 50,000						\$ 50,000
Bus Security Upgrades	610-5800-434.9051	CEMA-Prop 1B	\$ -	\$ 18,650						\$ 18,650
Dial-A-Ride Vehicle	610-5850-434.9051	PTMISEA	\$ -	\$ 59,367						\$ 59,367
WiFi Download System	610-5800-434.9056	CALEMA	\$ -	\$ 56,866						\$ 56,866
<b>TRANSIT TOTALS</b>			<b>\$ 218,529</b>	<b>\$ 708,652</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 927,181</b>

WATER										
PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Water Canyon Pipe Mapping	660-6300-471.33.11	Professional Services	\$ 79,486	\$ 495						\$ 79,981
Building Improvements	660-6300-471.90-15	Building Improvements	\$ 24,000	\$ 21,000	\$ 5,000					\$ 50,000
Plant Improvements	660-6300-471.90-18	Plant Improvements		\$ 35,000	\$ 10,000					\$ 45,000
SCADA radios	660-6300-471.95-08	Wells/Pumping Equipment	\$ -	\$ 57,500						\$ 57,500
Well M-3	660-6300-471.95-08	Wells/Pumping Equipment	\$ -	\$ 96,085						\$ 96,085
Scadde/Telemetry Imp	660-6300-471.95-27	SCADDA/Telemetry	\$ 14,889	\$ 1,654						\$ 16,543
<b>WATER TOTALS</b>			<b>\$ 118,375</b>	<b>\$ 211,734</b>	<b>\$ 15,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 345,109</b>

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**CITY OF BANNING**  
**CAPITAL IMPROVEMENT PROJECTS**  
**FISCAL YEAR'S 2013/2014 - 2017/2018**

**IRRIGATION WATER**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Westward: HH Rd to Sunset (C)	662-6300-471.95-10	Mains			\$ 75,000					\$ 75,000
Recycled Water Master Plan Update	662-6300-471.90-10	Planning/Engineering			\$ 75,000					\$ 75,000
Phase I Segment A	662-6300-471.95-12	Irrigation Wtr Mains	\$ 1,507,110	\$ 342,349	\$ 2,200,000					\$ 1,849,459
Phase I Segment B	662-6300-471.95-10	Irrigation Wtr Mains								\$ 2,200,000
Phase I Segment C	662-6300-471.95-10	Irrigation Wtr Mains			\$ 2,500,000					\$ 2,500,000
R1 Rehab/Pump Test	662-6300-471.95-08	Wells/Pumping Equip			\$ 200,000					\$ 200,000
R1 Reservoir/Pump Station	662-6300-471.95-08	Wells/Pumping Equip			\$ 250,000					\$ 250,000
R1 Reservoir/Pump Station (Design)	662-6300-471.90-10	Planning/Engineering			\$ 75,000					\$ 75,000
R1 Reservoir/Pump Station (Construction)	662-6300-471.95-08	Wells/Pumping Equip			\$ 1,250,000					\$ 1,250,000
Booster Station (Construction)	662-6300-471.95-08	Wells/Pumping Equip			\$ 650,000	\$ 650,000				\$ 1,300,000
Sunset Grade Sep RW Main	662-6300-471.95-10	Irrigation Wtr Mains			\$ 400,000					\$ 400,000
Package Plant (Design)	662-6300-471.90-10	Planning/Engineering			\$ 50,000					\$ 50,000
Package Plant (Construction)	662-6300-471.95-12	Treatment Plant Impr				\$ 25,000,000				\$ 25,000,000
Sun Lakes Ponds Main/Inter-tie	662-6300-471.95-10	Irrigation Wtr Mains					\$ 60,000			\$ 60,000
<b>IRRIGATION WATER TOTALS</b>			\$ 1,507,110	\$ 342,349	\$ 3,025,000	\$ 4,700,000	\$ 25,650,000	\$ 60,000	\$ -	\$ 35,284,459

**BUA WATER CAPITAL**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Reservoirs	663-6300-471.95-09	Reservoirs			\$ 150,000					\$ 150,000
Water Mains	663-6300-471.95-10	Water Mains			\$ 350,000					\$ 350,000
<b>BUA WATER CAPITAL TOTALS</b>			\$ -	\$ -	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ 500,000

**ELECTRIC IMPROVEMENT**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Sunset Grade Separation	673-7000-473.95-02	Sunset Grade Separation	\$ 25,000	\$ 250,180	\$ 82,000	\$ 415,000				\$ 772,180
Rebuild Hydro Generating Units	673-7000-473.95-34	Hydro Units			\$ 600,000					\$ 600,000
Block Wall at City Yard	673-7000-473.90-16	Block Wall - City	\$ 17,276	\$ 1,221,662						\$ 1,238,938
<b>ELECTRIC IMPROVEMENT TOTALS</b>			\$ 42,276	\$ 1,471,842	\$ 682,000	\$ 415,000	\$ -	\$ -	\$ -	\$ 2,611,118

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**CITY OF BANNING**  
**CAPITAL IMPROVEMENT PROJECTS**  
**FISCAL YEAR'S 2013/2014 - 2017/2018**

**WASTEWATER CAPITAL FACILITIES**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Sewer Master Plan Update	681-8000-454.90-78	Planning/Design			\$ 75,000					\$ 75,000
Sunset Grade Sep Sewer Main	681-8000-454.95-14	Sewer Mains & Coll. Syst			\$ 400,000					\$ 400,000
Sewer Line Replacement	681-8000-454.95-14	Sewer Mains & Coll. Syst			\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000		\$ 400,000
PVC Digester Gas Piping	681-8000-454.95-12	Treatment Plant Impro			\$	25,000				\$ 25,000
Replacement of 30" Trunk to WWTP w/DIP (Design)	681-8000-454.90-78	Planning/Design						\$ 75,000		\$ 75,000
Replacement of 30" Trunk to WWTP w/DIP (Const)	681-8000-454.95-14	Sewer Mains & Coll. Syst							\$ 500,000	\$ 500,000
Lab	681-8000-454.95-12	Treatment Plant Impro					\$ 150,000			\$ 150,000
SCADA (Lift Stations)	681-8000-454.95-14	Sewer Mains & Coll. Syst			\$ 125,000					\$ 125,000
Deutsch Sewer Trunk Line (D)	681-8000-454.90-10	Planning/Engineering							\$ 200,000	\$ 200,000
Deutsch Sewer Trunk Line (C)	681-8000-454.95-14	Sewer Mains & Coll. Syst								
Treatment Plan Improvements	681-8000-454.95-12	Treatment Plant Impro		\$ 10,000	\$ 10,000					\$ 20,000
<b>WASTEWATER CAPITAL FACILITIES TOTALS</b>			\$ -	\$ 10,000	\$ 710,000	\$ 125,000	\$ 250,000	\$ 175,000	\$ 700,000	\$ 1,970,000

**BUA WASTEWATER CAPITAL**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Planning/Design	683-8000-454.90-78	Planning/Design	\$ 39,231	\$ 536,936						\$ 576,166
<b>BUA WASTEWATER CAPITAL TOTALS</b>			\$ 39,231	\$ 536,936	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 576,166

**2007 TABP PROCEEDS**

PROJECT DESCRIPTION	ACCOUNT NO.	ACCT. DESCRIPTION	Project to Date	Budget Carry Fwd	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	TOTAL \$
Ramsey Street Improvements	855-9500-490.93-30	Ramsey Street Improvements			\$ 250,000					\$ 250,000
<b>2007 TAB PROCEEDS TOTALS</b>			\$ -	\$ -	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ 250,000

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# CITY of BANNING

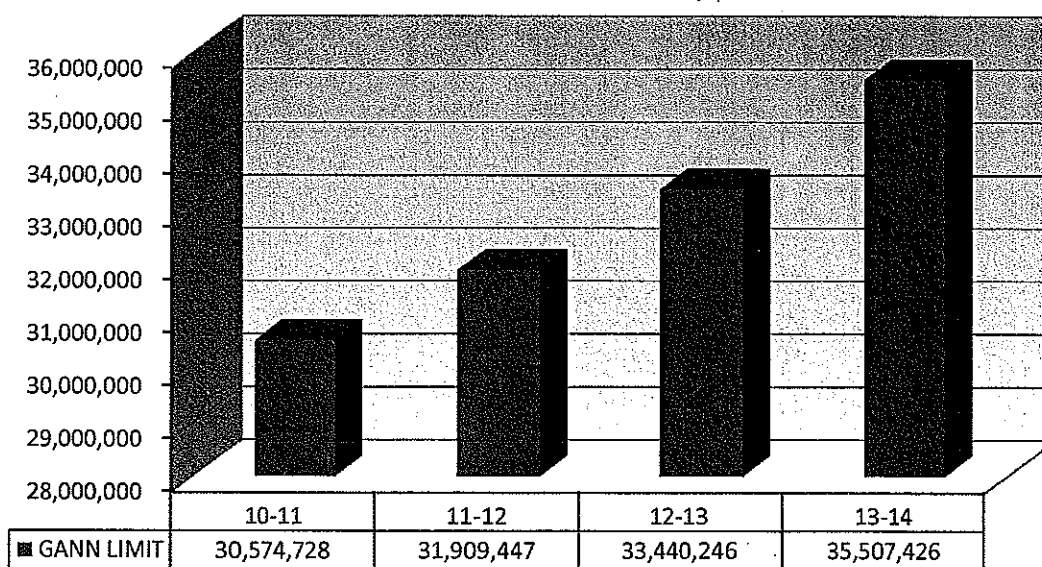
## Proposition 4 - Government Spending Limits

*Proposition 4 - Government Spending Limits*

In November 1979 voters passed Proposition 4, also known as the Gann Initiative. Proposition 4 Article XIII (B) of the California Constitution provides that the City's annual appropriations be subject to certain State limitations. This appropriation limit is referred to as the Gann Spending Limitation. The calculation limits the increase in annual appropriations to a factor which is based on a combination of population growth, State per capita income change, and the change in assessment value for non-residential property. Appropriations for proprietary related activities such as water, wastewater, airport, etc., and Redevelopment functions are not subject to the limit. When the limit is exceeded, Proposition 4 requires the surplus to be returned to the taxpayers within two years. Appropriations in the two year period can be averaged before becoming subject to the excess revenue provisions of the Gann limit.

The City of Banning calculated the Gann Limit of \$35,507,426 for Fiscal Year 2013-14 using the prior year's limitation of \$33,440,246 multiplied by the 5.12% (1.0512) increase in per capita income multiplied by the 1.01% (1.0101) increased population growth in Riverside County. This calculation maintains a safe cushion for the City's financial health.

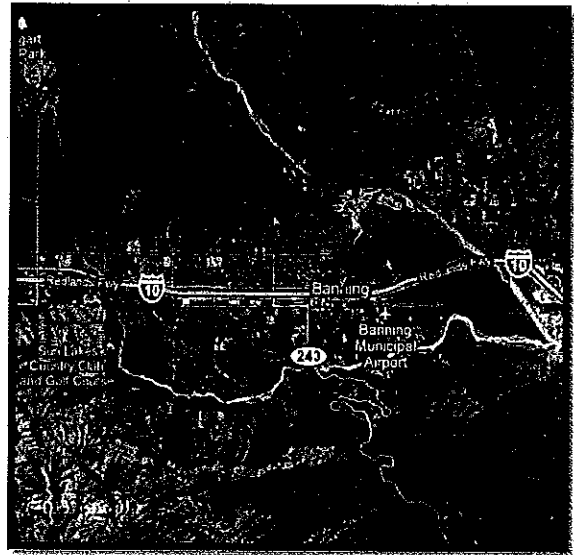
### GANN LIMIT



# CITY of BANNING

## *Historical Information*

**T**he City of Banning is strategically located in Riverside county along the route of U.S. Interstate 10 approximately 25 miles northwest of Palm Springs and 82 miles east of Los Angeles. Beautifully located in the San Geronio Pass between the two highest mountain peaks in Southern California, Banning is only minutes away from many desert and mountain resorts. One of Banning's unique characteristics is that it provides the serenity of a rural setting yet has easy access to major metropolitan areas. Its unique location is at a relatively high altitude (2,350 feet) in the pass which provides a favorable year-round climate and air quality. Its municipal boundaries encompass 22.117 square miles.



Banning has a rich and colorful history. Its first permanent landmark, an adobe house, was built on a tract of land now known as the Gilman place, in 1854. The house was used as a stagecoach station and meal stop for many years. The Colorado Stage and Express Line included Banning on its route from Los Angeles to the Colorado River in 1862, where gold had been discovered. The railroad replaced the stagecoach in 1876.

Incorporated in 1913, Banning is a general law city with a council/manager type administration. The City has five elected council members. Mayor is appointed by the City Council. The City Manager is the Chief Administrative Officer and is appointed by the City Council.

The City of Banning is a full service municipal government, which owns and operates its own electric and water utilities. It also offers its residents an airport, local police protection, municipal bus service, seven parks, a swimming complex, a seasonally operated play house bowl, as well as youth and leisure programs. Recreation opportunities are also abundant in nearby areas, which offer golfing, fishing, hiking, and equestrian trails.

## **Revenue Policies**

### *Revenue Policies*

1. The City will strive to maintain a diversified revenue system to protect it from short-run fluctuations in any one revenue source.
2. State and Federal funds may be utilized, but only when the City can be assured that the total costs and requirements of accepting funds are known and judged not to adversely impact the City's General Fund.
3. The City, where allowed by law, will review all fees for licenses, permits, fines, utility user fees and other miscellaneous charges on a periodic basis. They will be adjusted as necessary after considering inflation, processing time, expenses to the City, and any other factors pertinent to the specific item. A regular review and implementation of index escalators will be applied wherever authorized by resolution or ordinance.
4. An administrative fee will be charged where allowed by law for administrative services, provided the fee is based on the reasonable estimated costs incurred.
5. All proposed projects will have a detailed capital budget specifying total costs and total revenues, and shall identify the source of proposed revenues.

## **Debt Management Policies**

### *Debt Management Policies*

1. The City will not use long-term debt to finance current operations. Long-term borrowing will be confined to capital improvements or similar projects with an extended life which cannot be financed from current revenues.
2. Debt payments shall not extend beyond the estimated useful life of the project being financed. The City will try to keep the average maturity of bonded debt at or below 20 years.
3. The City will maintain good communications with bond rating agencies concerning its financial condition.
4. The City may utilize lease purchasing with specific approval of the City Manager. The useful life of the item must be equal to or greater than the length of the lease. A lease purchase will require City Council approval beyond a five-year lease term or principal amount over the City Manager's authorized contract level.
5. The City will not obligate the General Fund to secure financing unless the marketability of the issue will be significantly enhanced.
6. A feasibility analysis shall be prepared for each request for long-term financing which analyzes the impact on current and future fiscal year budgets for debt service and operations. The analysis shall also address the reliability of revenues supporting annual debt service.
7. The City shall conduct financing on a competitive basis unless, for reasons of market volatility, the use of an unusual financing structure or a complex security structure indicates the negotiated financing is preferred.
8. The City will monitor all forms of debt on an annual basis and report concerns or suggested restructuring, if any, to the City Council as part of the budget hearing process.
9. Enterprise and Property owner based financing will only be issued under the assumption that the issue is self-supporting from user fees and charges, assessments and special taxes without impacting the General Fund.
10. The City's minimum acceptable rating objective on any direct debt is "Baa/BBB". Appropriate credit enhancements, such as insurance or letters of credit shall be considered for marketing purposes, availability and cost effectiveness.
11. The City shall diligently monitor its compliance with bond covenants and ensure its compliance with federal arbitrage regulations.
12. The City may issue interfund loans rather than outside debt instruments. Interfund loans will be permitted only if an analysis of the lending fund indicates excess funds are available, and the use of these funds will not impact the fund's current operations. The average annual interest rate, as established by the Local Agency Investment Fund (LAIF), will be paid to the lending fund.

## **General Fund Balance Reserve Policy**

### *General Fund Balance Reserve Policy*

This Fund Balance Policy establishes the procedures for reporting unrestricted fund balance in the General Fund financial statements. Certain commitments and assignments of fund balance will help ensure that there will be adequate financial resources to protect the City against unforeseen circumstances and events such as revenue shortfalls and unanticipated expenditures. The policy also authorizes and directs the Administrative Services

expenditure is incurred for purposes for which amounts in any of the Unrestricted classifications of fund balance could be used, the City considers Committed amounts to be reduced first, followed by Assigned amounts and then Unassigned amounts.

This policy is in place to provide a measure of protection for the City against unforeseen circumstances and to comply with GASB Statement No. 54. No other policy or procedure supersedes the authority and provisions of this policy.

#### Available Fund Balance Reserve Policies

##### *Available Fund Balance Reserve Policies*

1. Each fund shall maintain, if necessary, an appropriate Available Fund Balance reserve to fund prior year's incomplete capital projects, continuing appropriations, cash flow needs and any other financial need not included in the current fiscal year budget.
2. The BUA Water and Wastewater operational funds shall maintain a minimum Available Fund Balance reserve of 10% of the upcoming fiscal year's total operating appropriations and debt service payments.
3. The Electric operational fund shall maintain a minimum Available Fund Balance reserve of 10% of the upcoming fiscal year's total operating appropriations and debt service payments. The Available Fund Balance for the Electric Rate Stability Fund shall be maintained at a minimum of 20% of the upcoming fiscal year's total operating appropriations and debt service payments.
4. The Self-Insurance Fund shall maintain a \$500,000 minimum Available Fund Balance reserve which is in excess of the estimated loss reserve as reported at the end of the fiscal year by the City's claims administrator.

#### Electric Administrative Transfer Policy

##### *Electric Administrative Transfer Policy*

The Electric Operation Fund's administrative transfer to the General Fund is authorized at 10% of operational revenues. The rate will be reviewed by the City Council during the budget process.

#### Budget and Budgetary Accounting Policies

##### *Budget and Budgetary Accounting Policies*

The City uses the following procedures in establishing the budget:

1. Before the beginning of the budget cycle, the City Manager submits to the City Council a proposed budget commencing July 1.
2. A budget workshop(s) may be conducted every two years or as needed to obtain citizen comments.
3. The budget is subsequently adopted through passage of a resolution.
4. For a given fiscal year, all appropriations are as originally adopted or as amended by the City Council. At year end, all unencumbered budgeted amounts lapse, subject to requests for continuing appropriations. Outstanding encumbrances will be carried forward into the new fiscal year with City Manager approval.
5. Continuing Appropriations requests and Authorized Capital Projects are approved by the City Manager after the adoption of the original budget. The original budget is then adjusted accordingly.
6. The legal level of budgetary control is at the fund level. A Department Head may transfer budget appropriations within a major category in a department or fund under his authority. The City Manager's approval must be obtained when a budget appropriation transfer request moves from one major appropriation category to another within a department.
7. The City Council may, at any time, amend the budget or delete appropriations, transfer appropriations within a fund, or change appropriation transfers between funds.

#### Accounting, Auditing & Financial Reporting Policies

##### *Accounting, Auditing & Financial Reporting Policies*

1. Ordinance No. 1445 established section 3.21, Financial Procedures as follows:

##### 3.21.010 Warrants

All disbursements except petty cash are made on warrants. A combined demand-warrant is employed and signed by use of check signature plates (or most current technology) to imprint signatures of any two of the



# CITY of BANNING

## *Description of Funds*

### (001) General Fund

The General Fund is the general operating fund of the city. All general tax receipts and fee revenue not allocated by law, council policy or contractual agreement to other funds are accounted for in the General Fund. General Fund expenditures include operations traditionally associated with activities that are not required to be accounted for or paid by another fund.

### Special Revenue Funds

Special Revenue Funds account for revenues derived from specific sources that are required by law or administrative regulation to be accounted for in a separate fund. Funds included are (Ordered by fund number):

(002) Developer Deposits – Community Development: This fund accounts for deposits required of developers that are used by the City for studies and reports required due to the development. These funds are combined with the General Fund for financial statement reporting.

(003) County of Riverside – MOU: In February, 2007 an agreement was executed between the County of Riverside and the City of Banning with respect to expansion of the Smith Correctional Facility located in Banning, California. To mitigate the potential impacts of this expansion on the citizens of the City of Banning, the County will, over the course of 10 years, provide the City with 4.5 million dollars and implement a reverse 9-1-1 system; in exchange, over the same period, the City will use these funds to hire four sworn police officers.

(100) Gas Tax: The Street Division is responsible for the maintenance of streets and storm drains or operation of traffic controls and related facilities. The Division uses State and local standards to ensure protection and maintenance of public infrastructure.

(101) Measure A Street: Measure "A" was approved by the voters of Riverside County authorizing an additional half-cent sales tax specifically for transportation improvement purposes. This fund accounts for the receipt and expenditures of the money collected under the Measure "A" program.

(103) SB300 Street Improvement: This Fund pertains to Senate Bill 300 where the State participates in local

transportation projects meeting the eligibility criteria under the State-Local Transportation Partnership Program.

(104) Article 3 – Sidewalk Construction: This program provides grants under Senate Bill 821 for Bicycle and Pedestrian Facilities on a competitive basis. Projects are submitted by the local agencies annually to the Riverside County Transportation Commission.

(110) C.D.B.G.: Accounts for monies received and expended by the City as a participant in the Federal Community Development Block Grant Housing Program.

(111) Landscape Maintenance Assessment District #1: This fund is responsible for the maintenance of landscaping installed in public right-of-ways within Landscape Maintenance District No. 1. The City collects the assessments through the County of Riverside Tax Collector's office. The Engineer's Report and all paperwork is prepared in-house by staff on an annual basis and assessments are recorded on individual parcels within the district, subject to the approval of the City Council.

(132) Air Quality: The Air Quality Management District (A.Q.M.D.) Fund proceeds are intended for improving the air quality within Riverside County. Quarterly allocations are received from the District for governmental agencies to improve air quality. Qualifying fund uses include alternative fuel vehicles that are used for City operations and compressed natural gas (CNG) fueling stations.

(140) Asset Forfeiture: The Asset Forfeiture Fund is used as a depository for assets forfeited as a result of Police Department arrests, narcotics-related arrests, etc. The forfeited assets then become available for operating costs or capital equipment needs in the continuation of drug enforcement within the Police Department.

(148) Supplemental Law Enforcement: This program was approved in FY 1996-97. This funding is restricted to front line law enforcement programs. Funding for this program is considered each year by the State and is not guaranteed.

(149) Public Safety – Sales Tax: The adoption of a one-half cent sales tax strictly used for public safety operations was authorized by Proposition 172. The sales tax is recorded in a separate fund and subsequently transferred to the City's General Fund to subsidize fire and police operations.

The fees are used to mitigate the cost of increased service levels resulting from additional population. The fees can be used to develop additional fire stations or acquire additional capital projects.

(420) Traffic Control Facility: Traffic Control Facilities Fees are the impact fees paid by the new developments for construction of traffic signals at various locations within the City.

(421) Ramsey & Highland Home Traffic Signal: This fund has been created to segregate payments made by developers to subsidize a capital infrastructure project. The project has been isolated to ensure developer payments are being used specifically for the intended improvement.

(430) General Facilities: This fund has been created to reserve funds obtained from new development to update the City's General Plan and to construct City Hall Annex. Fees are collected at the time a building permit is issued and are intended to update the City Hall Facilities.

(441) Sunset Grade Separation Fund: This fund was created to isolate payments made with the intent to fund the capital improvement in the future.

(444) Wilson Median: This fund was created to isolate developer payments made with the intent to fund a capital improvement in the future. Only costs associated with the capital improvement project are to be expensed to this fund.

(451) Park Development: The Park Development Department is responsible for the acquisition and development of parks and recreation facilities. Functions include land acquisition, planning and design, grant funding acquisition, identification and administration of rehabilitation and improvement projects, establishment and collection of developer fees, and development of leases.

(470) Capital Improvement Funds: This fund is used to record the receipt and expenditure of the one-time upfront lease payment received from the Banning Utility Authority. In as much as this lease payment came from bond proceeds, it can only be used to fund capital expenditures. The Council initially earmarked these for a variety of projects.

#### **Banning Utility Authority**

The Banning Utility Authority was created in 2005 for the purpose of, among other things, providing financing for capital improvement projects for water and wastewater.

(660) Water Operations: The Water Department is responsible for providing domestic water to residences, businesses and industries within the City. The Division is also responsible for providing adequate flows for the City's fire protection system. The City's main source of water

supply is water wells in the City's water canyon along with wells scattered throughout other parts of the City. The Water Division is an enterprise function; i.e. all costs relative to the production and delivery of water (maintenance, replacement and expansion) are paid with user fees and capital connection fees.

(661) Water Capital Facility Fee: The Water Capital Facility Fees are a one-time charge collected from new developments or existing developments requesting new services from the City's Water Distribution System. The fees collected can be utilized for the Water Department Capital Improvement Programs.

(662) Irrigation Water: The purpose of the Irrigation Water Fund is to set aside funds for an irrigation water/reclaimed water project. Funding for this project is obtained on an incremental basis over a period of years until adequate funds are available to pay for the project.

(663) BUA Water Capital Project Fund: A portion of the water 2005 revenue bonds was set aside to fund specific water utility capital improvement projects.

(669) BUA Water Debt Service Fund: The Banning Utility Authority issued \$35,635,000 in Water Bonds dated November 1, 2005. The proceeds of the Water Bonds were used to (i) pay costs of certain capital improvements to the Water Enterprise; (ii) defease the 1986 Water Certificates; (iii) defease the 1989 Water Certificates; (iv) make an initial up-front lease payment to the City; and pay costs of issuance of the Water Bonds. Debt service costs are funded by net water revenues. The bonds are scheduled to mature in the year 2035.

(680) Wastewater Operations: The Wastewater Department collects the effluent from the city's residential, commercial and industrial facilities and discharges the effluent after required treatment in compliance with the Discharge Permit issued by the State Water Quality Control Board. The Wastewater Treatment Facilities are operated by United Water Environmental Services, on a contract basis.

(681) Wastewater Capital Facility Fees: The Wastewater Capital Facility Fee is a one-time charge collected from new development or existing development requesting new services from the City's wastewater collection system. The fees collected can be utilized for Wastewater Division Capital Improvement Programs.

(682) Wastewater Tertiary Fund: The rate charged is intended to offset costs for wastewater system operations, maintenance of utility equipment, replacement of wastewater infrastructure, future construction of tertiary facilities, loan or bond indebtedness, maintaining the minimum bond coverage ratio, and other unforeseen expenses.

(703) Information Systems Services: The Information Technology Services Division is responsible for the effective utilization of information technology throughout the City and for implementation of information systems planning consistent with the City's business systems plan.

(761) Utility Billing Services: The Utility Billing Operations is responsible for preparing and collecting bills for electric, water, wastewater and refuse (trash), and also serves as the central revenue collection point for the City. The Utility Meter Services Operations is responsible for meter reading.

#### Successor Agency Funds

*(Fund Descriptions may change subject to the implementation of ABX1 26.)*

(805) Redevelopment Obligation Retirement: Is intended as the repository for property taxes received from the County Auditor-Controller to pay enforceable obligations as set forth in the Enforceable Obligation Payment Schedule ("EOPS") and the Recognized Obligation Payment Schedule ("ROPS").

(810) Successor Housing Agency (Previously Low/Mod Housing): The fund was used to provide, facilitate and develop housing programs for the rehabilitation or construction of housing for low/moderate income persons. Per ABX1 26, this activity has been eliminated. The Due Diligence Review required by the State has been completed.

(830) Debt Service Fund: The Debt Service Fund is the fund which: 1) makes principal and interest payments on agency debt service, and 2) was used to allocate payment for pass thru's.

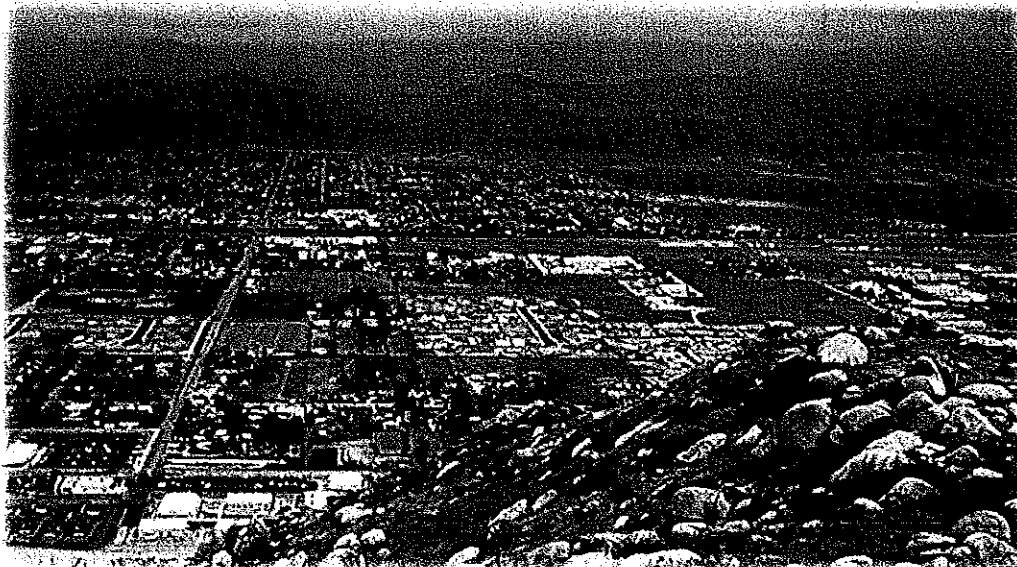
(850) Successor Agency Fund (Previously Administration Fund): This fund accounts for costs associated with the administration of the Agency.

(855) Tax Allocation Bonds-2007 Tabs: Proceeds from this bond issue may be used for a variety of improvements. The Agency Board has developed and approved a number of programs intended to upgrade the appearance of the project area, stimulate investment, produce jobs and revitalize the area. Per ABX1 26 and AB 1484, these funds may be utilized once the Notice of Completion is issued by the State Department of Finance.

(856) Tax Allocation Bonds-2003 Tabs: Proceeds from these bonds may be used for a variety of improvements. The Agency Board has developed and approved a number of programs intended to upgrade the appearance of the project area, stimulate investment, produce jobs and revitalize the area.

(857) Low/Mod Tax Allocation Bonds-2003 Tabs: A portion of the proceeds from the bond sale are to be used exclusively for the rehabilitation and construction of housing for low and moderate-income persons. The essence of the use of these funds is: 1) to result in the fulfillment of the Housing Element and the adopted Redevelopment Implementation Plan Goals and Policies, 2) to improve the visual image of the community and 3) to assist in the removal of blight.

(860) Project Fund: The Redevelopment Projects Fund was budget available to the Redevelopment Agency from tax increment for focused activities to accomplish the objectives of the Agency.



**Function:** A group of related programs crossing organization (departmental) boundaries and aimed at accomplishing a broad goal or a major service.

**General Fund:** The City's major operating fund. The activities budgeted in the General Fund represent the daily on-going services provided to the citizens of Banning. General government services, e.g. Police, Fire, Planning, Code Enforcement, Parks and Recreation expenditures are accounted for in this fund.

**Grant:** Contributions of gifts or cash or other assets from another governmental entity to be used or expended for a specific purpose, activity, or facility. An example is the Community Development Block Grant allocated by the Federal Government.

**Internal Service Fund:** This fund type is used to account for the payment of goods and services provided by one department or agency to other departments or agencies of the City, on a cost reimbursement basis. The City of Banning operates four internal service funds: Insurance; Fleet Maintenance; Information Services, and Utility Billing Administration.

**Investment Income:** Revenue received as interest from investment of funds not currently required to maintain current operation.

**Line-Item Budget:** A budget that lists each expenditure category (salary, materials, telephone service, travel, etc.) separately, along with the dollar amount budgeted for each specified category. Line item budgets are produced and used internally for budgetary control purposes only.

**Modified Accrual Accounting:** A basis of accounting in which revenues are recognized in the accounting period when they become available and measurable. Expenditures are recognized in the accounting period in which the fund liability is incurred.

**Operating Budget:** The portion of the budget that pertains to the daily operations of the City which provides basic governmental services. The operating budget contains appropriations for such expenditures as personnel, supplies, materials and capital assets required to maintain service levels.

**Ordinance:** A formal legislative enactment by the City Council. An ordinance has the full force and effect of law within the City boundaries, unless it is in conflict with any higher form of law, such as a State statute or constitutional provision. The difference between an ordinance and a resolution is that the latter requires less legal formality and has a lower legal status. Revenue raising measures, such as the imposition of taxes, special assessments and service charges, universally require ordinances.

**Program:** Group activities, operations, or organizational units directed to attaining specific purposes or objectives.

**Redevelopment Agency:** An entity created by a legislative body in accordance with state statutes which has elected to exercise the powers granted to it for planning, development, redesign, clearance, reconstruction, or rehabilitation of an area. Eliminated by the State through ABX1 26 January, 2011. The wind down is managed by the Successor Agency.

**Reserve:** Used to earmark a portion of the fund balance as segregated for a specific use.

**Retained Earnings:** The accumulated earnings of an Enterprise or Internal Service Fund which have been retained in the fund and which are not reserved for any specific purpose.

**Revenue:** An account used to indicate that a portion of a fund's balance is legally restricted for a specific purpose and is, therefore, not available for general appropriation.

**Resolution:** A special order of the City Council, which requires less legal formality than an ordinance in terms of public notice and the number of public readings prior to approval. A resolution has lower legal standing than an ordinance. The Budget is approved by resolution, and requires a majority vote of the Council Members present.

**Risk Management:** An organized attempt to protect a government's assets against accidental loss in the most economical manner.

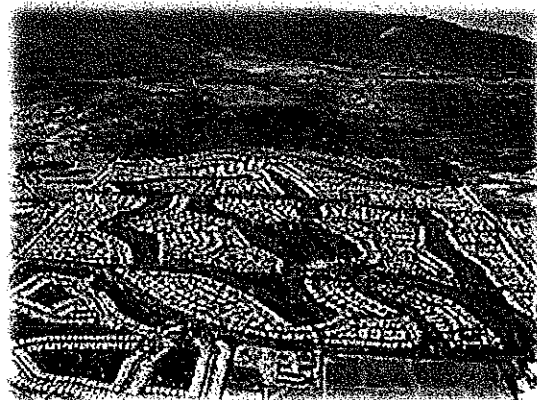
**Subventions:** That portion of revenues collected by other government agencies on behalf of the City.

**Tax Increment Financing (TIF):** Tax increment financing is an economic tool used by redevelopment agencies to finance economic development and rehabilitation costs within a project area. Additional property taxes generated by new development within a district formed are used to finance these development and infrastructure costs. A tax increment (TI) is that portion of property taxed generated by the development above what the taxes would have been had the development not occurred.

**Transient Occupancy Tax (TOT):** Bed tax imposed on hotels, motels, inns or other lodging facilities. The rate in Banning is 12%.

**Self-Insurance:** Assuming risk of loss through the maintenance of reserves or some other plan instead of through the purchase of insurance coverage.

**User Fees:** The payment of a charge or fee for direct receipt of a service by the party benefiting from the service. For example, fees charged to use a community swimming pool rather than a broad-based tax on the community.



**CITY COUNCIL AGENDA  
PUBLIC HEARING**

**Date:** June 25, 2013

**TO:** City Council

**FROM:** Phil Holder, Lieutenant

**SUBJECT:** Resolution 2013-63. 2013 Edward Byrne Memorial Justice Assistance Grant

**RECOMMENDATION:** “The City Council conduct a Public Hearing and accept grant funds provided by the Office of Justice Programs in the amount of \$12,053 to cover overtime costs for police officers participating in Banning Police Activities League (BPAL) activities.”

**JUSTIFICATION:** The Police Department proposes to use the grant funds to cover overtime costs of police officers and non-sworn personnel who participate in BPAL activities. The use of grant funds to cover this cost will allow our employees to continue their commitment to the department’s youth programs.

**BACKGROUND:** On May 31, 2013 the Banning Police Department was notified by the U.S. Bureau of Justice Assistance that it was eligible to apply for the 2013 Edward Byrne Memorial Justice Assistance Grant in the amount of \$12,053. Per U.S. Department of Justice regulations, a public hearing must be conducted to allow citizens to make comments on the intended use of the noted grant funds before funding can be approved.

Consistent with last year’s Edward Byrne Memorial Grant, the U.S. Bureau of Justice Assistance is now requiring all eligible agencies in Riverside County to file a joint application instead of individual ones. Representatives from the thirteen (13) eligible agencies approved a proposal for the Riverside County Sheriff’s Department to be the grant coordinator for the joint application. It was also agreed upon that each of the thirteen agencies would pay the Riverside County Sheriff’s Department 10% (\$1,205) of their grant amount for administering the grant.

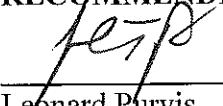
**ACTION PLAN:** Conduct a public hearing and receive Banning City Council approval to accept the 2013 Edward Byrne Memorial Justice Assistance Grant in the amount of \$12,053 to fund overtime for our employees to participate in B.P.A.L. activities.

**STRATEGIC PLAN INTEGRATION:** Council approval of this recommendation will help facilitate the Police Department’s goals of improving the department’s image in the community and maintain its high level of commitment to youth programs.

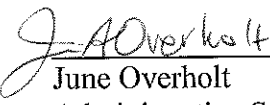
**FISCAL DATA:** Accepted Byrne Grant funds will be reimbursed to the City of Banning by the Riverside County Sheriff’s Department to pay overtime costs of department employees involved in BPAL activities. The Administrative Services Director is authorized to make the necessary budget adjustments.

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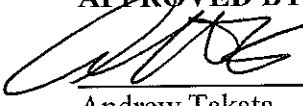
**RECOMMENDED BY:**

  
\_\_\_\_\_  
Leonard Purvis  
Chief of Police

**REVIEWED BY:**

  
\_\_\_\_\_  
June Overholt  
Administrative Services Director

**APPROVED BY:**

  
\_\_\_\_\_  
Andrew Takata  
City Manager

**RESOLUTION NO. 2013-63**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BANNING AUTHORIZING THE ACCEPTANCE OF THE 2013 U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$12,053.00 TO BE USED FOR POLICE DEPARTMENT OVERTIME.**

**WHEREAS**, having completed a public hearing on the proposed use of the 2013 U.S. Department of Justice Byrne Grant; and

**WHEREAS**, the City of Banning Police Department is committed to bringing together the Police Department, Community, and City Leaders to reduce the crime in the City of Banning; and

**WHEREAS**, the City of Banning Police Department is committed to working with the children in the community to deter them from gang involvement; and

**WHEREAS**, the City's procedures requires the City Council to adopt a resolution authorizing the expenditure of funds procured through grants.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Banning approves the proposed use of the 2013 U.S. Department of Justice Edward Byrne Memorial Assistance Grant in the amount of \$12,053 and to seek reimbursement from the Riverside County Sheriff's Department to pay overtime costs of department employees involved in BPAL activities. The Finance Department is authorized to make necessary budget adjustments related to these accepted funds.

**PASSED, APPROVED, AND ADOPTED** this 25th day of June, 2013.

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Deborah Franklin, Mayor  
City of Banning

APPROVED AS TO FORM  
AND LEGAL CONTENT

ATTEST

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Aleshire & Wynder, LLP  
City Attorney

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Marie A. Calderon, City Clerk  
City of Banning

**CERTIFICATION:**

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2013-63 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25th day of June 2013, by the following to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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



**CITY COUNCIL  
PUBLIC HEARING**

DATE: June 25, 2013

TO: Honorable Mayor and City Council Members

FROM: Zai Abu Bakar, Community Development Director

SUBJECT: ORDINANCE NO. 1463  
REGULATING COTTAGE FOOD OPERATIONS/HOMEMADE FOOD  
OPERATIONS

**RECOMMENDATION:**

That the City Council takes the following actions:

1. Adopt Ordinance No. 1463 (Attachment 1) amending the Municipal Code Regulating Cottage Food Operations/Homemade Food Operations and Incorporating by Reference Portions of the Government Code and Health and Safety Code.

**Planning Commission Recommendation**

The Planning Commission held a public hearing on proposed Ordinance No. 1463 on June 5, 2013, at their regularly scheduled meeting. The Planning Commission asked questions of staff related to noise, traffic, permitting, inspections, and enforcement. After staff responded to the Planning Commission's questions and after closing the public hearing, the Planning Commission voted (3 yes-1 no) and approved Resolution No. 2013-08 recommending that City Council adopt Ordinance No. 1463.

**JUSTIFICATION:** Assembly Bill (AB) 1616 was signed into law by Governor Brown on September 21, 2012, and became effective on January 1, 2013. The bill allows individuals to prepare and/or package certain non-potentially hazardous foods in private-home kitchens referred to as "cottage food operations" (CFOs). The regulations stipulate that a city or county shall not prohibit cottage food operations and must provide a nondiscretionary permit process to accommodate the use of a residence for its operation.

**BACKGROUND/ANALYSIS:** AB 1616 creates a two-tier cottage food operator registration and permitting system to be enforced by local county or city environmental health agencies: 1) "Class A" cottage food operators are those operations that sell CFO prepared foods directly to the public (at the home where the cottage food operation is located or at a community event), and 2) "Class B" cottage food operators are those operations that sell CFO prepared foods either indirectly through restaurants and stores or both directly to the public as well as indirectly to the

public via sale to retail food facilities such as restaurants and markets. There are different requirements for “Class A” and “Class B” cottage food operations.

Cottage food operations are not allowed to manufacture potentially hazardous foods, acidified foods, or low acid canned food products that would support the growth of botulism if not properly prepared. These foods, as well as other foods not on the approved foods list, are regulated by the California Department of Public Health (CDPH). The enactment of AB 1616 provides cottage food operators with the opportunity to operate a small scale food business. Once the cottage food operation exceeds the gross sales volume established in the law, they must move their operations to a commercial processing facility and register with the CDPH under the Processed Food Registration Program. Please see Attachment 2 frequently asked questions as prepared by CDPH for additional information.

### Environmental Review

The City Council, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines, the recommendation of the Community Development Director as provided in the staff report dated June 25, 2013, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

CEQA: The City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Municipal Code do not relate to any one physical project and will not result in any physical change to the environment. Furthermore, projects subject to this ordinance will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

2. Multiple Species Habitat Conservation Plan (MSHCP):

The amendments to the Municipal Code do not relate to any one physical project and are not subject to the MSHCP. Furthermore, projects subject to this Ordinance and/or the Zoning Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

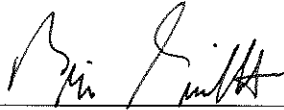
## Public Communication

The proposed Ordinance No. 1463 was advertised in the Record Gazette newspaper on June 14, 2013. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

**STRATEGIC PLAN INTEGRATION:** The City Council adopted the current strategic plan in September 2011. The 7 Goals of the plan were approved by City Council on March 22, 2011, and include: (1) Fiscal Stability, (2) Public Safety, (3) Infrastructure and City Facilities, (4) Economic Development, (5) Quality of Life, (6) Community Relations, and (7) Regional Cooperation and Partnerships. Listed under Goal #1, Action Step "D-1" *Increase Existing Revenue Streams* for the Finance Department will be stimulated by probable small increases in payments for additional Home Occupation Permits and business licenses as proposed in the procedures for Ordinance No. 1463.

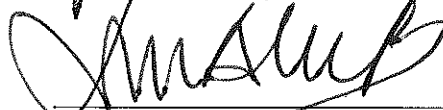
**FISCAL DATA:** Ordinance No. 1463 proposes to utilize the existing *Home Occupation Permit* process as described in Chapter 17.72 of the Zoning Ordinance along with proposed amendments to Chapter 8.24 *Food Establishments and Facilities* portion of the Municipal Code to accommodate the State of California regulations for CFO's. The State of California provides no additional funding to cities and counties for this program. The current fee for obtaining a Home Occupation Permit is \$205.00, and is a one-time fee. A separate business license is also required and the base fee is \$50.00 per year for one to five employees. Any gain in revenue realized through additional permit and license fee collections will in all likelihood be offset by additional staff costs associated with administering this program.

Prepared by:



Brian Guillot  
Associate Planner

Recommended by:



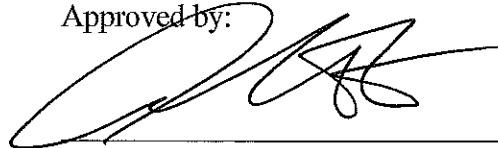
Zai Abu Bakar  
Community Development Director

Reviewed by:



June Overholt  
Administrative Services Director  
Deputy City Manager

Approved by:



Andy Takata  
City Manager

**Attachments:**

1. Ordinance No. 1463
2. Frequently Asked Questions for AB 1616

# Attachment 1

(Ordinance No. 1463)

**ORDINANCE NO. 1463**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF BANNING, CALIFORNIA REGULATING  
COTTAGE FOOD OPERATIONS/HOMEMADE  
FOOD OPERATIONS AND INCORPORATING BY  
REFERENCE PORTIONS OF THE GOVERNMENT  
CODE AND HEALTH AND SAFETY CODE**

**WHEREAS**, the state of California has recognized a growing movement to support community-based food production and to connect safe food to local communities, and has also determined a need to regulate “cottage food operators”, also known as “homemade food operators”; and

**WHEREAS**, the California legislature introduced Assembly Bill 1616 (AB 1616) on February 8, 2012 to facilitate small home-based food preparation businesses and specify criteria and other requirements for certifying such homemade food operators with local health departments; and

**WHEREAS**, Governor Brown signed AB 1616 into law on September 21, 2012, becoming the 33rd state in which to enact legislation to provide for cottage food operations; and

**WHEREAS**, AB 1616 became effective on January 1, 2013; and

**WHEREAS**, the provisions of AB 1616 expressly state that a cities and counties shall not prohibit cottage food operations in any residential dwelling; and

**WHEREAS**, AB 1616 allows local jurisdictions the ability to exercise local zoning controls and operational standards through the permit process; and

**WHEREAS**, the City of Banning desires to exercise local control over homemade food operators to the extent allowed under AB 1616; and

**WHEREAS**, the City Council has authority per Section 1.04.040 of the Municipal Code to approve, approve with modifications, or disapprove amendments to the code of the City of Banning; and

**WHEREAS**, on the 14<sup>th</sup> day of June , 2013, the City gave public notice by advertising in the Record Gazette newspaper of the holding of a public hearing at which the amendment to the code would be considered; and

**WHEREAS**, on the 25<sup>th</sup> day of June, 2013, the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or

opposition to, the proposed amendment, and at which time the City Council considered Ordinance No. 1463; and

**WHEREAS**, at this public hearing on the 25<sup>th</sup> day of June, 2013, the City Council considered and heard public comments on the proposed code amendment; and

**WHEREAS**, at this public hearing, the City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines;

**WHEREAS**, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the 25<sup>th</sup> day of June, 2013;

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

SECTION 1. Environmental.

The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines, the recommendation of the Community Development Director as provided in the staff report dated June 25, 2013, and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

1. California Environmental Quality Act (CEQA):

CEQA: The City Council has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Furthermore, projects subject to this Ordinance will trigger individual analysis and documentation related to CEQA. Therefore, it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment, and therefore the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

2. Multiple Species Habitat Conservation Plan (MSHCP).

The amendments to the municipal code do not relate to any one physical project and are not subject to the MSHCP. Furthermore, projects subject to this Ordinance and/or

the Zoning Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

**SECTION 2.** Add Article V Cottage Food Operations to Title 8, Chapter 8.24 *Food Establishments and Facilities* of the Banning Municipal Code as follows:

## **Article V Cottage Food Operations**

### **8.24.340. – Cottage Food Operator Permit.**

#### **A. Authority**

On September 21, 2012, AB 1616, the “California Homemade Food Act,” was signed into law requiring cities and counties to allow homemade food operators by adding Chapter 6.1 (commencing with Section 51035) to Part 1 of Division 1 of Title 5 of the Government Code, and to amend Sections 109947, 110050, 110460, 111955, 113789, 115851, 114021, 114023, 114390, 114405, and 114409, to add Sections 113758 and 114088 to, and to add Chapter 11.5 (commencing with Section 114365) to Part 7 of Division 104 of the Health and Safety Code, relating to food safety. Such provisions, as amended by the State of California from time to time, are hereby incorporated by reference. Subject to the provisions under state law, and additional criteria established in this Section and Chapter 17.72 Home Occupation Permits, homemade food operators may apply for approval from the City of Banning Home Occupation Permit as provide for in Chapter 17.72 of the Zoning Ordinance.

#### **B. Purpose**

The purpose of this Section is to establish and regulate homemade food operators and to set local requirements in addition to those required under the California Homemade Food Act for businesses to be conducted in a home kitchen. Such homemade food operations shall be accessory to a residential land use where such a use will clearly not be disruptive or alter the character or the appearance of the neighborhood.

#### **C. Definitions.**

1. “Cottage Food Operation” and/or “Homemade Food Operation (HFO)” shall mean an enterprise with annual gross sales limits set forth under California Health and Safety Code Section 113758 (a), operated by a homemade food operator having no more than one full-time equivalent employee, conducted within a private home kitchen where the homemade food operator resides, and where homemade food products are prepared or packaged for direct, indirect, or direct and indirect sales pursuant to Section 113758 of the California



Health and Safety Code. A homemade food operation may engage in the following sales activity subject to approval from the Health Department:

- a. Class A homemade food operations may engage only in direct sales of homemade food products from the homemade food operation or other direct sale venues such as temporary events. Door to door sales shall be prohibited.
  - b. Class B homemade food operators may engage in both direct and indirect sales of homemade food products such as a permitted third-party retail food facility.
2. "Cottage Food Operator" or "Homemade Food Operator" shall mean an individual who owns or operates a homemade food operation in his or her private home kitchen.
3. "Cottage Food Product" or "Homemade Food Product" shall mean non-potentially hazardous foods and food products that do not require refrigeration to prevent bacteria growth and as otherwise defined in Section 113871 of the California Health and Safety Code. Pursuant to Section 114365.5.(a) of the California Health and Safety Code, the Health Department shall adopt and post on its internet website a list of non-potentially hazardous foods that are approved for sale by a homemade food operation.
4. "Health Department" shall mean the Riverside County Department of Environmental Health.
5. "Private Home" shall mean any lawfully constructed single-family, multiple-family, factory built or manufactured dwelling units that are occupied and used by an individual(s) as a principal residence. Detached accessory buildings, including garages, carports, guest quarters, enclosed patios, second dwelling units, and storage sheds shall not be included as permitted areas for the purpose of this Chapter.
6. "Private Home Kitchen" shall mean the kitchen described and authorized in the permit or registration for the homemade food operation and will be used for the preparation, packaging, storing, or handling of homemade food products and related ingredients, equipment, and attached rooms within the house that are used exclusively for storage.

#### **D. Permit and Business License required.**

Dwelling units may be used for business purposes when a business license, in conformance with Chapter 17.72, and a home occupation permit have been issued. A home occupation permit shall be required for each business. If a business license for a homemade food operator is not renewed, the home

occupation permit shall automatically expire with the business license. A fee for the processing of a home occupation permit may be established from time to time by resolution of the city council.

#### **E. Issuance of Permit**

The Community Development Director may, upon application, and payment of the required fee, issue a homemade food operator permit, with the conditions required in this Section and the Zoning Ordinance and any time limitations that are deemed necessary. The permit shall not be issued unless the Community Development Director is satisfied that the applicant will meet all the conditions listed in this Section and Chapter 17.72 of the Zoning Ordinance; and, the applicant has agreed in writing to comply with such conditions. The Community Development Director may require a hearing for homemade food operators which the director determines potentially may not meet the purposes of this Section. If a hearing is required it shall be in accordance with the requirements of Section 17.68 of the Zoning Ordinance.

#### **F. Annual Renewal Fee Required**

An annual fee for the renewal of a home occupation permit may be established by resolution of the city council. The purpose of the renewal fee is to recover the cost of staff time to notify the health department regarding the continued use of the homemade food operation, and to determine whether or not the operator remains in compliance with City regulations and standards.

#### **G. Limitations on Homemade Food Operation Permit**

A maximum of one homemade food operation permit shall be deemed active and approved at any time for each private home. If more than one permit has been issued for the same private home, only the most recently approved application shall be deemed to be active. All other prior applications shall be deemed void. Such limitation shall not preclude a resident from also obtaining a Home Occupation Permit pursuant to Chapter 17.72, for a non-food related home-based business.

#### **H. Owner Authorization Required.**

A non-owner occupant of a private home, e.g. tenant, shall provide an authorization statement from the owner of the property or the property management company indicating support for the proposed homemade food operation on their property. Such authorization shall include the name, address, telephone number, and other contact information of the owner or manager of the property. Failure to provide complete and accurate authorization information shall result in the denial or revocation of a home occupation permit.

## **I. Conflicting Provisions**

In the event that the type of permit required for a proposed use under this Section differs from the permit authority allowed under California Assembly Bill 1616, the provisions of AB 1616 shall apply.

## **J. Exceptions**

Homemade food operations shall not be permitted in any second unit, guest quarter or other accessory building in any zoning district.

## **K. Conditions**

The following conditions shall be observed at all times by the holder of a home occupation permit for the purpose of homemade food operations. In order to meet the purposes of the zoning district, for public safety, and/or to meet the requirements of state and local laws, the director may require additional conditions.

1. A homemade food operation shall comply with all development standards for the zoning district in which the use is located, in addition to the requirements of this Section and Chapter 17.72 Home Occupation Permits.
2. A homemade food operation shall comply with all permitting and licensing requirements of the Riverside County Department of Environmental Health.
3. Signs or advertising shall not be displayed on the premises except for signing permitted under Chapter 17.36 Sign Regulations of the Zoning Ordinance.
4. No more than one (1) employee, assistant or volunteer other than the licensee shall participate in the HFO food preparation activities on the premises.
5. The homemade food operation, including inventory and supplies stored on the premises, shall be conducted wholly within the principal structure and shall not exceed 25 percent of the total floor area. The required garage space, or any other accessory structure shall not be utilized for homemade food operator purposes or storage. Required off street parking areas shall not be utilized for homemade food operators other than for parking, and shall not be considered as part of the total floor area.
6. Display(s) of any kind shall not be visible from the exterior of the premises.
7. No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or are customary to home kitchens.

8. Pedestrian or vehicular traffic shall not be in excess of that customarily associated with the zoning district in which the use is located. Customer visits to a homemade food operator's home shall adhere to the following maximum standards:
  - a. Hours of operation are limited to between 7:00 a.m. and 7:00 p.m.
  - b. No more than two customers per visit
  - c. No more than four customer visits per hour
9. Except for homemade food products that have been prepared for sale in the private kitchen of a homemade food operator, no customer services or sales of goods, wares or merchandise shall be made on the premises.
10. There shall be conformity with fire, building, plumbing, electrical and health codes and with all state and local laws.
11. There shall be no demand for municipal or utility services or community facilities in excess of those usual and customary for residential use.
12. The residential character of the premises shall not be altered, nor shall the use unreasonably disturb the peace and quiet of the area, including alteration or disturbance relating to radio and television reception, color, design, materials, construction, lighting, sounds, noises, vibrations or vehicles.
13. The Community Development Director, in approving a homemade food operator permit, may impose any additional conditions as deemed necessary to carry out the intent of this Section.
14. If the municipal codes applicable to the premises are amended to prohibit such use, the homemade food operator permit shall be canceled within 90 days after notification.
15. The use or storage of any flammable, combustible or toxic materials in conjunction with a homemade food operation shall be limited to materials and quantities allowed for a residential use pursuant to applicable law.

**L. Grounds for revocation of permit.**

Any homemade food operator permit shall be revoked by the Community Development Director upon violation of any requirements of this Chapter, Chapter 17.72 Home Occupation Permits, upon notification by the Health Department that the Class A or the Class B permit has been revoked, or upon failure to comply with any of the conditions or limitations of the permit, unless such violation is corrected within three days of the giving of written notice thereof. A permit may be revoked for repeated violation of the requirements of this Chapter, notwithstanding further notice.

**M. Appeal of denial or revocation of permit.**

A decision of the Community Development Director may be appealed to the planning commission as prescribed in Chapter 17.68 Hearings and Appeals.

SECTION 3. Section 8.24.010 *Purpose and intent* of the Banning Municipal Code is amended to read as follows:

**“8.24.010 - Purpose and intent.**

The county of Riverside shall administer standards related to the health and safety and sanitation of food facilities within the jurisdiction of the City of Banning pursuant to the laws hereinafter set forth except as provided for in Article V Cottage Food Operations of this Chapter.”

SECTION 4. Section 8.24.020 *Definitions* of the Banning Municipal Code is amended to read as follows:

**“8.24.020 - Definitions.**

As used in this Chapter:

“Community Development Director” means the Community Development Director for the City of Banning or the individual so designated by the City Manager for the City of Banning.

"Food establishment" means a food establishment as defined in the California Uniform Retail Food Facilities Law, Section 27520 of the California Health and Safety Code. These are commonly referred to as restaurants, markets, delis or similar operations except as provided for in Article V Cottage Food Operations of this Chapter.

"Food facilities" means a food facility as defined in Section 27521 of the California Health and Safety Code except as provided for in Article V Cottage Food Operations of this Chapter. These are commonly referred to as wholesale food facilities, vehicles, vending machines, satellite food distribution facilities, open-air barbecues, certified farmers markets, stationary food preparation units and mobile food preparation units. This definition also includes commercial food establishments.

"Enforcement officer" means the director of the Riverside County department of environmental health services and his or her duly authorized environmental health specialists.

"Food preparation" means food preparation as defined in Section 27522 of the California Health and Safety Code.

"Official inspection form" means the form provided by the Department of Environmental Health Services."

SECTION 5. Section 17.72.020 *Application procedures* of the Banning Municipal Code is amended to read as follows:

**"Section 17.72.020 Application procedures.**

- A. The conduct of a home occupation requires the approval of the Director who may establish conditions to further the intent of this Chapter. An application for a Home Occupation Permit shall be on a form prescribed by the Director and shall be filed with the Department pursuant to the Chapter 17.48 Applications and Fees of this Zoning Ordinance.
- B. A home occupation permit shall not be required for an in-home education activity, including but not limited to music lessons, academic tutoring, or religious instruction, provided that no more than 5 students are present at any one time, and the use complies with all of the operating standards of the Zoning Ordinance."

SECTION 6. SEVERABILITY.

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

SECTION 7. PUBLICATION; EFFECTIVE DATE.

The City Clerk shall certify to the passage and adoption of this Ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Deborah Franklin  
Mayor of the 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 Ordinance No. 1463 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2013, and was duly adopted at a regular meeting of said City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

324

# Attachment 2

(AB 1616 California Homemade Food Act  
Frequently Asked Questions)





## California Homemade Food Act

### Frequently Asked Questions

#### AB 1616 (Gatto) - Cottage Food Operations

**When does the new Cottage Food Law go into effect?** The new law becomes effective January 1, 2013. The law requires the California Department of Public Health (CDPH) to carry out certain tasks associated with implementation, and imposes certain responsibilities on local planning and environmental health jurisdictions. Further information regarding the status of implementation can be obtained from your local environmental health agency.

1. **What is a cottage food operation (CFO)?** A CFO is an enterprise at a private home where specific low-risk food products that do not require refrigeration are prepared or packaged for sale to consumers.
2. **What is meant by a private home?** "Private home" means a dwelling, including an apartment or other rented space, where the CFO operator resides.
3. **Are there limitations on the size of CFO sales?**
  - \$35,000 or less in gross sales annually in 2013
  - \$45,000 or less in gross sales annually in 2014
  - \$50,000 or less in gross sales annually in 2015 and beyond
4. **Can a CFO have employees?** A CFO can have one full-time equivalent employee (not counting family members or household members).
5. **What cottage foods are CFOs permitted to produce?** Only specific foods that are defined as "non-potentially hazardous" are approved for preparation by CFOs. These are foods that do not require refrigeration to keep them safe from bacterial growth that could make people sick.

CDPH will establish and maintain a list of approved cottage food categories on their website. The list included in the new law includes:



Baked goods without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas  
Candy, such as brittle and toffee  
Chocolate-covered nonperishable foods, such as nuts and dried fruit  
Dried fruit  
Dried pasta  
Dry baking mixes  
Fruit pies, fruit empanadas, and fruit tamales  
Granola, cereals, and trail mixes  
Herb blends and dried mole paste  
Honey and sweet sorghum syrup  
Jams, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations.  
Nut mixes and nut butters  
Popcorn  
Vinegar and mustard  
Roasted coffee and dried tea  
Waffle cones and pizzelles

**6. What are the two classifications of CFO's?**

**"Class A"** CFOs are only allowed to engage in **"direct sale"** of cottage food.

**"Class B"** CFO's may engage in both **"direct sale"** and **"indirect sale"** of cottage food.

**7. What is meant by "direct sale" of cottage food?** "Direct sale" means a transaction between a CFO operator and a consumer, where the consumer purchases the cottage food product directly from the CFO. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers' markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation within the jurisdiction of the local environmental health agency in which the CFO is permitted or registered.

**8. What is meant by "indirect sale" of cottage food?** "Indirect sale" means an interaction between a CFO, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the CFO from a third-party retailer that holds a valid permit issued by the local environmental health agency in their jurisdiction. Indirect sales include, but are not limited to, sales made to retail food facilities including markets, restaurants, bakeries, and delis, where food may be immediately consumed on the premises.



**9. What are limitations on Internet sales and delivery of cottage food products?** A cottage food operator may advertise as well accept orders and payments via Internet or phone. However, a CFO must deliver (in person) to the customer. A CFO may not deliver any CFO products via US Mail, UPS, FedEx or using any other third-party delivery service. A cottage food operator may not introduce a CFO product into interstate commerce.

**10. What are limitations on advertising of CFO products?** It is unlawful for any person to disseminate any false advertising of any food. An advertisement is false if it is false or misleading in any particular. A cottage food product that is found to be falsely advertised would be subject to enforcement action.

**11. Do I need any special training or certification to make cottage foods?** A person who prepares or packages cottage food products must complete a food processor course instructed by the CDPH within three months of being registered or permitted.

**12. Does a CFO need a permit to operate?**

**Planning and zoning:** All CFO's need to obtain approval from their local city or county planning department. The Homemade Food Act gives planning departments several options to consider, so planning department requirements may vary between jurisdictions.

**Environmental Health:** For "Class A" CFO's (direct sale only), **registration** with the local enforcement agency and submission of a completed "self-certification checklist" approved by the local environmental health agency. For "Class B" CFO's (either direct and indirect or indirect only), a **permit** from the local environmental health agency is required.

**Other requirements:** Check on other state or local requirements that may be applicable, such as Sellers Permits through the Board of Equalization, or Business Licenses through your city or county.

**Registrations and permits are nontransferable between:**

- 1) Persons
- 2) Locations
- 3) Type of food sales [i.e., direct sales ("Class A") vs. indirect sales ("Class B")]
- 4) Type of distribution

**13. How much will the permit or registration cost the CFO?** Each local jurisdiction will establish fees that are not to exceed the cost of providing the service. Additional fees may be charged for inspection and/or enforcement activities if



the cottage food operation is found to be in violation of California food safety laws on cottage food operations.

**14. Will my CFO registration/permit allow me to sell at other retail venues?** There may be health permits required to sell at other locations, such as Certified Farmers' Markets, Swap Meets or community events. Please check with your local environmental health department for additional permit requirements.

**15. How often will a CFO be inspected?**

**"Class A"** CFO kitchens and food storage areas (referenced in the law as the "registered or permitted area") are not subject to initial or routine inspections.

**"Class B"** CFO kitchens and food storage areas are inspected initially prior to permit issuance.

**"Class A or B" (complaint inspections)** - The local environmental health agency may access, for inspection purposes, the registered or permitted area where a cottage food operation is located if the representative has, on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the cottage food operation or that the cottage food operation has violated California food safety laws.

**16. What are CFO operational requirements?** All CFOs must comply with the following:

- No domestic activity in kitchen during cottage food preparation
- No infants, small children, or pets in kitchen during cottage food preparation
- Kitchen equipment and utensils kept clean and in good repair
- All food contact surfaces and utensils washed, rinsed, and sanitized before each use
- All food preparation and storage areas free of rodents and insects
- No smoking in kitchen area during preparation or processing of cottage food
- A person with a contagious illness shall refrain from preparing or packaging cottage food products
- Proper hand-washing shall be completed prior to any food preparation or packaging
- Water used in the preparation of cottage food products must be potable
- Cottage food preparation activities include:
  - Washing, rinsing, and sanitizing of any equipment used in food preparation
  - Washing and sanitizing hands and arms
  - Water used as an ingredient of cottage food.



## 17. What has to be on my cottage food label?

All cottage food products must be properly labeled in compliance with the Federal, Food, Drug, and Cosmetic Act ([21 U.S.C. Sec. 343 et seq.](#)).

The label must include:

- The words "Made in a Home Kitchen" in 12-point type.
- The name commonly used to describe the food product.
- The name city, state and zip code of the cottage food operation which produced the cottage food product. If the CFO is not listed in a current telephone directory then a street address must also be declared. (A contact phone number or email address is optional but may be helpful for consumers to contact your business.
- The registration or permit number of the CFO which produced the cottage food product and, in the case of "Class B" CFOs, the name of the county where the permit was issued.
- The ingredients of the food product, in descending order of predominance by weight, if the product contains two or more ingredients.
- The net quantity (count, weight, or volume) of the food product, it must be stated in both English (pound) units and metric units (grams).
- A declaration on the label in plain language if the food contains any of the eight major food allergens such as milk, eggs, fish, shellfish, tree nuts, wheat, peanuts, and soybeans. There are two approved methods prescribed by federal law for declaring the food sources of allergens in packaged foods: 1) in a separate summary statement immediately following or adjacent to the ingredient list, or 2) within the ingredient list.
- The use of the following eleven terms are considered nutrient content claims (nutritional value of a food): free, low, reduced, fewer, high, less, more, lean, extra lean, good source, and light. Specific requirements have been established for the use of these terms. Please refer to the [Cottage Food Labeling Guideline](#) for more details.
- A health claim is a statement or message on the label that describes the relationship between a food component and a disease or health-related condition (e.g., sodium and hypertension, calcium and osteoporosis). Please refer to the Cottage Food Labeling Guideline for more details.
- If the label makes approved nutrient content claims or health claims, the label must contain a "Nutrition Facts" statement on the information panel.



- Labels must be legible and in English (accurately translated information in another language may also be included on the label). Labels, wrappers, inks, adhesives, paper, and packaging materials that come into contact with the cottage food product by touching the product or penetrating the packaging must be food-grade (safe for food contact) and not contaminate the food.

In a permitted retail food facility (such as a restaurant, market, or deli), cottage food products served without packaging or labeling shall be identified to the customer as homemade on the menu, menu board or in another easily accessible location that would reasonably inform the consumer that the food or an ingredient in the food has been made in a private home.

**18. What is my legal responsibility as a cottage food operator in ensuring that my food product is safe?** Cottage food operators and/or their employees shall not commit any act that may cause contamination or adulteration of food.

This would include making foods that are not on the approved food list and or making foods under unsanitary conditions or with spoiled or rancid ingredients.

A cottage food operation that is not in compliance with the requirements of AB 1616 would be subject to enforcement action taken by the local environmental health agency and/or the California Department of Public Health.

**19. What if I find out an ingredient I used has been recalled because it can make people sick or has been identified as the cause of food borne illness?** You should notify your local environmental health agency or CDPH immediately and do not distribute anymore product. You may need to notify your customers and request that they return or dispose of the products. For specific food recall information, you can contact CDPH at: (916) 650-6500 or email: [FDBinfo@cdph.ca.gov](mailto:FDBinfo@cdph.ca.gov).

**20. What is my liability as a cottage food business operating out of my home?** You should check with your homeowner insurance company or your landlord if you are operating out of a rental property. Many homeowner insurance policies will not extend liability coverage to liabilities arising out of home-based businesses.



- 21. What other educational resources and guidelines are available to assist me in ensuring I am making a safe food product?** Please see the CDPH website or contact your local environmental health agency for guidance and resource documents or web links.
- 22. What can I do to ensure I am still meeting legal requirements if my cottage food operation grows to exceed the gross annual sales limit and/or I decide want to make another type of food product that is not on the approved food list?** Please contact CDPH for registration and facility requirements for food processors.
- 23. Where can I file a complaint about a cottage food operation or cottage food product?** You can file a complaint at the CDPH toll-free complaint line – 1-800-495-3232.

**CITY OF BANNING  
REPORT OF OFFICERS**

**DATE:** June 25, 2013

**TO:** Mayor and Members of the City Council

**FROM:** Bill R. Manis, Economic Development Director/Public Information Officer

**SUBJECT:** Adoption of Resolution No. 2013-68 of the City of Banning supporting the redesignation of Riverside County as a Recycling Market Development Zone due to an increase in boundaries and adoption of an Initial Study and Negative Declaration

**RECOMMENDATION:**

That the Banning City Council approve Resolution 2013-68 of the City of Banning supporting the redesignation of Riverside County as a Recycling Market Development Zone due to an increase in boundaries and adoption of an Initial Study and Negative Declaration by Riverside County.

**BACKGROUND/ANALYSIS:**

As outlined in Resolution No. 2013-68 (*Attachment 1*) California Public Resources Code Section 42010, et al. provides for the establishment of the Recycling Market Development Zone ("RMDZ") Program throughout the State of California. The RMDZ Program provides incentives to stimulate development of post-consumer and secondary materials markets for recyclables.

CalRecycle administers the RMDZ to encourage California based recycling businesses to identify new manufacturing facilities and expand existing operations. The principal benefit for a business located within the RMDZ is a loan program for manufacturers of products using material that would normally end up at the landfill. The Program provides low-interest loans of up to \$2 million for the purchase of equipment and other relevant business costs. The intent of the RMDZ loan program is to help California manufacturers increase their processing capabilities and create additional markets for the recycled-content products.

The Riverside County RMDZ is dedicated to establishing, sustaining and expanding recycling-based manufacturing businesses, which is essential for market development and to assist various local jurisdictions in meeting the established landfill waste reduction goals.

**DISCUSSION**

The County of Riverside has agreed to act as the Lead Agency for the proposed redesignation and on April 18, 2013, the Riverside County Board of Supervisors authorized County staff to move forward with the CalRecycle application (*Attachment 2*). In accordance with the California Environmental Quality Act ("CEQA"), Riverside County has prepared, or caused to be prepared, and has adopted a Negative Declaration which evaluates the potential adverse environmental effects that might occur as a result of the redesignation of the Riverside County RMDZ.



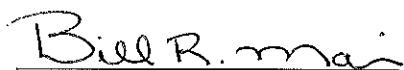
Riverside County currently has one RMDZ that encompasses the cities of Moreno Valley, Perris, Hemet, San Jacinto, Cathedral City, Indio, Coachella, and Blythe along with the unincorporated former redevelopment project areas of East Blythe, Blythe Airport, Cabazon, Thermal, Garnet, Thousand Palms, Mead Valley, and Romoland. The current RMDZ expires on August 25, 2013, and CalRecycle has encouraged Riverside County to seek a new ten-year designation of the RMDZ and expand its boundaries. Riverside County's Economic Development staff is proposing that the entire boundary of the County be designated an RMDZ. Riverside County staff has taken the lead in preparing the required application.

Inclusion into the newly expanded RMDZ can be one more tool the City of Banning can add to our economic development tool box to help existing and future manufacturing related uses. Supporting the RMDZ means supporting recycling and "green" waste diversion practices in addition to providing a valuable financing incentive for recycling-based businesses. There is no cost to Riverside County or to the cities participating in the RMDZ Program. Also included in this staff report is a "Frequently Asked Questions/Answers Sheet" (*Attachment 3*).

**FISCAL DATA:**

Participation in the RMDZ Program does not financially impact the City of Banning.

**RECOMMENDED BY:**



Bill R. Manis  
Economic Development Director/  
Public Information Officer

**REVIEWED BY:**



June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**



Andrew J. Takata  
City Manager

**Attachments:**

1. Resolution 2013-68
2. Riverside County Board of Supervisors Authorization
3. RMDZ Frequently Asked Questions/Answers Sheet

**ATTACHMENT 1**  
**Resolution 2013-68**

## **RESOLUTION NUMBER 2013-68**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING SUPPORTING THE REDESIGNATION OF RIVERSIDE COUNTY AS A RECYCLING MARKET DEVELOPMENT ZONE DUE TO AN INCREASE IN BOUNDARIES AND ADOPTION OF INITIAL STUDY AND NEGATIVE DECLARATION**

**WHEREAS**, California Public Resources Code Section 42010, et al. provides for the establishment of the Recycling Market Development Zone (RMDZ) program throughout the State which provides incentives to stimulate development of post-consumer and secondary materials markets for recyclables; and

**WHEREAS**, all California jurisdictions must meet a 50% reduction in landfill waste disposal as mandated by the California Integrated Waste Management Act; and

**WHEREAS**, the Riverside County RMDZ includes the cities of Blythe, Cathedral City, Coachella, Hemet, Indio, Moreno Valley, Perris and San Jacinto and parts of unincorporated Riverside County; and

**WHEREAS**, the Riverside County RMDZ is dedicated to establishing, sustaining and expanding recycling-based manufacturing businesses, which is essential for market development and to assist these jurisdictions in meeting the established landfill waste reduction goals; and

**WHEREAS**, the cities of Banning, Beaumont, Calimesa, Canyon Lake, Corona, Desert Hot Springs, Eastvale, Indian Wells, Jurupa Valley, Lake Elsinore, La Quinta, Menifee, Murrieta, Norco, Palm Desert, Palm Springs, Rancho Mirage, Riverside, Temecula, Wildomar and all of unincorporated Riverside County desire existing and new recycling-based manufacturing businesses located within their jurisdictions to be eligible for the technical and financial incentives associated with the RMDZ program; and

**WHEREAS**, the addition of these jurisdictions to the Riverside County RMDZ is necessary to facilitate local and regional planning, coordination, and support existing recycling-based manufacturing businesses, as well as assist in attracting private sector recycling investments to the RMDZ; and

**WHEREAS**, the continued development of local markets for recycled materials would reduce the need to transport them out of the region in the future; and

**WHEREAS**, the current and proposed waste management practices and conditions are favorable to the development of post-consumer and secondary waste materials markets; and

**WHEREAS**, the California Legislature has defined environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies" [Government Code section 65040.12(e)], and has directed the California Environmental Protection Agency to

conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state [Public Resources Code section 71110(a)]; and

**WHEREAS**, CalRecycle has adopted a goal to continuously integrate environmental justice concerns into all of its programs and activities; and

**WHEREAS**, the cities of Banning, Beaumont, Blythe, Calimesa, Canyon Lake, Cathedral City, Coachella, Corona, Desert Hot Springs, Eastvale, Hemet, Indian Wells, Indio, Jurupa Valley, La Quinta, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Palm Desert, Palm Springs, Perris, Rancho Mirage, Riverside, San Jacinto, Temecula and Wildomar and the unincorporated part of Riverside County have agreed to submit an application to CalRecycle requesting the redesignation of the Riverside County RMDZ due to a change in boundaries; and

**WHEREAS**, County of Riverside has agreed to act as Lead Agency for the proposed redesignation; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA), the County of Riverside has prepared or caused to be prepared and has adopted a Negative Declaration which evaluates the potential adverse environmental effects that might occur as a result of the redesignation of the Riverside County RMDZ; and

**WHEREAS**, the City of Banning has considered the environmental effects of the redesignation of Riverside County RMDZ as shown in the Negative Declaration; and

**WHEREAS**, the City of Banning finds there are no grounds for the City of Banning to assume the Lead Agency role or to prepare a subsequent or supplemental environmental document; and

**WHEREAS**, the record of the proceedings on which the City of Banning bases its decision to adopt the Negative Declaration is available from the custodian of records: **County Clerk of Riverside County, 2724 Gateway Drive, P.O. Box 751, Riverside, CA 92502-0751.**

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

**SECTION 1.** The City of Banning, hereby adopts the Negative Declaration. The City of Banning, as Responsible Agency, approves the redesignation of Riverside County as a RMDZ and directs the County of Riverside Economic Development Agency to submit an application to CalRecycle requesting redesignation of Riverside County as a RMDZ which includes the cities of Banning, Beaumont, Blythe, Calimesa, Canyon Lake, Cathedral City, Coachella, Corona, Desert Hot Springs, Eastvale, Hemet, Indian Wells, Indio, Jurupa Valley, La Quinta, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Palm Desert, Palm Springs, Perris, Rancho

Mirage, Riverside, San Jacinto, Temecula, and Wildomar and the unincorporated part of Riverside County.

SECTION 2. The County of Riverside will administer the RMDZ program in a manner that seeks to ensure the fair treatment of people of all races, cultures and incomes, including but not limited to soliciting public participation in all communities within the RMDZ, including minority and low-income populations.

SECTION 3. The County of Riverside Economic Development Agency shall file a Notice of Determination respecting this Project with the State Clearinghouse pursuant to CEQA Guidelines Section 15096(i).

**PASSED, APPROVED, AND ADOPTED** this 25<sup>th</sup> day of June 2013.

---

Deborah Franklin, 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 the foregoing Resolution No. 2013-68 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 25<sup>th</sup> day of June, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

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

**ATTACHMENT 2**  
**Riverside County Board of Supervisors Authorization**

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

137



FROM: Economic Development Agency

SUBMITTAL DATE:  
April 18, 2013

SUBJECT: Application for Redesignation of Riverside County as a Recycling Market Development Zone

RECOMMENDED MOTION: That the Board of Supervisors:

1. Authorize the Assistant County Executive Officer/EDA, or designee, to begin the application process to the California Department of Resources Recycling and Recovery (CalRecycle) to redesignate Riverside County as a Recycling Market Development Zone (RMDZ).
2. Authorize the Assistant County Executive Officer/EDA, or designee, to complete the essential and relevant documents.

BACKGROUND: (Commences on Page 2)

Robert Field  
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2012/13

COMPANION ITEM ON BOARD AGENDA: No

SOURCE OF FUNDS: N/A

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY:

County Executive Office Signature

Jennifer L. Sargent

Dep't Recomm.: ☐ Consent ☒ Policy  
Per Exec. Ofc.: ☐ Consent ☒ Policy

Prev. Agn. Ref.:

District: All

Agenda Number:

3-12

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**BACKGROUND:**

CalRecycle administers the RMDZ to encourage California-based recycling businesses to site new manufacturing facilities and expand existing operations. The principle benefit for businesses located within an RMDZ is a loan program for manufacturers of products using materials that would normally end up at the landfill. This program provides low-interest loans of up to \$2 million for the purchase of equipment and other relevant business costs. The intent of the RMDZ loan program is to help California manufacturers increase their processing capabilities and create additional markets for recycled-content products.

Riverside County currently has one RMDZ that encompasses the cities of Moreno Valley, Perris, Hemet, San Jacinto, Cathedral City, Indio, Coachella, and Blythe along with the unincorporated former redevelopment project areas of East Blythe, Blythe Airport, Cabazon, Thermal, Garnet, Thousand Palms, Mead Valley, and Romoland. This zone expires on August 25, 2013 and CalRecycle has encouraged the County to seek a new ten-year designation of the RMDZ and expand its boundaries. EDA staff is proposing that the entire boundary of the county be designated an RMDZ and would take the lead on preparing the application. Cities that wish to be included within the Zone must adopt a resolution of support that must be included with the application. Additionally, the Board of Supervisors must also approve a resolution once all participating cities are identified.

Participation in the RMDZ does not have a financial obligation to the County nor any participating cities.

**ATTACHMENT 3**  
**RMDZ Frequently Asked Questions/Answers Sheet**



## **RIVERSIDE COUNTY RECYCLING MARKET DEVELOPMENT ZONE**

### **2013 Redesignation Application for Countywide Zone**

#### ***Frequently Asked Questions***

#### ***What is a Recycling Market Development Zone?***

The California Department of Resources Recycling and Recovery (CalRecycle) designated portions of Riverside County as a Recycling Market Development Zone (RMDZ) in order help divert waste from our landfills and stimulate the manufacturing of new, recycled products.

#### ***What are the benefits of being in an RMDZ?***

- Low-interest loans to manufacturers who make recycled products
- Support “green” recycling jobs and manufacturing in Riverside County
- Reduce waste going to our landfills

#### ***Why are we seeking redesignation of the RMDZ?***

The RMDZ designation expires August 25, 2013 and in order to maintain the benefits, the County has to reapply to CalRecycle. Additionally, the County desires expand the zone boundaries to include the entire county in order to make the program benefits available countywide.

#### ***What portions of the County are currently in the RMDZ?***

The following cities are part of the RMDZ:

- |                 |                  |
|-----------------|------------------|
| • Moreno Valley | • Cathedral City |
| • Perris        | • Indio          |
| • San Jacinto   | • Coachella      |
| • Hemet         | • Blythe         |

#### ***What are the incentives available in an RMDZ?***

The **RMDZ Loan Program** provides low-interest loans to private businesses and not-for-profit organizations to increase diversion of non-hazardous solid waste from California landfills and to promote market demand for secondary and postconsumer materials.

The program can fund a maximum of **75%** of costs directly attributed to an eligible project up to a maximum of **\$2,000,000** whichever is less.

Businesses and non-profit organizations can use the funds for:

- Machinery and equipment

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- Working capital
- Real estate purchase and improvements
- Refinancing of onerous debt that results in increased diversion, and

In addition to the loan program, CalRecycle provides the following Technical Assistance to businesses:

- Locating manufacturing materials (feedstock)
- Finding markets for products
- Providing current market conditions/trends
- Evaluating technology and equipment
- Providing geographical data on demographics, waste streams, and economics
- Free product marketing through RecycleStore , an online site that links buyers in direct contact with recycling-based manufacturers

***What would the program cost your city?***

There is **NO COST** to participate in the program. There is no effect on local autonomy and the opportunity is free of cost. The zone designation simply allows you to offer businesses in your jurisdiction access to the benefits of the **CalRecycle** program.

***Does being in the RMDZ require my city to accept certain types of recycling uses?***

The RMDZ designation **does not** ask or require your city to accept any uses in any manner at all. All land use and permitting activities are not affected by participation in this zone.

***How can your City be a part of the new RMDZ?***

It's simple!! What we would ask your city to do is adopt a resolution supporting the new countywide RMDZ. We will provide a template for you that you can present to your City Council.

**For more information please call Rob Moran at 951.955.6673 or email [rmoran@rivcoeda.org](mailto:rmoran@rivcoeda.org)  
Riverside County Economic Development Agency**

## CITY COUNCIL AGENDA

**Date:** June 25, 2013

**TO:** Mayor and City Council Members

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

**SUBJECT:** Ordinance No. 1465, Ordinance of the City Council of the City of Banning, California to Amend Section 3.21 "Warrants", of the Banning Municipal Code

**RECOMMENDATION:** The City Council adopt Ordinance No. 1465 an ordinance of the City Council of the City of Banning, California amending Section 3.21 "Warrants" of the Banning Municipal Code.

**BACKGROUND:** On January 10, 2012 the City Council approved Ordinance No. 1445 to add Section 3.21 to the Banning Municipal Code, providing governance regarding warrants.

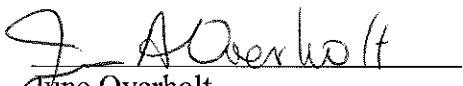
Ordinance No. 1465 amends Section 3.21 of the Banning Municipal Code and provides additional governance regarding warrants.

**DISCUSSION:** Ordinance No. 1445 listed the officials authorized to make deposits and withdrawals.

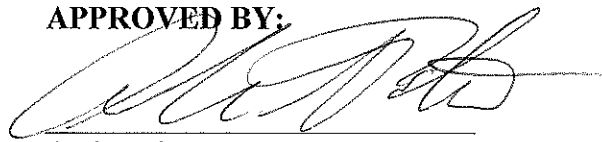
Ordinance No. 1465 allows the authorization of certain municipal officials to make deposits and withdrawals to and from City accounts to occur through the adoption of a City resolution by the City Council. This will allow for more flexibility in making changes to the authorized officials as it becomes necessary and is consistent with practices in place prior to the adoption of Ordinance No. 1445.

**FISCAL DATA:** No immediate fiscal impact occurs.

**RECOMMENDED BY:**

  
June Overholt  
Administrative Services Director/  
Deputy City Manager

**APPROVED BY:**

  
Andy Takata  
City Manager

**ORDINANCE NO. 1465**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
BANNING, CALIFORNIA AMENDING SECTION 3.21 "WARRANTS"  
TO THE BANNING MUNICIPAL CODE.**

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

**Section 1.** *Code Amendment.* Section 3.21 of the Banning Municipal Code is hereby amended as follows:

"Section 3.21 Warrants

3.21.010 Warrants

All disbursements except petty cash are made on warrants. A combined demand-warrant is employed and signed by use of check signature plates (or most current technology) to imprint signatures approved by resolution of the City Council.

**Section 2.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance, it being expressly declared that this ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted, irrespective of the fact that one or more other section, subsection, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

**Section 3.** 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 a newspaper of general circulation in the city. Thereupon this ordinance shall take effect thirty (30) days after adoption and be in effect according to the law.

**Section 4.** This ordinance shall take effect and be in force thirty (30) days after the adoption by the City Council for the City of Banning.

**PASSED, APPROVED AND ADOPTED,** this \_\_\_\_ day of July, 2013.

\_\_\_\_\_  
Deborah Franklin, 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, do hereby certify that the foregoing Ordinance No. 1465 was duly introduced at a regular meeting of the City Council of the City of Banning, California, held on the 25<sup>th</sup> day of June, 2013, and was duly adopted at a regular meeting of said City Council held on the \_\_\_\_\_ day of July, 2013, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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