AGENDA
REGULAR MEETING
CITY OF BANNING
BANNING, CALIFORNIA

December 11, 2012
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 the City Council and the Banning Housing 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
   . Pledge of Allegiance
   . Invocation – David Marshall Kealy
   . Roll Call - Councilmembers Botts, Franklin, Hanna, Machisic, Mayor Robinson

II. PUBLIC COMMENTS – On Items Not on the Agenda

A three-minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to “share” his/her three minutes with any other member of the public. (Usually, any items received under this heading are referred to staff 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.
III. 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 14 items to be pulled for discussion.
(Resolutions require a recorded majority vote of the total membership of the City Council)

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<td>Approval of Minutes – Regular Meeting – 11/13/12</td>
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<td>Approval of Accounts Payable and Payroll Warrants for Month of September 2012</td>
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<td>Accept Grant of Easement from George A. Pearson, APN 537-090-063 063 for the Sunset Grade Separation Project</td>
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<td>7.</td>
<td>Accept Grant of easement from Oakwood Investments, LLC, APN 538-190-014 for Sunset Grade Separation Project</td>
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<td>8.</td>
<td>Approve Share of Cost Agreement for State Route 10 at Sunset Ave. Eastbound and Westbound Ramps</td>
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<td>10.</td>
<td>Resolution No. 2012-94, Approving a Side Letter Agreement to the Memorandum of Understanding Between the International Brotherhood of Electrical Workers-Local 47 (IBEW) General Employees Unit and Utility Unit, the San Bernardino Public Employees Association (SBPEA) and the City of Banning</td>
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<td>11.</td>
<td>Resolution No. 2012-95, Reciting the Facts of the Consolidated Presidential General Election Held in Said City on November 6, 2012 Declaring the Result Thereof and Such Other Matters as Provided By Law</td>
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<td>Resolutions No. 2012-96, Awarding the Construction Contract for Project No. 2012-03, Corporate Yard Block Wall and Rejecting All Other Bids</td>
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<td>Resolution No. 2012-97, Adopting the 2012 Public Works Standard Drawings for the City of Banning</td>
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- 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.
IV. CONSENT ITEMS

1. Resolution No. 2012-15 UA, Approving the Purchase of Supervisory Control and Data Acquisition Radios through Steven Engineering of San Francisco, Calif. and Awarding a Professional Services Agreement to Prime Systems Industrial Automation, Inc. of Riverside, Calif. ....................................................... 112

Recess joint meeting of Banning City Council and Banning Utility Authority and reconvene the regular City Council Meeting.

V. PRESENTATIONS TO OUTGOING CITY COUNCIL MEMBERS
   - by Mayor Pro Tem Franklin

VI. SWEARING IN OF CITY CLERK
   - by Mayor Pro Tem Franklin

VII. SWEARING IN OF CITY TREASURER
    - by City Clerk

VIII. SWEARING IN OF COUNCILMEMBERS ELECT
    - City Clerk

IX. REORGANIZATION OF CITY COUNCIL, HOUSING AUTHORITY
    - City Clerk

RECESS COUNCIL MEETING – At this time please join the City Council for a small reception in the Large Conference Room.

Reconvene joint meeting of Banning City Council and Banning Utility Authority.

X. PUBLIC HEARING

   Staff Report ................................................................. 127
   Recommendation: That the Utility Authority Board adopt Resolution No. 2012-17 UA, Adopting the Addendum to the 2010 Urban Water Management Plan.

Adjourn joint meeting of Banning City Council and Banning Utility Authority and reconvene the regular City Council Meeting.
XI. ORDINANCE-INTRODUCTION

1. Urgency Ordinance to Amendment to CalPERS Contract for a Two Tier Plan for the Miscellaneous Employees.

Staff Report. .............................................................. 144

Recommendation: That the City Council adopt Urgency Ordinance No. 1459 amending the City’s contract with the California Employees’ Retirement System (CalPERS) to implement the lower-level retirement formula for new employees at 2% @60 retirement formula for miscellaneous employees and be subject to the final compensation calculation based on an average 36 month period.

Mayor asks the City Clerk to read the title of Ordinance No. 1459:

"An Urgency Ordinance of the City Council of the City of Banning, California, Authorizing an Amendment to the Contract Between the City Council of the City of Banning and the Board of Administration to the California Public Employees’ Retirement System.

Motion: I move to waive further reading of Urgency Ordinance No. 1459. (Requires a majority vote of Council)

Motion: I move that Urgency Ordinance No. 1459 be adopted.

XII. ANNOUNCEMENTS/REPORTS  (Upcoming Events/Other items if any)

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

XIII. ITEMS FOR FUTURE AGENDAS

New Items –

Pending Items – City Council
1. Schedule Meetings with Our State and County Elected Officials

XIV. ADJOURNMENT

The December 25, 2012 City Council Meeting will be cancelled due to the Christmas Holiday and the next Regular City Council Meeting will be held on Tuesday, January 8, 2013.

Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Thursday, 8 a.m. to 5 p.m.
NOTICE: Any member of the public may address this meeting of the Mayor and Council on any item appearing on the agenda by approaching the microphone in the Council Chambers and asking to be recognized, either before the item about which the member desires to speak is called, or at any time during consideration of the item. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to "share" his/her five minutes with any other member of the public.

Any member of the public may address this meeting of the Mayor and Council on any item which does not appear on the agenda, but is of interest to the general public and is an item upon which the Mayor and Council may act. A three-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. 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

11/13/12
SPECIAL MEETING

A special meeting of the Banning City Council and a special joint meeting of the Banning City Council and the City Council Sitting In Its Capacity of a Successor Agency was called to order by Mayor Robinson on November 13, 2012 at 4:00 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT:  None

OTHERS PRESENT:  Andrew J. Takata, City Manager
David J. Aleshire, City Attorney
Duane Burk, Public Works Director
Zai Abu Bakar, Community Development Director
Marie A. Calderon, City Clerk

CLOSED SESSION

City Attorney announced that the City Council would meet in closed session to discuss a matter of potential litigation pursuant to the provisions of Government Code Section 54956.9; and a Successor Agency Board item pursuant to the provisions of Government Code Section 54956.8 with regard to real property negotiations concerning to 42 W. Ramsey Street.

City Attorney said that the Council will also need to add an item to the closed session agenda pursuant to Government Code Section 54957 with regard to City Attorney evaluation.

Motion Hanna/Franklin to add this item to the agenda. Motion carried, all in favor.

Mayor Robinson opened the item for public comments. There were none. Meeting went into closed session at 4:03 p.m. and reconvened at 5:50 p.m.

ADJOURNMENT

By common consent the meeting adjourned at 4:50 p.m.

Marie A. Calderon, City Clerk

THE ACTION MINUTES REFLECT ACTIONS TAKEN BY THE CITY COUNCIL. A COPY OF THE MEETING IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK'S OFFICE.
A regular meeting of the Banning City Council and a Joint Meeting of the City Council Sitting in Its Capacity of a Successor Agency and the Banning Housing Authority was called to order by Mayor Robinson on November 13, 2012 at 5:15 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Andrew J. Takata, City Manager
David J. Aleshire, City Attorney
Duane Burk, Public Works Director
Zai Abu Bakar, Community Development Director
Leonard Purvis, Police Chief
Phil Holder, Police Lieutenant
Heidi Meraz, Community Services Director
Fred Mason, Electric Utility Director
Jeff Stowells, Battalion Chief
Rita Chapparosa, Deputy Human Resources Director
Marie A. Calderon, City Clerk

The invocation was given by Pastor Richard Szydlowski, Mountain Avenue Baptist Church. Mayor Robinson invited the audience to join him in the Pledge of Allegiance to the Flag.

REPORT ON CLOSED SESSION

City Attorney announced that the Council met in closed session and the items on the agenda involved a matter of potential litigation which was not discussed. Also property negotiations involving the Oddfellows and a status report was given and there was no reportable action taken. The other item involved evaluation of the City Attorney and the Council began that process.

PUBLIC COMMENTS/CORRESPONSENCE/PRESENTATIONS/ANNOUNCEMENTS

PUBLIC COMMENTS — On Items Not on the Agenda
Beverly Rashidd announced two events: 1) Pass Area Performing Artist present “Death by Golf” being held on Nov. 17 and Nov. 18; and 2) New Children’s Theater of the Pass will put on its first production entitled “The Best Christmas Pageant Ever” to be held on Dec. 14, 15, and 16 at the Woman’s Club and tickets go on sale Nov. 19th.

Chief Purvis presented a plaque to Volunteer Dick Morris for his dedication, loyalty and service. He has been a volunteer with the Banning Police Department since July 1999 and he is moving on to Idaho. Dick has done a great job over the years donating thousands of hours to the City of Banning and his shoes are going to be tough to fill. Chief Purvis said that they will miss having him as a part of Team Banning and wish him the best of luck.

Bill Dickson, Volunteer Coordinator for the Banning Police Department addressed the Council stating that currently they have four new people that have been through the academy and you will soon see them out and about. For those that would be interested in being a part of this volunteer group can give him a call at 951-692-6902 to get an application.

CORRESPONDENCE: There was none.

PRESENTATIONS:

1. Proclamation Presentation to Logan Purvis

Mayor Robinson and the City Council Members presented a proclamation to Logan Purvis in recognition of her outstanding record of volunteer service, peer leadership, and community spirit. Mayor Robinson read the proclamation for the benefit of the audience.

Also at this time Art Welch presented a proclamation to Logan Purvis from the California Assembly and Assemblyman Paul Cook upon the occasion of her high school graduation proclaiming she is being recognized for her outstanding record of volunteer of volunteer service, peer leadership, and community spirit and extends best wishes for continued success.

2. Announcement of New Employees – James Tarwick and Brandon Robinson

City Manager introduced new employees Brandon Robinson, Associate Electrical Engineer and James Tarwick, Office Assistant working in both the Electrical Dept. and Administrative Services and gave some background information on each of them and welcomed both of them to the organization.

3. Centennial Update (Barbara Hanna, Don Smith and Mike Rose)

Councilmember Hanna said the Centennial kick-off will be held on December 1st.

Don Smith stated that the Phineas Festival will be held on Saturday, December 1st at the corner of Hays and San Gorgonio starting at 3 p.m. Santa Claus will be in attendance and there will be food vendors, craft vendors, an art show, an event at the Dorothy Ramon Learning Center, Fire Memories Museum will be out in force with the fire trucks giving rides. At 5:30 p.m. the
official lighting of the City’s Christmas Tree will be held and the official opening of the Centennial will be held where Phineas Banning will be presented back to Banning.

Mike Rose stated that a bust of Phineas Banning will be unveiled and he displayed for the audience a picture of the bust and this will be their piece of public art and first sculpture and first appearance of Banning in 140 years. He gave more information about the bust.

Don Smith said that during the Phineas Festival there will be entertainment on stage from the different churches, Banning Police Activities League (BPAL), Boys and Girls Club beginning at 3 p.m. Approximately 7:00 p.m. there will be a march from downtown Banning to the Life Point Church located at George St. and Ramsey St. where a live Christmas Tree event will take place at the close at the Phineas Festival.

Don Smith said the sculptor of Phineas Banning, Rob Brown in order to get a feel for Banning, first did a relief and stated that one of the ways they are going to be raising money over the next year is to sell shares in Banning. People who buy shares in Banning will be recognized by receiving a relief with some sort of indication on the base of the sculpture itself as to the sponsors of it. He stated that Mike Rose will be telling fascinating stories about Phineas Banning and once you get to know this man there will be pride in the fact that we were named after such an important Californian.

Information was also given about the fifty art banners to hang in downtown Banning throughout 2013 beginning in January and most of the banners are completed and can be seen at the Woman’s Club or the Art Gallery and 45 of them have been sold and 5 are still available. They are a wonderful depiction of both our past and present.

Councilmember Hanna said that she is working very hard right now on the website and that website will be the core of their marketing and will be available December 6th. The web address will be www.Banning100Birthday.com. She said that while the City is a very active and important partner to the Centennial the City is not funding the Centennial. Their goal has been to raise $100,000.00 dollars and the concept is that half of it will go to the events and half will go towards creating a Banning Community Fund which will be invested with the Community Foundation of Riverside/San Bernardino Counties. They are up to $65,000 and hopefully that they will reach the $100,000.00 mark by the end of the year. At this time she mentioned some upcoming things that will be happening after the Phineas Festival: January 12th – San Gorgonio Pass Historical Society will host a roundtable regarding things that people may have in their homes, businesses, etc. regarding Banning history; Feb. 6th – Special City Council Meeting at 5:00 p.m. honoring past council members; and Feb. 9th first lecture on Banning and the West and this will be a dinner lecture at a cost of $25.00. Don Smith said that one of the oldest buildings in town and still being used for its purpose is the Woman’s Club which is 99 years old. It was used during World War II for USO shows and a USO show will be held in 2013 on Memorial Day.

Beverly Rashidd, Culture Alliance said that since we are moving on into the future she wanted to announce the Annual Black History Celebration and they will be focusing on old families
and if anyone knows anything about the migration from Palm Springs, etc. they would like to hear about them.

CONSENT ITEMS

City Manager requested that Consent Item No. 12 be pulled and moved to Reports of Officers. Mayor Pro Tem Franklin pulled Consent Item No. 11.

1. Approval of Minutes – Special Meeting – 08/28/12 (Workshop)

Recommendation: That the minutes of the Special Meeting of August 28, 2012 be approved.

2. Approval of Minutes – Special Meeting – 08/28/12 (Closed Session)

Recommendation: That the minutes of the Special Meeting of August 28, 2012 be approved.

3. Approval of Minutes – Regular Meeting – 08/28/12

Recommendation: That the minutes of the Regular Meeting of August 28, 2012 be approved.

4. Approval of Minutes – Special Meeting – 09/11/12 (Closed Session)

Recommendation: That the minutes of the Special Meeting of September 11, 2012 be approved.

5. Approval of Minutes – Regular Meeting – 09/11/12

Recommendation: That the minutes of the Regular Meeting of September 11, 2012 be approved.

6. Approval of Minutes – Special Meeting – 10/23/12 (Closed Session)

Recommendation: That the minutes of the Special Meeting of October 23, 2012 be approved.

7. Approval of Minutes – Regular Meeting – 10/23/12

Recommendation: That the minutes of the Regular Meeting of October 23, 2012 be approved.

8. Adoption of Ordinance No. 1457 – 2nd Reading: An Ordinance of the City Council of the City of Banning, California, Amending Ordinance No. 1442 Setting Forth a Procedure of Mayor and Other Positions Held by Councilmembers.

Recommendation: That Ordinance No. 1457 pass its second reading and be adopted.

Recommendation: Accept the Grant of Easement from O'Donnell Group, Assessor’s Parcel Number 532-110-010/008, for the temporary access to the water well site located within the O'Donnell project, and direct the City Clerk to accept and record said easement. The parcel is described in Exhibit “A” and “B”.

10. Resolution No. 2012-14, Authorizing the Acceptance of a Mass Care Trailer from the County of Riverside.

Recommendation: That the City Council adopt Resolution No. 2012-14.

12. Resolution No. 2012-85, A Resolution of Intention to Approve an Amendment to the Contract between the Board of Administration of the California Public Employees’ Retirement System (CalPERS) and the City Council for the City of Banning.

(This item was pulled from Consent Items and consider under Reports of Officers as Item 1A.)

13. Resolution No. 2012-86, Approving the Reimbursement Agreement Between the City of Banning and MCI Communications Services, Inc. for Relocation of Facilities at a Portion of the Union Pacific Railroad Right of Way for Project No. 2006-05, Sunset Avenue Grade Separation.

Recommendation: That the City Council adopt Resolution No. 2012-86, Approving the Reimbursement Agreement between the City of Banning and MCI Communications Services, Inc., for Relocation of Facilities at a Portion of the Union Pacific Railroad Right of Way for Project No. 2006-05, Sunset Avenue Grade Separation for an amount not to exceed $237,731.59 and authorize the City Manager to execute the Reimbursement Agreement with MCI Communications Services Inc., attached as Exhibit “I”.


Recommendation: That the City Council adopt Resolution No. 2012-87, Approving a Contract Services Agreement with TruGreen Landcare for Landscape Maintenance Services for an amount not to exceed $12,530.00; authorizing the Administrative Services Director to appropriate $10,430.00 from the General Fund to Account No. 100-4900-431.30-15 and to make all necessary budget adjustments, appropriations and transfers related to the approval of the Contract Services Agreement; and authorize the City Manager to execute the contract services agreement.

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

Motion Hanna/Franklin to approve Consent Items 1 through 10, 13 and 14. Motion carried, all in favor.

Mayor Pro Tem Franklin stated that she would be abstaining from this item because of her relationship with the San Gorgonio Child Care Consortium.

Councilmember Hanna asked about the plans for the Playhouse Bowl and it looks like construction projects related to that issue. Director Burk gave the staff report on this item and explained the plans for the Replier Park Bowl.

Councilmember Botts stated that he is no longer serves on the Boys and Girls Club Board and wanted the record to reflect that because their application is part of the requested projects for the CDBG Program.

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

Motion Hanna/Botts that the City Council approve Consent Item No. 11, adopting Resolution No. 2012-84, Approving the Projects for Fiscal Year 2013-2014 Community Development Block Grant (CDBG) Program and authorize staff to submit said applications to the Riverside County Economic Development Agency. Motion carried, all in favor with Mayor Pro Tem Franklin abstaining.

REPORTS OF OFFICERS

1A. Resolution No. 2012-85, A Resolution of Intention to Approve an Amendment to the Contract between the Board of Administration of the California Public Employees’ Retirement System (CalPERS) and the City Council for the City of Banning.

City Manager said that he will have the Clerk read some things that need to be in the minutes for CalPERS and he gave a brief explanation of the retirement program under PERS.

City Clerk read the following language for the record as follows: “Decreases in the miscellaneous employer rate will occur as employees are hired into the Second Tier.” “The employer contribution rate will be 20.560% of reportable earnings for local safety members entering membership for the first time in the safety classification after the effective date of this amendment to contract.”

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

Motion Hanna/Machisic that the City Council adopt Resolution No. 2012-85, a Resolution of Intention to approve an Amendment to the Contract between the Board of Administration of the California Public Employees’ Retirement System (CalPERS) and the City Council for the City of Banning in order to implement the lower-level retirement formula of 2% at 60 for miscellaneous employees and 2% at 50 for safety employees for new employees and to have the new employees subject to the final compensation calculation based on an average 36 month period; and authorize the Mayor to execute the
Certification of Compliance with Government Code Section 20903 for local miscellaneous and local safety members.

1. City Business Permit for Valley Medical Transport, LLC
   (Staff Report – Phil Holder, Lieutenant)

Lt. Holder gave the staff report as contained in the agenda packet.

Mayor Pro Tem Franklin asked if we had enough business to support five different companies doing this kind of work in our city. Lt. Holder said an analysis has not been done on that yet but he would assume that a company coming into a city would do their own thing to see if they would make money or not. It is not just within the city but a lot of transport through the county or cross-county or depending on the kind of medical service required.

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

Motion Machisic/Franklin to approve a City Business Permit for Valley medical Transport, LLC to provide non-emergency medical transport services within the City Limits of Banning. Motion carried, all in favor.

2. Approval of Exclusive Negotiations Agreement by and Between the City of Banning and the Fairview Holdings, S.A., LLC.
   (Staff Report – David Aleshine, City Attorney)

City Attorney gave the staff report as contained in the agenda packet. City Manager said that this will not be the final time that you will see this ENA because a contract has to be brought back. This is just the beginning point; there is a long way to go. City Attorney described the provisions of the Exclusive Agreement to Negotiate.

Councilmember Machisic said it is important to clarify in years the possibility of this project if it ever materializes because people have a perspective if you propose it today, you build it next year. This is certainly not that kind of a project.

John Ohanian, Highland Fairview said it is a long term project. Just the decommissioning of the airport, that aspect, if that were to be part of what they pursue, is a lengthy process. So he would think to be realistic they it would be three to four years to get through the entitlement phase, get to the point of having a fully defined project and something that is ready to break ground.

City Attorney said to reinforce that he would anticipate just negotiating out the agreement is going to be a very substantial period of time.

There were further Council and staff discussion regarding the need for future reports or updates to the Council every six months or when needed and some further explanation about environmental impacts and the public process.

Mayor Robinson opened the item for public comments. There were none.
Councilmember Botts comments further in regards to this item and the need to develop the airport, utilize the land and the need for new jobs.

Motion Botts/Machisic that 1) the City Council approve the Exclusive Negotiation Agreement ("ENA") to be in substantially the form shown in the agenda package and authorize the City Manager and the City Attorney to finalize the ENA to the final executable form; and 2) direct staff to continue discussion with the representatives of Fairview Holdings, S.A., LLC and work towards, in good faith, the culmination of a development agreement or equivalent agreement(s), that may provide for future development of the area in and around the Banning Municipal Airport only after said agreements have been considered and approved by the City Council after a public hearing in accordance with the law.

3. Resolution No. 2012-89, Establishing the Intergovernmental Communications and Advocacy Committee
   (Staff Report – Andy Takata, City Manager)

City Manager stated that basically this committee would be the screening committee to look at the request for proposals and to determine and make a recommendation to the Council as to our lobbyist for the federal government. One of the things that he has always said is that he would like to have one person who would be on this committee who would stay in that committee and the Mayor would rotate in and out so everybody had an opportunity because it is really important to build a relationship with our State and Federal elected. This basically forms that committee formally for the Council and there will be various functions.

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

Motion Hanna/Franklin that the City Council adopt Resolution No. 2012-89.

JOINT MEETINGS

Mayor Robinson recessed the regular City Council meeting and called to order a joint meeting of the Banning City Council and the Banning Utility Authority.

CONSENT ITEMS

1. Resolution No. 2012-13 UA, Approving the Second Amendment to the Professional Services Agreement with Geoscience Support Services, Inc. of Claremont, CA to include additional services in an Amount of $50,000.00 for a total contact amount “Not to Exceed” $250,000.00.

Motion Hanna to approve Consent Item No. 1, adopting Resolution No. 2012-13 UA, Approving the Second Amendment to the Professional Services Agreement with Geoscience Support Services, Inc. of Claremont, CA to include additional services in an Amount of $50,000.00 for a total contact amount “Not to Exceed” $250,000.00; and
authorizing the Administrative Services Director to make an appropriation form the Water Operations funds to Account No. 660-6300-471.33-11 (Professional Services) in the amount of $50,000.00 and authorizing the City Manager to execute the second amendment to the Professional Services Agreement with Geoscience Support Services.

Mayor Robinson opened the item for public comment. There were none. **Motion seconded by Councilmember Machisic. Motion carried, all in favor.**

Mayor Robinson adjourned the joint meeting of the Banning City Council and the Banning Utility Authority and called to order a joint meeting of the Banning City Council sitting in its capacity of a Successor Agency and the Banning Housing Authority.

**CONSENT ITEMS**

1. Contract Services Agreement with Riverside Housing Development Corporation ("RHDC") to Implement the Housing Exterior Rehabilitation Program.

**Motion Franklin to approve Consent Item No. 1 a), adopting Resolution No. No. 2012-14 SA, Approving a Contract Services Agreement with Riverside Housing Development Corporation (RHDC) and Authorize the City Manager to Execute the Contract to Implement the Housing Exterior Rehabilitation Program.**

Mayor Robinson opened the item for public comment. There were none. **Motion seconded by Councilmember Hanna. Motion carried, all in favor.**

Chairman Hanna asked for a motion for Resolution No. 2012-05 HA.

**Motion Franklin/Robinson to approve Consent Item No. 1 b), adopting Resolution No. 2012-05 HA, Approving a Contract Services Agreement with Riverside Housing Development Corporation (RHDC) and Authorize the City Manager to Execute the Contract to Implement the Housing Exterior Rehabilitation Program. Motion carried, all in favor.**

**REPORTS OF OFFICERS**

   (Staff Report – Zai Abu Bakar, Community Development Director)

Director Zai gave the staff report as contained in the agenda packet.

Councilmember Hanna asked Mr. Lawson in regards to the restaurant component of this project is this just your best guess at this point of when you hope to accomplish it.

Mr. Lawson said he gets a lot of inquires about it but he feels with the economy down people do not have the cash money. He said that Bill Manis contacted him after the last meeting and
seemed to think that there was a concern about bringing veterans into the building and what kind of veterans would he try to lease the building to. Mr. Lawson said he didn’t mind renting to veterans but he is not looking for homeless or drug veterans. His goal in developing this downtown was not to bring a negative environment downtown; that is not his intention at all. He is looking for veterans that can afford to pay his rent and are stabilized.

Mayor Pro Tem Franklin stated she has been working with Fred Lawson in terms of trying to get this as a resource center for veterans and it has been a very enlightening experience and she will abstain from voting since she has been working with Mr. Lawson.

Councilmember Machisic asked Mr. Lawson that if he does anything with the different veteran organizations would he sign some kind of an agreement and would they demand or require certain specifications be changed in the building.

Mr. Lawson said he is not signing any agreement with anyone.

Mayor Robinson opened the item for public comments.

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

Don Smith resident commented his knowledge of residential rentals in the Pass Area.

Mayor Robinson closed the item for further public comments.

**Motion Machisic/Botts that the Successor Agency adopt Resolution No. 2012-15 SA, Approving an extension of time to complete the leasing of the apartments and the commercial tenant space at Ramsey Villa, LLC based on the specified schedule as shown in the Second Amendment to the Agreement.** Motion carried with Boardmember Franklin abstaining.

**Motion Robinson/Machisic that the Housing Authority adopt Resolution No. 2012-06 HA, Approving an extension of time to complete the leasing of the apartments and the commercial tenant space at Ramsey Villa, LLC based on the specified schedule as shown in the Second Amendment to the Agreement.** Motion carried with Boardmember Franklin abstaining.

Mayor Robinson adjourned the joint meeting and reconvened the regular City Council Meeting.

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

City Council

Mayor Pro Tem Franklin –
- Congratulated the Banning High School Bronco Team as being the league champion and the Little Broncos had two teams make it to the championships.
- On Thanksgiving Day there will be some places where people can go for a free meal and each of them will be held from 11 a.m. to 1:00 p.m. and those places are the Banning Community Center and Legacy Christian Center and New Creation located on Ramsey Street.

Councilmember Hanna –
- On Thanksgiving Day the Hmong New Year’s Celebration will be taking place at Reppplier Park. The formal part will start at 10 a.m. at the Playhouse Bowl and then a free meal will be provided starting at noon.

Councilmember Machisic –
- At the WRCOG (Western Riverside Council of Governments) meeting there was a report by the County Superintendent of Schools. They reported on numerous things in Riverside County as compared with other counties in the state of California and county of Riverside as a whole didn’t seem to get up much above the middle, if at all. He also noted four particular items where they compared school districts in Western Riverside County and our local school district certainly needs some help and he would suggest to the future Council if there is any way we can help the school district in reaching some goals for the students achieving higher grades, higher achievement, more college entrance, more vocational training, etc. he would urge the Council to do it because that is the future of Banning.

Mayor Robinson –
- He will be attending the final open house and construction walk-through of the San Gorgonio Memorial Hospital Emergency Center at 4:00 p.m. tomorrow. He said we should be very proud of that hospital and the work done there.

City Committee Reports - None

Report by City Attorney – Nothing to report.

Report by City Manager
- Sears Home Stores grand opening will be Nov. 20th.
- We will have a test site for LED street lights near Fourth and Ramsey and would like the public to give input as to whether the lights are to bright or other issues and the number that you can call is 951-922-3260.
- Coyne Powersports will have a grand opening on Saturday, December 8th at noon.

ITEMS FOR FUTURE AGENDAS

New Items – None
Pending Items – City Council
1. Schedule Meetings with Our State and County Elected Officials

ADJOURNMENT
Mayor Robinson announced that the November 27, 2012 City Council Meeting will be cancelled due to the Thanksgiving Holiday and the next Regular City Council Meeting will be held on Tuesday, December 11, 2012.

By common consent the meeting adjourned at 6:17 p.m.

Marie A. Calderon, City Clerk

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

Date: December 11, 2012

TO: City Council

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

SUBJECT: Report of Investments for September 2012

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

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

BACKGROUND: This report includes investments on hand at the end of September 2012. As of September 30, 2012, the City’s operating funds totaled $65,123,865. Included in operating funds is $783,494 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Treasurer’s Report. As of September 30, 2012 approximately 47% of the City’s unrestricted cash balances were invested in investments other than LAIF.

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

FISCAL DATA: The latest reports from the State indicate that the average interest achieved by the Local Agency Investment Fund (LAIF) decreased to 0.348% in September. The average rate for all investments in September was 0.271%.

RECOMMENDED BY:

[Signature]
June Overholt
Administrative Services Director/
Deputy City Manager

APPROVED BY:

[Signature]
Andy Takata
City Manager
## Summary Schedule of Cash and Investments

### Operating Funds

<table>
<thead>
<tr>
<th>Petty Cash</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bank Accounts</strong></td>
<td></td>
</tr>
<tr>
<td>Wells Fargo Bank</td>
<td>2,805</td>
</tr>
<tr>
<td>Wells Fargo Bank-Investment Account</td>
<td>26,741</td>
</tr>
<tr>
<td>Bank of America-Airport</td>
<td>4,467,240</td>
</tr>
<tr>
<td>Bank of America-Parking Citations</td>
<td>4,320</td>
</tr>
<tr>
<td>Bank of America-CNG Station</td>
<td>3,134</td>
</tr>
<tr>
<td><strong>Money Market and Bank Account Sub-Total</strong></td>
<td>3,418</td>
</tr>
</tbody>
</table>

### Government Pools

| Account #1 Operating Amount | 33,498,330 |
| Account #1 CRA Bond Cash Bal. | 783,494 |
| Local Agency Investment Fund: Account #1 | 34,281,824 |
| Account #2 Successor Agency Cash Bal | 348 |
| Local Agency Investment Fund: Account #2 | 348 |
| **Government Pool Sub-Total** | 34,282,172 |

### Operating Cash Balance

| Operating Cash Balance | 38,789,829 |

### Restricted Operating Funds at Riverside Public Utilities

- Highmark U.S. Government Money Market Fund | 659,452 |

### Other Investments

- Investments-US Bank/Piper Jaffray - See Page 2 | 25,674,584 |

### Operating Funds Total

| Operating Funds Total | 65,123,865 |

### Fiscal Agent

<table>
<thead>
<tr>
<th>Fiscal Agent</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>US Bank</td>
<td>40,092,174</td>
</tr>
</tbody>
</table>

**Fiscal Agent Total** | 40,092,174 |
## Operational Portfolio Individual Investments

<table>
<thead>
<tr>
<th>Par Value</th>
<th>Investment Description</th>
<th>Coupon Rate</th>
<th>Interest Rate</th>
<th>Maturity Date</th>
<th>Purchase Date</th>
<th>Purchase Date</th>
<th>Discount or (Premium) Amortization</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bank Accounts</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26,741</td>
<td>Wells Fargo Bank-Operating</td>
<td>n/a</td>
<td>0.00%</td>
<td>daily</td>
<td>varies</td>
<td>26,741</td>
<td>n/a</td>
<td>26,741</td>
</tr>
<tr>
<td>4,467,240</td>
<td>Wells Fargo Bank-Investment Acct</td>
<td>n/a</td>
<td>0.10%</td>
<td>daily</td>
<td>varies</td>
<td>4,467,240</td>
<td>n/a</td>
<td>4,467,240</td>
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<tr>
<td>4,320</td>
<td>Bank of America-Airport</td>
<td>n/a</td>
<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>4,320</td>
<td>n/a</td>
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<tr>
<td>3,134</td>
<td>Bank of America-Parking Citations</td>
<td>n/a</td>
<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>3,134</td>
<td>n/a</td>
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<tr>
<td>3,418</td>
<td>Bank of America-Parking Citations</td>
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<td></td>
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<tr>
<td>34,281,824</td>
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<td>varies</td>
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<tr>
<td>348</td>
<td>L.A.I.F. account #2</td>
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<td>daily</td>
<td>varies</td>
<td>348</td>
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<tr>
<td></td>
<td>Sub-total</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>34,282,172</td>
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<tr>
<td><strong>Investments-US Bank/Piper Jaffray</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>3,000,000</td>
<td>FNMA Deb</td>
<td>n/a</td>
<td>0.600%</td>
<td>5/29/2015</td>
<td>5/16/2012</td>
<td>3,000,000</td>
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<td>3,004,470</td>
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<tr>
<td>3,000,000</td>
<td>Federal Farm Credits Bks</td>
<td>n/a</td>
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<td>5/22/2015</td>
<td>5/16/2012</td>
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<td>3,006,420</td>
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<tr>
<td>2,000,000</td>
<td>FNMA MTN</td>
<td>n/a</td>
<td>0.550%</td>
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<td>2,002,620</td>
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<td>17,661,074</td>
<td>Money Market</td>
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<td>US Bank/Piper Jaffray Average Rate=</td>
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<td></td>
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<td></td>
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<td></td>
<td>0.197%</td>
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</tbody>
</table>

**Average Rate All= 0.271%**

It has been verified that this investment portfolio is in conformity with the City of Banning’s investment policy which was approved by the City Council on August 28, 2012. The Treasurer’s cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 115 days and does not include Bond Reserve Fund Investments.
<table>
<thead>
<tr>
<th>Bond Issue Description</th>
<th>Bond Maturity Date</th>
<th>Investment Description</th>
<th>Current Yield</th>
<th>Bond Reserve Maturity Date</th>
<th>Minimum Reserve Requirement</th>
<th>Interest Sep-12</th>
<th>9/30/2012 Market Value</th>
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<td>COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A</td>
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<td></td>
<td></td>
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<tr>
<td>2005 Fair Oaks Ranch Estates</td>
<td>2035</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
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<td>188,943</td>
<td>7.59</td>
<td>188,032</td>
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<td>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003</td>
<td></td>
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<td></td>
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<td></td>
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<tr>
<td>2003 CRA Tax Allocation Bonds</td>
<td>2028</td>
<td>US Treasury Bill</td>
<td>4.61%</td>
<td>7/28/2011</td>
<td>971,763</td>
<td>0.70</td>
<td>20,706</td>
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<tr>
<td></td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.050%</td>
<td>daily</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.000%</td>
<td>daily</td>
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<tr>
<td>Surplus Fund</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Redevelop Fund</td>
<td>2037</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>282.09</td>
<td></td>
<td>8,326,625</td>
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<tr>
<td>Reserve Fund</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>1,880,751</td>
<td>63.53</td>
<td>1,875,289</td>
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<td>Special Fund</td>
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<td>US Bank Mmkt 4-Ct</td>
<td>0.030%</td>
<td>daily</td>
<td></td>
<td></td>
<td>37</td>
</tr>
<tr>
<td>Surplus Fund</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.000%</td>
<td>daily</td>
<td></td>
<td></td>
<td>9</td>
</tr>
<tr>
<td>BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest Account</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.000%</td>
<td>daily</td>
<td></td>
<td></td>
<td>9</td>
</tr>
<tr>
<td>Principal Account</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>2.37</td>
<td></td>
<td>70,009</td>
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<tr>
<td>Project Fund</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>125.00</td>
<td></td>
<td>3,689,543</td>
</tr>
<tr>
<td>BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest Account</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.050%</td>
<td>daily</td>
<td>0.00</td>
<td></td>
<td>19</td>
</tr>
<tr>
<td>Principal Account</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>12.54</td>
<td></td>
<td>370,050</td>
</tr>
<tr>
<td>Reserve Fund</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>2,310,710</td>
<td>78.30</td>
<td>2,311,202</td>
</tr>
<tr>
<td>Project Fund</td>
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<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>142.26</td>
<td></td>
<td>4,199,092</td>
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<tr>
<td>BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acquisition &amp; Construction</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>2,672,050</td>
<td>90.54</td>
<td>2,672,517</td>
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<tr>
<td></td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>521.19</td>
<td></td>
<td>15,384,089</td>
</tr>
</tbody>
</table>

*Paid Semi-Annually-Deposited into Money Mkt Account                        Total: 1,326.11 40,092,174
Summary Schedule of Cash and Investments

<table>
<thead>
<tr>
<th>Operating Funds</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petty Cash</td>
<td>2,805</td>
</tr>
</tbody>
</table>

**Bank Accounts**

<table>
<thead>
<tr>
<th>Interest</th>
<th>Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wells Fargo Bank</td>
<td>0.000%</td>
<td>257,966</td>
</tr>
<tr>
<td>Wells Fargo Bank-Investment Account</td>
<td>0.100%</td>
<td>2,807,513</td>
</tr>
<tr>
<td>Bank of America-Airport</td>
<td>0.300%</td>
<td>5,176</td>
</tr>
<tr>
<td>Bank of America-Parking Citations</td>
<td>0.300%</td>
<td>4,137</td>
</tr>
<tr>
<td>Bank of America-CNG Station</td>
<td>0.300%</td>
<td>3,801</td>
</tr>
</tbody>
</table>

Money Market and Bank Account Sub-Total: 3,078,593

**Government Pools**

<table>
<thead>
<tr>
<th>Account #1 Operating Amount</th>
<th>33,188,512</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account #1 CRA Bond Cash Bal</td>
<td>1,093,312</td>
</tr>
<tr>
<td>Local Agency Investment Fund: Account #1</td>
<td>0.363%</td>
</tr>
<tr>
<td>Account #2 Successor Agency Cash Bal</td>
<td>348</td>
</tr>
<tr>
<td>Local Agency Investment Fund: Account #2</td>
<td>0.363%</td>
</tr>
</tbody>
</table>

Government Pool Sub-Total: 34,282,172

Operating Cash Balance: 37,363,570

**Restricted Operating Funds at Riverside Public Utilities**

Highmark U.S. Government Money Market Fund | 0.000% | 1,075,487

**Other Investments**

Investments-US Bank/Piper Jaffray - See Page 2 | 0.307% | 25,663,165

Operating Funds Total: 64,102,223

**Fiscal Agent**

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>US Bank</td>
</tr>
</tbody>
</table>

Fiscal Agent Total: 41,980,146
# City of Banning Investment Report

## Operational Portfolio Individual Investments

<table>
<thead>
<tr>
<th>Par Value</th>
<th>Investment Description</th>
<th>Coupon Rate</th>
<th>Interest Rate</th>
<th>Maturity</th>
<th>Purchase Date</th>
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<th>Market Value</th>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>257,966</td>
<td>Wells Fargo Bank-Operating</td>
<td>n/a</td>
<td>0.00%</td>
<td>daily</td>
<td>varies</td>
<td>257,966</td>
<td>n/a</td>
<td>257,966</td>
</tr>
<tr>
<td>2,807,513</td>
<td>Wells Fargo Bank-Investment Acct</td>
<td>n/a</td>
<td>0.10%</td>
<td>daily</td>
<td>varies</td>
<td>2,807,513</td>
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<td>2,807,513</td>
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<tr>
<td>5,176</td>
<td>Bank of America-Airport</td>
<td>n/a</td>
<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>5,176</td>
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<td>5,176</td>
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<td>4,137</td>
<td>Bank of America-Parking Citations</td>
<td>n/a</td>
<td>0.30%</td>
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<td>varies</td>
<td>4,137</td>
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<td>3,801</td>
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<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>3,801</td>
<td>n/a</td>
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<tr>
<td><strong>Sub-total</strong></td>
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<td></td>
<td></td>
<td></td>
<td>3,078,593</td>
</tr>
<tr>
<td><strong>Government Pools</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>34,281,824</td>
<td>L.A.I.F. account #1</td>
<td>n/a</td>
<td>0.363%</td>
<td>daily</td>
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<tr>
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<td><strong>Investments-US Bank/Piper Jaffray</strong></td>
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<td>5,000,000</td>
<td>FHLMC MTN</td>
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<td>9/6/2013</td>
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<td>0.600%</td>
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<td>5/16/2012</td>
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<td>2,000,000</td>
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<tr>
<td>10,647,775</td>
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<td>varies</td>
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<td>10,647,775</td>
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</tbody>
</table>

**US Bank/Piper Jaffray Average Rate** = 0.307%

**Average Rate All** = 0.327%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on August 23, 2011. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 192 days and does not include Bond Reserve Fund Investments.
# City of Banning Investment Report

## Individual Investments with Fiscal Agent

<table>
<thead>
<tr>
<th>Bond Description</th>
<th>Maturity Date</th>
<th>Investment Description</th>
<th>Current Yield</th>
<th>Bond Reserve Maturity Date</th>
<th>Minimum Reserve Requirement</th>
<th>Interest Jul-12</th>
<th>7/31/2012 Market Value</th>
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<tbody>
<tr>
<td>COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A</td>
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<td>2005 Fair Oaks Ranch Estates</td>
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<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
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<tr>
<td></td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
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<tr>
<td>Surplus Fund</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.000%</td>
<td>daily</td>
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<td></td>
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<td>Special Fund</td>
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<tr>
<td>Surplus Fund</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.000%</td>
<td>daily</td>
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<tr>
<td>BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</td>
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<tr>
<td>Interest Account</td>
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<td>Principal Account</td>
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<tr>
<td>Interest Account</td>
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<tr>
<td>Principal Account</td>
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<td>0.040%</td>
<td>daily</td>
<td></td>
<td>12.13</td>
<td>370,025</td>
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<tr>
<td>Reserve Fund</td>
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<td>0.040%</td>
<td>daily</td>
<td></td>
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<td>2,311,046</td>
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<tr>
<td>Project Fund</td>
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<td>137.66</td>
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<td></td>
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<tr>
<td>Acquisition &amp; Construction</td>
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<td>US Bank Mmkt 4-Ct</td>
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*Paid Semi-Annually-Deposited into Money Mkt Account

Total: 23,737.88 41,980,146
## Summary Schedule of Cash and Investments

### Operating Funds

**Petty Cash**

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<th>Interest Rate</th>
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<td>2,805</td>
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### Bank Accounts

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<tr>
<th>Bank Name</th>
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<th>Amount</th>
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<tbody>
<tr>
<td>Wells Fargo Bank</td>
<td>0.000%</td>
<td>11,189</td>
</tr>
<tr>
<td>Wells Fargo Bank-Investment Account</td>
<td>0.100%</td>
<td>2,910,993</td>
</tr>
<tr>
<td>Bank of America-Airport</td>
<td>0.300%</td>
<td>3,984</td>
</tr>
<tr>
<td>Bank of America-Parking Citations</td>
<td>0.300%</td>
<td>3,435</td>
</tr>
<tr>
<td>Bank of America-CNG Station</td>
<td>0.300%</td>
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</table>

**Money Market and Bank Account Sub-Total**

<table>
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<tr>
<th>Amount</th>
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<tbody>
<tr>
<td>2,933,025</td>
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### Government Pools

<table>
<thead>
<tr>
<th>Account Name</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Account #1 Operating Amount</td>
<td>33,498,604</td>
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<tr>
<td>Account #1 CRA Bond Cash Bal.</td>
<td>783,220</td>
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<tr>
<td>Local Agency Investment Fund: Account #1</td>
<td>0.377%</td>
</tr>
<tr>
<td>Account #2 Successor Agency Cash Bal</td>
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</tr>
<tr>
<td>Local Agency Investment Fund: Account #2</td>
<td>0.377%</td>
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**Government Pool Sub-Total**

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<th>Amount</th>
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<td>34,282,172</td>
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### Operating Cash Balance

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<td>37,218,002</td>
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### Restricted Operating Funds at Riverside Public Utilities

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<th>Fund Name</th>
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<td>Highmark U.S. Government Money Market Fund</td>
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### Other Investments

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<th>Investment</th>
<th>Interest Rate</th>
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<tr>
<td>Investments-US Bank/Piper Jaffray - See Page 2</td>
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**Operating Funds Total**

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### Fiscal Agent

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<tr>
<td>US Bank</td>
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**Fiscal Agent Total**

<table>
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<tr>
<th>Amount</th>
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<tr>
<td>40,213,227</td>
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## City of Banning Investment Report

### Operational Portfolio Individual Investments

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<tr>
<th>Par Value</th>
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<th>Maturity Date</th>
<th>Purchase Date</th>
<th>Purchase Date</th>
<th>Discount or (Premium) Amortization</th>
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<tr>
<td>11,189</td>
<td>Wells Fargo Bank-Operating</td>
<td>n/a</td>
<td>0.00%</td>
<td>daily</td>
<td>varies</td>
<td>11,189</td>
<td>n/a</td>
<td>11,189</td>
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<tr>
<td>2,910,993</td>
<td>Wells Fargo Bank-Investment Acct</td>
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<td>0.10%</td>
<td>daily</td>
<td>varies</td>
<td>2,910,993</td>
<td>n/a</td>
<td>2,910,993</td>
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<tr>
<td>3,984</td>
<td>Bank of America-Airport</td>
<td>n/a</td>
<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>3,984</td>
<td>n/a</td>
<td>3,984</td>
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<tr>
<td>3,435</td>
<td>Bank of America-Parking Citations</td>
<td>n/a</td>
<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>3,435</td>
<td>n/a</td>
<td>3,435</td>
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<tr>
<td>3,424</td>
<td>Bank of America-Parking Citations</td>
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<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>3,424</td>
<td>n/a</td>
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<td>2,933,025</td>
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<tr>
<td></td>
<td><strong>Government Pools</strong></td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>34,281,824</td>
<td>L.A.I.F. account #1</td>
<td>n/a</td>
<td>0.377%</td>
<td>daily</td>
<td>varies</td>
<td>34,281,824</td>
<td>n/a</td>
<td>34,281,824</td>
</tr>
<tr>
<td>348</td>
<td>L.A.I.F. account #2</td>
<td>n/a</td>
<td>0.377%</td>
<td>daily</td>
<td>varies</td>
<td>348</td>
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</tr>
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<td></td>
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<tr>
<td></td>
<td><strong>Investments-US Bank/Piper Jaffray</strong></td>
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</tr>
<tr>
<td>5,000,000</td>
<td>FHLMC MTN</td>
<td>n/a</td>
<td>0.450%</td>
<td>9/6/2013</td>
<td>12/2/2011</td>
<td>5,000,000</td>
<td>n/a</td>
<td>5,000,000</td>
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<tr>
<td>3,000,000</td>
<td>FNMA Deb</td>
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<td>0.600%</td>
<td>5/29/2015</td>
<td>5/16/2012</td>
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<td>3,005,010</td>
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<td>3,000,000</td>
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<td>5/22/2015</td>
<td>5/16/2012</td>
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<td>3,006,990</td>
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<tr>
<td>2,000,000</td>
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<td>0.550%</td>
<td>12/4/2014</td>
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<td></td>
<td></td>
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<td>0.281%</td>
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</tbody>
</table>

### Average Rate All: 0.325%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on August 23, 2011. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 154 days and does not include Bond Reserve Fund Investments.
# Individual Investments with Fiscal Agent

<table>
<thead>
<tr>
<th>Bond Issue Description</th>
<th>Investment Description</th>
<th>Current Yield</th>
<th>Bond Reserve Maturity Date</th>
<th>Minimum Reserve Requirement</th>
<th>Interest Aug-12</th>
<th>8/31/2012 Market Value</th>
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<tbody>
<tr>
<td>COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2005 Fair Oaks Ranch Estates</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
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<td>188,943</td>
<td>7.39</td>
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<td>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redevelop Fund</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>282.08</td>
<td>8,326,343</td>
<td></td>
</tr>
<tr>
<td>Reserve Fund</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>63.54</td>
<td>1,875,255</td>
<td></td>
</tr>
<tr>
<td>Special Fund</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.030%</td>
<td>daily</td>
<td>37.08</td>
<td>37</td>
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<tr>
<td>Surplus Fund</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.000%</td>
<td>daily</td>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest Account</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.000%</td>
<td>daily</td>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Account</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>2.37</td>
<td>70,007</td>
<td></td>
</tr>
<tr>
<td>BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest Account</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.050%</td>
<td>daily</td>
<td>0.00</td>
<td>19</td>
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<tr>
<td>Principal Account</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>12.54</td>
<td>370,037</td>
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<tr>
<td>Reserve Fund</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>78.30</td>
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<td></td>
</tr>
<tr>
<td>Project Fund</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>142.25</td>
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<tr>
<td>BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>25.20</td>
<td>25</td>
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<td></td>
</tr>
<tr>
<td>Acquisition &amp; Construction</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>2,672,050</td>
<td>2,672,426</td>
<td></td>
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<tr>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.400%</td>
<td>daily</td>
<td>521.17</td>
<td>15,383,046</td>
<td></td>
</tr>
</tbody>
</table>

*Paid Semi-Annually-Deposited into Money Mkt Account

Total | 1,410,91 | 40,213,227
CITY COUNCIL AGENDA

Date: December 11, 2012

TO: City Council

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

SUBJECT: Report of Investments for October 2012

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

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

BACKGROUND: This report includes investments on hand at the end of October 2012. As of October 31, 2012, the City's operating funds totaled $64,518,453. Included in operating funds is $746,138 of restricted CRA bond proceeds that are on deposit with LAIF and reflected separately on the Treasurer's Report. As of October 31, 2012 approximately 47% of the City's unrestricted cash balances were invested in investments other than LAIF.

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

FISCAL DATA: The latest reports from the State indicate that the average interest achieved by the Local Agency Investment Fund (LAIF) decreased to 0.340% in October. The average rate for all investments in October was 0.268%.

RECOMMENDED BY: 
June Overholt
Administrative Services Director/
Deputy City Manager

APPROVED BY: 
Andy Takata
City Manager
### Summary Schedule of Cash and Investments

#### Operating Funds

<table>
<thead>
<tr>
<th>Petty Cash</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2,805</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bank Accounts</th>
<th>Interest Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wells Fargo Bank</td>
<td>0.000%</td>
<td>94,804</td>
</tr>
<tr>
<td>Wells Fargo Bank-Investment Account</td>
<td>0.100%</td>
<td>3,792,089</td>
</tr>
<tr>
<td>Bank of America-Airport</td>
<td>0.300%</td>
<td>16,977</td>
</tr>
<tr>
<td>Bank of America-Parking Citations</td>
<td>0.300%</td>
<td>7,838</td>
</tr>
<tr>
<td>Bank of America-CNG Station</td>
<td>0.300%</td>
<td>5,990</td>
</tr>
</tbody>
</table>

*Money Market and Bank Account Sub-Total* | 3,917,699 |

#### Government Pools

<table>
<thead>
<tr>
<th>Account</th>
<th>Operating Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account #1</td>
<td>33,566,425</td>
</tr>
<tr>
<td>Account #1 CRA Bond Cash Bal</td>
<td>746,138</td>
</tr>
<tr>
<td>Local Agency Investment Fund: Account #1</td>
<td>0.340%</td>
</tr>
<tr>
<td>Account #2 Successor Agency Cash Bal</td>
<td>348</td>
</tr>
<tr>
<td>Local Agency Investment Fund: Account #2</td>
<td>0.340%</td>
</tr>
</tbody>
</table>

*Government Pool Sub-Total* | 34,312,911 |

#### Operating Cash Balance | 38,233,415 |

#### Restricted Operating Funds at Riverside Public Utilities

| Highmark U.S. Government Money Market Fund | 0.000% | 611,282 |

#### Other Investments

| Investments-US Bank/Piper Jaffray - See Page 2 | 0.197% | 25,673,756 |

#### Operating Funds Total | 64,518,453 |

### Fiscal Agent

<table>
<thead>
<tr>
<th>US Bank</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>41,442,677</td>
</tr>
</tbody>
</table>

*Fiscal Agent Total* | 41,442,677 |
### Operational Portfolio Individual Investments

<table>
<thead>
<tr>
<th>Par Value</th>
<th>Investment Description</th>
<th>Coupon Rate</th>
<th>Interest Rate</th>
<th>Maturity Date</th>
<th>Purchase Date</th>
<th>Purchase Date</th>
<th>Discount or (Premium) Amortization</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bank Accounts</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>94,804</td>
<td>Wells Fargo Bank-Operating</td>
<td>n/a</td>
<td>0.00%</td>
<td>daily</td>
<td>varies</td>
<td>94,804</td>
<td>n/a</td>
<td>94,804</td>
</tr>
<tr>
<td>3,792,089</td>
<td>Wells Fargo Bank-Investment Acct</td>
<td>n/a</td>
<td>0.10%</td>
<td>daily</td>
<td>varies</td>
<td>3,792,089</td>
<td>n/a</td>
<td>3,792,089</td>
</tr>
<tr>
<td>16,977</td>
<td>Bank of America-Airport</td>
<td>n/a</td>
<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>16,977</td>
<td>n/a</td>
<td>16,977</td>
</tr>
<tr>
<td>7,838</td>
<td>Bank of America-Parking Citations</td>
<td>n/a</td>
<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>7,838</td>
<td>n/a</td>
<td>7,838</td>
</tr>
<tr>
<td>5,990</td>
<td>Bank of America-Parking Citations</td>
<td>n/a</td>
<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>5,990</td>
<td>n/a</td>
<td>5,990</td>
</tr>
</tbody>
</table>

Sub-total                                                                                         3,917,699

| **Government Pools** |                             |             |               |               |               |               |                                  |              |
| 34,312,563 | L.A.I.F. account #1          | n/a         | 0.340%        | daily         | varies        | 34,312,563    | n/a                              | 34,312,563   |
| 348      | L.A.I.F. account #2          | n/a         | 0.340%        | daily         | varies        | 348           | n/a                              | 348          |

Investments-US Bank/Piper Jaffray

<table>
<thead>
<tr>
<th>Par Value</th>
<th>Investment Description</th>
<th>Coupon Rate</th>
<th>Interest Rate</th>
<th>Maturity Date</th>
<th>Purchase Date</th>
<th>Purchase Date</th>
<th>Discount or (Premium) Amortization</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,000,000</td>
<td>FNMA Deb</td>
<td>n/a</td>
<td>0.600%</td>
<td>5/29/2015</td>
<td>5/16/2012</td>
<td>3,000,000</td>
<td></td>
<td>3,004,200</td>
</tr>
<tr>
<td>3,000,000</td>
<td>Federal Farm Credits Bks</td>
<td>n/a</td>
<td>0.600%</td>
<td>5/22/2015</td>
<td>5/16/2012</td>
<td>3,000,000</td>
<td></td>
<td>3,006,000</td>
</tr>
<tr>
<td>2,000,000</td>
<td>FNMA MTN</td>
<td>n/a</td>
<td>0.550%</td>
<td>12/4/2014</td>
<td>6/27/2012</td>
<td>2,000,000</td>
<td></td>
<td>2,002,260</td>
</tr>
<tr>
<td>17,661,296</td>
<td>Money Market</td>
<td>n/a</td>
<td>0.020%</td>
<td>daily</td>
<td>varies</td>
<td>17,661,296</td>
<td>0</td>
<td>17,661,296</td>
</tr>
</tbody>
</table>

US Bank/Piper Jaffray Average Rate= 0.197%

Average Rate All= 0.268%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on August 28, 2012. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 113 days and does not include Bond Reserve Fund Investments.
# City of Banning Investment Report

**October 31, 2012**

## Individual Investments with Fiscal Agent

<table>
<thead>
<tr>
<th>Bond Issue Description</th>
<th>Investment Description</th>
<th>Current Yield</th>
<th>Bond Reserve Maturity Date</th>
<th>Minimum Reserve Requirement</th>
<th>Interest Oct-12</th>
<th>10/31/2012 Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>2005 Fair Oaks Ranch Estates</td>
<td>US Bank Mmk 5-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>188,943</td>
<td>6.58</td>
<td>188,038</td>
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<tr>
<td><strong>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION, SERIES 2003</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>US Bank Mmk 5-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>20,707</td>
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<td></td>
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<tr>
<td></td>
<td>US Bank Mmk 5-Ct</td>
<td>0.050%</td>
<td>daily</td>
<td>22</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>US Bank Mmk 5-Ct</td>
<td>0.000%</td>
<td>daily</td>
<td>8</td>
<td></td>
<td></td>
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<tr>
<td><strong>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redevelop Fund</td>
<td>US Bank Mmk 5-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>273.00</td>
<td>8,326,898</td>
<td></td>
</tr>
<tr>
<td>Reserve Fund</td>
<td>US Bank Mmk 5-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>1,880,751</td>
<td>1,875,350</td>
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</tr>
<tr>
<td>Special Fund</td>
<td>US Bank Mmk 5-Ct</td>
<td>0.030%</td>
<td>daily</td>
<td>37</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surplus Fund</td>
<td>US Bank Mmk 5-Ct</td>
<td>0.000%</td>
<td>daily</td>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest Account</td>
<td>US Bank Mmk 5-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>196,635</td>
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<td></td>
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<tr>
<td>Principal Account</td>
<td>US Bank Mmk 5-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>70,012</td>
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<tr>
<td></td>
<td>US Bank Mmk 5-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>120.97</td>
<td>3,689,664</td>
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<tr>
<td><strong>BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest Account</td>
<td>US Bank Mmk 5-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>1,152,554</td>
<td></td>
<td></td>
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<tr>
<td>Principal Account</td>
<td>US Bank Mmk 5-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>370,062</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reserve Fund</td>
<td>US Bank Mmk 5-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>2,311,278</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Fund</td>
<td>US Bank Mmk 5-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>4,199,230</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>US Bank Mmk 5-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>2,672,050</td>
<td>87.62</td>
<td>2,672,605</td>
<td></td>
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<tr>
<td>Acquisition &amp; Construction</td>
<td>US Bank Mmk 5-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>504.39</td>
<td>15,384,593</td>
<td></td>
</tr>
</tbody>
</table>

*Paid Semi-Annually-Deposited into Money Mkt Account

Total | 1,282.60 | 41,442,677 |
## Summary Schedule of Cash and Investments

### Operating Funds

<table>
<thead>
<tr>
<th>Petty Cash</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest</td>
<td></td>
</tr>
<tr>
<td>2,805</td>
<td></td>
</tr>
</tbody>
</table>

### Bank Accounts

<table>
<thead>
<tr>
<th>Bank Accounts</th>
<th>Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wells Fargo Bank</td>
<td>0.000%</td>
<td>26,741</td>
</tr>
<tr>
<td>Wells Fargo Bank-Investment Account</td>
<td>0.100%</td>
<td>4,467,240</td>
</tr>
<tr>
<td>Bank of America-Airport</td>
<td>0.300%</td>
<td>4,320</td>
</tr>
<tr>
<td>Bank of America-Parking Citations</td>
<td>0.300%</td>
<td>3,134</td>
</tr>
<tr>
<td>Bank of America-CNG Station</td>
<td>0.300%</td>
<td>3,418</td>
</tr>
</tbody>
</table>

*Money Market and Bank Account Sub-Total*  
4,504,853

### Government Pools

<table>
<thead>
<tr>
<th>Account #1 Operating Amount</th>
<th>33,498,330</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account #1 CRA Bond Cash Bal.</td>
<td>783,494</td>
</tr>
<tr>
<td>Local Agency Investment Fund: Account #1</td>
<td>0.348%</td>
</tr>
<tr>
<td>Account #2 Sucessor Agency Cash Bal</td>
<td>348</td>
</tr>
<tr>
<td>Local Agency Investment Fund: Account #2</td>
<td>0.348%</td>
</tr>
</tbody>
</table>

*Government Pool Sub-Total*  
34,282,172

### Operating Cash Balance

38,789,829

### Restricted Operating Funds at Riverside Public Utilities

| Highmark U.S. Government Money Market Fund | 0.000% | 659,452 |

### Other Investments

| Investments-US Bank/Piper Jaffray - See Page 2 | 0.197% | 25,674,584 |

*Operating Funds Total*  
65,123,865

### Fiscal Agent

<table>
<thead>
<tr>
<th>US Bank</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>40,092,174</td>
</tr>
</tbody>
</table>

*Fiscal Agent Total*  
40,092,174
## Operational Portfolio Individual Investments

<table>
<thead>
<tr>
<th>Par Value</th>
<th>Investment Description</th>
<th>Coupon Rate</th>
<th>Interest Rate</th>
<th>Maturity Date</th>
<th>Purchase Date</th>
<th>Purchase Date</th>
<th>Discount or (Premium) Amortization</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bank Accounts</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26,741</td>
<td>Wells Fargo Bank-Operating</td>
<td>n/a</td>
<td>0.00%</td>
<td>daily</td>
<td>varies</td>
<td>26,741</td>
<td>n/a</td>
<td>26,741</td>
</tr>
<tr>
<td>4,467,240</td>
<td>Wells Fargo Bank-Investment Acct</td>
<td>n/a</td>
<td>0.10%</td>
<td>daily</td>
<td>varies</td>
<td>4,467,240</td>
<td>n/a</td>
<td>4,467,240</td>
</tr>
<tr>
<td>4,320</td>
<td>Bank of America-Airport</td>
<td>n/a</td>
<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>4,320</td>
<td>n/a</td>
<td>4,320</td>
</tr>
<tr>
<td>3,134</td>
<td>Bank of America-Parking Citations</td>
<td>n/a</td>
<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>3,134</td>
<td>n/a</td>
<td>3,134</td>
</tr>
<tr>
<td>3,418</td>
<td>Bank of America-Parking Citations</td>
<td>n/a</td>
<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>3,418</td>
<td>n/a</td>
<td>3,418</td>
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<td><strong>Sub-total</strong></td>
<td></td>
<td></td>
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<td></td>
<td>4,504,853</td>
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<td><strong>Government Pools</strong></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>34,281,824</td>
<td>L.A.I.F. account #1</td>
<td>n/a</td>
<td>0.348%</td>
<td>daily</td>
<td>varies</td>
<td>34,281,824</td>
<td>n/a</td>
<td>34,281,824</td>
</tr>
<tr>
<td>348</td>
<td>L.A.I.F. account #2</td>
<td>n/a</td>
<td>0.348%</td>
<td>daily</td>
<td>varies</td>
<td>348</td>
<td>n/a</td>
<td>348</td>
</tr>
<tr>
<td><strong>Investments-US Bank/Piper Jaffray</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>34,282,172</td>
</tr>
<tr>
<td>3,000,000</td>
<td>FNMA Deb</td>
<td>n/a</td>
<td>0.600%</td>
<td>5/29/2015</td>
<td>5/16/2012</td>
<td>3,000,000</td>
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<td>3,004,470</td>
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<tr>
<td>3,000,000</td>
<td>Federal Farm Credits Bks</td>
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<td>5/22/2015</td>
<td>5/16/2012</td>
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<td>3,006,420</td>
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<tr>
<td>2,000,000</td>
<td>FNMA MTN</td>
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<td>12/4/2014</td>
<td>6/27/2012</td>
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<tr>
<td>17,661,074</td>
<td>Money Market</td>
<td>n/a</td>
<td>0.020%</td>
<td>daily</td>
<td>varies</td>
<td>17,661,074</td>
<td>0</td>
<td>17,661,074</td>
</tr>
</tbody>
</table>

US Bank/Piper Jaffray Average Rate = 0.197%

Average Rate All = 0.271%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on August 23, 2011. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 115 days and does not include Bond Reserve Fund Investments.
### Individual Investments with Fiscal Agent

<table>
<thead>
<tr>
<th>Bond Issue Description</th>
<th>Investment Description</th>
<th>Current Yield</th>
<th>Bond Reserve Maturity Date</th>
<th>Minimum Reserve Requirement</th>
<th>Interest Sep-12</th>
<th>9/30/2012 Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>COB IMPROVEMENT DISTRICT LIMITED OBLIGATION BONDS SERIES 2005A</td>
<td>2005 Fair Oaks Ranch Estates</td>
<td>0.040%</td>
<td>daily</td>
<td>188,943</td>
<td>7.59</td>
<td>188,032</td>
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<tr>
<td></td>
<td></td>
<td>0.040%</td>
<td>daily</td>
<td>0.70</td>
<td>20,706</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>0.050%</td>
<td>daily</td>
<td>22</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Surplus Fund</td>
<td>0.000%</td>
<td>daily</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BANNING TAX ALLOCATION PARITY BONDS, SERIES 2007</td>
<td>Redevelop Fund</td>
<td>0.040%</td>
<td>daily</td>
<td>282.09</td>
<td>8,326,625</td>
<td></td>
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<tr>
<td></td>
<td>Reserve Fund</td>
<td>0.040%</td>
<td>daily</td>
<td>63.33</td>
<td>1,875,289</td>
<td></td>
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<tr>
<td></td>
<td>Special Fund</td>
<td>0.030%</td>
<td>daily</td>
<td>37</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Surplus Fund</td>
<td>0.000%</td>
<td>daily</td>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BUA - WASTEWATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</td>
<td>Interest Account</td>
<td>0.000%</td>
<td>daily</td>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Principal Account</td>
<td>0.040%</td>
<td>daily</td>
<td>2.37</td>
<td>70,009</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.040%</td>
<td>daily</td>
<td>125.00</td>
<td>3,689,543</td>
<td></td>
</tr>
<tr>
<td>BUA - WATER ENTERPRISE REVENUE BONDS REFUNDING AND IMPROVEMENT PROJECTS 2005 SERIES</td>
<td>Interest Account</td>
<td>0.050%</td>
<td>daily</td>
<td>19</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Principal Account</td>
<td>0.040%</td>
<td>daily</td>
<td>12.54</td>
<td>376,050</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reserve Fund</td>
<td>0.040%</td>
<td>daily</td>
<td>78.30</td>
<td>2,311,202</td>
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<tr>
<td></td>
<td>Project Fund</td>
<td>0.040%</td>
<td>daily</td>
<td>142.26</td>
<td>4,199,092</td>
<td></td>
</tr>
<tr>
<td>BFA - ELECTRIC SYSTEM REVENUE BONDS 2007 SERIES</td>
<td>Acquisition &amp; Construction</td>
<td>0.040%</td>
<td>daily</td>
<td>25</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>2,672,050</td>
<td>2,672,517</td>
<td></td>
</tr>
<tr>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>521.19</td>
<td>15,384,089</td>
<td></td>
</tr>
</tbody>
</table>

*Paid Semi-Annually-Deposited into Money Mkt Account

Total | 1,326.11 | 40,092,174
# Summary Schedule of Cash and Investments

## Operating Funds

<table>
<thead>
<tr>
<th>Petty Cash</th>
<th>2,805</th>
</tr>
</thead>
</table>

### Bank Accounts

<table>
<thead>
<tr>
<th>Bank Accounts</th>
<th>Interest Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wells Fargo Bank</td>
<td>0.000%</td>
<td>11,189</td>
</tr>
<tr>
<td>Wells Fargo Bank-Investment Account</td>
<td>0.100%</td>
<td>2,910,993</td>
</tr>
<tr>
<td>Bank of America-Airport</td>
<td>0.300%</td>
<td>3,984</td>
</tr>
<tr>
<td>Bank of America-Parking Citations</td>
<td>0.300%</td>
<td>3,435</td>
</tr>
<tr>
<td>Bank of America-CNG Station</td>
<td>0.300%</td>
<td>3,424</td>
</tr>
</tbody>
</table>

*Money Market and Bank Account Sub-Total: 2,933,025*

### Government Pools

<table>
<thead>
<tr>
<th>Account #1 Operating Amount</th>
<th>33,498,604</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account #1 CRA Bond Cash Bal</td>
<td>783,220</td>
</tr>
<tr>
<td>Local Agency Investment Fund: Account #1</td>
<td>0.377%</td>
</tr>
<tr>
<td>Account #2 Successor Agency Cash Bal</td>
<td>348</td>
</tr>
<tr>
<td>Local Agency Investment Fund: Account #2</td>
<td>0.377%</td>
</tr>
</tbody>
</table>

*Government Pool Sub-Total: 34,282,172*

### Operating Cash Balance

| 37,218,002 |

### Restricted Operating Funds at Riverside Public Utilities

| Highmark U.S. Government Money Market Fund | 0.000% | 608,649 |

### Other Investments

| Investments-US Bank/Piper Jaffray - See Page 2 | 0.281% | 25,664,450 |

### Operating Funds Total

| 63,491,101 |

## Fiscal Agent

| US Bank                  | 40,213,227 |

*Fiscal Agent Total: 40,213,227*
Operational Portfolio Individual Investments

<table>
<thead>
<tr>
<th>Par Value</th>
<th>Investment Description</th>
<th>Coupon Rate</th>
<th>Interest Rate</th>
<th>Maturity Date</th>
<th>Purchase Date</th>
<th>Purchase Date</th>
<th>Discount or (Premium) Amortization</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>11,189</td>
<td>Wells Fargo Bank-Operating</td>
<td>n/a</td>
<td>0.00%</td>
<td>daily</td>
<td>varies</td>
<td>11,189</td>
<td>n/a</td>
<td>11,189</td>
</tr>
<tr>
<td>2,910,993</td>
<td>Wells Fargo Bank-Investment Acct</td>
<td>n/a</td>
<td>0.10%</td>
<td>daily</td>
<td>varies</td>
<td>2,910,993</td>
<td>n/a</td>
<td>2,910,993</td>
</tr>
<tr>
<td>3,984</td>
<td>Bank of America-Airport</td>
<td>n/a</td>
<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>3,984</td>
<td>n/a</td>
<td>3,984</td>
</tr>
<tr>
<td>3,435</td>
<td>Bank of America-Parking Citations</td>
<td>n/a</td>
<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>3,435</td>
<td>n/a</td>
<td>3,435</td>
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<tr>
<td>3,424</td>
<td>Bank of America-Parking Citations</td>
<td>n/a</td>
<td>0.30%</td>
<td>daily</td>
<td>varies</td>
<td>3,424</td>
<td>n/a</td>
<td>3,424</td>
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</tbody>
</table>

Sub-total: 2,933,025

**Government Pools**

<table>
<thead>
<tr>
<th>Par Value</th>
<th>Investment Description</th>
<th>Coupon Rate</th>
<th>Interest Rate</th>
<th>Maturity Date</th>
<th>Purchase Date</th>
<th>Discount or (Premium) Amortization</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>34,281,824</td>
<td>L.A.I.F. account #1</td>
<td>n/a</td>
<td>0.377%</td>
<td>daily</td>
<td>varies</td>
<td>34,281,824</td>
<td>34,281,824</td>
</tr>
<tr>
<td>348</td>
<td>L.A.I.F. account #2</td>
<td>n/a</td>
<td>0.377%</td>
<td>daily</td>
<td>varies</td>
<td>348</td>
<td>348</td>
</tr>
</tbody>
</table>

Sub-total: 34,282,172

**Investments-US Bank/Piper Jaffray**

<table>
<thead>
<tr>
<th>Par Value</th>
<th>Investment Description</th>
<th>Coupon Rate</th>
<th>Interest Rate</th>
<th>Maturity Date</th>
<th>Purchase Date</th>
<th>Discount or (Premium) Amortization</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000,000</td>
<td>FHLMC MTN</td>
<td>n/a</td>
<td>0.450%</td>
<td>9/6/2013</td>
<td>12/2/2011</td>
<td>5,000,000</td>
<td>5,000,000</td>
</tr>
<tr>
<td>3,000,000</td>
<td>FNMA Deb</td>
<td>n/a</td>
<td>0.600%</td>
<td>5/29/2015</td>
<td>5/16/2012</td>
<td>3,000,000</td>
<td>3,005,010</td>
</tr>
<tr>
<td>3,000,000</td>
<td>Federal Farm Credits Bks</td>
<td>n/a</td>
<td>0.600%</td>
<td>5/22/2015</td>
<td>5/16/2012</td>
<td>3,000,000</td>
<td>3,006,990</td>
</tr>
<tr>
<td>2,000,000</td>
<td>FNMA MTN</td>
<td>n/a</td>
<td>0.550%</td>
<td>12/4/2014</td>
<td>6/27/2012</td>
<td>2,000,000</td>
<td>2,002,780</td>
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<tr>
<td>12,649,670</td>
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<td>n/a</td>
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<td>daily</td>
<td>varies</td>
<td>12,649,670</td>
<td>12,649,670</td>
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</tbody>
</table>

US Bank/Piper Jaffray Average Rate = 0.281%

Average Rate All = 0.325%

It has been verified that this investment portfolio is in conformity with the City of Banning's investment policy which was approved by the City Council on August 23, 2011. The Treasurer's cash management program provides sufficient liquidity to meet estimated future expenditures for a period of six months. The weighted average maturity of the pooled investment portfolio is 154 days and does not include Bond Reserve Fund Investments.
## Individual Investments with Fiscal Agent

### COB Improvement District Limited Obligation Bonds Series 2005A

<table>
<thead>
<tr>
<th>Bond Description</th>
<th>Maturity</th>
<th>Investment Description</th>
<th>Current Yield</th>
<th>Bond Reserve Maturity Date</th>
<th>Minimum Reserve Requirement</th>
<th>Interest Rate Aug-12</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005 Fair Oaks Ranch Estates</td>
<td>2035</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>188,943</td>
<td>7.39</td>
<td>311,115</td>
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</table>

### Community Redevelopment Agency of the City of Banning Tax Allocation, Series 2003

<table>
<thead>
<tr>
<th>Bond Description</th>
<th>Maturity</th>
<th>Investment Description</th>
<th>Current Yield</th>
<th>Bond Reserve Maturity Date</th>
<th>Minimum Reserve Requirement</th>
<th>Interest Rate Aug-12</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td></td>
<td>1.76</td>
<td>20,705</td>
</tr>
<tr>
<td></td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.050%</td>
<td>daily</td>
<td></td>
<td>21.70</td>
<td>22</td>
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</table>
| Community Redevelopment Agency of the City of Banning Tax Allocation Parity Bonds, Series 2007

<table>
<thead>
<tr>
<th>Bond Description</th>
<th>Maturity</th>
<th>Investment Description</th>
<th>Current Yield</th>
<th>Bond Reserve Maturity Date</th>
<th>Minimum Reserve Requirement</th>
<th>Interest Rate Aug-12</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Redevelop Fund</td>
<td>2037</td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>282.08</td>
<td>8,326,343</td>
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</tr>
<tr>
<td>Reserve Fund</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>1,880,751</td>
<td>63.54</td>
<td>1,875,255</td>
</tr>
<tr>
<td>Special Fund</td>
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<td>US Bank Mmkt 4-Ct</td>
<td>0.030%</td>
<td>daily</td>
<td>37.08</td>
<td>37</td>
<td></td>
</tr>
<tr>
<td>Surplus Fund</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.000%</td>
<td>daily</td>
<td></td>
<td>9</td>
<td></td>
</tr>
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</table>

### BUA - Wastewater Enterprise Revenue Bonds Refunding and Improvement Projects 2005 Series

<table>
<thead>
<tr>
<th>Bond Description</th>
<th>Maturity</th>
<th>Investment Description</th>
<th>Current Yield</th>
<th>Bond Reserve Maturity Date</th>
<th>Minimum Reserve Requirement</th>
<th>Interest Rate Aug-12</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Account</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.000%</td>
<td>daily</td>
<td></td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Principal Account</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>2.37</td>
<td>70,007</td>
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</tr>
<tr>
<td>Reserve Fund</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>124.99</td>
<td>3,689,418</td>
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### BUA - Water Enterprise Revenue Bonds Refunding and Improvement Projects 2005 Series

<table>
<thead>
<tr>
<th>Bond Description</th>
<th>Maturity</th>
<th>Investment Description</th>
<th>Current Yield</th>
<th>Bond Reserve Maturity Date</th>
<th>Minimum Reserve Requirement</th>
<th>Interest Rate Aug-12</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Account</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.050%</td>
<td>daily</td>
<td></td>
<td>0.00</td>
<td>19</td>
</tr>
<tr>
<td>Principal Account</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>12.54</td>
<td>370,037</td>
<td></td>
</tr>
<tr>
<td>Reserve Fund</td>
<td></td>
<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>2,310,710</td>
<td>78.30</td>
<td>2,311,124</td>
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<tr>
<td>Project Fund</td>
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<td>US Bank Mmkt 4-Ct</td>
<td>0.040%</td>
<td>daily</td>
<td>142.25</td>
<td>4,198,808</td>
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</tr>
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</table>

### BFA - Electric System Revenue Bonds 2007 Series

<table>
<thead>
<tr>
<th>Bond Description</th>
<th>Maturity</th>
<th>Investment Description</th>
<th>Current Yield</th>
<th>Bond Reserve Maturity Date</th>
<th>Minimum Reserve Requirement</th>
<th>Interest Rate Aug-12</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>US Bank Mmkt 4-Ct</td>
<td></td>
<td>0.040%</td>
<td>daily</td>
<td></td>
<td></td>
<td>25.20</td>
<td>25</td>
</tr>
<tr>
<td>US Bank Mmkt 4-Ct</td>
<td></td>
<td>0.040%</td>
<td>daily</td>
<td></td>
<td></td>
<td>2,672,050</td>
<td>2,672,426</td>
</tr>
<tr>
<td>Acquisition &amp; Construction</td>
<td></td>
<td>0.400%</td>
<td>daily</td>
<td></td>
<td></td>
<td>521.17</td>
<td>15,383,046</td>
</tr>
</tbody>
</table>

*Paid Semi-Annually-Deposited into Money Mkt Account

<table>
<thead>
<tr>
<th>Total</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
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<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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CITY COUNCIL AGENDA

Date: December 11, 2012
TO: City Council
FROM: June Overholt, Administrative Services Director
SUBJECT: Approval of Accounts Payable and Payroll Warrants for Month of September 2012

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

FISCAL DATA: The reports in your agenda packet cover "Expenditure Disbursements" and "Payroll Expenses" for the month of September 2012.

The reports are:

Expenditure approval lists
September 6, 2012 156,840.17
September 13, 2012 51,780.37
September 20, 2012 550,126.58

November 27, 2012 2,906,480.25 (September Month End)

Payroll check registers
September 7, 2012 8,080.00
September 13, 2012 (Manual Check) 5,707.52
September 21, 2012 5,681.85

Payroll direct deposits*
September 7, 2012 287,520.02
September 21, 2012 282,626.47
As you review the reports, if you have any questions please contact the Finance Department so that we can gather the information from the source documents and provide a response.

Report Prepared by: Jenna Harrell, Accounts Payable

RECOMMENDED BY:

[Signature]
June Overholt
Administrative Services Director

APPROVED BY:

[Signature]
Andy Takata
City Manager
CITY COUNCIL AGENDA

CONSENT ITEM

Date: December 11, 2012

TO: City Council

FROM: Kahono Oei, City Engineer

SUBJECT: Accept Grant of Easement from George A. Pearson, as his sole and separate property APN 537-090-063 for Sunset Avenue Grade Separation Project

RECOMMENDATION: Accept the Grant of Easement from George A. Pearson, Assessor’s Parcel Number 537-090-063, for Sunset Avenue Grade Separation, and direct the City Clerk to accept said easement and return to the County of Riverside for further processing. The parcel is described in the attached Exhibit “A” and “B.”

JUSTIFICATION: It is essential that the City accept the easement, as described and shown on the attached Exhibit “A” and Exhibit “B,” respectively, in order for the city to be able to construct the Sunset Avenue Grade Separation Project.

BACKGROUND: The City, with the assistance of the Riverside County Transportation Department, has completed the design of Sunset Avenue Grade Separation Project. In order to be able to complete the project, the City needs the easement from George A. Pearson as shown attached herewith as Exhibit “A” and “B.”

FISCAL DATA: Riverside County Transportation Department has negotiated the cost of the easement and it is being included as part of the Sunset Avenue Grade Separation Project.

RECOMMENDED BY:

Duane Burk,
Director of Public Works

APPROVED BY:

Andy Takata,
City Manager

June Overholt,
Administrative Services Director/
Assistant City Manager
**CERTIFICATE OF ACCEPTANCE**

This is to certify that the Grant of Easement, as attached herein as Exhibit "A" and Exhibit "B" to the CITY OF BANNING, a municipal corporation is hereby accepted by the CITY OF BANNING pursuant to authority conferred by the City Council; and the grantees consent to recordation thereof by its duly authorized agent.

Dated: _________________, 2012

CITY OF BANNING, A Municipal Corporation

By __________________________________________

City Clerk
Recorded at request of and return to:
City of Banning
City Clerk
99 E. Ramsey Street
Banning, CA 92220

FREE RECORDING
This instrument is for the benefit of
the City of Banning, and is
entitled to be recorded without fee.
(Govt. Code 6103)

CO:ra/101812/310TR/14.794

(Space above this line for Recorder's use)

PROJECT:  Sunset Avenue Grade
Separation
PARCELS:  0529-003A
APN:  537-090-063 (portion)

EASEMENT DEED

FOR GOOD AND VALUABLE CONSIDERATION, receipt and adequacy of which are
hereby acknowledged,

George A. Pearson, as his sole and separate property

Grant(s) to the City of Banning, a Municipal Corporation, an easement for public road and
utility purposes, including drainage purposes, over, upon, across and within the real
property in the City of Banning, County of Riverside, State of California, as more
particularly described as:

See Exhibits "A" and "B" attached hereto
and made a part hereof
Dated: 11-5-12

GRANTOR:

George A. Pearson, as his sole and separate property

By: 

George A. Pearson

STATE OF CALIFORNIA

COUNTY OF Orange

On November 5, 2012, before me, Alejandro Alcaraz, a Notary Public in and for said County and State, personally appeared

George A. Pearson, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal:

Signature

[SEAL]

A LEJANDRO ALCARAZ
Commission # 1899413
Notary Public - California
Orange County
My Comm. Expires May 6, 2014
BEING A PORTION OF LOT 69 OF A MAP OF SAN JACINTO VISTA TRACT ON FILE IN BOOK 18, PAGE 31 OF MAPS, RECORDS OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA IN THE CITY OF BANNING, CALIFORNIA WITHIN THE EAST ONE-HALF OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF RAMSEY STREET, FORMERLY KNOWN AS STATE HIGHWAY (25.00 FOOT SOUTHERLY HALF-WIDTH) AS DESCRIBED BY DEED RECORDED JANUARY 2, 1915 IN DEED BOOK 406, PAGES 67 AND 68, OFFICIAL RECORDS OF SAID RECORDER AND THE EAST LINE OF SAID SECTION 7, BEING THE CENTERLINE OF SUNSET AVENUE (50.00 FOOT WESTERLY HALF-WIDTH) AS SHOWN ON SAID MAP;

THENCE N 81°16'37" W ALONG SAID CENTERLINE OF RAMSEY STREET, A DISTANCE OF 68.24 FEET;

THENCE LEAVING SAID CENTERLINE AT RIGHT ANGLES, S 08°43'23" W, A DISTANCE OF 25.00 FEET TO THE MOST NORTHERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED BY GRANT DEED TO THE CITY OF BANNING RECORDED JUNE 19, 1972 AS INSTRUMENT NUMBER 79776, SAID OFFICIAL RECORDS, BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID RAMSEY STREET, ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 23.00 FEET AND AN INITIAL RADIAL BEARING OF N 06°43'23" E, AND THE TRUE POINT OF BEGINNING;

THENCE EASTERLY, SOUTHEASTERLY, AND SOUTHERLY ALONG SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 81°21'00", AN ARC DISTANCE OF 35.50 FEET TO A POINT OF TANGENCY WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID SUNSET AVENUE;

THENCE S 00°04'23" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 83.20 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 10 (VARIABLE HALF-WIDTH) AS SHOWN ON COUNTY MAP NUMBER 204, PAGES 87 THROUGH 108, INCLUSIVE;

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE N 04°07'35" W, A DISTANCE OF 36.12 FEET;

THENCE N 21°23'54" W, A DISTANCE OF 6.45 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT 55.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID EAST LINE OF SECTION 7;

THENCE N 00°04'23" E ALONG SAID PARALLEL LINE, A DISTANCE OF 28.00 FEET;

THENCE N 21°32'40" E, A DISTANCE OF 6.45 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT 52.63 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID EAST LINE OF SECTION 7;

THENCE N 00°04'23" E ALONG SAID PARALLEL LINE, A DISTANCE OF 11.94 FEET;

THENCE N 40°26'17" W, A DISTANCE OF 24.12 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT 26.15 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID CENTERLINE OF RAMSEY STREET;

THENCE N 81°16'37" W ALONG SAID PARALLEL LINE, A DISTANCE OF 5.28 FEET;

THENCE N 08°43'23" E, A DISTANCE OF 1.15 FEET TO A POINT SAID SOUTHERLY RIGHT-OF-WAY LINE OF RAMSEY STREET;
EXHIBIT “A”
SUNSET AVENUE (GRADE SEPARATION)
LEGAL DESCRIPTION (CONTINUED)
0529-003A

THENCE S 81°16′37″ E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2.15 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING: 366 SQUARE FEET, OR 0.008 ACRES, MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 1.000106481 TO OBTAIN GROUND DISTANCE.

REFERENCE IS HEREBY MADE TO RIVERSIDE COUNTY MAP NUMBER 956-I, ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF RIVERSIDE COUNTY, CALIFORNIA.

SEE ATTACHED EXHIBIT “B”

APPROVED BY: [Signature]

DATE: 1/19/2012

[Stamp with执业 LAND SURVEYOR information]
CITY COUNCIL AGENDA

CONSENT ITEM

Date: December 11, 2012

TO: City Council

FROM: Kahono Oei, City Engineer

SUBJECT: Accept Grant of Easement from Oakwood Investments, LLC, APN 538-190-014 for Sunset Avenue Grade Separation Project

RECOMMENDATION: Accept the Grant of Easement from Oakwood Investments, LLC, Assessor’s Parcel Number 538-190-014, for Sunset Avenue Grade Separation, and direct the City Clerk to accept said easement and return to the County of Riverside for further processing. The parcel is described in the attached Exhibit “A” and “B”.

JUSTIFICATION: It is essential that the City accept the easement, as described and shown on the attached Exhibit “A” and Exhibit “B”, respectively, in order for the city to be able to construct the Sunset Avenue Grade Separation Project.

BACKGROUND: The City, with the assistance of the Riverside County Transportation Department, has completed the design of Sunset Avenue Grade Separation Project. In order to be able to complete the project, the City needs the easement from Oakwood Investments, LLC, as shown attached herewith as Exhibit “A” and “B”.

FISCAL DATA: Riverside County Transportation Department has negotiated the cost of the easement and it is being included as part of the Sunset Avenue Grade Separation Project.

RECOMMENDED BY:

Duane Burk,
Director of Public Works

APPROVED BY:

Andy Takata,
City Manager

Jane Overholt,
Administrative Services Director/
Assistant City Manager
When recorded Mail To:
City Clerk
City of Banning
P.O. Box 998
Banning, CA 92220

NO RECORDING FEE PER SECTION 6103 OF THE GOVERNMENT CODE.

SPACE FOR RECORDER'S USE

CERTIFICATE OF ACCEPTANCE

This is to certify that the Grant of Easement, as attached herein as Exhibit "A" and Exhibit "B" to the CITY OF BANNING, a municipal corporation is hereby accepted by the CITY OF BANNING pursuant to authority conferred by the City Council; and the grantees consent to recordation thereof by its duly authorized agent.

Dated:___________________, 2012

CITY OF BANNING, A Municipal Corporation

By____________________________________
City Clerk
Recorded at request of and return to:

City of Banning
City Clerk
99 E. Ramsey Street
Banning, CA 92220

FREE RECORDING
This instrument is for the benefit of
the City of Banning, and is
entitled to be recorded without fee.
(Govt. Code 6103)

CAO:sl/052112/310TR/14.938

PROJECT: Sunset Avenue Grade Separation
PARCEL: 0529-002A
APN: 538-190-014 (portion)

EASEMENT DEED

FOR GOOD AND VALUABLE CONSIDERATION, receipt and adequacy of which are hereby acknowledged,

Oakwood Investments, LLC

Grant(s) to the City of Banning, a Municipal Corporation, an easement for slope and maintenance purposes, over, upon, across and within the real property in the City of Banning, County of Riverside, State of California, as more particularly described as:

See Exhibits "A" and "B" attached hereto
and made a part hereof
GRANTOR:

Oakwood Investments, LLC
By: Shobhana Madan
Name: SHOBHANA MADAN
Its: MEMBER

STATE OF CALIFORNIA
COUNTY OF Los Angeles

On NOVEMBER 16, 2012, before me, JEFF JENKINS, a Notary Public in and for said County and State, personally appeared SHOBHANA MADAN, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal:

[Signature]

[SEAL]
EXHIBIT “A”
SUNSET AVENUE (GRADE SEPARATION)
LEGAL DESCRIPTION
0529-002A

AN EASEMENT FOR SLOPE AND MAINTENANCE PURPOSES, BEING A PORTION OF LOT 8 OF A MAP
OF “C.O. BARKER’S SUBDIVISION” ON FILE IN BOOK 7, PAGE 21 OF MAPS, RECORDS OF THE
RECORDER OF RIVERSIDE COUNTY, CALIFORNIA IN THE CITY OF BANNING, CALIFORNIA WITHIN
THE SOUTH EAST ONE-QUARTER OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN
BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 8, BEING THE POINT OF
INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SUNSET AVENUE (50.00 FOOT
EASTERLY HALF-WIDTH) AS SHOWN ON SAID MAP AND THE SOUTHERLY LINE OF THE EXISTING
SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY (200.00 FOOT WIDTH) PER ACT OF CONGRESS
RECORDED MARCH 3, 1871, SHOWN AS PARCEL 4 ON STATE BOARD OF EQUALIZATION MAP
NUMBER 872-33-10, ON FILE IN SAID OFFICE OF THE COUNTY SURVEYOR, SAID POINT ALSO BEING
THE BEGINNING OF NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 5,829.03
FEET AND INITIAL RADIAL BEARING OF S 07°47'47" E;

THENCE EASTERLY ALONG SAID SOUTHERLY LINE AND SAID NON-TANGENT CURVE THROUGH A
CENTRAL ANGLE OF 00°29'21", AN ARC DISTANCE OF 49.77 FEET;

THENCE S 03°53'36" W, A DISTANCE OF 428.19 FEET;

THENCE S 11°43'45" W, A DISTANCE OF 53.52 FEET;

THENCE N 89°55'37" W, A DISTANCE OF 10.00 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY
LINE OF SUNSET AVENUE;

THENCE N 00°04'23" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 486.14 FEET TO
THE TRUE POINT OF BEGINNING;

CONTAINING: 15,952 SQUARE FEET, OR 0.366 ACRES, MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE
CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 8. MULTIPLY DISTANCES SHOWN BY
1.000106481 TO OBTAIN GROUND DISTANCE.

REFERENCE IS HEREBY MADE TO RIVERSIDE COUNTY MAP NUMBER 956-I, ON FILE IN THE OFFICE
OF THE COUNTY SURVEYOR OF RIVERSIDE COUNTY, CALIFORNIA.

SEE ATTACHED EXHIBIT “B”

APPROVED BY: ________________________________

DATE: 1/19/2012
EXHIBIT "B"
SLOPE & MAINTENANCE EASEMENT

PARCEL 0529-002A
15,952 SQ.FT.
0.366 AC.
APN 538-190-014

NOTE:
<> - INDICATES DATA PER PROJECT CONST. PLANS
R/W DEDICATED BUT REJECTED PER MB 7/21
REC. 03/09/1910. DETERMINED AS PUBLIC R/W
BASED ON EXISTING IMPROVEMENTS AND MAINTENANCE
THEREOF, PURSUANT TO CA CIVIL CODE 1009(d)

<300' 50' VARIES

CITY OF
BANNING

LINCOLN AVENUE

ALL DISTANCES SHOWN ARE GRID DISTANCES.
GROUND DISTANCES MAY BE OBTAINED BY MULTIPLYING THE
GRID DIST. BY A COMBINATION FACTOR OF 1.0000106481.

COUNTY OF RIVERSIDE TRANSPORTATION DEPT., SURVEY DIV.
PROJECT: SUNSET AVENUE (GRADE SEPARATION)
THIS PLAT IS AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE PRECEDING
DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.

APPROVED BY:  
DATE: 4/19/2012

SUNSET AVENUE - C/L

GRANTS DEED
INST. #203392
REC. 9-26-1979

() - INDICATES REC DATA PER MB 7/21
CITY COUNCIL AGENDA
CONSENT ITEM

Date: December 11, 2012

TO: City Council

FROM: Kahono Oei, City Engineer

SUBJECT: Share of Cost Agreement for State Route 10 at Sunset Avenue Eastbound and Westbound Ramps

RECOMMENDATION: Approve the Share of Cost Agreement for the new Signals and Safety Lighting to be installed at State Route 10 at Sunset Avenue Eastbound and Westbound ramps as shown attached herein as Exhibit “A.”

JUSTIFICATION: Approval of this agreement is essential for California Department of Transportation (Caltrans) to install and maintain the traffic signals and lighting for Route 10 Eastbound and Westbound ramps at Sunset Avenue.

BACKGROUND: The Sunset Avenue Grade Separation design is near 100% completion. Prior to Caltrans approval of the plan and the start of construction this agreement has to be approved. Sunset Avenue Grade Separation project will create the need for traffic signals and lighting to be placed at both the Eastbound and Westbound ramps on Sunset Avenue. Currently, Caltrans maintains the signals and lighting at the Highland Springs Avenue underpass. This agreement will allow Caltrans to maintain and operate the traffic signal and lighting for the City of Banning at Sunset Avenue.

FISCAL DATA: If the share of cost agreement is approved, the City shall pay 50% of the maintenance and electrical costs. Caltrans will pay the other 50% for maintenance and electrical costs. In addition, Caltrans will pay 100% of the operating costs. Funding for this signal and lighting maintenance will be budgeted in Account 100-4900-431.26-02.

RECOMMENDED BY:

Duane Burk,
Director of Public Works

APPROVED BY:

Andy Takata,
City Manager

June Overholt,
Administrative Services Director/
Assistant City Manager
EXHIBIT “A”

SHARE OF COST AGREEMENT FOR STATE ROUTE 10 AT SUSET AVENUE
EASTBOUND AND WESTBOUND RAMPS
Cost Distribution Agreement for Traffic Signals and Lighting
EA 33471 Project ID 0800020174

Project Location: SR 10 Sunset Avenue Eastbound and Westbound in the City of Banning

Traffic signals and safety lighting will be installed on Route 10 Sunset Avenue Eastbound and Westbound. City and State agree to cost distribution stated below.

Maintenance and Electrical Energy Costs

Commencing upon construction and continuing until determined otherwise by mutual agreement, City of Banning agrees to pay Caltrans for City's proportionate share of the ongoing monthly maintenance and electrical energy costs for the traffic signals and safety lighting at the intersection.

On Route 10 Sunset Avenue Eastbound and Westbound ramps City's share is 50% of maintenance and electrical energy costs. Caltrans will pay 50% of maintenance and electrical energy costs.

Caltrans will own, maintain and operate the traffic signal and lighting system and pay 100% of the operating costs.

Maintenance, Repair and Replacement of Emergency Vehicle Preemption System

If installed, all costs for the maintenance, repair and replacement of an Emergency Vehicle Preemption System is the responsibility of City of Banning.

When necessary for repair or replacement, Caltrans will test, remove and reinstall Preemption System upon notification by the City.

Maintenance and Materials for Internally Illuminated Street Name Signs

If installed, City of Banning agrees to purchase all materials for installation and ongoing maintenance of internally illuminated street name signs, including signs, sign panels and all hardware.

Caltrans agrees to maintain the internally illuminated street name signs. Caltrans will notify City of Banning when materials are required for repair and maintenance of the signs.
Cost Distribution Agreement  
SR 10 Sunset Ave Eastbound and Westbound  
Page 2

At any time City of Banning wishes to terminate this agreement, the signs will be replaced with signs of reflective sheeting.

Approved by:

City of Banning  

Caltrans

Signature   Date

____________________

Andy Takata
City Manager
Please Print Name

Signature   Date

____________________

Maintenance Manager
Please Print Name

Return signed copies to:

Caltrans Electrical Maintenance Office  
Attention: Cynthia Ellick  
175 W. Cluster Street  
San Bernardino, CA 92408
CITY COUNCIL MEETING

DATE: November 13, 2012

TO: Mayor and City Council

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


RECOMMENDATION: That the City Council adopt Resolution No. 2012-88 that provides policies and guidelines for managing the Public, Educational, Governmental (PEG) Channels and adopt the related Sponsorship Policy.

BACKGROUND: The City of Banning PEG channels include both the “Banning Government Access Channel” (BGAC) cablecast by the City and “EagleVision” cablecast by Mt. San Jacinto Community College District (“MSJCCD”). Currently the City of Banning programming is broadcast on Verizon Channel 10 and Time Warner Channel 126. The Eagle Vision programming is broadcast on Verizon Channel 29 and Time Warner Channel 45.

The last time the policy was updated was in July 2004. Since that time technology, staffing and legislation have changed. In addition, the Eagle Vision programming was added as a PEG channel. As a result, it is necessary to update the policy. In addition, the City did not previously have a sponsorship policy to govern sponsorship or underwriting of programming on BGAC. Accordingly, there is a sponsorship policy included for consideration.

DISCUSSION:

The attached policy (A-12) was prepared by the City Attorney’s office in collaboration with City staff and Eagle Vision staff. The policy conforms to current standards and legislation governing PEG Channels. Some of the changes include:

- Adding a definitions section
- Clarifying the types of programming allowed and how these programs are prioritized for scheduling purposes. These include:
  - Emergency programming,
  - Eagle Vision programming, and
  - Bulletin boards
- Clarity on the Programming approval process and grievance procedures
- Election Guidelines are substantially the same
- Programming restrictions
- Format Requirements
• Grievance Procedure
• City Liability and rights

The attached policy A-12 (a) is the Sponsorship Policy which governs all sponsorship or underwriting of any BGAC programming. This policy has been drafted to comply with Federal requirements and City policies. The policy outlines the permitted sponsorship, prohibited advertising and related review procedure.

FISCAL DATA:
No known fiscal impact with adopting this policy.

Prepared by:

Aleshire & Wynder, LLP

REVIEWED BY:  

[Signature]
June Overholt
Administrative Services Director/
Deputy City Manager

APPROVED BY:  

[Signature]
Andy Takata
City Manager

Attachment:
1. Resolution No. 2012-88
RESOLUTION NO. 2012-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, ADOPTING ADMINISTRATIVE POLICY NUMBER A-12 PERTAINING TO THE CITY'S PUBLIC, EDUCATIONAL AND GOVERNMENTAL (PEG) CHANNEL AND RELATED SPONSORSHIP POLICY

WHEREAS, the City Council of the City of Banning has previously adopted Administrative Policy A-12 pertaining to “Channel 10 (Government Access Cable TV) Administration,” effective July 1, 2004; and

WHEREAS, the City does not have a policy to govern the underwriting or sponsorship of the City’s PEG channel or its programming; and

WHEREAS, in 2011, the City entered in a Memorandum of Understanding (MOU) with Mt. San Jacinto Community College District which allows the District to utilize one of the City’s available PEG channels for the airing of various programming; and

WHEREAS, the City Council desires to update the City's Administrative Policy governing the City’s PEG channel, in part, as a result of the above referenced MOU and due to changes in state law impacting the City’s use and operation of its channels; and

WHEREAS, the City Council desires to adopt a sponsorship policy to govern underwriting or sponsorship of the PEG channels or its programming;

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

SECTION 1. That the City Council approves Policy No. A-12, entitled "City of Banning’s Public, Educational, Governmental (PEG) Channel Policies and Guidelines", attached hereto and incorporated herein as Exhibit "A".

SECTION 2. That the City Council approves Policy No. A-12 (a), entitled "Banning Government Access Channel (BGAC) Sponsorship Policy", attached hereto and incorporated herein as Exhibit "B".

SECTION 3. This resolution shall take effect as of the date of its passage and adoption.
PASSED, APPROVED AND ADOPTED this 11 day of December 2012.

Don Robinson, Mayor
City of Banning

APPROVED AS TO FORM
AND LEGAL CONTENT:

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

ATTEST:

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-88 was duly adopted by the City Council of the City of Banning at a regular meeting thereof held on the 11 day of December, 2012.

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, City Clerk
City of Banning, California
Public, Educational, Governmental (PEG) Channels

Policies and Guidelines

I. Purpose

The City of Banning’s PEG Channels include both the “Banning Government Access Channel” cablecast by the City and “EagleVision” cablecast by Mt. San Jacinto Community College District (“MSJCCCD”). Banning Government Access Channel (“BGAC”) is a source for informing the Banning community of city issues, programs, events and services, and seeks to increase the community’s knowledge and level of participation on the various services and functions performed by their local government. EagleVision allows students in the community to be educated on production, programming and cablecasting. The City of Banning’s policies relating to Banning PEG Channels are designed, intended and implemented to comply with state and federal law and to maintain, develop and implement appropriate programming, as well as to allow for technical and broadcast improvements as needed or desired.

II. Intent

(a) To identify and establish the criteria for appropriate programming.

(b) To define and establish policies for the use of the City of Banning’s PEG Channels (Time Warner channels 10 and 126 and Verizon channels 29 and 45).

(c) To identify and encourage the use of new and emerging media technologies and to best position the City’s PEG Channels and the content provided through it, so as to effectively serve the public’s information needs.

III. Definitions

(a) BGAC: A channel branding designation for video programming on the City of Banning’s Government Access Channel. BGAC is viewed on channel 10 on Time Warner and channel 29 on Verizon FIOS.
(b) *Banning PEG Channels:* PEG access channels serving the residents of Banning and includes both BGAC and EagleVision.

(e) *EagleVision:* A channel branding designation for video programming cablecast by Mt. San Jacinto College. EagleVision is viewed on channel 126 on Time Warner and channel 45 on Verizon FIOS.

(d) *MSJCCD:* Mt. San Jacinto Community College District.

(e) *PEG access channels:* Public, Educational and Governmental access channels.

(f) *Underwriting policy:* The Banning PEG Channels' Underwriting Policy adopted by the Banning City Council by resolution.

(g) Cable Television Coordinator: The Administrative Services Director or his or her designee shall be assigned to the day to day responsibilities of the City PEG channel.

IV. **Types of Programming**

(a) *BGAC:* Programming aired on BGAC shall fall into one of the following programming categories, listed in order of priority:

(i) *Emergency:* Emergency programming includes emergency operations for natural or man-made disasters, weather phenomena, poison prevention, first aid, and the like.

(ii) *Public Meetings:* Live and pre-recorded public meetings of the City Council will be aired. Planning Commission, Parks & Recreation Advisory Committee and various other appointed committee or board meetings may be aired based on approval from City Council. Live public meetings will be aired gavel-to-gavel and will not be edited nor subject to editorial comment. The City is not responsible for any statements made during public meetings. For playback purposes, public meetings that include long delays for recesses or closed sessions may be edited but only the recesses will be edited out or any other editing as required by law or FCC regulations. Public forums or symposiums which are not a matter of public record, and/or in which a
quorum of elected officials do not attend and/or vote may be edited for playback when the program is intended for (and is presented as) portions or highlights of the meeting. Coverage of a meeting’s procedures should be objective and should not portray anyone in a particularly negative or unfavorable manner.

(iii) **City Programs:** City programs may include any program produced, organized or sponsored by the City. Additionally, programming produced by the City or a City paid vendor, including programs for and about City Departments or services, issues related to City government and programs or the Banning community, activities, history and events. City Programs shall also include any event approved in advance by the City Council as a City program.

(iv) **Government Agency Programs:** Programs submitted by other governmental agencies, including local school districts, local, county, state or federal agencies that are of general interest to the residents of the City of Banning may be aired if said programs comply with these guidelines.

(v) **Electronic Bulletin Board Messages and Public Service Announcements:** Content includes graphical and text based messages, video based messages, RSS feeds of relevant information, webcams and other future video or media sources related to County of Riverside or City activities, programs, services and events and national news coverage relevant to the Banning community. Additionally, messages from other local, regional, state and federal government agencies are permissible. Other relevant messages from non-profit corporations, service clubs and organizations, local and regional educational agencies and institutions are permissible. Messages recognizing Banning PEG Channels sponsors are also permissible. Editing by City staff to provide clarity, improve readability and maximize utilization of pages may be required and shall not require the consent of the advertiser.

(vi) **Outside Programming:** Pre-recorded material for playback including programs offered on a variety of topics regarding government or economic issues or other topics believed to be of interest to the
community and which are deemed educational, informational, non-partisan and non-political in nature. This may include shows privately produced and provided to the City by other local jurisdictions. Programming must comply with the policies set-forth in these guidelines.

(b) EagleVision: Programming aired on EagleVision shall include the following categories listed in order of priority:

(i) Emergency: Emergency programming includes emergency operations for natural or man-made disasters, weather phenomena, poison prevention, first aid, and the like.

(ii) Programs Produced by Mt. San Jacinto College Students: Programs produced by students in compliance with the policies detailed herein, in accordance with the MOU entered into between the City and the MSJCCD, and which are family friendly and are of general interest to the Banning community.

(iii) Electronic Bulletin Board Messages and Public Service Announcements: Content includes graphical and text based messages, video based messages, RSS feeds of relevant information, webcams and other future video or media sources related to County of Riverside or City activities, programs, services and events. Additionally, messages from other local, regional, state and federal government agencies are permissible. Other relevant messages from non-profit corporations, service clubs and organizations, local and regional educational agencies and institutions are permissible. Messages recognizing Banning PEG Channels sponsors are also permissible. Editing by staff to provide clarity, improve readability and maximize utilization of pages may be required without the consent of the advertiser.

(iv) Government Agency Programs: Programs submitted by other governmental agencies, including local school districts, local, county, state or federal agencies that are of general interest to the residents of the City of Banning and/or the student body of MSJCCD may be aired if said programs comply with these guidelines.
(v) Programs in the Public Domain: Content includes programs which have been legally deemed to be within the public domain, which may be aired on PEG channels, which is family friendly and the content of which is in compliance with these guidelines. Any necessary approvals or authorizations must be sought prior to airing.

(e) Scheduling: The Cable Television Coordinator shall schedule programming in accordance with the priorities as listed in subsections (a) and (b) above and shall further schedule programs to maximize viewer interest. The Cable Television Coordinator shall schedule all programming on a non-discriminatory basis.

V. Programming Approval for BGAC

Any proposed programming for BGAC must meet the programming restrictions criteria of section IV above and must be authorized in accordance with the following provisions. Requests to air programming or bulletin board messages on EagleVision is governed by MSJCCCD policies and guidelines.

(a) Requests to Air Programming on BGAC:

(i) Any request to air programming must be authorized by the City Manager or his/her designee, or the City Council when appropriate. Any decision of the City Manager may be appealed in accordance with the Grievance Procedure at section IX(a) below. As the sole and exclusive programmer of BGAC, the City reserves the right to review all proposed programming to determine compliance with these guidelines and objectives. The City also reserves the right to assess any proposed programming based on timeliness. Any program under consideration may be accepted as presented, may be turned down completely, or may be given conditional approval. In the case of a conditional approval, the program may be required to be edited in accordance with policies. Any significant departure from the policies established herein or city past practice is subject to authorization by the Banning City Council.
(ii) Program content, complaints, customer service, scheduling and playback will be managed by the Cable Television Division in accordance with these Policies and Guidelines.

(b) Bulletin Board Messages on BGAC

(i) Any public service messages to be displayed on BGAC must be submitted in writing on a BGAC Message Request Form, and must be submitted at least three working days prior to the requested start date. Qualifying messages may be emailed, mailed, faxed, submitted online or hand delivered to the Cable Television Division. No announcements will be taken over the phone, except in the case of an emergency.

(ii) All messages submitted must be approved by the City Manager or his/her designee, or the Cable Television Division when appropriate. All messages must comply with Section VII Programming Restrictions.

(iii) Messages should be concise, and should contain basic information concerning what, when, where, and how. Messages may be edited for time and space consideration as determined by the Cable Television Coordinator. Every effort will be made to include all vital information and maintain the spirit of the message.

(iv) All submitted messages must be accompanied by the name of the submitting organization or department, the name and phone number of a contact person, and whether or not that information is to appear in the message. Submissions must include desired start and end dates.

(v) Receipt of a public service message does not in any way guarantee its airing.

(c) Emergency Broadcasts

All emergency programming shall be authorized by the City Manager, or in his/her absence the Acting Manager in Charge or in his/her absence the Cable
Television Coordinator. Emergency programming may only be originated by City, County, State or Federal departments including Police, Public Works, Fire or other emergency service personnel. Under no circumstances will access for emergency communications be granted to anyone who does not have the proper authority to initiate emergency procedures.

VI. Election Guidelines

In order to provide equitable access for all local candidates prior to municipal elections, the following guidelines shall apply:

A. Each "qualified" candidate for public office in any City of Banning municipal election will be advised that there will be time available for them to participate in City produced pre-election programs. Candidates will be considered "qualified" after the final filing date and determination of eligibility. Access to qualified candidates shall be limited to the opportunity to participate in City produced pre-election programming. No other playback access provisions shall be allowed.

B. Forums and debates may be sponsored or hosted by bona fide non-profit groups, such as the League of Women Voters or Chamber of Commerce. Other outside groups may be designated as sponsors/co-producers for pre-election programming, provided the group is non-partisan.

C. Candidate profiles may last to a maximum of fifteen minutes per candidate. Attendance at videotaping sessions will be limited to the candidate and his/her on camera guest(s). Each candidate may determine the content of their program segment and may have a maximum of two guests per taping session. Each candidate must appear in person, by appointment, according to schedules which shall be completed after the filing period closes, and which shall be mailed at least ten days in advance of each taping date.

D. Candidate profiles will be blocked together for playback the same evening or the following day. The order of segments will be determined by draw, with any successive playback based on an arithmetic rotation. Disclaimers will be included at the beginning and end of each City produced pre-election program, and candidates will be required to sign release forms
indemnifying the City of Banning. No other use of any of the programs will be allowed without written authorization of the City Manager.

E. The City will develop sets as deemed appropriate by the City Manager. The City will not provide make-up or make-up artist(s). BGAC generated graphics will be limited to the name and title of each participating individual.

VII. Programming Restrictions

(a) Political/Campaign: Notwithstanding the Election Guidelines above, Banning PEG Channels are not intended to be used as a political forum by an individual or group, nor as a mechanism for building exclusive support for a particular person or issue. As such, neither political advocacy, nor promotional announcements for political and campaign events or activities, nor solicitation of votes are permitted. Political programming that only provides factual or educational information on a ballot issue affecting a State, City or County government service or ballot issue directly affecting City residents shall be permitted.

(b) Endorsements or Solicitation: At all times Banning PEG Channels shall remain noncommercial. No use of the channel for any personal gain shall be permitted.

(c) Sponsorship: Any program which was funded, sponsored or underwritten, in part or in full, by any individual, business or non-profit organization may credit that support in the following manner: “This program was made possible with funds provided by ___(name of sponsor)___.” Further sponsorship recognition is subject to the applicable Underwriting and Sponsorship Policy.

(d) Promotional Announcements: Promotional announcements for City-sponsored events, or events or services provided or organized by a non-profit organization, will be permitted on Banning PEG Channels. All other promotional announcements shall not be permitted unless in accordance with subsection (e) above.

(e) Lottery: No programming containing advertisement or information regarding any lottery shall be aired.
(f) **Alcohol or Tobacco:** No material that can be construed as promoting alcohol or tobacco shall be aired.

(g) **Indecency, Obscenity and Defamation:** No sexual, obscene, indecent, defamatory or offensive material or language shall be aired. Community standards of good taste will be adhered to at all times.

(h) **Copyright and Trademark:** No copyrighted or trademarked material shall be aired unless clearances for use have been obtained, and written proof of such clearance is provided to the Cable Television Division. The producers submitting programs to be aired shall hold the City harmless in any case of copyright or trademark infringement.

(i) **Other Prohibited Material:** No material which constitutes libel, slander, invasion of privacy or publicity rights, or unfair competition shall be aired.

(j) **FCC Guidelines:** Use of the channel shall be governed by the operating procedures as set forth herein and by the rules of the Federal Communications Commission (FCC) as they may apply to operations of the City’s channels.

(k) **Compliance with All Laws:** No programming shall be permitted that is not in compliance with any applicable Federal, State or local law, code or regulation.

**VIII. Format Requirements**

(a) **Digital Media Preferred:** The City requires that all programming submitted be supplied in digital format, including DVDs.

(b) **Length of Programs:**

   (i) Programs scheduled in half hour time slots must not exceed 28 minutes.

   (ii) Programs scheduled in hour time slots must not exceed 58 minutes.

   (iii) Programs exceeding 58 minutes will be scheduled according to available Channel air time.
(iv) Programs under 28 minutes or between 28 - 58 minutes will be considered "Filler Programming" and may be scheduled less frequently.

(c) Labeling: All media submitted must be clearly labeled with title, date of production, name, address and telephone number of user. Both the media and container must be labeled.

(d) Technical Quality: The City reserves the right to reject any proposed programming which, in its discretion, do not meet technical standards.

(e) Reservation of rights: The City reserves the right to schedule or reschedule programs or require any viewer discretion tags at the beginning and end of each program that the City deems appropriate.

IX. Grievance Procedures for BGAC

(a) Applicability: Any person or persons wishing to protest decisions made by the Cable Television Division (i.e. in regards to playback scheduling, production scheduling, refusal of programming due to content or length, etc.) may file a grievance and request a hearing before the City Manager, which decision may be appealed to the Cable Committee in accordance with the following.

(b) Protest Procedure(s):

(i) Any applicant wishing to file a protest must submit a detailed report regarding the complaint to the City Manager no later than fourteen (14) calendar days from the date of the decision being grieved. Based upon all evidence in the record, the City Manager shall render its decision.

(ii) If the applicant wishes to appeal the City Manager’s decision, the applicant shall file a grievance no later than fourteen (14) days from the date of the decision, with the City Clerk to be heard by an ad hoc Cable Committee. Said Committee shall consist of 2 City Council members, the Administrative Services Director, the Deputy City
Manager and a representative from MSJC. This decision shall be final.

(iii) If any protest is received by the Cable Television Coordinator prior to airing of any program that is the subject of protest, the program may still be shown at the discretion of the Cable Television Coordinator and subject to a consensus by the City Manager or the City Manager’s designee. If deemed appropriate by the City Manager or the City Manager’s designee, an emergency Cable Committee meeting shall be called to render a final decision.

(c) For all grievances related to programming on EagleVision, the MSJCCD guidelines govern.

X. City Liability and Rights

(a) Editing: The City reserves its right to edit any program in accordance with the guidelines and policies herein. Alternatively, the City’s Cable Television Division may notify a producer of all program portions in need of editing and request said editing be completed. The producer will then have the option of making all specified changes or declining to have the program aired.

(b) Accuracy: The City does not guarantee the accuracy of the information aired on Banning PEG Channels. No agents, employees or officials of the City, shall be held liable, and shall be held harmless, for the cablecast of inaccurate or incorrect information.

(c) Statement of Compliance: Any programming not produced by the City of Banning or its representatives must fill out a Statement of Compliance to ensure that the content meets the requirement set forth in this document. Failure to submit a Statement of Compliance shall result in a delay of airing or revocation of approval. Statements of Compliance forms may be obtained from the Cable Television Division.

XI. Ownership, Storage and Copies

(a) Ownership: The ownership and copyright for any program produced by the City of Banning shall be held by the City of Banning.
(b) **Storage:** Recordings of public meetings and other events will be stored by Banning as required by the City’s record retention policy. These copies shall not be considered the official record of any meeting and the City shall not be held liable for the inadvertent erasure or omissions of any portion of such recordings.

(e) **Copies:** Copies of recordings of public meetings may be purchased from the City Clerk’s office. Copies of all other events may be purchased from the Cable Television Division. The cost to purchase a copy of a recording shall be determined by the schedule of fees adopted by the City Council, as may be amended from time to time.
BANNING GOVERNMENT ACCESS CHANNEL SPONSORSHIP POLICY

I. PURPOSE

The purpose of the Banning Government Access Channel (BGAC) Sponsorship Policy is to provide a set of objective criteria to be applied uniformly in determining the appropriateness of sponsorship, donation or advertising arrangements between an agency, group or individual and the City of Banning.

II. DEFINITIONS

CITY: The City of Banning.

DONOR: An agency, group or individual giving money, materials or services with no expectation of recognition or consideration in return. The City may choose to provide recognition to donors. Such recognition shall be solely determined, controlled and prescribed by the City. Examples of such recognition may include, but are not limited to, letters of appreciation and certificates of commendation.

BANNING GOVERNMENT ACCESS CHANNEL (BGAC) CHANNEL: The City operated PEG Channel cablecast on channel 10 on Time Warner and channel 29 on Verizon FIOS.

BANNING GOVERNMENT ACCESS CHANNEL (BGAC) REVIEW COMMITTEE: The Banning Government Access Channel (BGAC) Review Committee is composed of the City Manager (and/or his designee), the City Clerk and the Administrative Services Director. The purpose of the “Review Committee” is to review and approve sponsorships or to make recommendations to the Banning City Council for sponsorship approval or denial.

SPONSOR: An agency, business, group, individual or IRS certified non-profit entity providing either funds to offset the cost and/or services or materials in support of BGAC.
City of Banning
Banning Government Access Channel (BGAC)
Sponsorship Policy

SECTION or Policy No:
A-12 (a)

ORIGINATING DEPARTMENT: Administrative Services Department/TV

Reference: Administrative Policy

SUPERSEDES: none
NEW EFFECTIVE DATE: December 11, 2012
PAGE 2 of 12

APPROVED BY CITY COUNCIL:
City Council Resolution 2012-88

Channel, or program or program series. Sponsorship does not authorize the agency, group or individual to plan, organize, conduct or influence the City television programming operation, but shall allow recognition consistent with this Sponsorship Policy and which has been recommended by staff and approved by the Review Committee and/or the City Council.

SPONSOR PAID ADVERTISING: Permitted sponsorship features arranged for an agency, group or individual that provides money in exchange for recognition as part of an approved sponsorship of a specified community television program, or program series. Sponsor produced advertising may be authorized if it adheres to this policy and meets all technical specifications. Such advertising is subject to approval from the Review Committee and/or the City Council.

SUPPORTED TELEVISION PROGRAMS (CO-SPONSORED): Programming which the City jointly produced with another agency, group or individual to serve the community for a public purpose including, but not limited to, television programs that the City would directly finance or operate if there were adequate resources available to do so.

III. PERMITTED SPONSORSHIP

The City shall approve sponsorships and/or donations for Banning Government Access Channel Programming (BGAC) that are consistent with the subject, purpose and audience of the program and recognize the sponsor in accordance with this policy, the Federal Communications Commission (FCC) Standards for underwriting or sponsorship credits (FCC 86-161) and Public Broadcasting System (PBS) Funding Standards and Practices: Overall Appearance and Effect of Credits. No sponsorship is available for any legislative body or public meetings.

The sponsorship features allowed by this policy include, but are not necessarily limited to, the following:

• Logograms or slogans which identify but do not promote;
• Location information, telephone numbers and webpages;
• Value neutral descriptions of a product line or service;
• Brand and trade names and product or service listings; and
• Visual depictions of specific products.
Further, any program which is funded, sponsored or underwritten, in part or in full, by any individual, business or non-profit organization may be verbally recognized in the following manner: "This program was made possible with funds provided by _________ (name of sponsor)."

In the event it shall be become necessary, the City Manager shall establish administrative procedures to implement or clarify this policy. The administrative procedures shall be consistent with all appropriate provisions of the Banning Municipal Code, the Banning Government Access Channel Policies and Guidelines, and any relevant contracts.

IV. PROHIBITED ADVERTISING

All sponsorship advertising is subject to the following prohibitions:

A. Political Content: To avoid any appearance of partiality, or the appearance of the impermissible use of public resources, the City will not accept advertising with political advocacy. For purposes of this policy, advertising with political advocacy is any advertising involving promotional announcements for political issues, or candidates, including but not limited to candidate advertising and ballot issue advocacy. However, informational only, political advertising consistent with the Banning Government Access Channel Policies and Guidelines, shall be permitted.

B. Sexual Content: To protect the public, and especially minors, the City will not accept advertising that contains sexual content. For purposes of this policy, advertising with sexual content is any advertising that contains depictions or descriptions that are obscene or lewd as defined in California Penal Code section 311 or applicable federal law or which would be deemed indecent in accordance with current case law. Advertising with sexual content is also any advertising promoting products or services involving obscene, lewd or indecent content or conduct or depicts specified anatomical areas or specified sexual activities as defined by section 5.84.020 of the Banning Municipal Code.

C. Tobacco Products: Because the use of tobacco products has a detrimental effect on public health, the City will not accept advertising promoting tobacco products.
D. Alcohol Products: Because of the abuse of alcohol has a detrimental effect on public health and safety, City will not accept advertising promoting alcohol products.

V. PROCEDURE

A. Review Process: A sponsorship proposal must be submitted to the Cable Television Coordinator for review. The sponsorship proposal must include the following:

1. Identification of program, series, channel selected for sponsorship;
2. Name, address and telephone number of agency, group or individual, including contact person;
3. Type of sponsorship being requested;
4. Monetary value of funding or estimated value of service being provided; and
5. Cost to the City, if any, to administer the program.

The Cable Television Coordinator shall receive and review applications for sponsorship and make a recommendation to accept or deny the same. The BGAC “Review Committee” shall review the recommendations as well as the applications including the financial contribution offered.

Based upon the criteria listed herein, the Review Committee shall either accept or deny the proposed sponsorship, or the Review Committee may determine that an individual application requires further review by the City Council. In the event that said sponsorship warrants further review, the proposed sponsorship shall be put before the City Council at its next regularly scheduled meeting.

Upon approval of a sponsorship application, the sponsorship opportunity may be renewed annually without further review unless there are significant changes to the sponsorship applicant, program, series, channel, facility, or this policy.

B. Inventory: The Cable Television Coordinator shall establish and maintain a database of programs, series, channels, facilities and services that may be eligible for sponsorship. This inventory shall include a listing of existing sponsors, time frame designated for sponsor participation, and sponsorship level designation.
C. MOU or Contract Requirements: Depending on the complexity or dollar value involved in a sponsorship, the City Manager may require a memorandum of understanding (MOU) or formal contract with the sponsor requiring approval of the City Council. Unless expressly provided otherwise by the City Council, the MOU or contract shall contain these items:

1. An agency, group or individual desiring to sponsor a program must demonstrate that its purpose is consistent with the City’s mission to enhance service to the community.

2. Sponsors may provide funds or pay for facilities, equipment, supplies, staff services, security services, consultation, public relations services, and/or materials.

3. The sponsor shall not directly seek to make a profit from the sponsorship. However, building community interest on a subject or gaining professional exposure is acceptable.

4. The City must be appropriately represented and/or acknowledged in any publicity or public announcements for a television program, series, channel or facility. The City Manager or designee shall review and approve all publicity such as media releases, posters, flyers, etc.

5. The approval of a sponsorship project or program shall in no way obligate the City to continue the arrangement in the future.

VI. OTHER

A. DONATIONS: All donations for events, activities or facilities must be in accordance with the City’s existing practices for receiving donations. Donors may be recognized within the guidelines of this policy.

B. RESERVATION OF RIGHTS: The City retains the right to not offer particular programming for sponsorships by entities which would be incompatible with BGAC operations and the City’s mission or policies and procedures.

C. AMENDMENTS: This Policy may be amended by a resolution of the City.
CITY COUNCIL AGENDA

DATE: December 11, 2012

TO: Mayor and City Council

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

SUBJECT: Side Letter to Memorandum of Understanding (MOU) for San Bernardino Public Employees Association (SBPEA) and International Brotherhood of Electrical Workers (IBEW) - General & Utility Employees

RECOMMENDATION: Adopt Resolution No. 2012-94 approving side letter agreements to the Memorandum of Understanding (MOU) with the San Bernardino Public Employees Association (SBPEA) and the International Brotherhood of Electrical Workers (IBEW) – General & Utility Unit Employees.

JUSTIFICATION: Section 3505.1 of the Meyers-Millas-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 side letter to the memorandum of understanding becomes a binding agreement between the employee organization and the local government. Thus, City Council approval of the proposed San Bernardino Public Employees Association representing the Mid-Management & Professional Unit and the International Brotherhood Electrical Workers – General and Utility Unit Side Letter to the Memorandum of Understanding is required by the MMBA in order to be binding on the parties.

BACKGROUND: Although negotiations are ongoing with all bargaining groups to negotiate new MOUs, the recent pension reform (AB340) takes effect January 1, 2013, which closes the opportunity for the foreseeable future of addressing retirement costs for new employees currently vested in CalPERS through a previous employer. During negotiations with the employee bargaining groups, the City proposed implementation of a two-tier retirement system for new members. The bargaining units have agreed to a new tier formula: 2% @ 60 retirement formula subject to the final compensation calculation based on an average 36 month period.

This tier will apply to new employees vested in CalPERS through a previous employer (often referred to as legacy employees). The attached side letter agreements formalize this understanding. Approval of this retirement formula does not impact current employees. Approval of the side letters and the separate agenda report with the changes to the ordinance authorizes CalPERS and the City to add this proposed tier before the December 31, 2012 deadline. Implementation of this second tier allows the City to have reduced retirement costs in the future.

Negotiations are ongoing with the Safety employees. Upon agreement regarding implementing the second tier retirement formula, a Special meeting of the City Council may be necessary in order to meet the deadlines imposed by AB340.
**FISCAL DATA:** For the second tiered plans, the immediate fiscal impact is unknown due to the fact that the 2@60 retirement formula for miscellaneous members will only be given to new “legacy” employees hired after the approval and implementation of the new tier. Savings will come in the future through lower rates as more and more of the work force is on the lower plan. Staff recognizes through discussions with the bargaining groups that there may be challenges with recruitments in the interim due to the lower benefit.

**RECOMMENDED BY:**

Jane Overholt
Administrative Services Director/
Deputy City Manager

**APPROVED BY:**

Andy J. Takata
City Manager

Attachments:
1. Resolution No. 2012-94 – Approval of the Side Letter of Agreements to MOU’s
2. Side Letter Agreement – SBPEA
3. Side Letter Agreement – IBEW – General Unit
RESOLUTION NO. 2012-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING
APPROVING A SIDE LETTER AGREEMENT TO THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS-LOCAL 47 (IBEW) GENERAL EMPLOYEES UNIT AND
UTILITY UNIT, THE SAN BERNARDINO PUBLIC EMPLOYEES ASSOCIATION
(SBPEA) AND THE CITY OF BANNING

WHEREAS, the City of Banning has recognized the International Brotherhood of
Electrical Workers – General Unit (IBEW – General Unit) and the Utility Unit (IBEW – Utility
Unit) and the San Bernardino Public Employees Association (SBPEA) as the bargaining units
representing a group of its employees; and,

WHEREAS, the City and the IBEW – General Unit and Utility Unit and the SBPEA
entered into a Memorandum of Understanding (MOU) which all expired September 11, 2011; and

WHEREAS, the City and bargaining units have been in Meet and Confer Sessions to
negotiate a successor MOU, which is in progress; and

WHEREAS, the City proposed a two tiered retirement formula in an effort to achieve
cost savings for the City; and

WHEREAS, with the recent passage of the Public Employees’ Pension Reform Act of
2013 (AB340), the opportunity to implement a two tiered retirement formula for new employees
that are currently vested in CalPERS expires on December 31, 2013; and

WHEREAS, the City and the IBEW units and SBPEA have met in good faith to approve
the 2% @ 60 retirement formula; and

WHEREAS, the City and the IBEW units and SBPEA have successfully negotiated a side
letter Amending the expired Memorandum of Understanding ("MOU") according to the
guidelines of the Meyers-Milias-Brown Act ("MMBA") and the City's Employer-Employee
Relations resolution ("Resolution No. 2010-45");

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

SECTION 1:

1. That the City Council approves the Side Letter Agreements to the MOU for
IBEW – General Unit, IBEW – Utility Unit and SBPEA, a copy of which is
attached hereto and by this reference made a part hereof; and

2. The Administrative Services Director is authorized to make the necessary budget
adjustments as applicable.
PASSED, APPROVED AND ADOPTED this 11th day of December 2012 at Banning, California.

__________________________________________
Don Robinson, Mayor
City of Banning, California

APPROVED AS TO FORM AND
LEGAL CONTENT

__________________________________________
David Aleshire, Attorney
Aleshire & Wynder, LLP

ATTEST:

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

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution, No. 2012-94 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11th day of December 2012, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

__________________________________________
Marie A. Calderon, City Clerk
City of Banning, California
SIDE LETTER AGREEMENT BETWEEN
THE CITY OF BANNING,
AND
THE SAN BERNARDINO PUBLIC EMPLOYEES ASSOCIATION
REGARDING TWO TIERED RETIREMENT
(NOVEMBER, 2012)
SIDE LETTER AGREEMENT BETWEEN THE CITY OF BANNING, AND THE SAN BERNARDINO PUBLIC EMPLOYEES ASSOCIATION REGARDING TWO TIERED RETIREMENT

PREAMBLE

This most current Memorandum of Understanding ("MOU" or "Agreement") between the City of Banning, a Municipal Corporation, hereinafter known as "the City" or "City" and the authorized representatives of the San Bernardino Public Employees Association, the recognized employee organization of the mid-management and professional unit, hereinafter known as the "Union" or "SBPEA", expired June 30, 2011. Since that time, the parties have continued on and off good faith negotiations over a successor MOU. The negotiations have been delayed in large part due to successive and ongoing negative fiscal impacts to the City caused by both the local economy and statewide events beyond the City's control. However, the parties have recently resumed negotiations in an effort to agree upon terms for a successor MOU. In the meantime, the parties have agreed to allow the City to attempt to implement a two tiered retirement plan for miscellaneous employees prior to January 1, 2013 as described more fully below and contingent upon agreement with all City miscellaneous employee organizations and approval by CalPERS.

The purpose of this Side Letter Agreement is to memorialize the meet and confer discussions and agreement reached on this particular issue of two tiered retirement which would be an express modification of the terms and conditions of the pre-existing expired MOU. Thus, this Side Letter Agreement is the product of meet and confer labor negotiations between the parties pursuant to Chapter 10 (Section 3500 et. seq.) of Division 4, Title 1 of the Government Code and pursuant to Resolution No. 2010-45, the Employer-Employee Relations Resolution of the City of Banning.

ARTICLE 12 - RETIREMENT (Modification)

12.3 CalPERS Formulas.

(a) The City agrees to continue to pay the employer's portion of the "Two and One-Half Percent at Fifty-Five" (2.5% @ 55) CalPERS Retirement for Miscellaneous employees, including the "single highest year" benefit, for all current SBPEA represented employees.

(b) City Council shall be authorized to adopt and implement resolutions providing for two tiered retirement for miscellaneous employees hired on or after such resolution adoption providing for the retirement plan known as 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period. All new employees vested in CalPERS or with any CalPERS recognized reciprocal agencies/plans shall receive the 2% @ 60 second tier retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period. All SBPEA represented employees hired on or before such resolution adoption shall remain at the current existing 2.5 @ 55 retirement formula, including the "single highest year" benefit.
(c) Per AB340, new SBPEA represented employees hired on or after January 1, 2013 shall be entitled to receive either the City's second tier 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period or the newly created the retirement plan known as 2% @ 62 formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period, as determined by CalPERS eligibility rules for these plans.

ARTICLE 30 – RATIFICATION AND EXECUTION

The Union represents that this Side Letter Agreement has been ratified by its members and therefore the City's representatives and the Union jointly recommend this Side Letter Agreement to the City Council for the City of Banning. The parties hereto acknowledge that this Side Letter Agreement 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 8th day of November, 2012.

For: the City of Banning

Andy Takata,
City Manager

Colin Tanner,
Lead Negotiator

June Overholt,
Administrative Services Director/
Deputy City Manager

Rita Chapparosa,
Deputy Human Resources Director

For SBPEA

Michael Moore
SBPEA Labor Relations Representative

Art Vela
Representative

Jim Stephens
Representative

November 2012
SIDE LETTER AGREEMENT BETWEEN
THE CITY OF BANNING,
AND
THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS - LOCAL 47
GENERAL EMPLOYEES UNIT
REGARDING TWO TIERED RETIREMENT
(NOVEMBER, 2012)
SIDE LETTER AGREEMENT BETWEEN THE CITY OF BANNING, AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS - LOCAL 47, GENERAL EMPLOYEES UNIT, REGARDING TWO TIERED RETIREMENT

PREAMBLE

This most current Memorandum of Understanding ("MOU" or "Agreement") between the City of Banning, a Municipal Corporation, hereinafter known as "the City" or "City" and the authorized representatives of the International Brotherhood Of Electrical Workers - Local 47, the recognized employee organization of the General Employees Unit, hereinafter known as the "Union" or "IBEW", expired September 30, 2011. Since that time, the parties have continued on and off good faith negotiations over a successor MOU. The negotiations have been delayed in large part due to successive and ongoing negative fiscal impacts to the City caused by both the local economy and statewide events beyond the City's control. However, the parties have recently resumed negotiations in an effort to agree upon terms for a successor MOU. In the meantime, the parties have agreed to allow the City to attempt to implement a two tiered retirement plan for miscellaneous employees prior to January 1, 2013 as described more fully below and contingent upon agreement with all City miscellaneous employee organizations and approval by CalPERS.

The purpose of this Side Letter Agreement is to memorialize the meet and confer discussions and agreement reached on this particular issue of two tiered retirement which would be an express modification of the terms and conditions of the pre-existing expired MOU. Thus, this Side Letter Agreement is the product of meet and confer labor negotiations between the parties pursuant to Chapter 10 (Section 3500 et. seq.) of Division 4, Title 1 of the Government Code and pursuant to Resolution No. 2010-45, the Employer-Employee Relations Resolution of the City of Banning.

ARTICLE 24 - RETIREMENT AND MEDICARE (Modification)

24.1 CalPERS Formulas.

(a) The City agrees to continue to pay the employer's portion of the "Two and One-Half Percent at Fifty-Five" (2.5% @ 55) CalPERS Retirement for Miscellaneous employees, including the "single highest year" benefit, for all current General Employees Unit employees.

(b) City Council shall be authorized to adopt and implement resolutions providing for two tiered retirement for miscellaneous employees hired on or after such resolution adoption providing for the retirement plan known as 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period. All new employees vested in CalPERS or with any CalPERS recognized reciprocal agencies/plans shall receive the 2% @ 60 second tier retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period. All General Employees Unit employees hired on or before such resolution adoption shall remain at the current existing 2.5 @ 55 retirement formula, including the "single highest year" benefit.
(c) Per AB340, new General Employees Unit employees hired on or after January 1, 2013 shall be entitled to receive either the City's second tier 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period or the newly created the retirement plan known as 2% @ 62 formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period, as determined by CalPERS eligibility rules for these plans.

ARTICLE 30 – RATIFICATION AND EXECUTION

The Union represents that this Side Letter Agreement has been ratified by its members and therefore the City's representatives and the Union jointly recommend this Side Letter Agreement to the City Council for the City of Banning. The parties hereto acknowledge that this Side Letter Agreement 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 29th day of November, 2012.

For the City of Banning

Andy Takata,
City Manager

Colin Tanner,
Lead Negotiator

June Overholt,
Administrative Services Director/
Deputy City Manager

Rita Chapparosa,
Deputy Human Resources Director

For the Union

Patrick Lavin, Business Manager
IBEW Local 47

Stan Strossel
Lead Negotiator, Senior Assistant
Business Manager
IBEW Local 47

Tom Lara
Representative
(c) Per AB340, new General Employees Unit employees hired on or after January 1, 2013 shall be entitled to receive either the City's second tier 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period or the newly created the retirement plan known as 2% @ 62 formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period, as determined by CalPERS eligibility rules for these plans.

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In witness whereof, the parties have caused their signatures to be affixed this 28th day of November, 2012.

For: the City of Banning

________________________
Andy Takata,
City Manager

________________________
Colin Tanner,
Lead Negotiator

________________________
June Overholt,
Administrative Services Director/Deputy City Manager

For the Union

________________________
Patrick Lavin, Business Manager
IBEW Local 47

________________________
Stan Stössel
Lead Negotiator, Senior Assistant Business Manager
IBEW Local 47

________________________
Rita Chapparosa,
Deputy Human Resources Director

________________________
Tom Lara
Representative

November 2012
SIDE LETTER AGREEMENT BETWEEN

THE CITY OF BANNING,

AND

THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS - LOCAL 47

UTILITY UNIT

REGARDING TWO TIERED RETIREMENT

(NOVEMBER, 2012)
SIDE LETTER AGREEMENT BETWEEN THE CITY OF BANNING, AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS - LOCAL 47, UTILITY UNIT, REGARDING TWO TIERED RETIREMENT

PREAMBLE

This most current Memorandum of Understanding ("MOU" or "Agreement") between the City of Banning, a Municipal Corporation, hereinafter known as "the City" or "City" and the authorized representatives of the International Brotherhood Of Electrical Workers - Local 47, the recognized employee organization of the Utility Unit, hereinafter known as the "Union" or "IBEW", expired September 30, 2011. Since that time, the parties have continued on and off good faith negotiations over a successor MOU. The negotiations have been delayed in large part due to successive and ongoing negative fiscal impacts to the City caused by both the local economy and statewide events beyond the City's control. However, the parties have recently resumed negotiations in an effort to agree upon terms for a successor MOU. In the meantime, the parties have agreed to allow the City to attempt to implement a two tiered retirement plan for miscellaneous employees prior to January 1, 2013 as described more fully below and contingent upon agreement with all City miscellaneous employee organizations and approval by CalPERS.

The purpose of this Side Letter Agreement is to memorialize the meet and confer discussions and agreement reached on this particular issue of two tiered retirement which would be an express modification of the terms and conditions of the pre-existing expired MOU. Thus, this Side Letter Agreement is the product of meet and confer labor negotiations between the parties pursuant to Chapter 10 (Section 3500 et. seq.) of Division 4, Title 1 of the Government Code and pursuant to Resolution No. 2010-45, the Employer-Employee Relations Resolution of the City of Banning.

ARTICLE 24 - RETIREMENT AND MEDICARE (Modification)

24.1 CalPERS Formulas.

   (a) The City agrees to continue to pay the employer's portion of the "Two and One-Half Percent at Fifty-Five" (2.5% @ 55) CalPERS Retirement for Miscellaneous employees, including the "single highest year" benefit, for all current Utility Unit employees.

   (b) City Council shall be authorized to adopt and implement resolutions providing for two tiered retirement for Utility Unit employees hired on or after such resolution adoption providing for the retirement plan known as 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period. All new employees vested in CalPERS or with any CalPERS recognized reciprocal agencies/plans shall receive the 2% @ 60 second tier retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period. All Utility Unit employees hired on or before such resolution adoption shall remain at the current existing 2.5 @ 55 retirement formula, including the "single highest year" benefit.
(c) Per AB340, new Utility Unit employees hired on or after January 1, 2013 shall be entitled to receive either the City’s second tier 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period or the newly created the retirement plan known as 2% @ 62 formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period, as determined by CalPERS eligibility rules for these plans.

ARTICLE 30 – RATIFICATION AND EXECUTION

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In witness whereof, the parties have caused their signatures to be affixed this 28th day of November, 2012.

For: the City of Banning

[Signature]

Andy Takata,
City Manager

[Signature]

Colin Tanner,
Lead Negotiator

[Signature]

June Overholt,
Administrative Services Director/
Deputy City Manager

For the Union

Patrick Lavin, Business Manager
IBEW Local 47

[Signature]

Stan Stoszel
Lead Negotiator, Senior Assistant
Business Manager
IBEW Local 47

[Signature]

Michael Coliantuono
Representative

November 2012
(c) Per AB340, new Utility Unit employees hired on or after January 1, 2013 shall be entitled to receive either the City's second tier 2% @ 60 retirement formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period or the newly created the retirement plan known as 2% @ 62 formula with final compensation defined as the highest average annual final compensation during a consecutive thirty-six (36) month period, as determined by CalPERS eligibility rules for those plans.

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In witness whereof, the parties have caused their signatures to be affixed this 28th day of November, 2012.

For: the City of Banning

Andy Takata,  
City Manager

Colin Tanner,  
Lead Negotiator

June Overholt,  
Administrative Services Director/Deputy City Manager

For the Union

Patrick Lavin, Business Manager  
IBEW Local 47

Stan Stossel  
Lead Negotiator, Senior Assistant Business Manager  
IBEW Local 47

Michael Colantuono  
Representative
RESOLUTION NO. 2012-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, RECITING THE FACTS OF THE CONSOLIDATED PRESIDENTIAL/GENERAL ELECTION HELD IN SAID CITY ON NOVEMBER 6, 2012 DECLARING THE RESULT THEREOF AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

WHEREAS, a consolidated presidential general election was held and conducted in the City of Banning, California, on Tuesday, November 6, 2012, as required by law; and

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

WHEREAS, pursuant to Resolution No. 2012-42 adopted June 12, 2012, the Registrar of Voters of the County of Riverside canvassed the returns of said election and certified the results to this City Council, said results are received, and attached and incorporated herein as “Exhibit A.”

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

SECTION 1. That the whole number of votes cast in said City (except vote by mail ballots) was 3,815.
That the whole number of votes by mail ballots cast in said City was 6,073, making a total of 9,888 votes cast in said City.

SECTION 2. That the names of persons voted for at said election for Member of the City Council of said City are as follows:

Art Welch
Larry Tucker
Edward Miller
Donald Robinson
Adam Buchanan
Don M. Peterson
That the names of persons voted for at said election for City Treasurer of said City is as follows:

John C. McQuown

That the name of person voted for at said election for City Clerk of said City is as follows:

Marie A. "Toni" Calderon

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City to each of such persons above named for the respective offices for which said persons were candidates were as listed in Exhibit "A" attached.

SECTION 4. The City Council does declare and determine that:

Art Welch was elected as Member of the City Council for the full term of four years; Edward Miller was elected as Member of the Council for the full term of four years; Don Peterson was elected as Member of the City Council for the full term of four years; John C. McQuown was elected as City Treasurer for the full term of four years and Marie A "Toni" Calderon was elected as City Clerk for the full term of four years;

SECTION 5. The City Clerk shall enter on the records of the City Council of the City of Banning a statement of the result of said election, showing: (1) The whole number of votes cast in the City; (2) The names of the persons voted for; (3) For what office each person was voted for; (4) The number of votes given at each precinct to each person; (5) The number of votes given in the city to each person.

SECTION 6. That the City Clerk shall immediately sign and deliver to each of the persons elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 11th day of December, 2012.

Don Robinson, Mayor

ATTEST:

Marie A. Calderon, City Clerk

Reso. No. 2012-95
CERTIFICATION:

I, Marie Calderon, City Clerk of the City of Banning, do hereby certify that the foregoing Resolution No. 2012-95 as duly adopted by the City Council of the City of Banning at a regular meeting thereof, held on the 11th day of December, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Marie A. Calderon, City Clerk
City of Banning, California
RESOLUTION NO. 2012-95

EXHIBIT "A"
CERTIFICATE OF REGISTRAR OF VOTERS
TO THE RESULTS OF THE CANVASS OF ELECTION RETURNS

State of California )
 ) ss.
County of Riverside )

I, KARI VERJIL, Registrar of Voters of said County, do hereby certify that, in pursuance of the provisions of Sections 15301, 15372, and 15374 of the California Elections Code, and the resolution adopted by the City Council, I did canvass the returns of the votes cast on November 6, 2012, as part of the Consolidated Presidential General Election in the

CITY OF BANNING

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

Dated this 26th day of November 2012.

KARI VERJIL
Registrar of Voters
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<th>Registration</th>
<th>Precinct Totals</th>
<th>Vote by Mail Reporting Totals</th>
<th>Grand Totals</th>
<th>Riverside County</th>
<th>30th Congressional District</th>
<th>23rd Senate District</th>
<th>42nd Assembly District</th>
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CITY COUNCIL AGENDA

DATE: December 11, 2012

TO: City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2012-96, “Awarding the Construction Contract for Project No. 2012-03, ‘Corporate Yard Block Wall’ and Rejecting all other Bids”

RECOMMENDATION: Adopt City Council Resolution No. 2012-96:

I. Awarding the Construction Contract for Project No. 2012-03, “Corporate Yard Block Wall” to BW Simmons Inc. of Calimesa, California for an amount of $1,099,893.00 and allowing a 10% contingency of $109,989.30.

II. Approving the Professional Services Agreement for Construction Staking Services with Albert A. Webb Associates of Riverside, California, for an amount of “Not to Exceed” $25,000.00.

III. Authorizing the Administrative Services Director to appropriate $1,234,882.30 from the Electric Improvement Fund to Account No. 673-7000-473-9016 and to make the necessary budget adjustments, appropriations and transfers to fund this project.

IV. Authorizing the Administrative Services Director to approve change orders within the 10% contingency of $109,989.30.

JUSTIFICATION: BW Simmons is the lowest responsive and responsible bidder to construct Project No. 2012-03, “Corporate Yard Block Wall.”

BACKGROUND: On April 25, 2006, the Banning City Council approved Resolution No. 2006-47 to design and construct a block wall around the City Yard premises located at 176 East Lincoln Street. Currently the yard is enclosed by an old, ineffective chain link fence. The block wall design and construction address existing security issues.

The Public Works staff advertised a “Notice Inviting to Bid”, as shown attached as Exhibit “A”, on October 12, 2012 and October 19, 2012 for Project No. 2012-03, “Corporate Yard Block Wall.” The scope of work includes the construction of a CMU wall along the perimeter and within the City of Banning’s Corporate Yard located at 176 E. Lincoln Street, the installation of gates, gate openers, card readers, steel fencing, conduits, irrigation mainline; construction of driveways, curb and gutter, sidewalk and AC paving; as well as the removal of existing miscellaneous items; in accordance with the City of Banning Specifications.
On November 13, 2012 the City Clerk received six (6) bids and publicly opened and read out loud the following results:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. BW Simmons Inc.</td>
<td>$1,099,893.00</td>
</tr>
<tr>
<td>2. Flacon Builders Inc.</td>
<td>$1,135,988.00</td>
</tr>
<tr>
<td>3. Team West Contracting</td>
<td>$1,240,441.28</td>
</tr>
<tr>
<td>4. KPRS Construction</td>
<td>$1,315,978.00</td>
</tr>
<tr>
<td>5. Hamel Contracting</td>
<td>$1,474,175.00</td>
</tr>
<tr>
<td>6. Kasa Construction</td>
<td>$1,527,938.00</td>
</tr>
</tbody>
</table>

The Engineer’s estimate for the project is $1,250,000.00. If approved the project is anticipated to begin in January 2013.

**FISCAL DATA:** The total project cost is equal to $1,234,882.30, which includes a 10% construction contingency and the professional services costs. An appropriation in the amount of $1,234,882.30 from the Electric Improvement Fund is needed in Account No. 673-7000-473-9016.

**RECOMMENDED BY:**

Duane Burk  
Director of Public Works

**RECOMMENDED BY:**

Fred Mason  
Electric Utility Director

**REVIEWED BY:**

June Overholt  
Administrative Services Director/Deputy City Manager

**APPROVED BY:**

Andy Takata  
City Manager
RESOLUTION NO. 2012-96


WHEREAS, the Community Redevelopment Agency (CRA) directed staff to proceed with the development of construction of a block wall around the City of Banning’s corporate yard located at 176 East Lincoln Street; and

WHEREAS, a Notice Inviting Bids was advertised on October 12, 2012 and October 19, 2012, as shown attached as Exhibit “A”, and six (6) bids were received and opened on November 13, 2012; and

WHEREAS, BW Simmons Inc. of Calimesa, California is the lowest responsible bidder to construct Project No. 2012-03, “Corporate Yard Block Wall”; and

WHEREAS, The scope of work includes the construction of a CMU wall along the perimeter and within the City of Banning’s Corporate Yard located at 176 E. Lincoln Street, the installation of gates, gate openers, card readers, steel fencing, conduits, irrigation mainline; construction of driveways, curb and gutter, sidewalk and AC paving; as well as the removal of existing miscellaneous items.

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

SECTION 1. City Council adopts Resolution No. 2012-96, awarding the Construction Contract for Project No. 2012-03, “Corporate Yard Block Wall” to BW Simmons Inc. of Calimesa, California for an amount equal to $1,099,893.00, allowing a 10% contingency of $109,989.30 and rejecting all other bids.

SECTION 2. City Council approves the Professional Services Agreement for Construction Staking Services with Albert A. Webb Associates of Riverside, California, for an amount of “Not to Exceed” $25,000.00

SECTION 3. The Administrative Services Director is authorized to make the necessary budget appropriation in the amount of $1,234,882.30 from the Electric Improvement Fund to Account No. 673-7000-473-9016, and any additional budget adjustments, appropriations and transfers related to this project including approval of change orders within the 10% contingency of $109,989.30.

SECTION 4. The City Manager is authorized to execute the contract agreements for Project No. 2012-03 “Corporate Yard Wall” This authorization will be rescinded if the contract agreements are not executed within sixty (60) days of the date of this resolution.

Resolution No. 2012-96
PASSED, ADOPTED AND APPROVED this 11th day of December, 2012.

Don Robinson, Mayor
City of Banning

ATTEST:

______________________________
Marie A. Calderon, City Clerk

APPROVED AS TO FORM AND
LEGAL CONTENT:

______________________________
David J. Alesheire, City Attorney
Alesheire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-96, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11th day of December, 2012.

AYES:
NOES:
ABSTAIN:
ABSENT:

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

Resolution No. 2012-96
EXHIBIT "A"

NOTICE INVITING TO BID
NOTICE INVITING TO BID
PROJECT NO. 2012-03, “CORPORATE YARD PERIMETER WALL”

OWNER: City of Banning

PROJECT DESCRIPTION: The primary scope of work under this project includes the construction of a CMU wall along the perimeter and within the City of Banning’s Corporate Yard located at 176 E. Lincoln Street. The scope also includes the installation of gates, gate openers, card readers, steel fencing, conduits, irrigation mainline, construction of driveways, curb and gutter, sidewalk and AC paving; as well as the removal of existing miscellaneous items.

PLANS & SPECS: Full-size drawings and specifications will be made available on October 16, 2012, 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 Fifty Dollars ($50.00) 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.

MANDATORY PRE-BID CONFERENCE: October 24, 2012 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: November 1, 2012 and Opened Publicly at 2:00 p.m. local time, at the above City Hall address, Attn: City Clerk.

CITY OF BANNING, CALIFORNIA
Dated: 10/9/2012
Publication Date: 10/12/2012
10/19/2012

[Signature]
Marie A. Calderon
City Clerk
DATE: December 11, 2012

TO: City Council

FROM: Duane Burk, Director of Public Works


JUSTIFICATION: It is necessary to approve the 2012 Public Works Standard Drawings for the City of Banning in order to provide updated guidelines and design standards to engineers, contractors and developers.


Soon after on February 24, 1983 the City of Banning adopted Resolution 1983-07, “Rescinding Resolution 1982-50 and adopting the 1983 Public Works Specifications for the City of Banning” which resulted in the last update of the Public Works Standard Drawings for the City of Banning.

In a continual effort to enhance the quality of design and construction work within the City of Banning staff has updated the City’s Street, Water and Wastewater standard drawings. In addition, staff has included standard drawings for Recycled Water projects.

Staff respectfully requests the approval of the 2012 Public Work Standard Drawings for the City of Banning, as shown in Exhibit “A”, as well as authorizing the City Engineer to make revision to the 2012 Public Works Standard Drawings for the City of Banning when needed. In addition, staff request the latest edition of the Standard Specifications for Public Works Construction, also known as the “Greenbook”, be adopted by reference as part of the 2012 Public Works Standard Drawings for the City of Banning.

Once approved, staff will make a copy of the 2012 Public Work Standard Drawings available at the Engineering counter as well as on the City’s website.

FISCAL DATA: N/A

SIGNATURES ON NEXT PAGE
RECOMMENDED BY:

Duane Burk
Director of Public Works

APPROVED BY:

Andy Takata
City Manager
RESOLUTION NO. 2012-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, ADOPTING THE 2012 PUBLIC WORKS STANDARD DRAWINGS FOR THE CITY OF BANNING

WHEREAS, on September 1, 1982 the City of Banning adopted Resolution 1982-50, “A Resolution of the City of Banning, California, adopting the 1982 Edition of the Standard Specifications for Public Works Construction”; and

WHEREAS, on February 24, 1983 the City of Banning adopted Resolution 1983-07, “Rescinding Resolution 1982-50 and adopting the 1983 Public Works Specifications for the City of Banning” which resulted in the last update of the Public Works Standard Drawings for the City of Banning; and

WHEREAS, in a continual effort to enhance the quality of design and construction work within the City of Banning staff has updated the City’s Street, Water and Wastewater standard drawings as well as included standard drawings for Recycled Water projects and are shown as Exhibit “A”; and

WHEREAS, in addition, staff requests the latest edition of the Standard Specifications for Public Works Construction, also known as the “Greenbook”, be adopted by reference as part of the 2012 Public Works Standard Drawings for the City of Banning.

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

SECTION 1. City Council approves Resolution No. 2012-97, adopting the 2012 Public Works Standard Drawings for the City of Banning” and adopts by reference the Standard Specifications for Public Works Construction, also known as the “Greenbook”.

PASSED, ADOPTED AND APPROVED this 11th day of December, 2012.

Don Robinson, Mayor
City of Banning

ATTEST:

Marie A. Calderon, City Clerk
CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-97, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11th day of December, 2012.

AYES:
NOES:
ABSTAIN:
ABSENT:

Marie A. Calderon, City Clerk
City of Banning, California
EXHIBIT “A”

2012 STANDARD DRAWINGS OF THE CITY OF BANNING
CITY COUNCIL AGENDA

DATE: December 11, 2012

TO: City Council

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2012-98, "Approving the Second Amendment to the Professional Services Agreement with GeoTek, Inc."

RECOMMENDATION: City Council adopts Resolution 2012-98:

I. Approving the Second Amendment to the Professional Services Agreement with GeoTek, Inc. of Corona, California in an amount of $4,588.48 for a total contract amount "Not to Exceed" $34,011.15.

II. Authorizing the City Manager to execute the second amendment to the Professional Services Agreement with GeoTek, Inc.

JUSTIFICATION: The second amendment is necessary in order to cover the remaining project charges for contamination testing during the removal of the Underground Storage Tanks ("UST") at 150 E. Ramsey Street


The scope of work for the project included the removal of one 1,500 gallon underground storage tank ("UST") and piping at 150 E. Ramsey Street; the removal of two hydraulic lift mechanisms approximately ten feet deep located at 220 E. Ramsey Street and the removal of three 1,500 gallon USTs and piping at 280 E. Ramsey Street.

GeoTek, Inc. was awarded a professional services agreement to analyze soil samples in the immediate vicinity of the USTs being removed. High levels of contaminants were detected in the soil located underneath the UST at 150 E. Ramsey Street. Staff worked closely with the Riverside County Environmental Health Department ("RCHD") to develop a compliance plan which consisted of removing the contaminated material and testing the soil at deeper depths. This process continued several times until the levels of contamination in the soil were in ranges acceptable to the RCHD.

The approval of the second amendment is necessary in order to cover costs incurred for the unanticipated charges for additional testing of the soil.

Resolution No. 2012-98
**FISCAL DATA:** The original funding amount for the Professional Services Agreement was $24,661.00. The first amendment to the agreement added an additional $4,761.67 to the contract. If approved, the second amendment will add $4,588.48 for a total contract amount of $34,011.15. The additional cost will be funded by Account No. 855-9500-490.90-54.

**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. 2012-98

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH GEOTEK, INC.

WHEREAS, on March 13, 2012, the City Council adopted Resolution No. 2012-22, “Awarding the Construction Contract for Project No. 2012-01, ‘UST and Hydraulic Lift Removal at 150, 220 and 280 E. Ramsey Street’”; and

WHEREAS, the scope of work for the project included the removal of one 1,500 gallon underground storage tank (“UST”) and piping at 150 E. Ramsey Street; the removal of two hydraulic lift mechanisms approximately ten feet deep located at 220 E. Ramsey Street and the removal of three 1,500 gallon USTs and piping at 280 E. Ramsey Street; and

WHEREAS, GeoTek, Inc. of Corona, California was awarded a professional services agreement to analyze soil samples for contamination in the immediate vicinity of the USTs being removed; and

WHEREAS, high levels of contaminants were detected in the soil located underneath the UST at 150 E. Ramsey Street and as a result, staff worked closely with the Riverside County Environmental Health Department (“RCHD”) to develop a compliance plan which consisted of removing the contaminated material and testing the soil at deeper depths; and

WHEREAS, the approval of the second amendment is necessary in order to cover costs incurred for the unanticipated charges for additional testing of the soil.

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

SECTION 1. The City Council adopts Resolution No. 2012-98 approving the second amendment to the Professional Services Agreement with GeoTek, Inc. of Corona, California.

SECTION 2. The City Manager is authorized to execute the second amendment to the Professional Services Agreement with GeoTek, Inc. of Corona, California. This authorization will be rescinded if the contract agreement is not executed by the parties within sixty (60) days of the date of this resolution.

PASSED, ADOPTED AND APPROVED this 11th day December, 2012.

Don Robinson, Mayor
City of Banning

Resolution No. 2012-98
ATTEST:

Marie A. Calderon, Secretary

APPROVED AS TO FORM
AND LEGAL CONTENT:

David J. Aleshie, Authority Counsel
Aleshie & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2012-98 was adopted by the City Council of the City of Banning at a regular meeting thereof held on the 11th day of December, 2012.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Resolution No. 2012-98
CITY COUNCIL / BANNING UTILITY AUTHORITY AGENDA

DATE: December 11, 2012

TO: Banning Utility Authority

FROM: Duane Burk, Director of Public Works

SUBJECT: Resolution No. 2012-15 UA, “Approving the Purchase of Supervisory Control and Data Acquisition Radios through Steven Engineering, of South San Francisco, California and Awarding a Professional Services Agreement to Prime Systems Industrial Automation, Inc. of Riverside, California”

RECOMMENDATION: Adopt Resolution No. 2012-15 UA:

I. Approving the purchase of Supervisory Control and Data Acquisition Radios through Steven Engineering, of South San Francisco, California in an amount “Not to Exceed” $57,310.87.

II. Awarding a Professional Services Agreement to Prime Systems Industrial Automation, Inc. of Riverside, California in an amount “Not to Exceed” $16,543.00.

III. Authorize the City Manager to execute the Professional Services Agreement.

JUSTIFICATION: The replacement of existing wideband 25 kHz with 900 MHz Ethernet radios is necessary for the City to stay in compliance with new Federal Communications Commission (“FCC”) regulations.

BACKGROUND: In August 1991 the City of Banning Water Department installed the first Supervisory Control and Data Acquisition (“SCADA”) system to allow staff the ability to monitor and control the City’s water collection and distribution operating systems from a remote location. The last major upgrade of the SCADA system was in 2003. The City of Banning received a notice from the FCC explaining that all Industrial/Business and Public Safety Radio Pool licensees must operate on 12.5 kHz or narrower channels by January 1, 2013. The City’s existing SCADA system currently uses 25 kHz technology and is therefore affected by the new requirement.

Since receiving the notice staff has diligently worked with various radio suppliers and operators to analyze the City’s existing SCADA system and to determine the most suitable upgrade of the system to meet FCC requirements, to allow for further growth, and to provide staff with an efficient system for uninterrupted monitoring and control of the City’s water collection and distribution operating systems.
Staff recommends the purchase of Phoenix 900 MHz Ethernet Radios from Steven Engineering for the replacement of the City's existing SCADA radios. Phoenix radios are a reliable product widely used by many utility agencies in the surrounding area. In addition to being reliable radios, the Phoenix product will allow for future expansion of the telemetry system. Steven Engineering has submitted a proposal, attached as Exhibit “A”, in the amount of $57,310.87. In addition to the Phoenix Radios, the proposal includes miscellaneous items needed for their installation.

Staff also recommends the award of Professional Services Agreement with Prime Systems Industrial Automation (“PSIA”), Inc. a reputable company specializing in control system integration for industrial, water and wastewater operations. PSIA has submitted a proposal, attached as Exhibit “B”, in the amount of $16,543.00. The scope of work includes the replacement of the SCADA systems existing radios, radio programming, configuration and testing.

**FISCAL DATA:** The total cost for the purchase of the SCADA radios is $57,310.87 and will be funded by Account No. 660-6300-471.95-08 (Wells/Pump Equipment). The total cost of the Professional Services Agreement for the installation of the SCADA radios is $16,543.00 and will be funded by Account No. 660-6300-471.33-11 (Professional Services). An appropriation into these accounts is not required.

**RECOMMENDED BY:**

Duane Burk
Director of Public Works

**REVIEWED BY:**

John Overholt
Administrative Services Director

**APPROVED BY:**

Andy Takata
City Manager
RESOLUTION NO. 2012-15 UA

A RESOLUTION BY THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE PURCHASE OF SUPERVISORY CONTROL AND DATA ACQUISITION RADIOS FROM STEVEN ENGINEERING, OF SOUTH SAN FRANCISCO, CALIFORNIA AND AWARDING A PROFESSIONAL SERVICES AGREEMENT TO PRIME SYSTEMS INDUSTRIAL AUTOMATION, INC. OF RIVERSIDE, CALIFORNIA

WHEREAS, the City of Banning received a notice from the Federal Communications Commission ("FCC") explaining that all Industrial/Business and Public Safety Radio Pool licensees must operate on 12.5 kHz or narrower channels by January 1, 2013; and

WHEREAS, in August, 1991 the City of Banning Water Department installed the first Supervisory Control and Data Acquisition ("SCADA") system, was last upgraded in 2003 and currently operates using 25 kHz technology and is therefore affected by the FCC’s new requirements; and

WHEREAS, in order to comply with FCC’s requirements, staff recommends the purchase of Phoenix 900 MHz Ethernet Radios from Steven Engineering for the replacement of the City’s existing SCADA radios; and

WHEREAS, staff recommends the award of Professional Services Agreement with Prime Systems Industrial Automation, Inc. a reputable company specializing in control system integration for industrial, water and wastewater operations, for the installation and configuration of the Phoenix radios.

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

SECTION I. The Banning Utility Authority approves the purchase of Supervisory Control and Data Acquisition Radios through Steven Engineering, of South San Francisco, California in an amount “Not to Exceed” $57,310.87.

SECTION II. The Banning Utility Authority approves the award of a Professional Services Agreement to Prime Systems Industrial Automation, Inc. of Riverside, California in an amount “Not to Exceed” $16,543.00.

SECTION III. The City Manager is authorized to execute the Professional Services 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 11th day of December, 2012.

Chairman
Banning Utility Authority

APPROVED AS TO FORM AND LEGAL CONTENT:

__________________________
David Aleshire
City Attorney

ATTEST:

__________________________
Marie A. Calderon, Secretary
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. 2012-15 UA was adopted by the Utility Authority of the City of Banning at a Regular Meeting thereof held on the 11th day of December, 2012.

AYES:

NOES:

ABSENT:

ABSTAIN:

[Signature]

Marie A. Calderon, Secretary
Banning Utility Authority
City of Banning, California
EXHIBIT “A”

Steven Engineering
Quotation
**BILL TO:**
CITY OF BANNING
176 E LINCOLN
BANNING, CA 92220

**SHIP TO:**
CITY OF BANNING
176 E LINCOLN
BANNING, CA 92220

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Please review this quote at your earliest convenience. If there are any discrepancies or changes, please contact me personally,

MARCUS DETRY
at Ext: 1027

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Please review this quote at your earliest convenience. If there are any discrepancies or changes, please contact me personally, MARCUS DETRY at Ext: 1027

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PHOENIX ETHERNET SWITCH FL SWITCH SFN 5TX
EXHIBIT “B”

Prime Systems Industrial Automation, Inc.
Quotation
December 3, 2012

Perry Gerdes
Public Utilities Superintendent
City of Banning
Public Utilities Department
176 E. Lincoln Street
P.O. Box 998
Banning, CA 92220-0998

Phone: 951-849-3273
FAX: 951-849-4573
E-Mail: pgerdes@ci.banning.ca.us

Subject: City of Banning SCADA System Radio Hardware Installation Quotation
Revision 2: Remove Labor Cost for Radio Replacement/Installation for Esteem Radios

Dear Mr. Gerdes,

Thank you for this opportunity for Prime Systems Industrial Automation, Inc. to present the following quotation for the City of Banning SCADA System Radio Hardware Installation.

Prime Systems Industrial Automation, Inc. prides itself on being responsive to our customer's needs. With no formal marketing or sales force, Prime Systems relies completely on customer repeat business and "word of mouth" recommendations. With this marketing strategy, we have continued to grow our customer base and support our existing customers with the high quality work standards they have come to expect from our professional services.

Prime Systems Industrial Automation, Inc. has a proven track record for many installed PLC based control systems, similar to your systems. If there is any interest in seeing one of these installations, or contacting a current client, please let us know.

We appreciate the opportunity to support you in your Control System and Automation needs and we look forward to demonstrating our reputation for quality work done in a timely manner. If there is anything we can do to assist you, please don’t hesitate to contact me at our office.

Sincerely,

Marc Smith
President
Prime Systems Industrial Automation, Inc.
December 3, 2012

Letter: 2012 BANNING RADIO Install v2.docx
PAGE: 2 of 5

Scope of Work:
This quotation is submitted to summarize the cost associated with the City of Banning SCADA System Radio Hardware Installation.

The Scope of Work for this quotation is to provide all required labor services to remove existing, FCC non-compliant radios from seventeen (17) existing RTU sites and replace them with new, City of Banning, provided Phoenix Contact radios and radio hardware. This quotation consists of providing the required labor for the SCADA System Radio Hardware Installation. The new SCADA System Radio Hardware is manufactured by Phoenix Contact.

This quotation consists of the labor required to replace the existing TSI9600 Teledesign radios at the following Kingfisher RTU Stations with Phoenix Contact 900 MHz Ethernet Radios:
1. Well 1 & Well 3
2. Well 4
3. Well 7
4. C-2
5. C-3
6. C-4
7. C-5
8. C-6
9. M-3
10. M-7
11. M-10
12. M-11
13. M-12
14. Southwest Reservoir
15. Sunset Reservoir
16. Sun Lakes Lake
17. BCVWD Intertie

The project cost is quoted and itemized as follows:

1. SCADA System Radio Hardware Installation Labor.............................................$16,543
   Prime Systems Industrial Automation, Inc. will provide the following installation services:
   a) On-Site Radio Communication Testing and Verification
   b) Radio Programming, Configuration, Testing (Prime System Office/Shop)
   c) On-Site Phoenix Contact Hardware Installation, Wiring, and Communications Testing
      a. Install Phoenix Contact 900 MHz Ethernet Radios (17 Total)
      b. Install Phoenix Contact 120 Vac Surge Suppressor (17 Total)
      c. Install Phoenix Contact 5-Port Ethernet Switch (17 Total)
      d. Install Phoenix Contact 24 Vdc Power Supply (17 Total)
      e. Install Phoenix Contact 24 Vdc Battery Backup (17 Total)
      f. Install Phoenix Contact Antenna Surge/Lightning Protection (17 Total)
      g. Install Phoenix Contact Antenna Pigtail (17 Total)
      h. Install Phoenix Contact Antennas (17 Total)
      i. Install Weatherheads to top of Antenna Masts (17 Total)
      j. Install LMR 400 Antenna Cable – Cut to Length (17 Total)
      k. Install N-Male Antenna Cable Connectors (34 Total)
   d) Remove existing 24 Vdc Power Supplies and 24 Vdc Batteries/Battery Packs from all 17 sites
   e) Remove existing Antennas and Antenna Cables from all 17 sites
   f) Sunset Reservoir

Prime Systems Industrial Automation, Inc.
8875 Burlington Circle | Riverside, CA 92508 | Tel: 951.656.7139 | FAX: 951.656.8139
a. Relocate and wire all Sunset Reservoir Kingfisher hardware in existing RTU panel to new Enclosure
b. Relocate and wire all Repeater Station Kingfisher hardware in existing RTU panel to new Enclosure
c. Connect Kingfisher Repeater RTU to new Phoenix Contact Radio on the RS232 Serial Port
d. Install new Phoenix Contact Antenna for Sunset Reservoir Kingfisher RTU. Antenna to be mounted on top of Tank #2
e. Wire 120 VAC power to the new Enclosure for the Kingfisher Sunset and Repeater RTUs. Power to be provided from existing Allen Bradley Enclosure.
f. Demo/Remove existing unused Kingfisher conduit and antenna cable.

This quotation is based on the City of Banning Water Department performing the following task:

a) Purchase and provide all required hardware.
b) Provide one (1) maintenance person to assist in the hardware installation. This support includes prepping the site, powering down the site, pulling antenna cable, supporting ladder work, antenna alignment, etc. This support will be required 100% of the time during hardware installation.
c) Provide bucket truck for all work above 20' and location with difficult elevated access.
d) Replace all antenna masts with 1 1/4” Ridged Conduit antenna masts (as required).
e) Site specific requirements:

   a. M-12 – Replace existing conduit and flex conduit on the back of the MCC Panel with new 1 1/4” Conduit, flex conduit, LB Conduit, and Chase Nipple.
   b. BCWWD Inter Tie – Add Antenna Mast, Base Support, Unistrut Supports, brackets, T-Conduit, LB-Conduit, Conduit Nipples, Chase Nipples, etc.
   c. Well 1 – Core a 2” hole in the block wall. Add 3’ length of 2” rigid conduit, LB Conduit, and Conduit nipples as required to allow antenna cable access into the building.
   d. Sunset Reservoir
      i. Purchase and Install a new 36”x36”x12” Steel Enclosure and Back Panel next to the existing Enclosure
      ii. Install two 2” Conduit penetrations between Enclosures
      iii. Install a new twisted-shielded cable from Tank #2 Pressure Transmitter to the new Enclosure (via the existing enclosure)
      iv. Install new antenna cable from the existing Kingfisher Sunset RTU antenna to the new Enclosure (via the existing enclosure)

f) Remove the existing Esteem Radios and associated hardware at the following sites. Permanently mounting and install Phoenix Contact radio, radio hardware, antennas, and antenna cables that were installed as part of the Phoenix Radio testing.

   a. Field Office
   b. Waste Water Treatment Plant (Repeater Station)
   c. Sunset Reservoir
   d. Mountain Reservoir
   e. Mountain East Reservoir

The payment schedule for this project is as follows:

1. Project Down Payment (due at receipt of order) 25%
2. Progress payment due at completion Phoenix Hardware Installation 65%
3. Final payment due at completion of Project 10%

Prime Systems Industrial Automation, Inc.
8875 Burlington Circle | Riverside, CA 92508 | Tel: 951.656.7139 | FAX: 951.656.8139
All invoices are due and payable on net 30-day terms.  
This quotation is good for 30 days at which time we will requote as required.  
*Prime Systems Industrial Automation, Inc.* will require six (6) weeks to replace the seventeen (17) 900 MHz radios.

**Terms and Conditions:**

1. All Phoenix Contact hardware must be delivered to the *Prime Systems Industrial Automation, Inc.* shop in Riverside, CA. Delivery of hardware is the responsibility of the City of Banning.
2. This quotation is for the listed SCADA Radio Hardware Installation only.
3. Each of the seventeen (17) remote sites will be powered off (not communicating to the existing SCADA System) during the installation of the new hardware. Each site could be off for up to 4 hours.
4. This quotation does not include any equipment and/or hardware. All equipment and/or hardware is purchased and provided by the City of Banning.
5. The City of Banning Water Department personnel must be present and participate in the installation at each site. Most of the sites have tasks that require two (2) people; this quotation is based on the City of Banning providing the second person to support the installation.
6. Existing 24 Vdc batteries and battery packs will be removed from all 17 sites and replaced by the Phoenix Contact Battery Backup modules.
7. Existing 24 Vdc Power Supplies will be removed from all 17 sites and replaced by the Phoenix Contact 24 Vdc Power Supplies.
8. City of Banning to purchase and provide new Weatherheads for all sites. Cost for installation of the new Weatherheads is included in this quotation.
9. All antenna cables installed by the City of Banning and/or its contractors are to be installed inside the antenna masts and conduits.
10. If additional Hardware Installation, not detailed above, is required and/or requested it will be provided at an additional cost.
11. Existing Radio Antenna masts will be reused at most of the sites. If the City of Banning wants/needs different antenna masts or mast configurations, they will be responsible for modifying the antenna masts prior to *Prime Systems Industrial Automation, Inc.* arrival on-site for hardware installation.
12. This quotation does not include any SCADA, Kingfisher RTU, Allen Bradley and/or Wonderware programming.
13. No changes will be made to the Allen Bradley PLC panels and/or programming.
14. Mountain Reservoir currently has a Kingfisher RTU and TSI9600 Teledesign radio. The Radio for this site will be powered off and not replace. Communication to this site is currently not required.
15. This quotation does not include any tasks associated with new or existing Esteem Radios.
16. This quotation assumes that all work will be done during normal work hours (no weekend, holidays, or after hours).
17. This quotation assumes that all work days are limited to eight (8) hours. Any work in excess of eight (8) hours per day is considered overtime and is not included in this quotation.
18. *Prime Systems Industrial Automation, Inc.* standard work hours are Monday – Friday 8:00 AM – 5:00 PM. Any work outside these standard work hours is considered overtime/after-hours/weekend/holiday and is invoiced at 1.5 our standard rate.

*Prime Systems Industrial Automation, Inc.*
8875 Burlington Circle | Riverside, CA 92508 | Tel: 951.656.7139 | FAX: 951.656.8139
December 3, 2012

I hope this quotation is responsive to your needs and I look forward to demonstrating our reputation for quality work done in a timely manner. We appreciate the opportunity to work with you on this project and to support you in your automation and control system needs. If you have any questions, please don’t hesitate to call me at our office, 951-656-7139.

Sincerely,

Marc Smith
President
Prime Systems Industrial Automation, Inc.
DATE: December 11, 2012

TO: Banning Utility Authority

FROM: Duane Burk, Director of Public Works


JUSTIFICATION: Adoption of Utility Authority Resolution No. 2012-17 UA is requested in order to satisfy comments received from the Department of Water Resources (“DWR”) on the City of Banning’s 2010 Urban Water Management Plan (“UWMP”) and to receive approval from the DWR for the submitted UWMP.

BACKGROUND: The City of Banning is an Urban Water Supplier for the water service area of the City of Banning and was therefore required to prepare an UWMP which assess the reliability of its water sources over a 20 year planning horizon considering normal and dry years. UWMPs are due on December 31st of years ending in 0 and 5, but a 6-month extension was granted for submittal of the 2010 UWMPs to provide additional time for water suppliers to address new requirements. City of Banning staff submitted its most recent UWMP on July 22, 2011.

The information contained in the 2010 UWMP included the following as required by California Water Code Sections 10610 through 10657:

a) Conservation and efficient use of urban water supplies.
b) A long-term, reliable supply of water to the area.
c) Ensure the appropriate level of reliability water service to meet the needs of the City’s various categories of customers during normal, dry, and multiple dry water years.
d) Public health issues as related to contaminants identified in certain local and imported water supplies.
e) Implementing effective water management strategies, including groundwater storage projects and recycled projects meeting water quality and salinity targets for groundwater basins water quality objectives and promoting beneficial use of recycled water.
f) Water quality regulations relating to the water agency selection of raw water sources, treatment alternatives, and modification to existing treatment.
g) Changes in drinking water quality standards, which may impact the usefulness of water supplies and may ultimately impact supply reliability.
h) Review the quality of source supplies, which can have a significant impact on water management strategies and supply reliability.
Recently the DWR requested revisions to specific sections in the 2010 UWMP, which have been addressed and contained in the attached Technical Memorandum (Exhibit “A”). The addendum revises information contained in Section 3.2 (Baseline and Water Use Targets), Section 4.1 (Current and Planned Water Supplies and Sources) and Section 6.0 (Demand Management Measures) of the UWMP.

In advance of the public hearing held this day, the notice of public hearing for the adoption of the Addendum to the 2010 Urban Water Management Plan was advertised in the Press Enterprise on November 30, 2012 and December 7, 2012 as shown in Exhibit “B”.

**STRATEGIC PLANNING:** City Council adoption of Utility Authority Resolution No. 2012-17 UA, “Adopting the Addendum to the 2010 Urban Water Management Plan” will allow the City to meet its goal of providing a reliable delivery of water supply to the present and future customers of the Banning Water Utility as well as the ability of obtaining future grant funding from the DWR.

**FISCAL DATA:** N/A

**RECOMMENDED BY:**

![Signature]

Duane Burk  
Director of Public Works

**APPROVED BY:**

![Signature]

Andy Takata  
City Manager

**REVIEWED BY:**

![Signature]

June Overholt  
Administrative Services Director/  
Deputy City Manager
RESOLUTION NO. 2012-17 UA

A RESOLUTION OF THE BANNING UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, ADOPTING THE ADDENDUM TO THE 2010 URBAN WATER MANAGEMENT PLAN

WHEREAS, the City of Banning is an Urban Water Supplier for the water service area of the City of Banning and was therefore required to prepare an Urban Water Management Plan ("UWMP") which assess the reliability of its water sources over a 20 year planning horizon considering normal and dry years; and

WHEREAS, UWMPs are due on December 31 of years ending in 0 and 5, but a 6-month extension was granted for submittal of the 2010 UWMPs to provide additional time for water suppliers to address new requirements; and

WHEREAS, City of Banning staff submitted its most recent UWMP on July 22, 2011; and

WHEREAS, recently the Department of Water Resources ("DWR") requested revisions to specific sections in the 2010 UWMP, which have been addressed and our contained in the attached Technical Memorandum (Exhibit "A"); and

WHEREAS, in advance of the public hearing held this day, the notice of public hearing for the adoption of the Addendum to the 2010 Urban Water Management Plan was advertised in the Press Enterprise on November 30, 2012 and December 7, 2012 as shown in Exhibit "B"; and

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

SECTION 1, The Addendum to the 2010 Urban Water Management Plan is hereby adopted and ordered filed with the City Clerk.

SECTION 2, The Public Works Director is hereby authorized and directed to file the Addendum to the 2010 Urban Water Management Plan with the California Department of Water Resources within 30 days of this Resolution.

PASSED, ADOPTED AND APPROVED this 11th day December, 2012.

Don Robinson, Chairman
Banning Utility Authority

ATTEST:

Marie A. Calderon, Secretary

BUA Resolution No. 2012-17 UA
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. 2012-17 UA was adopted by the Utility Authority of the City of Banning at a Regular Meeting thereof held on the 11th day of December, 2012.

AYES:

NOES:

ABSENT:

ABSTAIN:

Marie A. Calderon, Secretary
Banning Utility Authority
City of Banning, California
EXHIBIT “A”

TECHNICAL MEMORANDUM

ADDENDUM TO THE CITY OF BANNING 2010 URBAN WATER MANAGEMENT PLAN
Technical Memorandum

To:
Mr. Duane Burk
Public Works Director
City of Banning

From:
Dennis E. Williams, Ph.D.
President
GEOSCIENCE Support Services, Inc.

Date:
November 26, 2012

Subject:
Addendum to City of Banning 2010 Urban Water Management Plan

1.0 INTRODUCTION

1.1 Background and Purpose

The City of Banning submitted the 2010 Urban Water Management Plan (2010 UWMP) July 22, 2011, upon review by the Department of Water Resources (DWR) it was requested that additional information be included in the document to be consistent with updated management practices being implemented by the City since the adoption in 2011. The following sections are addendums to the specific sections of the City of Banning 2010 Urban Water Management Plan issued July 22, 2011 and shall supersede similar information previously provided for the cited sections.

2.0 BASELINE AND WATER USE TARGETS – ADDENDUM TO SECTION 3.2

The 2010 UWMP addressed the selection of base daily per capita water use using Technical Methodology 3: Base Daily Per Capita Water Use. The following table summarizes the base period determination.
Table 3-6a
Base Daily Per Capita Water Use - 2001 through 2010

<table>
<thead>
<tr>
<th>Sequence Year</th>
<th>Calendar Year</th>
<th>Distribution System Population</th>
<th>Daily System Gross Water Use (mgd)</th>
<th>Annual Daily Per Capita Water Use (gpcd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>2001</td>
<td>24,639</td>
<td>8.95</td>
<td>363</td>
</tr>
<tr>
<td>Year 2</td>
<td>2002</td>
<td>25,662</td>
<td>8.75</td>
<td>341</td>
</tr>
<tr>
<td>Year 3</td>
<td>2003</td>
<td>27,608</td>
<td>8.96</td>
<td>324</td>
</tr>
<tr>
<td>Year 4</td>
<td>2004</td>
<td>28,055</td>
<td>9.30</td>
<td>332</td>
</tr>
<tr>
<td>Year 5</td>
<td>2005</td>
<td>28,250</td>
<td>8.41</td>
<td>298</td>
</tr>
<tr>
<td>Year 6</td>
<td>2006</td>
<td>28,234</td>
<td>9.14</td>
<td>324</td>
</tr>
<tr>
<td>Year 7</td>
<td>2007</td>
<td>28,193</td>
<td>9.14</td>
<td>324</td>
</tr>
<tr>
<td>Year 8</td>
<td>2008</td>
<td>28,551</td>
<td>8.57</td>
<td>300</td>
</tr>
<tr>
<td>Year 9</td>
<td>2009</td>
<td>28,751</td>
<td>8.26</td>
<td>287</td>
</tr>
<tr>
<td>Year 10</td>
<td>2010</td>
<td>29,603</td>
<td>7.57</td>
<td>256</td>
</tr>
</tbody>
</table>

Base Daily Per Capita Water Use\(^2\) 315

\(^1\)Population values were taken from the CDOF Table F-5, however please note that data estimated for January 1 of each year was used as the ending population estimate for the previous year [e.g. population estimate for January 1, 2010 in CDOF Table F-5 is 28,751. This value is used for the year 2009 above]. Population value for 2010 was taken from the 2010 Census data dated April 1, 2010.

\(^2\)Average daily per capita water use for the base period is calculated by dividing the daily system gross water use converted to gallons per day by the total population for the year and then taking the average daily per capita water use for the base period 2001 through 2010.
The 10 year baseline per capita water use is 315 gpcd using a ten-year average ending between January 1, 2001 and December 31, 2010. The 2015 interim reduction of 10% is 283 gpcd and the 2020 reduction target of 20% is 252 gpcd. The DWR requires a confirmation of the ten-year 2020 reduction target by comparing the value to a five-year base period. The ten-year 2020 reduction target cannot exceed 95% of the 5-year base daily per capita water use. Table 3-6b shows the five-year baseline per capita water use is 298 gpcd using a five-year average ending between January 1, 2006 and December 31, 2010. The five-year water use confirms that the 2020 target of 252 gpcd is well below 95% of the five-year water use of 283 gpcd, and therefore meets a minimum threshold.

Table 3-6b
Confirm Base Daily Per Capita Water Use Target - 2006 through 2010

<table>
<thead>
<tr>
<th>Sequence Year</th>
<th>Calendar Year</th>
<th>Distribution System Population</th>
<th>Daily System Gross Water Use (mgd)</th>
<th>Annual Daily Per Capita Water Use (gpcd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>2006</td>
<td>28,234</td>
<td>9.14</td>
<td>324</td>
</tr>
<tr>
<td>Year 2</td>
<td>2007</td>
<td>28,193</td>
<td>9.14</td>
<td>324</td>
</tr>
<tr>
<td>Year 3</td>
<td>2008</td>
<td>28,551</td>
<td>8.57</td>
<td>300</td>
</tr>
<tr>
<td>Year 4</td>
<td>2009</td>
<td>28,751</td>
<td>8.26</td>
<td>287</td>
</tr>
<tr>
<td>Year 5</td>
<td>2010</td>
<td>29,603</td>
<td>7.57</td>
<td>256</td>
</tr>
</tbody>
</table>

Base Daily Per Capita Water Use

95% of 5 year Base Daily Per Capita Water Use

2
Population values were taken from the CDOF Table E-5, however please note that data estimated for January 1 of each year was used as the ending population estimate for the previous year (e.g. population estimate for January 1, 2010 in CDOF Table E-5 is 28,751. This value is used for the year 2009 above). Population value for 2010 was taken from the 2010 Census data dated April 1, 2010.

2 Average daily per capita water use for the base period is calculated by dividing the daily system gross water use converted to gallons per day by the total population for the year and then taking the average daily per capita water use for the base period 2001 through 2010.
3.0 CURRENT AND PLANNED WATER SUPPLIES AND SOURCES

3.1 Available Water Supplies – Addendum to Section 4.1

During the review of the 2010 UWMP by DWR, it was identified that return flows listed in Table 4-1 from recycled water irrigation as well as return flows from potable residential irrigation should not be considered supplies available to the City. Upon completion of the expansion of the waste water treatment plant (Phase I), the recycled water applied for irrigation purposes to new developments will now be available to various storage units. Therefore a percent of this water as return flows have been added to the respective storage unit’s maximum perennial yield, as established in the Maximum Perennial Yield Estimates for the Banning and Cabazon Storage Units, and Available Water Supply from the Beaumont Basin (Geoscience, 2011). The revised Table 4-1 is presented below.

<table>
<thead>
<tr>
<th>Water Supply Source</th>
<th>2010*</th>
<th>2015</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
<th>2035</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banning Storage Unit</td>
<td>1,218</td>
<td>1,222</td>
<td>1,231</td>
<td>1,241</td>
<td>1,251</td>
<td>1,261</td>
</tr>
<tr>
<td>Banning Bench Storage Unit</td>
<td>1,472</td>
<td>2,183</td>
<td>2,183</td>
<td>2,183</td>
<td>2,183</td>
<td>2,183</td>
</tr>
<tr>
<td>Banning Canyon Storage Unit</td>
<td>3,726</td>
<td>4,070</td>
<td>4,070</td>
<td>4,070</td>
<td>4,070</td>
<td>4,070</td>
</tr>
<tr>
<td>Beaumont Storage Unit</td>
<td>1,372</td>
<td>2,514</td>
<td>2,514</td>
<td>2,514</td>
<td>2,514</td>
<td>2,514</td>
</tr>
<tr>
<td>Cabazon Storage Unit</td>
<td>565</td>
<td>1,299</td>
<td>1,519</td>
<td>1,762</td>
<td>2,030</td>
<td>2,326</td>
</tr>
<tr>
<td>Recycled Water Supply</td>
<td>0</td>
<td>1,680</td>
<td>1,680</td>
<td>1,680</td>
<td>1,680</td>
<td>1,680</td>
</tr>
<tr>
<td>SWP Table A Entitlement</td>
<td>1,200</td>
<td>2,595</td>
<td>2,595</td>
<td>2,595</td>
<td>2,595</td>
<td>2,595</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9,552</strong></td>
<td><strong>15,563</strong></td>
<td><strong>15,792</strong></td>
<td><strong>16,045</strong></td>
<td><strong>16,323</strong></td>
<td><strong>16,628</strong></td>
</tr>
</tbody>
</table>

* 2010 values are actual supplies utilized by the City in 2010. The DWR Guidebook requires inclusion of 2010, however as the deadline for submittal of the UWMP has been extended to 2011, all 2010 values are not projections or estimates, but are actual values.


2 Values include 25% return flow from all irrigation purposes where potable water is used (50% of residential water use is used for landscape irrigation for new developments only (i.e. Black Bench and Loma Linda Development areas)). Returns flows for Beaumont Storage Unit are not counted, as the City has an allotment of the Safe Yield. All return flows within the Beaumont Basin from imported water are dedicated for overdraft mitigation. Return flows in the Banning Storage Units are considered for developments projected for construction which will add new recharge to the storage units (total of 1,044 EDUs at build out - assumed to be 2061) along with 2020/2020 conservation.

3 Values include 25% return flow from all irrigation purposes inside and outside the BMZ for Phase I WWTP expansion project. Assumes Phase I will be completed in 2014.
Continued Footnotes from Table 4-1:

4 City of Banning average annual production from City of Banning Wells within the Beaumont Storage Unit since the basin was adjudicated in 2004.

5 Cabazon production supply includes approximately 710 acre-ft/yr, which has been the average annual production from the City of Banning Well C-6, and additional water which may be utilized by the City as described in Maximum Perennial Yield Estimates Report, Geoscience, 2011 (see Appendix F). See Section 4.2.7 for explanation of estimates. These values assume that Phase I of the WWTP Expansion will be completed by 2014, and 1,680 acre-ft/yr will be treated to Tertiary standards and used to offset potable demand, therefore the 1,680 acre-ft/yr is excluded from these estimates.

6 Values from Initial Study/Mitigated Negative Declaration, Wastewater Treatment Plant Expansion and Phase I Recycled Water System, May 2008 prepared by the City of Banning Water/Wastewater Utilities Department. Assumes WWTP Phase I will be completed by 2015.

7 Assumes 60% SGWPA SWP average reliability per DWR's Final Reliability Report 9/27/10; Assumes Banning's allocation of available SWP water is 25% of SGWPA Allotment, assumes EBX-II is on line by 2014.

---

Figure 4-1
Current and Projected Water Supplies for the City of Banning

<table>
<thead>
<tr>
<th>Water Supply, acre-feet/yr</th>
<th>2010*</th>
<th>2015</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
<th>2035</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banning</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Banning Bench</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Banning Canyon</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beaumont</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cabazon</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycled Water</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycled Water Percolation</td>
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</tr>
<tr>
<td>SWP Table A Entitlement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

GEOSCIENCE Support Services, Inc.
3.2 Banning Storage Unit – Addendum to Section 4.2.4

The safe yield of the Banning Storage Unit was estimated to be 1,130 acre-ft/yr (Geoscience, 2011). Additional supplies to the Banning Storage Unit will be available upon completion of Phase I of the waste water treatment plant expansion. These additional supplies are the result of return flows from recycled water application from irrigation purposes where potable water would be used for new developments within the Banning Storage Unit. In other words, return flows resulting from additional applied water represent a supplemental yield to the Maximum Perennial Yield. Additionally, it is estimated that approximately 83 acre-ft/yr will return to the Banning Storage Unit in the form of return flows from the conversion of potable water use to recycled water use of the potential recycled water users identified in The City of Banning Recycled Water Master Plan, 2006. Phase I potential recycled water users within the Banning Storage Unit are Neighborhood Park, Repplier Park and approximately 1/3 of the Caltrans roadway median resulting in 331.7 acre-ft/year of applied recycled water, of which, approximately 25% will return to the storage unit as return flow.

3.3 Banning Bench Storage Unit – Addendum to Section 4.2.5

The safe yield of the Banning Bench Storage Unit was estimated to be 1,960 acre-ft/yr (Geoscience, 2011). Additionally, it is estimated that approximately 223 acre-ft/yr will return to the Banning Bench Storage Unit in the form of return flows from the conversion of potable water use to recycled water use of the potential recycled water users identified in The City of Banning Recycled Water Master Plan, 2006. Phase I potential recycled water users within the Banning Bench Storage Unit are Loma Linda Greenspace resulting in 892 acre-ft/year of applied recycled water, of which, approximately 25% will return to the storage unit as return flow. It should be noted that the Recycled Water Master Plan states that the Loma Linda Greenspace could potentially use 1,059 acre-ft/yr of recycled water however, due to the limitation of Phase I expansion, which will only supplying 1,680 acre-ft/yr of recycled water, and the fact that the Loma Linda development is geographically located farthest from the treatment plant of the Potential users identified in the Recycled Water Master Plan, it is assumed that this development will more than likely need to supplement its water demands with potable supply.
3.4 Cabazon Storage Unit — Addendum to Section 4.2.7

In addition to the supplies identified in the 2010 UWMP for 2010, 2015, 2020, 2025, 2030 and 2035 of 565 acre-ft/yr, 1,185 acre-ft/yr, 1,405 acre-ft/yr, 1,648 acre-ft/yr, 1,916 acre-ft/yr and 2,212 acre-ft/yr respectively, it is estimated that approximately 114 acre-ft/yr will return to the Cabazon Storage Unit in the form of return flows from the conversion of potable water use to recycled water use of the potential recycled water users identified in The City of Banning Recycled Water Master Plan, 2006. Phase I potential recycled water users within the Cabazon Storage Unit are Banning High School, Deutsch Company Park and approximately 1/3 of the Caltrans roadway median resulting in 457 acre-ft/year of applied recycled water, of which, approximately 25% will return to the storage unit as return flow.
4.0 DEMAND MANAGEMENT MEASURES

Since completion of the Final 2010 UWMP on July 22, 2011, there have been some revisions to the implementation of some demand management measures. The following discusses BMP 1, 6 and 8 and the City’s current implementation or the City’s plan to implement these measures in the next five years the discussion supersedes the sections presented in the City of Banning 2010 UWMP dated July 2011.

4.1 BMP 1 – Water Surveys Programs for Single-Family Residential and Multi-Family Residential Customers – Addendum to Section 6.2

This BMP consists of developing and implementing a strategy targeting and marketing water use surveys to single-family residential and multi-family residential customers. For each reporting period, direct contact via letter or telephone shall be made to not less than 1.5% of single-family residential customers and 1.5% of multi-family residential customers, with a 10-year target of 15%. Water use surveys shall address indoor and outdoor components and contain, at a minimum, the following elements:

- Check for leaks, including toilets, and faucets, and check meters.
- Check showerhead flow rates, aerator flow rates, and offer to replace or recommend replacement, as necessary.
- Check toilet flow rates and offer to install or recommend the installation of a displacement device or direct the customer to an Ultra-Low Flush Toilet (ULFT) replacement program, as necessary; replace leaking toilet flapper, as necessary.
- Check irrigation system and timers.
- Review or develop customer irrigation schedule.
- Measure currently landscaped area (recommended).
- Measure total irrigable area (recommended).

4.1.1 Implementation or Scheduled Implementation—Addendum to Section 6.2.1

The City of Banning plans to implement this BMP within the next five years. The City shall develop and implement a strategy for targeting and marketing water use surveys to single-family and multi-family residential customers by the end of the first reporting period following the date that the implementation was set to commence. The program shall continue until water surveys have been completed for 15% of single-family residential customers and 15% of multi-family residential customers in a ten year period.
4.1.2 Methods to Evaluate Effectiveness—Addendum to Section 6.2.2

This BMP shall be considered effective if water surveys have been completed for 15% of single-family residential customers and 15% of multi-family residential customers within ten years. The CUWCC estimates the potential water savings for homes constructed prior to 1980 are 9 gallons per day per capita (gpcd) and 3.4 gpcd for homes constructed post 1980. In both situations, outdoor use reductions are estimated to be 10%.

4.2 BMP 6—High-Efficiency Washing Machine Rebate Programs—Addendum to Section 6.7

This BMP is currently being implemented by the City of Banning’s Municipal Electric Company through the City of Banning Public Benefits Department and is available to residential electric customers. The Southern California Gas Company also offers rebates to the City’s residential gas customers. The BMP consists of financial incentives for the purchase and use of high-efficiency clothes washing machines (HEWs) that meet ENERGY STAR minimum standards of 15 gallons of water per load. Energy Star is a voluntary partnership between the U.S. Department of Energy, the U.S. Environmental Protection Agency, product manufacturers, local utilities, and retailers. Partners help promote efficient products by labeling them with the ENERGY STAR logo and educating consumers about the benefits of energy and water efficiency. The City’s residents qualify for rebates by purchasing ENERGY STAR certified HEWs which include $75, as of January 1, 2012 from the City’s electric company, as well as a $35 rebate from Southern California Gas Company.

4.2.1 Implementation or Scheduled Implementation—Addendum to Section 6.7.1

The City of Banning’s Municipal Electric Company, as well as the Southern California Gas Company both currently offer the City’s residents rebates for purchasing ENERGY STAR certified HEWs.

4.3 BMP-8—School Education Programs—Addendum to Section 6.9

Implementation methods shall consist of implementing a school education program to promote water conservation and water conservation related benefits. Programs shall include working with school districts and private schools in the water suppliers’ service area to provide instructional assistance,
educational materials, and classroom presentations that identify urban, agricultural, and environmental issues and conditions in the local watershed. Education materials shall meet the state education framework requirements and grade appropriate materials shall be distributed to grade levels K-3, 4-6, 7-8, and high school.

4.3.1 Implementation or Scheduled Implementation—Addendum to Section 6.9.1
The City plans to implement this BMP April of 2013 by means of the Water Fund. The City has a program where Public Works employees can visit local schools and make presentations on water conditions in the San Gorgonio Pass area to educate students on the value of water and water conservation. Educational brochures are also made available to the students. The City plans to encourage more student involvement and awareness by offering scholarships to the winners of water related contests.
EXHIBIT "B"

PRESS ENTERPRISE
NOVEMBER 30, 2012 AND DECEMBER 7, 2012
NOTICE OF
PUBLIC HEARING
PURSUANT TO LAW, notice is hereby given of a
Public Hearing before the City Council and the Banning Utility Authority of the
City of Banning, to be heard December 11, 2012 at 5:00 p.m. at the Banning Civic
Center Council Chambers, 99 E. Ramsey St., Banning, California, to consider
adopting the City of Banning Addendum to the 2010 Urban Water Management
Plan. An informational presenta-
tion regarding the Addendum to the 2010 Urban Water Management Plan
will be provided at the same
location on December 11,
2012 at 5:00 p.m. ALL IN-
TERESTED PARTIES are
invited to attend said hear-
ing and present oral or writ-
ten testimony on the matter
or to send written com-
ments to the City Clerk,
P.O. Box 996, Banning, CA
92220. The City anticipates
the Addendum to the 2010
Urban Water Management
Plan will be available for
public review beginning De-
ember 12, 2012 at the off-
ices of the City Clerk or at
the Engineering Division of
the Public Works Depart-
ment, located at 99 E. Ramsey Street. This docu-
ment will also be made available on-line at HY-
PERLINK "http://www.ci.banning.ca.us/2010_uwmppd_adden-
dum.m mem. Note: If you chal-
gen this matter in court, you may be limited to rais-
ing only those issues you or
someone else raised at the
public hearing described in
this notice, or in written cor-
respondence delivered to
the City of Banning at, or
prior to, the public hearing.
Questions regarding this
matter should be directed to
City of Banning, Public
Works Department at (951)
922-3130. BY ORDER OF
THE CITY CLERK of the
City of Banning, California.
Date: November 26, 2012
Publish: The Record Gazette
November 30, 2012 December 7, 2012
Marie A. Calderon
City Clerk
Publish The Record
Gazette
No. 80333
11:00 & 12:07, 2012
CITY COUNCIL AGENDA

DATE: December 11, 2012

TO: Mayor and City Council

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

SUBJECT: Urgency Ordinance to Amendment to CalPERS Contract for a Two Tier Plan for the Miscellaneous employees.

RECOMMENDATION: That the City Council adopt Urgency Ordinance No. 1459 amending the City’s contract with the California Public Employees’ Retirement System (CalPERS) to implement the lower-level retirement formula for new employees at the 2% @ 60 retirement formula for miscellaneous employees and be subject to the final compensation calculation based on an average 36 month period.

JUSTIFICATION: As part of the City’s efforts to reduce expenditures in order to address the ongoing structural budget deficit and operational concerns, staff met and conferred with the employee unions and associations to implement a lower level retirement formula for new employees in the miscellaneous group and to have the new employees subject to the final compensation calculation based on an average 36 month period.

BACKGROUND: During negotiations with the employee bargaining groups, the City proposed implementation of a two-tier retirement system for new members. The bargaining units have agreed to a new tier formula. A side letter agreement formalized this understanding.

At the November 13, 2012 Council meeting, the Resolution of Intention and Exhibit were adopted. Once the Urgency Ordinance is adopted the new formula will take effect December 24th, 2012.

Adoption of the Urgency Ordinance is the final step required by CalPERS to implement a new retirement formula. Once AB340 takes effect, the City will have three retirement formulas in place. These formulas are as follows:

- Current employees will remain at the 2.5% @ 55 retirement formula subject to the final compensation calculation based on the single highest year.

- New employees that are vested in CalPERS through a previous employer will be placed at the new 2% @ 60 retirement formula subject to the final compensation calculation based on an average 36 month period. This formula will be implemented with the adoption of this Urgency Ordinance 1459.

- New employees that have NEVER been vested in CalPERS will be subject to the retirement plan imposed by AB340, which is the 2% @ 62 retirement formula subject to the final compensation calculation based on an average 36 month period. New employees will pay the full employee paid member contribution (EPMC) of 7% for miscellaneous (non-safety members) employees. (Note: The
new employee rate for miscellaneous members corresponds to a reduced employee share of the lower retirement formula.)

Benefits of having the tiered plans is that it will result in reducing future retirement costs for the City.

Negotiations are ongoing with the Safety employees. Upon agreement regarding implementing the second tier retirement formula, a Special meeting of the City Council may be necessary in order to meet the deadlines imposed by AB340.

**FISCAL DATA:** For the second tiered plans, the immediate fiscal impact is unknown due to the fact that the 2@60 retirement formula for miscellaneous members will only be given to new employees already vested in CalPERS. Savings will come in the future through lower rates as more and more of the workforce is on the lower plan. Staff recognizes through discussions with the bargaining groups that there may be challenges with recruitments in the interim due to the lower benefit.

**RECOMMENDED BY:**

June Overholt
Administrative Services Director/
Deputy City Manager

**APPROVED BY:**

Andy J. Takata
City Manager

Attachments:

1. Urgency Ordinance No. 1459
2. Amendment to Contract Exhibit
ORDINANCE NO. 1459

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF BANNING AND THE BOARD OF ADMINISTRATION TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

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

SECTION 1

That an amendment of the contract between the City Council of the City of Banning and the Board of Administration, California Public Employees Retirement System to provide different benefit levels to new employees in the local miscellaneous group entering membership for the first time in the miscellaneous classifications after the effective date of this amendment to contract is hereby authorized. A copy of said amendment being attached hereto, marked Exhibit A, and by such reference is made a part hereof as though herein set out in full.

SECTION 2

The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3

If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

SECTION 4

To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed. The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 5

This ordinance is an urgency ordinance and shall take effect immediately upon adoption. The City Council hereby declares that the need for adoption of this ordinance as an urgency measure is necessary to preserve the public health, safety and welfare and is based upon the following facts:
a. This ordinance will authorize the execution of an amendment to the contract between the California Public Employee Retirement System and the City regarding different level of benefits for new employees in the miscellaneous groups. Pursuant to law, the ordinance to amend the contract cannot take effect at for least twenty (20) days after the adoption of a resolution of intention to approve the amendment to the contract. The resolution of intention was adopted by the City Council at its meeting of November 13, 2012.

b. Based on the cost analysis, the adoption of the plan amendment will result in a decrease in benefits to new CalPERS members, however, should result in overall savings to the City.

SECTION 6

The City Clerk is hereby directed to cause publication of this ordinance within 15 days from its passage in a newspaper of general circulation, published and circulated in the City of Banning in accordance with Section 36933 of the Government Code, and thenceforth and thereafter the same shall be in full force and effect.

Passed, approved and adopted this 11th day of December, 2012.

______________________________
Don Robinson, Mayor
City of Banning, California

ATTEST:

______________________________
Marie A. Calderon, City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT

______________________________
David Aleshire, City Attorney
Aleshire & Wynder, LLP

ORD NO. 1459
CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Urgency Ordinance No. 1459 was duly adopted at a regular meeting of the City Council of the City of Banning on the 11th day of December, 2012 by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____________________________
Marie A. Calderon, City Clerk
City of Banning, California
AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Banning


A. Paragraphs 1 through 17 are hereby stricken from said contract as executed effective March 4, 2009, and hereby replaced by the following paragraphs numbered 1 through 20 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract and age 60 for local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract and age 50 for local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after July 1, 1965 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:

(a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.

(b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.

(c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

(d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.

(e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS Board of Administration.

(f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.

(g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

a. Local Fire Fighters (herein referred to as local safety members);

b. Local Police Officers (herein referred to as local safety members);

c. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

a. ELECTED OFFICIALS.

6. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.

7. The percentage of final compensation to be provided for each year of credited prior and current service for those local miscellaneous members in employment prior to September 17, 2001 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Modified).

8. The percentage of final compensation to be provided for each year of credited prior and current service for those local miscellaneous members in employment on September 17, 2001 and those local miscellaneous members in employment before and not on or after September 30, 2002, shall be determined in accordance with Section 20515 and 21354 of said Retirement Law (2% at age 55 Full).

9. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on and after September 30, 2002 and not entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354.4 of said Retirement Law (2.5% at age 55 Full).
10. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).

11. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member in employment prior to April 13, 1992 shall be determined in accordance with Section 21362 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 50 Modified).

12. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member in employment on or after April 13, 1992 shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).

13. The percentage of final compensation to be provided for each year of credited prior and current service as a local police member entering membership in the police classification on or prior to the effective date of this amendment to contract shall be determined in accordance with Section 21363.2 of said Retirement Law subject to the reduction provided therein for Federal Social Security (3% at age 50 Modified).

14. The percentage of final compensation to be provided for each year of credited current service as a local police member entering membership for the first time in the police classification after the effective date of this amendment to contract shall be determined in accordance with Section 21362 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 50 Modified).

15. Public Agency elected and elects to be subject to the following optional provisions:

a. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members.

b. Section 20042 (One-Year Final Compensation) for local miscellaneous members and local police members entering membership on or prior to the effective date of this amendment to contract.

c. Section 20515 (Full Formula Plus Social Security) for past and future service for local fire members in employment on and after April 13, 1992 and for local miscellaneous members in employment on and after September 17, 2001. Legislation repealed said Section effective January 1, 2002.
d. Section 20903 (Two Years Additional Service Credit).

e. Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract, and

Section 21362 (2% @ 50 Modified formula) and Section 20037 (Three-Year Final Compensation) are applicable to local police members entering membership for the first time in the police classification after the effective date of this amendment to contract.

16. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on April 1, 1983. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.

17. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

18. Public Agency shall also contribute to said Retirement System as follows:

a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

19. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
20. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the ___ day of ____________, ______.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY
KAREN DE FRANK, CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF BANNING

BY
PRESIDING OFFICER

Witness Date

Attest:

Clerk

AMENDMENT CalPERS ID #2317277578
PERS-CON-702A