

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF
MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

June 9, 2009

REGULAR MEETING – 6:30 P.M.

City Council Closed Session

First Tuesday of each month – 6:00 p.m.

City Council Study Sessions

Third Tuesday of each month – 6:00 p.m.

City Council Meetings

Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office at 951.413.3001 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Bonnie Flickinger, Mayor Pro Tem
Jesse L. Molina, Council Member

Richard A. Stewart, Mayor

Robin N. Hastings, Council Member
William H. Batey II, Council Member

**AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO
VALLEY AND THE BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING - 6:30 PM
JUNE 9, 2009**

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor John Milhouse, Calvary Chapel of Moreno Valley

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment

Agency or the Board of Library Trustees requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A CONSENT CALENDAR - CITY COUNCIL

A .1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A .2 MINUTES - REGULAR MEETING OF MAY 26, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A .3 ANNUAL AGREEMENTS FOR SERVICES WITH THE CHAMBERS OF COMMERCE (Report of: Economic Development Department)

Recommendation:

Review and approve the annual Agreements for Services with the three local Chambers of Commerce – The Moreno Valley Chamber of Commerce, the Moreno Valley Hispanic Chamber of Commerce and the Moreno Valley Black Chamber of Commerce.

A .4 APPROVE AND ADOPT RESOLUTION NO. 2009-50 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt Resolution No. 2009-50 Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Interchange Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project; and

Resolution No. 2009-50

A Resolution of the City Council of the City of Moreno Valley Electing to Hear Future Resolutions of Necessity for the State

Route 60/Nason Street Interchange Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

- A .5 ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE TRAFFIC SIGNAL, STREET AND STORM DRAIN IMPROVEMENTS FOR STATE ROUTE 60 EASTBOUND RAMPS AND REDLANDS BOULEVARD PROJECT NO. 06-12566625 (Report of: Public Works Department)

Recommendation:

Adopt a Mitigated Negative Declaration (MND) for the Traffic Signal, Street and Storm Drain Improvements for State Route 60 Eastbound Ramps and Redlands Boulevard, Project No. 06-12566625.

- A .6 APPROVAL AND ADOPTION OF THE SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 4- MAINTENANCE FOR FISCAL YEAR 2009/10 (Report of: Public Works Department)

Recommendation:

That the City Council acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 4–Maintenance approve and adopt Resolution No. 2009-52 to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual special tax requirement of Community Facilities District No. 4-Maintenance (“CFD No. 4-M”) as set forth in the Annual Special Tax Report.

Resolution No. 2009-52

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Report for Fiscal Year 2009/10 Regarding Community Facilities District No. 4-Maintenance

A .7 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 5 FOR FISCAL YEAR 2009/10 (Report of: Public Works Department)

Recommendation:

1. That the City Council acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 5 adopt the following:

Resolution No. 2009-53 to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 5 as set forth in the Annual Special Tax Report; and

Resolution No. 2009-53

A Resolution of the City Council of the City of Moreno Valley, California, Accepting And Approving the Annual Special Tax Report for Fiscal Year 2009/10 Regarding Community Facilities District No. 5

2. Resolution No. 2009-54 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5.

Resolution No. 2009-54

A Resolution of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 5 of the City of Moreno Valley, Approving the Submittal of the Annual Accountability Report in Compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5

A .8 FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH NORRIS REPKE, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional

Consultant Services” with Norris Repke, Inc. (Norris Repke), 400 North Tustin Ave., Suite 230, Santa Ana, CA 92705, to provide Professional Consultant Services and increase the agreement amount by the “not to exceed” fee of \$295,000;

2. Authorize the City Manager to execute said “First Amendment to Agreement for Professional Consultant Services” with Norris Repke; and
3. Authorize a Change Order to the Purchase Order to Norris Repke in the amount of \$295,000 when “First Amendment to Agreement for Professional Consultant Services” has been signed by all parties. (Account No. 501.82725).

A .9 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 3 (AUTO MALL REFINANCING) (Report of: Public Works Department)

Recommendation:

That the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 3 (Auto Mall Refinancing) (“CFD No. 3”), approve and adopt Resolution No. 2009-55 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2009/10, on file in the office of the City Treasurer.

Resolution No. 2009-55

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Special Tax Report for Fiscal Year 2009/10 Regarding Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing)

A .10 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) (Report of: Public Works Department)

Recommendation:

1. That the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) (“CFD No. 87-1”) approve and adopt the

following:

Resolution No. 2009-56 to accept and approve the Special Tax Report for fiscal year (FY) 2009/10 regarding CFD No. 87-1; and

Resolution No. 2009-56

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Special Tax Report for Fiscal Year 2009/10 Regarding Community Facilities District No. 87-1 (Towngate)

2. Resolution No. 2009-57 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1.

Resolution No. 2009-57

A Resolution of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 87-1 (Towngate) of the City of Moreno Valley approving the Submittal of an Accountability Report in Compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 87-1

- A .11 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1 (Report of: Public Works Department)

Recommendation:

1. That the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) Improvement Area No. 1 ("CFD No. 87-1, Improvement Area No. 1") approve and adopt the following:

Resolution No. 2009-58 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2009/10 for CFD No. 87-1 Improvement Area No. 1; and

Resolution No. 2009-58

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Report for Fiscal Year 2009/10 Regarding Community Facilities District No. 87-1

(Towngate) Improvement Area No. 1

2. Resolution No. 2009-59 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1 Improvement Area No. 1.

Resolution No. 2009-59

A Resolution of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1 of the City of Moreno Valley, Approving the Submittal of the Annual Accountability Report in Compliance with Government Code Sections 53410 and 53411 For Community Facilities District No. 5

- A .12 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR THE TRAFFIC SIGNAL IMPROVEMENTS COTTONWOOD AVENUE AT PATTILYNN DRIVE INTERSECTION PROJECT NO. 09-12566628 (Report of: Public Works Department)

Recommendation:

1. Grant R&M Electrical Contracting's request for relief of a bid proposal due to a mistake made in filling out the bid;
2. Award the construction contract for the Traffic Signal Improvements at the Cottonwood Avenue and Pattilynn Drive intersection to Pouk & Steinle, Inc., 2520 Rubidoux Boulevard, Riverside, CA 92519, the lowest responsible bidder;
3. Authorize the City Manager to execute a contract with Pouk & Steinle, Inc.;
4. Authorize the issuance of a Purchase Order to Pouk & Steinle, Inc. in the amount of \$168,245 (bid amount \$146,300 plus 15% contingency of \$21,945) when the contract has been signed by all parties;
5. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Pouk & Steinle, Inc. up to but not to exceed the Purchase Order

contingency of \$21,945; and

6. Authorize the Public Works Director/City Engineer to incrementally accept completed portions of work and pay retainage based on the acceptance of said work in accordance with Public Contract Code, Section 7107.

**A .13 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES
(Report of: City Clerk's Department)**

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of May 20 – June 2, 2009.

**A .14 SECOND AMENDMENT TO CITY ATTORNEY'S EMPLOYMENT
AGREEMENT (Report of: Human Resources)**

Recommendation:

Staff recommends that the City Council approve the Second Amendment to the Employment Agreement with the City Attorney.

B CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

B .1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

**B .2 EXTENSION OF CONTRACT - PROJECT NO. E-4/07 -
MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION
- MORENO VALLEY RANCH-EAST (Report of: Public Works
Department)**

Recommendation:

1. Approve the Extension Agreement for MVCSD Project E-4/07 to extend the term of the contract for an additional one-year period;
2. Authorize the President of the MVCSD Board to execute said Amendment with Bemus Landscape, Inc. of San Clemente, California; and
3. Authorize the Purchasing Manager, on July 1, 2009, to issue open purchase orders to Bemus Landscape, Inc. in the amounts of:

a.) ONE HUNDRED NINETY-TWO THOUSAND TWO HUNDRED TWENTY-THREE AND 20/100 DOLLARS (\$192,223.20) for twelve months of base maintenance service, and;

b.) THIRTEEN THOUSAND SEVEN HUNDRED FIFTEEN AND 00/100 DOLLARS (\$13,715.00) for anticipated Additional Work per Section 5. of the Extension Agreement.

B .3 EXTENSION OF CONTRACT - PROJECT NO. D-SG1-E/07 - MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION (Report of: Public Works Department)

Recommendation:

1. Approve the Extension Agreement for MVCS D Project D-SG1-E/07 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the MVCS D Board to execute said Amendment with TruGreen LandCare of Riverside, California, and;

3. Authorize the Purchasing Manager, on July 1, 2009, to issue open purchase orders to TruGreen LandCare in the amounts of:

a.) ONE HUNDRED THIRTY-THREE THOUSAND TWO HUNDRED SIXTY AND 96/100 DOLLARS (\$133,260.96) for twelve months of base maintenance service; and

b.) FOURTEEN THOUSAND FOUR HUNDRED FIVE AND 00/100 DOLLARS (\$14,405.00) for anticipated Additional Work per Section 5. of the Extension Agreement.

B .4 APPROVAL AND ADOPTION OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 1 ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2009/10 (Report of Public Works Department)

Recommendation:

That the Mayor and City Council acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board") and as the legislative body of Community Facilities District No. 1 ("CFD No. 1" or "District") approve and adopt Resolution No. CSD

2009-15 to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual special tax requirement of CFD No. 1.

Resolution No. CSD 2009-15

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Accepting and Approving the Report for Fiscal Year 2009/10 Regarding Community Facilities District No. 1

- B .5 RECOMMENDATION TO APPROVE CONTRACT MOWING OF PARKS AND EASEMENTS 2009-2010 OF COMMUNITY SERVICES DISTRICT ZONE A AND COMMUNITY FACILITIES DISTRICT #1 PARKS AND EASEMENTS TO DLS LANDSCAPE, INC. (Report of: Parks and Community Services Department)

Recommendation:

1. Approve Contract Mowing of Parks and Easements 2009-2010, of Community Services District ("CSD") Zone A and Community Facilities District ("CFD") #1 parks and easements to DLS Landscape, Inc., Redlands, CA, in the total amount of \$148,680.00 (\$122,760.00 for CSD Zone A and \$25,920.00 for CFD #1);
2. Authorize the Mayor to execute the Contract Mowing of Parks and Easements 2009-2010, with the above-mentioned contractor in a form and substance acceptable to the City Attorney; and
3. Authorize the Financial & Administrative Services Director to issue a purchase order upon execution of the Contract Mowing of Parks and Easements 2009-2010 to the above-mentioned contractor not to exceed \$148,680.00. Funds are available in CSD Zone A account 161.76310.6261 and CFD #1 account 184.18410.6261.

- B .6 MINUTES - REGULAR MEETING OF MAY 26, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

C CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C .1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C .2 MINUTES - REGULAR MEETING OF MAY 26, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D .1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

D .2 MINUTES - REGULAR MEETING OF MAY 26, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

E PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E .1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR NINE TRACTS (Report of: Public Works Department)

Recommendation: That the City Council:

1. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing:

Direct the City Clerk to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charge for Tracts 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277, and 31284;

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet and Assessor's Parcel Number (APN) listing;
3. Receive and file with the City Clerk's office the accepted CSD Official Tally Sheet and APN listing; and
4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charge for Tracts 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277, and 31284.

E .2 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDING FOR A PROPOSED INCREASE IN THE CSD ZONE E (HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR ZONE E-3 (MORENO VALLEY RANCH-WEST) (Report of: Public Works Department)

Recommendation: That the City Council:

1. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing:

Direct the City Clerk ("CSD Board Secretary") to tabulate the CSD Zone E ballots received and report the results at the conclusion of the tallying, or at the next regular meeting of the CSD Board in accordance with adopted policies and procedures for mail ballot proceedings; and
2. After receiving the report of the CSD Board Secretary:
 - a. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;
 - b. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
 - c. If approved, authorize and impose the CSD Zone E charge for Zone E-3 (Moreno Valley Ranch-West).

E .3 PUBLIC HEARING REGARDING A MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY

SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING)
PROGRAM (Report of: Public Works Department)

Recommendation: That the City Council:

1. Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), after conducting the public hearing to accept public comment:

Direct the City Clerk (the "CSD Board Secretary") to tabulate the CSD Zone B (Residential Street Lighting) ballots received and report the results at the conclusion of the tallying, or at the next regular meeting of the CSD Board in accordance with adopted policies and procedures for mail ballot proceedings; and

2. After receiving the report of the CSD Board Secretary:
 - a. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet, and APN listing;
 - b. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
 - c. If approved, authorize and impose the CSD Zone B charge.

E .4 PUBLIC HEARING TO CONSIDER APPROVING THE CONTINUANCE OF CURRENT MORENO VALLEY COMMUNITY SERVICES DISTRICT ANNUAL PARCEL CHARGES PROPOSED FOR FISCAL YEAR 2009/10 (Report of: Public Works Department)

Recommendation: That the City Council:

1. Acting in their capacity as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board") conduct a Public Hearing to approve and; Adopt Resolution No. CSD 2009-05 (Zone A);

Resolution No. CSD 2009-05 (Zone A)

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone A (Parks and Community Services) Services During Fiscal Year 2009/2010

2. Adopt Resolution No. CSD 2009-06 (Zone B);

Resolution No. CSD 2009-06 (Zone B)

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone B (Residential Street Lighting) Services During Fiscal Year 2009/2010

3. Adopt Resolution No. CSD 2009-07 (Zone C);

Resolution No. CSD 2009-07 (Zone C)

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone C (Arterial Street Lighting and Intersection Lighting) Services During Fiscal Year 2009/2010

4. Adopt Resolution No. CSD 2009-08 (Zone D);

Resolution No. CSD 2009-08 (Zone D)

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone D (Parkway Landscape Maintenance) Services During Fiscal Year 2009/2010

5. Adopt Resolution No. CSD 2009-09 (Zone E);

Resolution No. CSD 2009-09 (Zone E)

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E (High-Service-Level Parkway Landscape Improvement and Maintenance) Services During Fiscal Year 2009/2010

6. Adopt Resolution No. CSD 2009-10 (Zone E1A);

Resolution No. CSD 2009-10 (Zone E-1A)

A Resolution of the Moreno Valley Community Services District

of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E-1A (Renaissance Park – Walls/Internal Parkway Landscape Maintenance) Services During Fiscal Year 2009/2010

7. Adopt Resolution No. CSD 2009-11 (Zone E-3A);

Resolution No. CSD 2009-11 (Zone E-3A)

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E-3A (Lasselle Powerline Parkway – Walls/Internal Parkway Landscape Maintenance) Services During Fiscal Year 2009/2010

8. Adopt Resolution No. CSD 2009-12 (Zone E-4A);

Resolution No. CSD 2009-12 (Zone E-4A)

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E-4A (Daybreak Development – Internal Parkway Landscape Maintenance) Services During Fiscal Year 2009/2010

9. Adopt Resolution No. CSD 2009-13 (Zone M);

Resolution No. CSD 2009-13 (Zone M)

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone M (Commercial/ Industrial/Multifamily Improved Median Maintenance) Services During Fiscal Year 2009/2010

10. Adopt Resolution No. CSD 2009-14 (Zone S);

Resolution No. CSD 2009-14 (Zone S)

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone S (Sunnymead Boulevard Maintenance) Services During Fiscal Year 2009/2010

- E .5 PUBLIC HEARING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT PROPOSED FISCAL YEAR (FY) 2009/2010 ANNUAL RATES (Report of: Public Works Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice; and
2. Adopt Resolution No. 2009-51

Resolution No. 2009-51

A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll.

F ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G REPORTS

- G .1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES
- a) Report by Council Member Robin N. Hastings on Western Riverside Council of Governments (WRCOG) and Riverside County Habitat Conservation Agency (RCHCA)
- G .2 EMWD WATER EFFICIENCY PRESENTATION (POWERPOINT)
- G .3 PUBLIC MEETING REGARDING A MAIL BALLOT PROCEEDING FOR TENTATIVE TRACT MAP 32711 BALLOTING FOR NPDES AND CSD ZONE B (Report of: Public Works Department)

Recommendation: That the City Council:

1. Accept public comments regarding the mail ballot proceeding for Tentative Tract Map (TTM) 32711 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum residential regulatory rate; and
2. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceeding for TTM 32711 for inclusion into and approval of the annual parcel charge for CSD Zone B (Residential Street Lighting).

- G .4 PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2009-10
(Report of: Financial & Administrative Services)

Recommendation:

Receive and file the Proposed Operating Budget for Fiscal Year 2009-10.

- G .5 DISCUSSION REGARDING BROADCASTING OF JUNE 16, 2009
REGULAR STUDY SESSION (ORAL DISCUSSION)

- G .6 CITY MANAGER'S REPORT (Informational Oral Presentation - not
for Council action)

H LEGISLATIVE ACTIONS

- H .1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE
- H .2 ORDINANCES - 2ND READING AND ADOPTION - NONE
- H .3 ORDINANCES - URGENCY ORDINANCES - NONE
- H .4 RESOLUTIONS - NONE

**PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE
JURISDICTION OF THE CITY COUNCIL**

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

**CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL,
COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT
AGENCY**

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(a) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

- a Case: *ENCO Utility Services v. City of Moreno Valley*
Court: Riverside Superior Court
Case No: RIC478023

2 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 2

3 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 2

4 SECTION 54957.6 - LABOR NEGOTIATIONS

- a) Agency Representative: Robert G. Gutierrez
Employee Organization: MVCEA
- b) Agency Representative: Robert G. Gutierrez
Employee Organization: MVMA

- c) Agency Representative: Robert G. Gutierrez
Employee Organization: Moreno Valley Confidential
Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

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MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
May 26, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of Rancho Verde High School Track Team
2. Recognition of Winners of the William H. Batey II Reading Contest
3. 1st Quarter 2009 Employee of the Quarter Award - Vince Giron

**MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING – 6:30 PM
May 26, 2009**

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:46 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE – Council Member Molina

INVOCATION - Pastor Mark Orellana, Victory Outreach Church

ROLL CALL

Council:

Richard A. Stewart	Mayor
William H Batey II	Council Member
Bonnie Flickinger	Mayor Pro Tem
Robin N. Hastings	Council Member (via teleconference)
Jesse L Molina	Council Member

Staff:

Jane Halstead	Clerk
Ewa Lopez	Deputy City Clerk
Steve Elam	Financial and Administrative Services Director
Robert Hansen	Assistant City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
Joel Ontiveros	Lieutenant
Randy Metz	Fire Marshal
Chris Vogt	Public Works Director/Cit
Kyle Kollar	Community Development Dir
Barry Foster	Economic Development Dire
Mike McCarty	Parks & Community Service
Chris Paxton	Human Resources Director
Becky Guillan	Library Services Division Manager

AGENDA ORDER

- E .1 A PUBLIC HEARING FOR AN INDUSTRIAL COMPLEX (PA07-0152, PA07-0153, PA07-0154, PA07-0155 AND PA07-0156) WITH FOUR BUILDINGS (1,484,407 TOTAL SQ FT) ON 66.9 NET ACRES. THE TENTATIVE PARCEL MAP 35879 (PA07-0151) WILL CREATE FOUR PARCELS. THE GENERAL PLAN (PA08-0057) AND SPECIFIC PLAN (P08-060) AMENDMENTS ARE REQUIRED FOR THE REALIGNMENT OF KRAMERIA STREET AND WILL AMEND THE CIRCULATION ELEMENT OF THE GENERAL PLAN AND IN THE MORENO VALLEY INDUSTRIAL SPECIFIC PLAN (SP 208) (Report of: Community Development Department)

Recommendation: That the City Council:

1. ADOPT a Mitigated Negative Declaration for PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153 (Plot Plan), PA07-0154 (Plot Plan), PA07-0155 (Plot Plan), PA07-0156 (Plot Plan), PA08-0057 (General Plan Amendment) and P08-060 (Specific Plan Amendment). The projects, individually and cumulatively, will not result in a significant effect on the environment;

2. APPROVE Resolution No. 2009-44 approving PA08-0057, for the realignment of Krameria Street and amending the Circulation Element of the General Plan based on the findings in the Resolution and maps attached to the Resolution as Exhibits A, B, C, D and E;

Resolution No. 2009-44

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment to the General Plan Circulation Element (PA08-0057) to Realign Krameria Avenue Between Iris Avenue and Heacock Street and Downgrade Krameria Avenue from a Minor Arterial to a Industrial Collector, as Described in the Resolution, and the Revised General Plan Maps Attached to the Resolution as Exhibits A, B, C, D and E

3. INTRODUCE Ordinance No. 793 approving a Specific Plan Amendment (P08-060) for the realignment of Krameria Street and amending the Circulation Element in the Moreno Valley Industrial Specific Plan (SP 208) based on the findings in the Ordinance and maps attached to the Ordinance as Exhibits A, B, C and D;

Ordinance No. 793

An Ordinance of the City Council of the City of Moreno Valley, California, Approving P08-060 (Specific Plan Amendment) to Realign Krameria Avenue Between Iris Avenue and Heacock Street and Downgrade Krameria Avenue from a Minor Arterial to a Industrial Collector in the Moreno Valley Industrial Specific Plan (SP 208) as Described in the Resolution, and the Revised Specific Plan Maps Attached to the Resolution as Exhibits A, B, C and D

4. APPROVE Resolution No. 2009-45 approving PA07-0151 (Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153 (Plot Plan), PA07-0154 (Plot Plan), PA07-0155 (Plot Plan), and PA07-0156 (Plot Plan), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

Resolution No. 2009-45

A Resolution of the City Council of the City of Moreno Valley, California, Approving Plot Plan Applications PA07-0152, PA07-0153, PA07-0154, PA07-0155 and PA07-0156 and Tentative Parcel Map 35879 (PA07-0151). The Project is Located at the Southeast Corner of Iris Avenue and Heacock Street

Motion to continue the item to the June 23, 2009 City Council meeting by m/Council Member William H. Batey II, s/Council Member Jesse L. Molina
Approved by a vote of 5-0.

- E .3 CONTINUATION OF THE PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR IDENTIFIED PROPERTIES WITHIN TPM 35629 - BALLOTING FOR NPDES AND CSD ZONE M (CONTINUED FROM MARCH 24, 2009) (Report of: Public Works Department)

Recommendation: That the City Council:

1. After conducting the public hearing and accepting public testimony:
 - a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for identified properties within Tentative Parcel Map (TPM) 35629;

- b. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing;
 - c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
 - d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to the identified properties within TPM 35629.
2. Acting in their capacities as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing and accepting public testimony:
- a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballots for identified properties within TPM 35629;
 - b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;
 - c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
 - d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to the identified properties within TPM 35629.

Motion to continue the item to August 25, 2009 City Council meeting by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 5-0.

AGENDA ORDER

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Items A10 and C2).

A CONSENT CALENDAR - CITY COUNCIL

A .1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A .2 NOTICE OF COMPLETION AND ACCEPTANCE OF HEACOCK STREET FROM GENTIAN AVENUE TO POPPYSTONE DRIVE AND FREDERICK STREET - PIGEON PASS ROAD FROM SUNNYMEAD BOULEVARD TO HEMLOCK AVENUE REHABILITATION PROJECT NO. 06-12567425 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for Heacock Street from Gentian Avenue to Poppystone Drive and Frederick Street – Pigeon Pass Road from Sunnymead Boulevard to Hemlock Avenue Rehabilitation, constructed by All American Asphalt, P.O. Box 2229, Corona, CA 92878;
2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;
3. Authorize the Financial and Administrative Services Director to release the retention to All American Asphalt thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and
4. Accept the improvements into the City's maintained road system.

A .3 APPROVE AMENDMENT TO DESIGN COOPERATIVE AGREEMENT WITH STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR STATE ROUTE 60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT - PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve Amendment No. 1 to Agreement No. 8-1163 with Caltrans for the design phase of the State Route 60/Nason Street Interchange Improvements Project;
2. Authorize the City Manager to execute Amendment No.1 to Agreement No. 8-1163; and

3. Authorize the City Manager to execute any subsequent amendments, if needed, subject to the approval of the City Attorney.

- A .4 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY (Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2009-43 amending the Electric Rates and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

Resolution No. 2009-43

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

- A .5 PARCEL MAP 32326 - APPROVE THE SECOND AMENDED AND RESTATED COOPERATIVE AGREEMENT FOR SUNNYMEAD MASTER DRAINAGE PLAN CENTERPOINTE, BRODIAEA AVENUE STORM DRAIN AND GRAHAM STREET STORM DRAIN SYSTEM, BETWEEN RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, THE CITY OF MORENO VALLEY, RIDGE MORENO VALLEY, LLC AND RIDGE MORENO VALLEY II, LLC, NORTH OF CACTUS AVENUE; BETWEEN FREDERICK STREET AND HEACOCK STREET, SUBDIVIDER - RIDGE MORENO VALLEY, LLC AND RIDGE MORENO VALLEY II, LLC, LONG BEACH, CA (Report of: Public Works Department)

Recommendation:

1. Approve the Second Amended and Restated Cooperative Agreement between the Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, Ridge Moreno Valley, LLC and Ridge Moreno Valley II, LLC for Parcel Map 32326 Sunnymead Master Drainage Plan Centerpointe Brodiaea Avenue and Graham Street Storm Drain;
2. Authorize the Mayor to execute the Second Amended and Restated Cooperative Agreement; and
3. Direct the City Clerk to forward the signed Second Amended and Restated Cooperative Agreement to Riverside County

Flood Control and Water Conservation District.

- A .6 PA08-0135 - APPROVAL OF COOPERATIVE AGREEMENT FOR PERRIS VALLEY – GROVE VIEW ROAD, STAGE 2 STORM DRAIN, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND WASTE MANAGEMENT COLLECTION AND RECYCLING, INC., NORTH SIDE OF GROVE VIEW ROAD BETWEEN PERRIS BOULEVARD AND INDIAN STREET, DEVELOPER - WASTE MANAGEMENT COLLECTION AND RECYCLING, INC., MORENO VALLEY, CA. (Report of: Public Works Department)

Recommendation:

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and Waste Management Collection and Recycling, Inc., for the Perris Valley – Grove View Road, Stage 2 Storm Drain;
2. Authorize the Mayor to execute the Cooperative Agreement; and
3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

- A .7 ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE PROJECT NO. 11-41570125

Recommendation:

Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue, Project No. 11-41570125.

- A .8 APPROVE THE CITY OF MORENO VALLEY'S FIVE-YEAR MEASURE "A" LOCAL STREETS AND ROADS CAPITAL IMPROVEMENT PLAN (CIP) FOR THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC) MEASURE "A" LOCAL FUNDS PROGRAM, FISCAL YEAR (FY) 2010-2014 (Report of: Public Works Department)

Recommendation:

1. Approve the City of Moreno Valley's Five-Year Measure "A" Local Streets and Roads CIP for the RCTC Measure "A" Local Funds Program, FY 2010-2014;
2. Authorize submittal of the RCTC Measure "A" Local Funds Program, FY 2010-2014;
3. Authorize the City Manager to submit the MOE Certification after RCTC approves the 2009 Measure "A" base year amounts; and
4. Authorize staff to submit an amended five-year plan to RCTC if changes are made by City Council to the listed Measure "A" projects as part of the upcoming FY 2009-2010 budget approval process.

A .9 APPROVAL OF PARTICIPATION IN CALIFORNIA EMPLOYER'S RETIREE BENEFIT TRUST PROGRAM (Report of: Financial & Administrative Services Department)

Recommendation:

1. Take the following actions with respect to participation in the California Employer's Retiree Benefit Trust (CERBT) program:

Adopt Resolution No. 2009-48, authorizing the Mayor to execute agreements with the California Public Employees' Retirement System to prefund Other Post Employment Benefits and to establish delegation of authority to request disbursements from the Other Post Employment Prefunding Plan; and

Resolution No. 2009-48

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Execution of the Agreement and Election with the California Public Employees' Retirement System to Prefund Other Post Employment Benefits and to Establish Delegation of Authority to Request Disbursements from the Other Post Employment Prefunding Plan

2. Authorize an appropriation of \$1,580,000 from General Fund designated reserves and current year expenditure accounts to allow the City to fully fund its initial CERBT contribution.

A .10 APPROVAL OF A RESOLUTION FINDING A SEVERE FISCAL

HARDSHIP WILL EXIST IF ADDITIONAL CITY PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA (Report of: City Manager's Office)

Recommendation:

Adopt the Proposed Resolution Finding a Severe Fiscal Hardship will Exist if Additional City Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California.

Resolution No. 2009-47

A Resolution of the City Council of the City of Moreno Valley, California, Finding a Severe Fiscal Hardship Will Exist if Additional City Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California

A .11 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES
(Report of: City Clerk's Department)

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of May 6-19, 2009

A .12 MINUTES - REGULAR MEETING OF MAY 12, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

B CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

B .1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B .2 EXTENSION OF CONTRACT - PROJECT NO. E-3/08 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - MORENO VALLEY RANCH-WEST (Report of: Public Works Department)

Recommendation:

1. Approve the Extension Agreement for MVCSD Project E-3/08 to extend the term of the contract for an additional one-year period;
2. Authorize the President of the MVCSD Board to execute said

Amendment with Excel Landscape, Inc. of Corona, California;
and

3. Authorize the Purchasing Manager, on July 1, 2009, to issue open purchase orders to Excel Landscape, Inc. in the amounts of:

- a.) THREE HUNDRED TWENTY THOUSAND NINE HUNDRED TWENTY-FIVE AND 48/100 DOLLARS (\$320,925.48) for twelve months of base maintenance service, and;

- b.) SEVENTEEN THOUSAND SEVEN HUNDRED EIGHTY-FIVE AND 00/100 DOLLARS (\$17,785.00) for anticipated Additional Work per Section 5. of the Extension Agreement.

- B .3 MINUTES - REGULAR MEETING OF MAY 12, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C .1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

- C .3 MINUTES - REGULAR MEETING OF MAY 12, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D .1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

- D .2 MINUTES - REGULAR MEETING OF MAY 12, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A1-D2, except Item C2, which was pulled for separate action, by m/Council Member William H. Batey II, s/Mayor Pro Tem Bonnie Flickinger
Approved by a vote of 5-0.

E PUBLIC HEARINGS

- E .2 PUBLIC HEARING TO CONSIDER FISCAL YEAR 2009-10 FEE SCHEDULE (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public input on the proposed Fee Schedule for Fiscal Year (FY) 2009-10; and
2. Adopt Resolution No. 2009-46, approving the Fee Schedule for FY 2009-10.

Resolution No. 2009-46

A Resolution of the City Council of the City of Moreno Valley, California, Establishing a Fee Schedule of Various Services for Fiscal Year 2009-10 and Repealing Prior Resolutions that May be in Conflict

Mayor Stewart opened the public hearing. Public testimony was received from Deanna Reeder.

Motion to Approve by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member William H. Batey II
Approved by a vote of 5-0.

- E .4 PUBLIC HEARING TO ADOPT FY 2008-2009 ANNUAL ACTION PLAN, SUBSTANTIAL AMENDMENT #4, THE COMMUNITY DEVELOPMENT BLOCK GRANT - RECOVERY PROGRAM (Report of: Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to allow public comment on the proposed 2008-09 Annual Action Plan, Substantial Amendment #4, the Community Development Block Grant - Recovery Program (CDBG-R);

Mayor Stewart opened the public testimony portion of the public hearing; there being none, public testimony was closed.

2. Review and adopt the proposed 2008-09 Annual Action Plan Substantial Amendment #4, the Community Development Block Grant - Recovery Program (CDBG-R);

Motion to Approve by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member William H. Batey II
Approved by a vote of 5-0.

3. Authorize the City Manager to execute any subsequent Agreements related to provision of services under Community Development Block Grant - Recovery Program (CDBG-R); and

Motion to Approve by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member William H. Batey II
Approved by a vote of 5-0.

4. Due to strict federal program deadlines, authorize City Manager to make 'non-substantial' plan adjustments, if necessary.

Motion to Approve by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member William H. Batey II
Approved by a vote of 5-0.

F ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

- C .2 NEGOTIATION AGREEMENT BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND PALM DESERT DEVELOPMENT COMPANY FOR AN AFFORDABLE HOUSING DEVELOPMENT PROJECT AT THE NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND DAY STREET (Report of: Economic Development Department)

Recommendation:

Approve the Negotiation Agreement between the Community Redevelopment Agency Board of the City of Moreno Valley (RDA) and Palm Desert Development Company (PDDC) for an affordable housing development project to be situated at the northeast corner of Alessandro Boulevard and Day Street.

**Motion to Approve by m/Mayor Pro Tem Bonnie Flickinger,
s/Council Member William H. Batey II**
Approved by a vote of 4-1, Molina dissenting.

Council's directions: set up a workshop and invite stakeholders (property owners and potential developers) to work on a vision/master plan for Edgemont area.

G REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES
(Informational Oral Presentation - not for Council action)

a) Report by Mayor Richard A. Stewart on March Joint Powers Commission (MJPC)

Mayor Stewart reported the following:

- 1) Attended a retreat and a presentation from March Global Port, which is on a debarment list from EPA because of a fuel spill. Global Port is in the process of rebuttal
- 2) Six-month extension of agreement with March Medical was approved. March Medical has funding for expansion
- 3) Reported on relocation of different agencies to and from March Air Reserve Base
- 4) Was approached by a representative of a very large company inquiring about Metrolink connections; the company is contemplating moving to March; Metrolink will be a driving force in bringing the businesses to the area

G.2 REPORT TO CONSIDER PUBLIC COMMENTS REGARDING MORENO VALLEY COMMUNITY SERVICES DISTRICT PROPOSED FISCAL YEAR 2009/10 ANNUAL CHARGES (Report of: Public Works Department)

Recommendation: That the City Council:

Acting in their capacities as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the proposed fiscal year (FY) 2009/10 annual CSD charges. The proposed charges shall provide for continued services to parks, recreation, residential street lighting, arterial street lighting, parkway landscaping, high-service-level parkway landscaping, internal parkway landscaping/walls, medians, and Sunnymead Boulevard improvements, as submitted in the Preliminary Annual Levy Report on file in the office of the City Clerk.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

No action required.

- G .3 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDING FOR A PROPOSED INCREASE IN THE CSD ZONE E (HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR ZONE E-3 (MORENO VALLEY RANCH-WEST) (Report of: Public Works Department)

Recommendation: That the City Council:

Acting in their capacities as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceeding for a proposed increase in the CSD Zone E (High-Service-Level Parkway Landscape Maintenance) annual charge for Zone E-3 (Moreno Valley Ranch-West).

Mayor Stewart opened the agenda item for public comments, which were received from Mario A. Gutierrez.

No action required.

- G .4 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR NINE TRACTS (Report of: Public Works Department)

Recommendation: That the City Council:

Acting in their capacities as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceedings for a proposed increase in the CSD Zone D annual parcel charge for Tracts 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277, and 31284.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

No action required.

- G .5 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING A MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM (Report of: Public Works Department)

Recommendation: That the City Council:

Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), conduct a Public Meeting and accept public comments concerning a mail ballot proceeding on a proposed increase in the annual charge for the CSD Zone B (Residential Street Lighting) program.

Mayor Stewart opened the agenda item for public comments, which were received from Michael Wall (representing Globaltech LED/Worldtech LED).

No action required.

- G .6 REPORT TO CONSIDER PUBLIC COMMENTS REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT PROPOSED FISCAL YEAR 2009/2010 ANNUAL RATES (Report of: Public Works Department)

Recommendation: That the City Council:

Hold a public meeting to accept public comments regarding the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" proposed Fiscal Year 2009/2010 annual rates.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

No action required.

- G .7 PALM DESERT DEVELOPMENT COMPANY'S MV RANCHO DORADO II LIMITED PARTNERSHIP (RANCHO DORADO APARTMENTS) AFFORDABLE HOUSING AGREEMENT (Report of: Economic Development Department)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council and RDA

1. Adopt Resolution No. 2009-49 and RDA No. 2009-05 approving the Affordable Housing Agreement (Agreement) between the Redevelopment Agency (RDA) and MV Rancho Dorado II Limited Partnership (LP), which will provide up to \$4,750,000 in gap financing assistance using the RDA's affordable housing funds;

Resolution No. 2009-49

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Rancho Dorado II Limited Partnership, a California Limited Partnership

Motion to Approve by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member William H Batey II

Approved by a vote of 5-0.

Resolution No. RDA 2009-05

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Rancho Dorado II Limited Partnership, a California Limited Partnership

Motion to Approve by m/Vice Chairperson Bonnie Flickinger, s/Agency Member William H. Batey II

Approved by a vote of 5-0.

2. Adopt Resolution No. RDA 2009-06, which ratifies certain findings and determinations made under Resolutions 2008-11, regarding conditional financial assistance to the second phase of the Rancho Dorado Apartments known as Rancho Dorado South

Resolution No. RDA 2009-06

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Supporting the Rancho Dorado South Apartments Housing Development, Ratifying Certain Findings and Determinations Made Under Resolution No. 2008-11 and Affirming its Intention to Provide Assistance to MV Rancho Dorado Limited Partnership, A Subsidiary of Palm Desert

Development Company, Inc.

Motion to Approve by m/Vice Chairperson Bonnie Flickinger, s/Agency Member William H. Batey II

Approved by a vote of 5-0.

3. Adopt Resolution No. RDA 2009-07, which ratifies certain findings and determination made under Resolution 2008-12, regarding conditional financial assistance to the first phase of Rancho Dorado Apartments known as Rancho Dorado North.

Resolution No. RDA 2009-07

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Supporting the Rancho Dorado North Apartments Housing Development, Ratifying Certain Findings and Determinations Made Under Resolution No. 2008-12 and Affirming its Intention to and Affirming its Intention to Provide Assistance to MV Rancho Dorado II Limited Partnership, a Subsidiary of Palm Desert Development Company, Inc.

Motion to Approve by m/Vice Chairperson Bonnie Flickinger, s/Agency Member William H. Batey II

Approved by a vote of 5-0.

- G .8 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

The City Manager announced the following:

- 1) The Animal Services Division will soon be working with participants from the Transition Partnership Program administered through the Riverside County Office of Education. TPP provides up to 100 hours of pay time to young adults preparing to enter the workforce. Participants who expressed an interest in a field of animal welfare will have an opportunity to work with the animal shelter learning how to proper care for companion animals.
2. The City's Memorial Day ceremony will take place at the Veterans Memorial at 10 a.m. on May 30, 2009.

**RECESS;
RECONVENED**

H LEGISLATIVE ACTIONS

H .1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H .2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H .3 ORDINANCES - URGENCY ORDINANCES - NONE

H .4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Pete Bleckert

- 1) Air quality
- 2) Electric company
- 3) City's investments; fees
- 4) Davis Road

Deanna Reeder

- 1) Checkpoints for drunk drivers
- 2) Postponement of Item E3

Tommie Stephens

- 1) Conduct of police officers
- 2) Need to move the City forward

Susan Gilchrist

- 1) Very low cost of maintaining Moreno Valley Equestrian Center
- 2) Housing industry

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Mayor Pro Tem Flickinger

- 1) Reminded everyone that the deadline to submit applications for various Council advisory boards and commissions is May 29, 2009
- 2) Memorial Day observance is scheduled for May 30 at 10 a.m. at the Veterans Memorial
- 3) Household hazardous waste collection is scheduled for June 5 and June 6 at the City Corporate Yard
- 4) The Arts Commission is planning its second Artober Fest on October 3 and two workshops: on July 18 (regarding how to market the arts successfully) and August 8 (regarding how to audition)
- 5) Next year, election for Council District 2 and District 5 will be held

Council Member Molina

- 1) Is looking for improvements in the City; is making rounds around the City
- 2) Concerned if residents with out of state license plates pay license fees
- 3) Reported weeds on Perris Blvd.

Council Member Batey

- 1) Congratulated all the kids in After School Program and staff for the great job and another successful contest; great achievement; looking forward to join kids on Friday to watch a movie at Harkins Movie Theater
- 2) Memorial Day observance
- 3) Referred to Mayor to Mayor Pro Tem Flickinger's request regarding AB1004, a questionnaire about public safety response fee - emphasized the need to watch this bill as it needs to be opposed; Assistant City Manager Betsy Adams responded that the City responded to the survey and will bring an update to the Public Safety Subcommittee
- 4) Thanked Council for agreeing with getting a vision for the Edgemont area and agreeing to put it on a future agenda

Council Member Hastings

- 1) Is attending the California State Association of Counties Legislative Conference in Sacramento; is lobbying to preserve and secure local funds; will bring information about the direction the State is going in
- 2) Met with constituents in her District; made a lot of progress solving some long standing concerns; appreciated Council Member Batey's assistance with a private street issue

Mayor Stewart

- 1) Gave an update on the poor condition of the old police parking lot; glad to report that the existing contractor that did the new parking lot was willing to do the work on the old parking lot without spending any additional money other than what was allocated for the existing contract; the work was completed this afternoon
- 2) Attended a Memorial Day service at the National Cemetery - thousands of people attended; fantastic turnout; a very touching ceremony
- 3) Referred to a discussion regarding solar energy rebate programs offered by Southern California Edison; Moreno Valley utility doesn't have this kind of program yet
- 4) Asked staff to check how much it would cost to replace street lights with LED lights to make it more efficient
- 5) Asked to put Pigeon Pass Road between Ironwood and Old Lake on a speed enforcement plan and requested a radar survey - cars increased speed after the road was widened

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

- a) Agency Representative: Robert G. Gutierrez
Employee Organization: MVCEA
- b) Agency Representative: Robert G. Gutierrez
Employee Organization: MVMA
- c) Agency Representative: Robert G. Gutierrez
Employee Organization: Moreno Valley Confidential
Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

None

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:20 p.m.
by unanimous informal consent.

Submitted by:

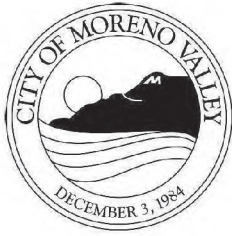
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

Richard A. Stewart
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RDH</i>
CITY MANAGER	<i>RM</i>

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: June 9, 2009

TITLE: ANNUAL AGREEMENTS FOR SERVICES WITH THE CHAMBERS OF COMMERCE

RECOMMENDED ACTION

Staff recommends that the City Council review and approve the annual Agreements for Services with the three local chambers of commerce – The Moreno Valley Chamber of Commerce, the Moreno Valley Hispanic Chamber of Commerce and the Moreno Valley Black Chamber of Commerce.

BACKGROUND

A chamber of commerce provides the important role of acting as a liaison between city government and the business community. A local chamber of commerce can help enhance a city's economic development efforts by actively working with the business community on a variety of retention and business support activities.

In Moreno Valley there are three chambers of commerce – the Moreno Valley Chamber of Commerce (MVCC), the Moreno Valley Hispanic Chamber of Commerce (MVHCC), and the Moreno Valley Black Chamber of Commerce (MVBCC). City funding, through an annual Agreement of Services, is provided in exchange for the three chambers performing a variety of specified business outreach services and special programs that improve the overall business climate in Moreno Valley.

The MVCC started receiving annual funding of \$24,000 from the City in FY 1999/2000 (in the mid to late 1990's the MVCC worked with the City on a number of specific projects, but had not established annual funding arrangements). The MVHCC obtained \$6,000 in annual funding from the City starting in FY 2000/01. The difference in funding level between the two Chamber's was in recognition of the MVCC's larger membership and the many special programs the MVCC performed including being the liaison with

March ARB, co-sponsoring the Leadership Valley Program, preparing a City Map, operating a City Visitor Information Center at the Moreno Valley Mall, and managing the Master Community Calendar of Events. In FY 2000/01, the City formalized its relationship with the MVCC and the MVHCC by entering into an annual contract – an Agreement for Services. This is a common practice for cities and chambers in California. In FY 2005/06, the City entered into an annual Agreement for Services with the MVBCC with an established funding amount of \$6,000.

DISCUSSION

In FY 2008/09, the City of Moreno Valley provided the following financial contributions to the three Chambers of Commerce:

Chamber	Annual Contribution
Moreno Valley Chamber of Commerce	\$24,000 plus two complimentary 5-hour ballroom rentals.
Moreno Valley Black Chamber of Commerce	\$ 6,000 plus two complimentary 5-hour ballroom rentals.
Moreno Valley Hispanic Chamber of Commerce	\$ 6,000 plus two complimentary 5-hour ballroom rentals.

Three years ago, the City increased overall funding to the three chambers by providing two complimentary uses of the Conference and Recreation Center (CRC) for programs. The use of the City facilities improves the quality of program and enhances the marketing of the CRC.

Before moving forward with renewing contracts for FY 2009/10, the Economic Development Department staff met with executives from each of the respective Chambers to discuss their respective scopes of work and identify opportunities for the chambers to further cooperate in working together to enhance business services and business opportunities in the community. Because of the economic times, two previous work items are being suspended including the Economic Development Update and Real Estate Update. Two new work items (highlighted below) are deemed to be more appropriate services given the present economy and the positive impact they will have on the business climate in Moreno Valley. The proposed changes to the scopes of work for each chamber are similar (please refer to Exhibits A, B, and C for the full text of each chamber's scope of work, including highlighted changes from FY 2008/09):

PROPOSED ADDITION TO CHAMBERS SCOPES OF WORK:

- Chamber shall assist the City in promoting the importance of shopping local businesses to residents through a "Shop Moreno Valley Program". Art work will be provided by the City. Each chamber may develop and tailor their specific program and its implementation.

- Chamber shall cooperate with the City in the promotion and operation of a new Employment Resource Center (ERC) including promotion to the community and providing volunteers to assist with facility staffing.

Please note, the Moreno Valley Black Chamber Board of Directors voted to decline participation in the ERC program citing that their non-profit Foundation has a similar program staffed by their volunteers. They consented to deducting \$500.00 from their annual compensation.

ALTERNATIVES

1. Approve the renewal of the Agreement for Services with all three chambers as proposed per the established funding levels.

Staff recommends this alternative because the renewal of the Agreements as proposed properly compensates each chamber commensurate with their respective proposed scopes of work.

2. Reject the renewal of the Agreements and direct staff to pursue changes to the Agreement for Services.

FISCAL IMPACT

The compensation for services proposed in the agreement is within the amount proposed for the FY 2009/10 general fund budget.

<u>Fund</u>	<u>Business Unit</u>	<u>Budget Amount</u>
010	21110.6255	\$35,500

As part of the FY 2009/10 Agreements for Services, City staff recommends adopting the following "Schedule of Compensation" for services rendered. This type of format clearly spells out the service delivery established through the contractual relationship between the City and the respective chambers of commerce.

Chambers of Commerce Compensation

<u>TYPE OF SERVICE</u>	<u>MVCC</u>	<u>MVHCC</u>	<u>MVBCC</u>
□ Basic Business Support and Retention Services	8,000*	2,500	2,500
□ Participation in 3 Mega Mixers/Business Roundtable Program	1,500	1,500	1,500

Chambers of Commerce Compensation

<u>TYPE OF SERVICE</u>	<u>MVCC</u>	<u>MVHCC</u>	<u>MVBCC</u>
<input type="checkbox"/> Existing Expanded Program Items (March ARB liaison, Visitor Info Center, Leadership Moreno Valley, Map, and manage master Community Calendar)	12,500**	N/A	N/A
<input type="checkbox"/> Business Expo/Loan Fair	1,000	1,000	1,000
<input type="checkbox"/> Proposed Cooperative Programs (Shop Moreno Valley) (Employment Resource Center)	500 500	500 500	500 ***
Total	24,000	6,000	5,500

**Note: MVCC's compensation is higher because of a larger membership base.*

***Note: MVCC performs a variety of other programs that benefit the business community and enhance the overall economic development efforts of the City.*

****Note: MVBCC declined participation in the ERC.*

CITY COUNCIL GOALS

Positive Environment: Create a possible environment for the development of Moreno Valley's future.

SUMMARY

The City contracts with the three chambers for business support services. Through the Agreements for Services, the City compensates the Moreno Valley Chamber of Commerce, the Moreno Valley Hispanic Chamber of Commerce and the Moreno Valley Black Chamber of Commerce for a variety of specified services. To more effectively provide support services to the business community and enhance the vitality of the City of Moreno Valley, staff proposes adding two new additional opportunities for the three chambers to assist the business community.

ATTACHMENTS/EXHIBITS

Attachment A: Proposed Agreement and Scope of Services for the Moreno Valley Chamber of Commerce, including proposed FY 2008/09 to FY 2009/10 changes.

Attachment B: Proposed Agreement and Scope of Services for the Moreno Valley Hispanic Chamber of Commerce, including proposed FY 2008/09 to FY 2009/10 changes.

Attachment C: Proposed Agreement and Scope of Services for the Moreno Valley Black Chamber of Commerce, including proposed FY 2008/09 to FY 2009/10 changes.

Prepared By:
Denise Bagley
Management Analyst

Department Head Approval:
Barry Foster
Economic Development Director

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**CITY OF MORENO VALLEY
AGREEMENT FOR SERVICES**

This Agreement is made and entered into as of the 1st day of July , 2009 by and between the CITY OF MORENO VALLEY, a municipal corporation of the State of California, hereinafter referred to as "the City", and MORENO VALLEY CHAMBER OF COMMERCE, hereinafter referred to as "the Chamber", and

WITNESSETH AS FOLLOWS:

1. RECITALS:

- (a) The City desires to retain the Chamber on the basis set forth herein to perform the services described in Exhibit A attached hereto and hereby incorporated by reference.
- (b) The Chamber is ready, willing, and able to supply such services; and

2. SCOPE OF SERVICES: Under the direction of the Economic Development Director, or other designee of the City Manager, the Chamber shall provide said services as more specifically described in Exhibit A attached hereto and incorporated herein by this reference. During the period of the Agreement, the City, through the Economic Development Director, may revise the scope of services by meeting and consulting with the Chamber.

3. CONDITIONS:

- (a) Upon prior approval and request of the City Manager and his or her designee, the Chamber shall work during such hours as may be necessary to provide the approved and requested services. The Chamber may determine when such hours will be worked, and may vary such hours from time to time within the Chamber's sole discretion, provided that the goals and objectives of the City are not thereby impeded or disrupted.
- (b) During the term of this Agreement, the Chamber shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict, with the proper discharge of the Chamber's duties under this Agreement.

4. COMPENSATION: For services rendered pursuant to this Agreement, payment of grant monies shall be made quarterly in equal payments in advance of each calendar quarter to the Chamber for the services identified in Exhibit A, Scope of Services and initialed in Exhibit B, Menu of Services, not to exceed \$24,000 annually. Payment shall be made upon receipt of an invoice. Allowance shall also be provided to Chamber for the complimentary rental of the City of Moreno Valley Conference and Recreation Center Ballroom for the installation dinner and one additional event of the Chamber's choice, value not to exceed two five-hour events in FY 2009/10. The allowance will not eliminate Chamber's obligation to pay any deposits, cleaning fees,

Attachment A

**AGREEMENT FOR SERVICES FY 2009/10
Moreno Valley Chamber of Commerce**

equipment rentals, etc. that may be required. The Chamber shall also receive a complimentary business license list each quarter.

5. TERMS OF AGREEMENT: This Agreement shall commence as of July 1, 2009 and continue through June 30, 2010 unless terminated by either party as provided in Section 6 below. The term of this Agreement may be renegotiated upon mutual consent of the parties.
6. TERMINATION: This Agreement may be terminated at any time by either party hereto without fault on the part of the other party. Notice of termination shall be given in writing and may be delivered personally or by mail as follows:

CITY

CHAMBER

Economic Development Director
Economic Development Department
City of Moreno Valley
P. O. Box 88005
Moreno Valley, CA 92552-0805

Executive Director
Moreno Valley
Chamber of Commerce
22500 Town Circle, Suite 2090
Moreno Valley, CA 92553

7. INDEPENDENT CONTRACTOR: It is understood and agreed that the Chamber and any subcontractors hired by the Chamber are, and at all times shall be, independent contractors and nothing contained herein shall be construed as making the Chamber or any individual whose compensation for services is paid by the Chamber, an agent or employee of the City, or authorizing the Chamber to create or assume any obligation or liability for or on behalf of the City.
8. ADMINISTRATION OF CONTRACT:
 - (a) City hereby appoints the Economic Development Department Director, or his or her designee, as the City representative in the administration of this Agreement.
 - (b) The Chamber hereby appoints the Chamber Executive Director as the Chamber's representative in the administration of this Agreement.
9. TIME: The Chamber shall devote such time to the performance of services pursuant to this Agreement as may be necessary for satisfactory and timely performance of the Chamber's obligations pursuant to this Agreement.
10. INDEMNIFICATION AND HOLD HARMLESS. The Chamber agrees to protect,

Attachment A

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**AGREEMENT FOR SERVICES FY 2009/10
Moreno Valley Chamber of Commerce**

defend, indemnify, and hold the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, and their employees, agents, officers, and volunteers free and harmless from any and all losses, claims, liens, demands, and causes of action of every kind and character occurring or in any way in connection with or arising, directly or indirectly, out of this Agreement, including injury to the Chamber's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Agreement, or are caused or claim to be caused by the negligent acts of the Chamber, its agents or employees, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, their agents or employees.

11. INSURANCE:

Insurance Requirements. Insurance companies shall be rated (A Minus: VII—Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

General Liability: The Chamber agrees to procure and maintain general liability insurance at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Chamber or any person acting for the Chamber or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Chamber or any person acting for the Chamber or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum amounts provided below:

Bodily Injury	\$1,000,000 per occurrence
Property Damage	\$ 500,000 per occurrence

A combined single limit for bodily injury and property damage liability of \$2,000,000 shall be considered equivalent to the above minimum limits. The amounts of such insurance shall not be deemed a limitation of the Chamber's agreement to save and hold the City harmless, and if the City becomes liable for an amount in excess of the insurance, the Chamber will save and hold the City harmless from the whole thereof. The coverage(s) provided pursuant to this Agreement shall be primary insurance and

**AGREEMENT FOR SERVICES FY 2009/10
Moreno Valley Chamber of Commerce**

not contributory with any other insurance.

Workers' Compensation: The Chamber or any subcontractors hired by the Chamber shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for the Chamber and the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Chamber or the Chamber's subcontractor in the course of carrying out the Agreement.

Evidence of Insurance: One or more Certificates of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage shall be submitted to the City Risk Manager prior to the execution of this Agreement. The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

"Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley ("RDA"), and the Moreno Valley Community Services District ("CSD"), their officers, employees, directors, agents, and volunteers are included as additional insured under this policy and the coverage(s) provided under this policy shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents, under any third party liability policy."

Notice to City, Insurance Coverage Change: The terms of the insurance policy or policies issued to provide the above insurance coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Chamber shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

12. EQUAL EMPLOYMENT OPPORTUNITY: During the performance of this Agreement, the Chamber will not unlawfully discriminate against subcontractor, employee or applicant for employment because of race, color, age, religion, sex,

Attachment A

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**AGREEMENT FOR SERVICES FY 2009/10
Moreno Valley Chamber of Commerce**

national origin, or physical handicap. The Chamber will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, age, religion, sex, national origin, or physical handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Chamber agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this non-discrimination clause. The Chamber will, in all solicitations or advertisements for employees placed by or on behalf of the Chamber, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, or physical handicap. The Chamber will cause the foregoing provisions to be inserted in all subcontractors for any work covered by this Agreement, provided that the foregoing provisions shall not apply to contract or subcontracts for standard commercial supplies or raw materials.

- 13. CHAMBER NOT AGENT: Except as City may specify in writing, the Chamber shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. The Chamber shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.
- 14. ASSIGNMENT PROHIBITED: No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no effect.
- 15. ATTORNEY'S FEES: In the event that it becomes necessary for either party to this Agreement to bring a lawsuit or other litigation to enforce any of the provisions of this Agreement, a court of competent jurisdiction may determine and fix reasonable attorney's fees to be paid the prevailing party in the litigation. The venue of any such lawsuit or other litigation may, at the option of the City, be laid in Riverside County, California, and the parties waive any right to change of venue.

IN WITNESS WHEREOF, the City and the Chamber have caused this Agreement to be executed as of the day and date first above written.

CITY OF MORENO VALLEY

MORENO VALLEY
CHAMBER OF COMMERCE

By: _____

By: _____

Title: _____

Title: _____

APPROVED AS TO FORM:

**AGREEMENT FOR SERVICES FY 2009/10
Moreno Valley Chamber of Commerce**

City Attorney

Attachments:

Approved Certificate(s) of Liability Insurance with Additional Insured Endorsement for the
period covered in this Agreement
Approved Certificate of Workers' Compensation Insurance

Attachment A

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Exhibit A
Moreno Valley Chamber of Commerce
SCOPE OF SERVICES
July 2009 to June 2010

- Article 1 The Moreno Valley Chamber of Commerce (“Chamber”) will continue to sponsor and operate Wake-Up Moreno Valley.
- Article 2 The Chamber will assist the City in its relationship with March Air Reserve Base and keep the City informed of the activities of the Military Affairs Committee.
- Article 3 The Chamber will serve as an information source for businesses seeking opportunities in Moreno Valley, as well as functioning as a visitor and information center.
- Article 4 Chamber will provide a personal welcome to new businesses and offer assistance in contacting governmental agencies.
- Article 5 Chamber will assist the City Economic Development staff in business retention and small business legislative support; including active participation and coordination of the Business Roundtable, Leadership Moreno Valley, and the Economic Development Department Business Visitation Programs.
- Article 6 Chamber will create and maintain a master community calendar as part of their Special Events function and keep the City advised on a monthly basis. Included with this calendar will be the specific events and activities of the other local Chambers of Commerce.
- Article 7 The Chamber will maintain their ongoing committees and the services provided through those committees.
- Article 8 Chamber will continue to provide maps of the city, including any updating as necessary.
- Article 9 Chamber will provide City a complete roster of dues paying members including names and addresses annually.
- Article 10 Chamber will have a membership performance goal of increasing membership by 10% in one year.
- The City encourages the three chambers to work in a cooperative manner on a variety of programs aimed at enhancing the business climate in Moreno Valley including the following new activities:
- Article 11 Chamber shall cooperate with the Moreno Valley Hispanic and Moreno Valley Black Chambers of Commerce to conduct three Mega Mixers annually. The City shall fund one of the three annual Mega Mixers.

**AGREEMENT FOR SERVICES FY 2009/10
Moreno Valley Chamber of Commerce**

- Article 12 Chamber will increase responsibility and accountability for participation in conducting the Business Roundtable program, including participating in bi-monthly meetings to strategize on invitees for Business Roundtable events.
- Article 13 Chamber shall participate with the Moreno Valley Hispanic Chamber of Commerce in a cooperative annual Business Expo/Job Fair/Small Business Administration (SBA) event. The City shall coordinate the event and host it at the Conference and Recreation Center. (CRC Ballroom will be provided at no cost to the Chamber.)
- Article 14 Chamber shall assist the City in promoting the importance of shopping local businesses to residents through a “Shop Moreno Valley Program”. Art work will be provided by the City. The Chamber may develop and tailor their specific program for implementation.
- Article 15 Chamber shall cooperate with the City in the promotion and operation of an Employment Resource Center including promotion to the community and providing volunteers to assist with facility staffing.
- Article 16 Chamber shall designate the City as a major sponsor and/or corporate sponsor with recognition on all sponsor literature and publications.
- Article 17 Chamber shall grant the City one position on the Board of Directors or the Corporate Board. Any fees related to the designation of these positions are to be included as part of the City’s financial commitment.

**AGREEMENT FOR SERVICES FY 2009/10
Moreno Valley Chamber of Commerce**

**Exhibit B
Moreno Valley Chamber of Commerce
MENU OF SERVICES
July 2009 to June 2010**

<u>TYPE OF SERVICE</u>	<u>Compensation</u>
<input type="checkbox"/> Basic Business Support and Retention Services	\$ 8,000
<input type="checkbox"/> Participation in 3 Mega Mixers/Business Roundtable Program	1,500
<input type="checkbox"/> Existing Expanded Program Items (March ARB liaison, Visitor Info Center, Leadership Moreno Valley, Map, and manage a Master Community Calendar)	12,500
<input type="checkbox"/> Business Expo/Loan Fair	1,000
<input type="checkbox"/> Proposed Cooperative Programs: Shop Moreno Valley Campaign Workforce Employment Center	500 500
Total	\$ 24,000

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Client#: 75804

MORENO VALLEY

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/23/08

PRODUCER CNA Sales & Service Center PO Box 946580 Maitland, FL 32794-6580 877 724-2669	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
	INSURERS AFFORDING COVERAGE	NAIC #
INSURED Moreno Valley Chamber of Commerce 22500 Town Circle Ste 2090 Moreno Valley, CA 92553	INSURER A: American Casualty Company (A) W(CA)	
	INSURER B:	
	INSURER C: "REVISED"	
	INSURER D:	
	INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSURANCE TYPE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GENL. AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC	2091080061	12/22/08	12/22/09	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED ERECTIONS (Per occurrence) \$300,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ ACCUMULATE \$ \$ \$ \$
WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				<input type="checkbox"/> WE STATUTORY LIMITS <input type="checkbox"/> OTHER P.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

MANAGEMENT Approved
 in: 12/15/08

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 This revised certificate supersedes all previously issued certificates. All previously issued certificates have been rescinded and considered null and void.
 City of Moreno Valley, Moreno Valley Community Services District and Community Redevelopment Agency of the City of Moreno Valley are added as an additional insured as (See Attached Descriptions)

CERTIFICATE HOLDER City of Moreno Valley PO Box 88085 Moreno Valley, CA 92552	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAY WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE: Christine P. Piggie
---	--

DESIGN ERRATA (Continued from Page 1)

provided in the Non Contractors Blanket Additional Insured Endorsement.
Loc# 2 - 22800 Town Circle Ste 2090; Morano Valley, CA

**STATE
COMPENSATION
INSURANCE
FUND**
NR-5 (CA)
ISSUE DATE: 09-01-2009

P.O. BOX 420807, SAN FRANCISCO, CA 94142-0807
CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

GROUP:
POLICY NUMBER: 1344343-2009
CERTIFICATE ID: 5
CERTIFICATE EXPIRES: 05-01-2010
05-01-2009/05-01-2010/

CITY OF MORENO VALLEY
P.O. BOX 88005, 14177 FREDERICK STRE
MORENO VALLEY CA 92552-0805

SK

This is to certify that we have issued a valid Workers' Compensation Insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon 30 days advance written notice to the employer.

We will also give you 30 days advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policy listed herein. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate of insurance may be issued or to which it may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions, and conditions, of such policy.

James Neary
AUTHORIZED REPRESENTATIVE

Janet Frank
PRESIDENT

EMPLOYER'S LIABILITY LIMIT INCLUDING DEFENSE COSTS: \$1,000,000 PER OCCURRENCE.

ENDORSEMENT #2066 ENTITLED CERTIFICATE HOLDERS' NOTICE EFFECTIVE 05-01-2004 IS ATTACHED TO AND FORMS A PART OF THIS POLICY.

**RISK MANAGEMENT
Approved**

M. Wong 5-5-09
By Date

EMPLOYER

MORENO VALLEY CHAMBER OF COMMERCE, A NON-PROFIT CORP.
22500 TOWN CIR STE 2090
MORENO VALLEY CA 92553

SK

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**CITY OF MORENO VALLEY
AGREEMENT FOR SERVICES**

This Agreement is made and entered into as of the 1st day of July 2009, by and between the CITY OF MORENO VALLEY, a municipal corporation of the State of California, hereinafter referred to as "the City", and MORENO VALLEY HISPANIC CHAMBER OF COMMERCE, hereinafter referred to as "the Chamber", and

WITNESSETH AS FOLLOWS:

1. RECITALS:
 - (a) The City desires to retain the Chamber on the basis set forth herein to perform the services described in Exhibit A attached hereto and hereby incorporated by reference.
 - (b) The Chamber is ready, willing, and able to supply such services; and
2. SCOPE OF SERVICES: Under the direction of the Economic Development Director, or other designee of the City Manager, the Chamber shall provide said services as more specifically described in Exhibit A attached hereto and incorporated herein by this reference. During the period of the Agreement, the City, through the Economic Development Director, may revise the scope of services by meeting and consulting with the Chamber.
3. CONDITIONS:
 - (a) Upon prior approval and request of the City Manager and his or her designee, the Chamber shall work during such hours as may be necessary to provide the approved and requested services. The Chamber may determine when such hours will be worked, and may vary such hours from time to time within the Chamber's sole discretion, provided that the goals and objectives of the City are not thereby impeded or disrupted.
 - (b) During the term of this Agreement, the Chamber shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict, with the proper discharge of the Chamber's duties under this Agreement.
4. COMPENSATION: For services rendered pursuant to this Agreement, payment of grant monies shall be made quarterly in equal payments to the Chamber for the services identified in Exhibit A, Scope of Services and initialed in Exhibit B, Menu of Services, not to exceed \$6,000 annually. Payment shall be made upon receipt of an invoice. Allowance shall also be provided to Chamber for the complimentary rental of the City of Moreno Valley Conference and Recreation Center Ballroom for the installation dinner and one additional event of the Chamber's choice, value not to exceed two five-hour events in FY 2009/2010. The allowance will not eliminate Chamber's obligation to pay any deposits, cleaning fees, equipment rentals, etc. that may be required. The Chamber shall also receive a complimentary business license list each quarter.
5. TERMS OF AGREEMENT: This Agreement shall commence as of July 1, 2009 and continue through June 30, 2010, unless terminated by either party as provided in Section

Attachment B

**AGREEMENT FOR SERVICES FY 09/10
Moreno Valley Hispanic Chamber of Commerce**

6 below. The term of this Agreement may be renegotiated upon mutual consent of the parties.

6. **TERMINATION:** This Agreement may be terminated at any time by either party hereto without fault on the part of the other party. Notice of termination shall be given in writing and may be delivered personally or by mail as follows:

CITY	CHAMBER
Economic Development Director Economic Development Department City of Moreno Valley P. O. Box 88005 Moreno Valley, CA 92552-0805	President, Moreno Valley Hispanic Chamber of Commerce P.O. Box 246 Moreno Valley, CA 92556

7. **INDEPENDENT CONTRACTOR:** It is understood and agreed that the Chamber and any subcontractors hired by the Chamber are, and at all times shall be, independent contractors and nothing contained herein shall be construed as making the Chamber or any individual whose compensation for services is paid by the Chamber, an agent or employee of the City, or authorizing the Chamber to create or assume any obligation or liability for or on behalf of the City.

8. **ADMINISTRATION OF CONTRACT:**

- (a) City hereby appoints the Economic Development Department Director, or his or her designee, as the City representative in the administration of this Agreement.
- (b) The Chamber hereby appoints the Chamber President as the Chamber's representative in the administration of this Agreement.

9. **TIME:** The Chamber shall devote such time to the performance of services pursuant to this Agreement as may be necessary for satisfactory and timely performance of the Chamber's obligations pursuant to this Agreement.

10. **INDEMNIFICATION AND HOLD HARMLESS.** The Chamber agrees to protect, defend, indemnify, and hold the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, and their employees, agents, officers, and volunteers free and harmless from any and all losses, claims, liens, demands, and causes of action of every kind and character occurring or in any way in connection with or arising, directly or indirectly, out of this Agreement, including injury to the Chamber's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Agreement, or are caused or claim to be caused by the negligent acts of the Chamber, its agents or employees, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City, the Community

**AGREEMENT FOR SERVICES FY 09/10
Moreno Valley Hispanic Chamber of Commerce**

Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, their agents or employees.

11. INSURANCE:

Insurance Requirements. Insurance companies shall be rated (A Minus: VII—Admitted) or better in Best’s Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

General Liability: The Chamber agrees to procure and maintain general liability insurance at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Chamber or any person acting for the Chamber or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Chamber or any person acting for the Chamber or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum amounts provided below:

Bodily Injury	\$1,000,000 per occurrence
Property Damage	\$ 500,000 per occurrence

A combined single limit for bodily injury and property damage liability of \$2,000,000 shall be considered equivalent to the above minimum limits. The amounts of such insurance shall not be deemed a limitation of the Chamber’s agreement to save and hold the City harmless, and if the City becomes liable for an amount in excess of the insurance, the Chamber will save and hold the City harmless from the whole thereof. The coverage(s) provided pursuant to this Agreement shall be primary insurance and not contributory with any other insurance.

Workers' Compensation: The Chamber or any subcontractors hired by the Chamber shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for the Chamber and the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Chamber or the Chamber's subcontractor in the course of carrying out the Agreement.

Evidence of Insurance: One or more Certificates of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage shall be submitted to the City Risk Manager prior to the execution of this Agreement. The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

**AGREEMENT FOR SERVICES FY 09/10
Moreno Valley Hispanic Chamber of Commerce**

"Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley ("RDA"), and the Moreno Valley Community Services District ("CSD"), their officers, employees, directors, agents, and volunteers are included as additional insured under this policy and the coverage(s) provided under this policy shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents, under any third party liability policy."

Notice to City, Insurance Coverage Change: The terms of the insurance policy or policies issued to provide the above insurance coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Chamber shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

12. EQUAL EMPLOYMENT OPPORTUNITY: During the performance of this Agreement, the Chamber will not unlawfully discriminate against subcontractor, employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap. The Chamber will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, age, religion, sex, national origin, or physical handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Chamber agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this non-discrimination clause. The Chamber will, in all solicitations or advertisements for employees placed by or on behalf of the Chamber, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, or physical handicap. The Chamber will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Agreement, provided that the foregoing provisions shall not apply to contract or subcontracts for standard commercial supplies or raw materials.
13. CHAMBER NOT AGENT: Except as City may specify in writing, the Chamber shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. The Chamber shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.
14. ASSIGNMENT PROHIBITED: No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of

Attachment B

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**AGREEMENT FOR SERVICES FY 09/10
Moreno Valley Hispanic Chamber of Commerce**

any right or obligation pursuant to this Agreement shall be void and of no effect.

15. ATTORNEY'S FEES: In the event that it becomes necessary for either party to this Agreement to bring a lawsuit or other litigation to enforce any of the provisions of this Agreement, a court of competent jurisdiction may determine and fix reasonable attorney's fees to be paid the prevailing party in the litigation. The venue of any such lawsuit or other litigation may, at the option of the City, be laid in Riverside County, California, and the parties waive any right to change of venue.

IN WITNESS WHEREOF, the City and the Chamber have caused this Agreement to be executed as of the day and date first above written.

CITY OF MORENO VALLEY

MORENO VALLEY HISPANIC
CHAMBER OF COMMERCE

By: _____

By: _____

Title: _____

Title: _____

Date: _____

APPROVED AS TO FORM:

City Attorney

Attachments:

Approved Certificate(s) of Liability Insurance with Additional Insured Endorsement for the period covered in this Agreement

Approved Certificate of Workers' Compensation Insurance

Moreno Valley Hispanic Chamber of Commerce
SCOPE OF SERVICES
July 2009 to June 2010

Article 1: The Moreno Valley Hispanic Chamber of Commerce ("Chamber") will provide participation / sponsorship in the following committees, services, and/or events:

1. Maintain the Chamber Membership Committee.
2. Conduct the Cinco de Mayo Fiesta.
3. Participate in the City's Fourth of July Parade/Celebration.
4. Celebrate Hispanic Heritage Month - September.
5. Participate in and support the Sister City Program with San Juan de Los Lagos.
6. Sponsor and operate monthly Adelante! Moreno Valley events and Chamber mixers to support Moreno Valley businesses.
7. Conduct an annual Installation Dinner and Recognition of the outstanding member Business of the Year.
8. Cooperate with the Moreno Valley Chamber of Commerce in their production of a master community calendar by providing logistical information about the Moreno Valley Hispanic Chamber of Commerce's specific events and activities by the 10th day of each month.
9. Support the City of Moreno Valley through operation of the Se Habla Español program, which promotes Moreno Valley's businesses to Spanish-speaking residents.
10. Facilitate Communication between Hispanic Business Owners and the City.
11. Facilitate communication between the Hispanic community and the two school districts. Award an annual college scholarship to a Moreno Valley student(s).
12. Partner with Small Business Administration and other governmental agencies that provide business seminars for Hispanic businesses.
13. Continue to operate as point of contact for businesses seeking relocation to Moreno Valley.
14. Assist the City Economic Development staff with business retention and small business legislative support; including active participation and coordination of the Business Roundtable, and the Economic Development Department's Business Visitation Program.

The City encourages the three chambers to work in a cooperative manner on a variety of programs aimed at enhancing the business climate in Moreno Valley including the following new activities:

Article 2 Chamber shall cooperate with the Moreno Valley and Moreno Valley Black Chambers of Commerce to conduct three Mega Mixers annually. The City shall fund one annual Mega Mixer.

Article 3 Chamber will increase responsibility and accountability for participation in
Attachment B

**AGREEMENT FOR SERVICES FY 09/10
Moreno Valley Hispanic Chamber of Commerce**

conducting the Business Roundtable program, including participating in monthly meetings to strategize on invitees for Business Roundtable events.

- Article 4 Chamber shall participate with the Moreno Valley Chamber of Commerce in a cooperative annual Business Expo/Job Fair/Small Business Administration (SBA) event. The City shall coordinate the event and host it at the Conference and Recreation Center. (CRC Ballroom will be provided at no cost to the Chamber.)
- Article 5 Chamber shall assist the City in promoting the importance of shopping local businesses to residents through a "Shop Moreno Valley Program". Art work will be provided by the City. The Chamber may develop and tailor their specific program for implementation.
- Article 6 Chamber shall cooperate with the City in the promotion and operation of an Employment Resource Center including promotion to the community and providing volunteers to assist with facility staffing.
- Article 7 Chamber shall designate the City as a major sponsor and/or corporate sponsor with recognition on all sponsor literature and publications.
- Article 8 Chamber shall grant the City one position on the Board of Directors or the Corporate board. Any fees related to the designation of these positions are to be included as part of the City's financial commitment.

**AGREEMENT FOR SERVICES FY 09/10
Moreno Valley Hispanic Chamber of Commerce**

**Exhibit B
Moreno Valley Hispanic Chamber of Commerce
MENU OF SERVICES
July 2009 to June 2010**

<u>TYPE OF SERVICE</u>	<u>Compensation</u>
<input type="checkbox"/> Basic Business Support and Retention Services	\$ 2,500
<input type="checkbox"/> Participation in 3 Mega Mixers/Business Roundtable Program	1,500
<input type="checkbox"/> Business Expo/Loan Fair	1,000
<input type="checkbox"/> Proposed Cooperative Programs (Shop Moreno Valley Program, Workforce Development Employment Center)	500 500
Total	\$ 6,000



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/23/09

PRODUCER
MARSHALL C. SCOTT STATE FARM INSURANCE
23020 ATLANTIC CIRCLE
MORENO VALLEY, CA 92553

THIS CERTIFICATE IS ISSUED AS MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.



INSURED
THE MORENO VALLEY HISPANIC CHAMBER OF COMMERCE
P.O. BOX 246
MORENO VALLEY, CA 92556-0246

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A:
INSURER B:
INSURER C:
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	92-XC-2752-9	12/14/2008	12/14/2009	EACH OCCURRENCE	\$ 2,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
						MED EXP (Any one person)	\$ 5,000
						PERSONAL & ADV INJURY	\$
						GENERAL AGGREGATE	\$ 4,000,000
						PRODUCTS - COM/POP AGG	\$ 4,000,000
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	\$
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
						OTHER THAN EA ACC	\$
						AUTO ONLY: AGG	\$
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$				EACH OCCURRENCE	\$
						AGGREGATE	\$
							\$
							\$
							\$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	<i>m. Alon</i> By	5-11-09 Date		WC STATUTORY LIMITS	OTHER
						E.L. EACH ACCIDENT	\$
						E.L. DISEASE - EA EMPLOYEE	\$
						E.L. DISEASE - POLICY LIMIT	\$
		OTHER					

RISK MANAGEMENT
Approved

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 LOCATION OF OPERATION: 23020 ATLANTIC CIRCLE, MORENO VALLEY, CA 92553
 DEDUCTIBLE- \$500

CERTIFICATE HOLDER

ADDITIONAL INSURED:
 THE CITY OF MORENO VALLEY
 THE MORENO VALLEY COMMUNITY SERVICES DISTRICT
 THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
 14177 FREDERICK ST, MORENO VALLEY, CA 92552

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL ____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Marshall Scott

**ADDITIONAL INSURED ENDORSEMENT
Managers or Lessors of Premises**

Policy No.: 92-XC-2752-9

Named Insured:
THE MORENO VALLEY HISPANIC
CHAMBER OF COMMERCE
PO BOX 246
MORENO VALLEY CA 92556-0246



Name of Person or Organization:

CITY OF MORENO VALLEY, MORENO
VALLEY COMMUNITY SERVICE
DISTRICT COMM REDEVELOPMENT
AGENCY OF MORENO VALLEY
PO BOX 88005
MORENO VALLEY CA 92552-0805

Designation of Premises:

23020 ATLANTIC CIR, MORENO VALLEY CA 92553-5911

WHO IS AN INSURED, under SECTION II DESIGNATION OF INSURED, is amended to include as an insured the person or organization shown above, but only with respect to their liability arising out of the ownership, maintenance or use of the premises leased to you and designated above.

This insurance does not apply to:

1. any occurrence which takes place after you cease to be a tenant in that premises; or
2. structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown above.

**ADDITIONAL INSURED ENDORSEMENT
DESIGNATED PREMISES ONLY**



Policy No.: 92-XC-2752-9

Named Insured:
THE MORENO VALLEY HISPANIC
CHAMBER OF COMMERCE
PO BOX 246
MORENO VALLEY CA 92556-0246

Name of Additional Insured:
THE COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF MORENO
SERVICES DISTRIC
14075 FREDERICK ST
MORENO VALLEY CA 92553-9057

Address of Additional Insured:

Interest of Additional Insured:
SPECIAL EVENT

Location of Premises:

23020 ATLANTIC CIR MORENO VALLEY CA

The word "insured", wherever used in this policy, also includes the designated person or organization named above as Additional Insured under the provisions of the policy Sections shown below as applicable by an "X" to the extent indicated.

- SECTION I.** This applies only to **COVERAGE A - BUILDINGS.**
- SECTION I.** This applies only to **COVERAGE B - BUSINESS PERSONAL PROPERTY.**

Description of Property

- SECTION II.** This applies only to **COVERAGE L - BUSINESS LIABILITY** and **COVERAGE M - MEDICAL PAYMENTS** and then only with respect to the ownership, maintenance or use of the premises designated above and operations necessary or incidental thereto. These SECTION II coverages do not apply to:
 1. structural alterations or new construction performed by or on behalf of the designated person or organization;
 2. **personal injury** caused by the designated person or organization;
 3. liability the designated person or organization assumed under a contract; or
 4. **products-completed operations hazard** arising out of goods or inventory which are not sold or distributed by you or arising out of the manufacturing or packaging of such goods or inventory.

All other provisions of the policy apply.

EXCEPTION TO WORKER'S COMPENSATION COVERAGE

I, the undersigned, hereby affirm:

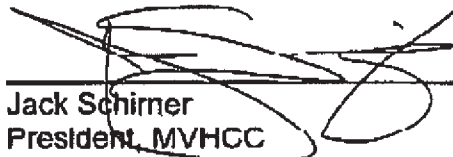
I certify that as the President of the MorenoValley Hispanic Chamber of Commerce (MVHCC), I elect to not come under Worker's Compensation Laws pursuant to the Labor Code Section 3700, and that as such certify that the MVHCC has no employees. I acknowledge and certify this to be true by presenting this notarized document with signature to be included as part of the agreement for Chamber services/events.

THAT I am the owner (sole proprietor) of does not apply, and;

THAT upon award of the contract to provide - services, all work shall be performed without exception, for the term of the contract, exclusively and solely by the undersigned sole proprietor of the Company and;

THAT any deviation from this agreed upon practice shall constitute grounds for immediate termination of the agreement between the MVHCC and the City of Moreno Valley to provide services/events services and I agree to defend, indemnify, and hold harmless the City of Moreno Valley, the Moreno Valley Community Services District and the Moreno Valley Redevelopment Agency against any and all claims, lawsuits, or other actions arising out of any deviation from this agreed upon practice.

I/We certify by my/our name affixed below under penalty of perjury that the foregoing is true and correct.



Jack Schirner
President, MVHCC

5/7/2009
Date

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of RIVERSIDE

On MAY 7, 2009 before me, CHARLES G. STEINWAY, NOTARY PUBLIC
(Here insert name and title of the officer)

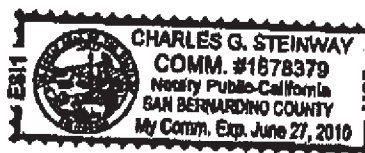
personally appeared JACK SCHIRNER

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.

Charles G. Steinway
Signature of Notary Public



(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

DESCRIPTION OF THE ATTACHED DOCUMENT

EXCEPTION TO WORKERS
(Title or description of attached document)

COMPENSATION COURAGE
(Title or description of attached document continued)

Number of Pages 1 Document Date 5/10/09

(Additional information)

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ◊ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ◊ Indicate title or type of attached document, number of pages and date.
 - ◊ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CAPACITY CLAIMED BY THE SIGNER

Individual ~~or~~

Corporate Officer

(Title)

Partner(s)

Attorney-in-Fact

Trustee(s)

Other _____

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**CITY OF MORENO VALLEY
AGREEMENT FOR SERVICES**

This Agreement is made and entered into as of the 1st day of July 2009, by and between the CITY OF MORENO VALLEY, a municipal corporation of the State of California, hereinafter referred to as "the City", and MORENO VALLEY BLACK CHAMBER OF COMMERCE, hereinafter referred to as "the Chamber", and

WITNESSETH AS FOLLOWS:

1. RECITALS:
 - (a) The City desires to retain the Chamber on the basis set forth herein to perform the services described in Exhibit A attached hereto and hereby incorporated by reference.
 - (b) The Chamber is ready, willing, and able to supply such services; and
2. SCOPE OF SERVICES: Under the direction of the Economic Development Director, or other designee of the City Manager, the Chamber shall provide said services as more specifically described in Exhibit A attached hereto and incorporated herein by this reference. During the period of the Agreement, the City, through the Economic Development Director, may revise the scope of services by meeting and consulting with the Chamber.
3. CONDITIONS:
 - (a) Upon prior approval and request of the City Manager and his or her designee, the Chamber shall work during such hours as may be necessary to provide the approved and requested services. The Chamber may determine when such hours will be worked, and may vary such hours from time to time within the Chamber's sole discretion, provided that the goals and objectives of the City are not thereby impeded or disrupted.
 - (b) During the term of this Agreement, the Chamber shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict, with the proper discharge of the Chamber's duties under this Agreement.
4. COMPENSATION: Payment of grant monies shall be made quarterly in equal payments to the Chamber for the services identified in Exhibit A, Scope of Services and initialed in Exhibit B, Menu of Services, not to exceed \$6,000 annually. Payment shall be made upon receipt of an invoice. Allowance shall also be provided to Chamber for the complimentary rental of the City of Moreno Valley Conference and Recreation Center Ballroom for the installation dinner and one additional event of the Chamber's choice, value not to exceed two five-hour events in FY 2009/10. The allowance will not eliminate Chamber's obligation to pay any deposits, cleaning fees, equipment rentals, etc. that may be required. The Chamber shall also receive a complimentary business license list each quarter.
5. TERMS OF AGREEMENT: This Agreement shall commence as of July 1, 2009 and continue through June 30, 2010, unless terminated by either party as provided in Section 6 below. The term of this Agreement may be renegotiated upon mutual

Attachment C

**AGREEMENT FOR SERVICES FY 09/10
Moreno Valley Black Chamber of Commerce**

consent of the parties.

6. TERMINATION: This Agreement may be terminated at any time by either party hereto without fault on the part of the other party. Notice of termination shall be given in writing and may be delivered personally or by mail as follows:

CITY

CHAMBER

Economic Development Director
Economic Development Department
City of Moreno Valley
P. O. Box 88005
Moreno Valley, CA 92552-0805

President
Moreno Valley Black
Chamber of Commerce
P.O. Box 632
Moreno Valley, CA 92556

7. INDEPENDENT CONTRACTOR: It is understood and agreed that the Chamber and any subcontractors hired by the Chamber are, and at all times shall be, independent contractors and nothing contained herein shall be construed as making the Chamber or any individual whose compensation for services is paid by the Chamber, an agent or employee of the City, or authorizing the Chamber to create or assume any obligation or liability for or on behalf of the City.

8. ADMINISTRATION OF CONTRACT:

- (a) City hereby appoints the Economic Development Department Director, or his or her designee, as the City representative in the administration of this Agreement.
- (b) The Chamber hereby appoints the Chamber President as the Chamber's representative in the administration of this Agreement.

9. TIME: The Chamber shall devote such time to the performance of services pursuant to this Agreement as may be necessary for satisfactory and timely performance of the Chamber's obligations pursuant to this Agreement.

10. INDEMNIFICATION AND HOLD HARMLESS. The Chamber agrees to protect, defend, indemnify, and hold the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, and their employees, agents, officers, and volunteers free and harmless from any and all losses, claims, liens, demands, and causes of action of every kind and character occurring or in any way in connection with or arising, directly or indirectly, out of this Agreement, including injury to the Chamber's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Agreement, or are caused or claim to be caused by the negligent acts of the Chamber, its agents or employees, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims

**AGREEMENT FOR SERVICES FY 09/10
Moreno Valley Black Chamber of Commerce**

arising from the sole negligence or willful misconduct of the City, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, their agents or employees.

11. INSURANCE:

Insurance Requirements. Insurance companies shall be rated (A Minus: VII—Admitted) or better in Best’s Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

General Liability: The Chamber agrees to procure and maintain general liability insurance at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Chamber or any person acting for the Chamber or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Chamber or any person acting for the Chamber or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum amounts provided below:

Bodily Injury	\$1,000,000 per occurrence
Property Damage	\$ 500,000 per occurrence

A combined single limit for bodily injury and property damage liability of \$2,000,000 shall be considered equivalent to the above minimum limits. The amounts of such insurance shall not be deemed a limitation of the Chamber's agreement to save and hold the City harmless, and if the City becomes liable for an amount in excess of the insurance, the Chamber will save and hold the City harmless from the whole thereof. The coverage(s) provided pursuant to this Agreement shall be primary insurance and not contributory with any other insurance.

Workers' Compensation: The Chamber or any subcontractors hired by the Chamber shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for the Chamber and the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Chamber or the Chamber's subcontractor in the course of carrying out the Agreement.

Evidence of Insurance: One or more Certificates of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage shall be submitted to the City Risk Manager prior to the execution of this Agreement. The Certificate of Insurance or an appropriate binder shall bear an endorsement

**AGREEMENT FOR SERVICES FY 09/10
Moreno Valley Black Chamber of Commerce**

containing the following provisions:

"Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley ("RDA"), and the Moreno Valley Community Services District ("CSD"), their officers, employees, directors, agents, and volunteers are included as additional insured under this policy and the coverage(s) provided under this policy shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents, under any third party liability policy."

Notice to City, Insurance Coverage Change: The terms of the insurance policy or policies issued to provide the above insurance coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Chamber shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

12. EQUAL EMPLOYMENT OPPORTUNITY: During the performance of this Agreement, the Chamber will not unlawfully discriminate against subcontractor, employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap. The Chamber will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, age, religion, sex, national origin, or physical handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Chamber agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this non-discrimination clause. The Chamber will, in all solicitations or advertisements for employees placed by or on behalf of the Chamber, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, or physical handicap. The Chamber will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Agreement, provided that the foregoing provisions shall not apply to contract or subcontracts for standard commercial supplies or raw materials.
13. CHAMBER NOT AGENT: Except as City may specify in writing, the Chamber shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. The Chamber shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

**AGREEMENT FOR SERVICES FY 09/10
Moreno Valley Black Chamber of Commerce**

- 14. ASSIGNMENT PROHIBITED: No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no effect.

- 15. ATTORNEY'S FEES: In the event that it becomes necessary for either party to this Agreement to bring a lawsuit or other litigation to enforce any of the provisions of this Agreement, a court of competent jurisdiction may determine and fix reasonable attorney's fees to be paid the prevailing party in the litigation. The venue of any such lawsuit or other litigation may, at the option of the City, be laid in Riverside County, California, and the parties waive any right to change of venue.

IN WITNESS WHEREOF, the City and the Chamber have caused this Agreement to be executed as of the day and date first above written.

CITY OF MORENO VALLEY

MORENO VALLEY BLACK
CHAMBER OF COMMERCE

By: _____

By: _____

Title: _____

Title: _____

Date: _____

APPROVED AS TO FORM:

City Attorney

Attachments:

Approved Certificate(s) of Liability Insurance with Additional Insured Endorsement for the period covered in this Agreement

Approved Certificate of Workers' Compensation Insurance

Exhibit A
Moreno Valley Black Chamber of Commerce
SCOPE OF SERVICES
July 2009 to June 2010

Article 1: The Moreno Valley Black Chamber of Commerce ("Chamber") will provide participation / sponsorship in the following committees, services, and/or events:

1. Host a business development event. The business development event will offer Moreno Valley business exhibitors the opportunity to promote their products and services. It will also include Mini-seminars and Workshops that focus on business development topics. The Chamber will also supply exhibitor space to the City of Moreno Valley at the business development event. (CRC Ballroom will be provided at no cost to the Chamber.)
2. Participate in the City's Fourth of July Parade/Celebration.
3. Sponsor and operate member grand openings and Chamber mixers / monthly events to support Moreno Valley businesses.
4. Conduct an annual Installation Dinner and Recognition of the outstanding Moreno Valley Black Chamber of Commerce Business of the Year.
5. Cooperate with the Moreno Valley Chamber of Commerce in their production of a master community calendar by providing logistical information about the Moreno Valley Black Chamber of Commerce's specific events and activities by the 10th day of each month.
6. Operate as point of contact for businesses seeking relocation to Moreno Valley.
7. Assist the City Economic Development staff with business retention and small business legislative support; including active participation and coordination of the Business Roundtable and the Economic Development Department's Business Visitation Program.

The City encourages the chamber to work on a variety of programs aimed at enhancing the business climate in Moreno Valley including the following new activities:

Article 2 Chamber shall cooperate with the Moreno Valley and Moreno Valley Hispanic Chambers of Commerce to conduct three Mega Mixers annually. The City shall fund one of the three annual Mega Mixers.

Article 3 Chamber will increase responsibility and accountability for participation in conducting the Business Roundtable program, including participation in monthly meetings to strategize on invitees for Business Roundtable events.

Article 5 Chamber shall cooperate in promoting the importance of shopping local businesses to residents through a "Shop Moreno Valley Program". Art work will be provided by the City. The Chamber may develop and tailor their specific implementation.

Attachment C

AGREEMENT FOR SERVICES FY 09/10
Moreno Valley Black Chamber of Commerce

- Article 6 Chamber shall designate the City as a major sponsor and/or corporate sponsor with recognition on all sponsor literature and publications.
- Article 7 Chamber shall grant the City one position on the Board of Directors or the Corporate Board. Any fees related to the designation of these positions are to be included as part of the City's financial commitment.

**AGREEMENT FOR SERVICES FY 09/10
Moreno Valley Black Chamber of Commerce**

**Exhibit B
Moreno Valley Black Chamber of Commerce
MENU OF SERVICES
July 2009 to June 2010**

<u>TYPE OF SERVICE</u>	<u>Compensation</u>
<input type="checkbox"/> Basic Business Support and Retention Services	\$ 2,500
<input type="checkbox"/> Participation in 3 Mega Mixers/Business Roundtable Program	1,500
<input type="checkbox"/> Business Expo/Loan Fair	1,000
<input type="checkbox"/> Proposed Cooperative Program Shop Moreno Valley Program	500
Total	<u>\$ 5,500</u>

Attachment C

8

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/05/09

PRODUCER
CNA Service Center
PO Box 16275
Reading, PA 19612
877 724-2619

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
Moreno Valley Black Chamber of Commerce
22445 Alessandro Blvd Suite 116
Moreno Valley, CA 92553

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: National Fire Insurance Company	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES:

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSTR ADD'L LTR	INSRCD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	X	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GENT. AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO. JECT <input checked="" type="checkbox"/> LOC	2084641266	02/17/09	02/17/10	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$300,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMPROP AGG \$2,000,000
A		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	2084641266	02/17/09	02/17/10	COMBINED SINGLE LIMIT (Per accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER	RISK MANAGEMENT Approved <i>21. Alex</i> 5-11-09 By Date			WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 Certificate Holder is Named as Additional Insured - Designated Person or Organization.

CERTIFICATE HOLDER	CANCELLATION
City of Moreno Valley Moreno Valley Community Services Dist PO Box 88005 Moreno Valley, CA 88005	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE <i>Christine Pizgee</i>

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

EXCEPTION TO WORKER'S COMPENSATION COVERAGE

I, the undersigned, hereby affirm:

I certify that as the sole proprietor of Wright's Community and Business Development Corporation(501(c)3 I elect not to come under Worker's Compensations Laws pursuant to the Labor Code Section 3700, and that as such Moreno Valley Black Chamber of Commerce and Linda Wright has no employees save for the sole proprietor of the Corporation. I acknowledged and certify this to be true by presenting this notarized document with signature to be included as part of the agreement for Linda Wright's services.

THAT I am the owner (sole proprietor) of Wright's Community and Business Development Corporation(501(c)3, and;

THAT upon award of the contract to provide Administrative & Business services, all work shall be performed without exception, for the term of contract, exclusively and solely but the undersigned sole proprietor of the Company, and:

THAT any deviation from this agreed upon practice shall constitute grounds for immediate termination of the Agreement between Moreno Valley Black Chamber of Commerce and Linda Wright and the City of Moreno Valley to provide Administrative and Business services and I agree to defend, indemnify, and hold harmless the City of Moreno Valley, the Moreno Valley Community Services District, and the Moreno Valley Redevelopment Agency against any and all claims, lawsuits, or other actions arising out of any deviation from the agreed upon practice.

Linda D. Wright
Name, Title

RISK MANAGEMENT
Approved

OCooksey 10/5/07
By Date

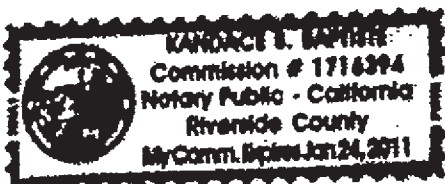
NOTARIZED BELOW

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

On October 5, 2007, before me, Kandace S. Baptiste, Notary Public, personally appeared Linda D. Wright,

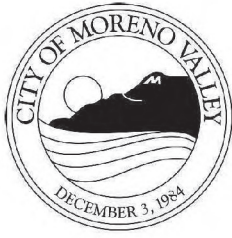
- personally known to me
- or-
- proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Kandace S. Baptiste
Signature of Notary

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RDH</i>
CITY MANAGER	<i>RA</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: APPROVE AND ADOPT RESOLUTION NO. 2009-50 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR PROJECT NO. 98-25897

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve and adopt Resolution No. 2009-50 Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Interchange Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project.
2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

BACKGROUND

The overall purpose of the project is to improve the SR-60/Nason Street Interchange ramps through reconstruction and realignment, while providing a design that accommodates future bridge improvements.

On August 24, 2004, the City Council approved and authorized a Design Cooperative Agreement with the State of California for the SR-60/Nason Street Interchange Improvements Project.

On February 24, 2009, the City Council approved and authorized a Construction Cooperative Agreement with the State of California for the SR-60/Nason Street Interchange Improvements Project.

On May 26, 2009, the City Council will consider an amendment to the Design Cooperative Agreement with Caltrans to extend the agreement termination date from June 30, 2009, to June 30, 2011.

Caltrans' Right-of-Way Manual requires that the City Council adopt a resolution to later hear Resolutions of Necessity to acquire property by eminent domain, if necessary, for the project.

DISCUSSION

The City has been progressing in the steps necessary for the acquisition of right-of-way and in taking other necessary steps to begin construction of the SR-60/Nason Street Interchange Improvements Project. The goal is to begin construction of the interchange by February 2010.

The City approved the Design Cooperative Agreement with the State of California on August 24, 2004. According to the Agreement, the City is required to follow Caltrans requirements in acquiring property. The Caltrans Right-of-Way Manual details the steps necessary prior to holding hearings, if any are required, on Resolutions of Necessity to institute a condemnation action to acquire property necessary for the project in the event that future Resolutions of Necessity are required.

Caltrans, pursuant to the Design Cooperative Agreement and the Caltrans Right-of-Way Manual, Section 17.04.09.01, requires that the City Council of Moreno Valley adopt a resolution to later hear Resolutions of Necessity for the project. A Resolution of Necessity is a required resolution authorizing condemnation of property necessary for the project and the filing of an eminent domain action to acquire through condemnation of said property. Caltrans requires the local entity (the City) to obtain prior approval on a project basis from Caltrans before proceeding to hear Resolutions of Necessity for the SR-60/Nason project. Adoption of the proposed resolution does not commit the City Council to adopting a Resolution of Necessity, but obtains Caltrans' advance authorization to hear future Resolutions of Necessity to acquire property necessary for the project.

The City has designated the law firm of Singer & Coffin, APC to act as its Special Eminent Domain Counsel to prepare, review, process and approve the Resolution of Necessity packages for the project.

ALTERNATIVES

1. Approve and adopt Resolution No. 2009-50 Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Interchange Improvements Project and Designation of the City’s Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project and authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City’s Special Eminent Domain Counsel and to provide other related materials to Caltrans as required. *This alternative will allow necessary approvals to be in place so the project continues to proceed without interruption.*

2. Do not approve and adopt Resolution No. 2009-50 Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Interchange Improvements Project and Designation of the City’s Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project and do not authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City’s Special Eminent Domain Counsel and to provide other related materials to Caltrans as required. *This recommendation will delay the construction of needed improvements.*

FISCAL IMPACT

There is no fiscal impact related to the adoption of this resolution to hear future Resolutions of Necessity for the project.

The project is funded using federal funds and matching Measure “A” funds (Account No. 125.89720). The City has successfully obtained approximately \$7.4 million of federal funds, portions of which have been used for design and right-of-way. Remaining federal funds for construction consist of Surface Transportation Program (\$1.77 million) and Transportation Efficiency Act of the 21st Century (\$4.5 million) demonstration funds.

ANTICIPATED PROJECT SCHEDULE:

Complete Right-of-Way Acquisition Phase.....	July 2009
Advance Utility Relocation Phase	May - December 2009
Completed Utility Agreements*	July 2009
Interchange Construction Start Date	February 2010
Interchange Construction End Date	February 2011

** for relocations during interchange construction*

CITY COUNCIL GOALS

PUBLIC SAFETY:

Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:

Create a positive environment for the development of Moreno Valley's future.

SUMMARY

The City Council is asked to adopt Resolution No. 2009-50 in order to later hear Resolutions of Necessity should acquisition through condemnation become necessary for the SR-60/Nason Interchange Improvements Project.

ATTACHMENTS/EXHIBITS

Attachment "A" – Resolution No. 2009-50 Resolution of the City of Moreno Valley Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Interchange Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project

Prepared By:
Margery A. Lazarus, P.,E.

Department Head Approval:
Chris A. Vogt, P.E.

Concurred By:
Prem Kumar, P.E.

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Document4

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RESOLUTION NO. 2009-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT.

WHEREAS, the City of Moreno Valley ("City") is empowered to acquire by eminent domain any property to carry out its powers or functions pursuant to Government Code Sections 37350, 37350.5 and 40404 and Code of Civil Procedure Section 1240.110; and

WHEREAS, property may properly be acquired by eminent domain for state highway purposes pursuant to Streets and Highways Code Section 102; and

WHEREAS, City has approved the design of State Route 60/Nason Street Interchange Improvements and also previously approved a Design Cooperative Agreement with the State of California for said project, a project on the State of California Highway System. The Cooperative Agreement with the State of California Department of Transportation ("Caltrans") provides that City will perform right-of-way activities as set forth in the Cooperative Agreement for said project; and

WHEREAS, all local public agency projects on the State of California Highway System, within the existing or proposed State of California rights of way, are subject to the requirements of the Caltrans Right-of-Way Manual, and recent provisions of the Caltrans Right-of-Way Manual now require a City Council to pass a resolution by a two-thirds vote, making an election to hear all the Resolutions of Necessity for the project; and

WHEREAS, City will follow State statute requirements and the Caltrans Right-of-Way Manual processes in the issuance of the Notice of Intent to adopt a Resolution of Necessity and in the adoption of a Resolution of Necessity, and the City's Special Eminent Domain Counsel is designated to process and approve the resolution package(s).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Moreno Valley, by a two-thirds vote, will hear the Resolutions of Necessity associated with the construction of the State Route 60/Nason Street Interchange Improvements Project.

Attachment A

Resolution No. 2009-_____

Date Adopted: _____

BE IT FURTHER RESOLVED that City designates the law firm of Singer & Coffin, APC, as its Special Eminent Domain Counsel to prepare, review, process and approve the Resolution of Necessity packages for this project.

APPROVED AND ADOPTED this ____ day of _____, 2009.

By:

Richard A. Stewart, Mayor

ATTEST:

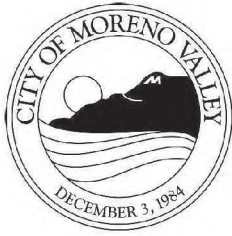
By:

Jane Halstead, City Clerk

APPROVED AS TO FORM:

By:

Robert Herrick, City Attorney



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RDH</i>
CITY MANAGER	<i>RA</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE TRAFFIC SIGNAL, STREET AND STORM DRAIN IMPROVEMENTS FOR STATE ROUTE 60 EASTBOUND RAMP AND REDLANDS BOULEVARD
PROJECT NO. 06-12566625

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt a Mitigated Negative Declaration (MND) for the Traffic Signal, Street and Storm Drain Improvements for State Route 60 Eastbound Ramps and Redlands Boulevard, Project No. 06-12566625.

BACKGROUND

The City entered into an Agreement for Professional Consultant Services with Omnis, Inc. to provide planning and engineering services, including an environmental assessment Initial Study in compliance with the California Environmental Quality Act (CEQA) and City requirements. Caltrans reviewed the design plans and eventually issued an Encroachment Permit on February 23, 2009.

DISCUSSION

The project consists of the installation of a traffic signal at the intersection of the SR 60 eastbound ramps and Redlands Boulevard, with street and storm drain improvements. The work shall include minor widening of Redlands Boulevard and the eastbound ramps to accommodate turn lanes.

The California Environmental Quality Act (CEQA) Section 15070 (Title 14 – California Code of Regulations), states that a Negative Declaration (ND) or a Mitigated Negative Declaration (MND) may be prepared for a project when the Initial Study indicates that

no significant effect on the environment will result from project implementation or when mitigation measures as described in the Initial Study are incorporated in the project implementation.

Based on the findings of the Initial Study prepared for the project by the City's Consultant, the City's Planning Division staff has determined, in compliance with CEQA and the City's Rules to Implement CEQA, that preparation of a Mitigated Negative Declaration is recommended in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level. The Negative Declaration with mitigation measures and Initial Study are attached.

A notice was published on May 19, 2009 in the Press Enterprise describing the project and advising the public of the preparation of a MND, notice of time and place where the environmental documents could be inspected, and notice that the City Council would consider approval of a MND for the project (or appropriate modifications or alternatives to the project) on the date of this meeting. This notice advised that comments could be submitted to the City prior to or at this meeting. No comments were received prior to the meeting.

ALTERNATIVES

1. Adopt a Mitigated Negative Declaration for the Traffic Signal, Street and Storm Drain Improvements for State Route 60 Eastbound Ramps and Redlands Boulevard. *This alternative will provide for the timely construction of the State Route 60 Eastbound Ramps and Redlands Boulevard improvements.*
2. Do not adopt a Mitigated Negative Declaration for the Traffic Signal, Street and Storm Drain Improvements for State Route 60 Eastbound Ramps and Redlands Boulevard. *This alternative will delay the State Route 60 Eastbound Ramps and Redlands Boulevard improvements.*

FISCAL IMPACT

There is no fiscal impact to the adoption of the MND, but it is essential in order to proceed with the construction of the project.

The project is included in the Fiscal Year 2008/2009 Budget and is being funded with Measure A funds (Account No. 125.66625). There is no impact to the General Fund.

ANTICIPATED SCHEDULE:

Start Construction.....	August 2009
Complete Construction.....	January 2010

CITY COUNCIL GOALS

Upon approval of the recommended action contained in this staff report the following City Council Goals would be furthered:

PUBLIC SAFETY:

Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:

Create a positive environment for the development of Moreno Valley's future.

SUMMARY

The Initial Study for this project identifies mitigation measures to be incorporated into the project specifications. These mitigation measures will reduce all potential environmental impacts to an acceptable level in compliance with CEQA thus permitting the City to adopt a Mitigated Negative Declaration for the project.

ATTACHMENTS

Attachment "A" – Project Location Map

Attachment "B" – Mitigated Negative Declaration with Initial Study

Prepared By:
Bruce E. Blank, P.E.
Consultant Project Manager

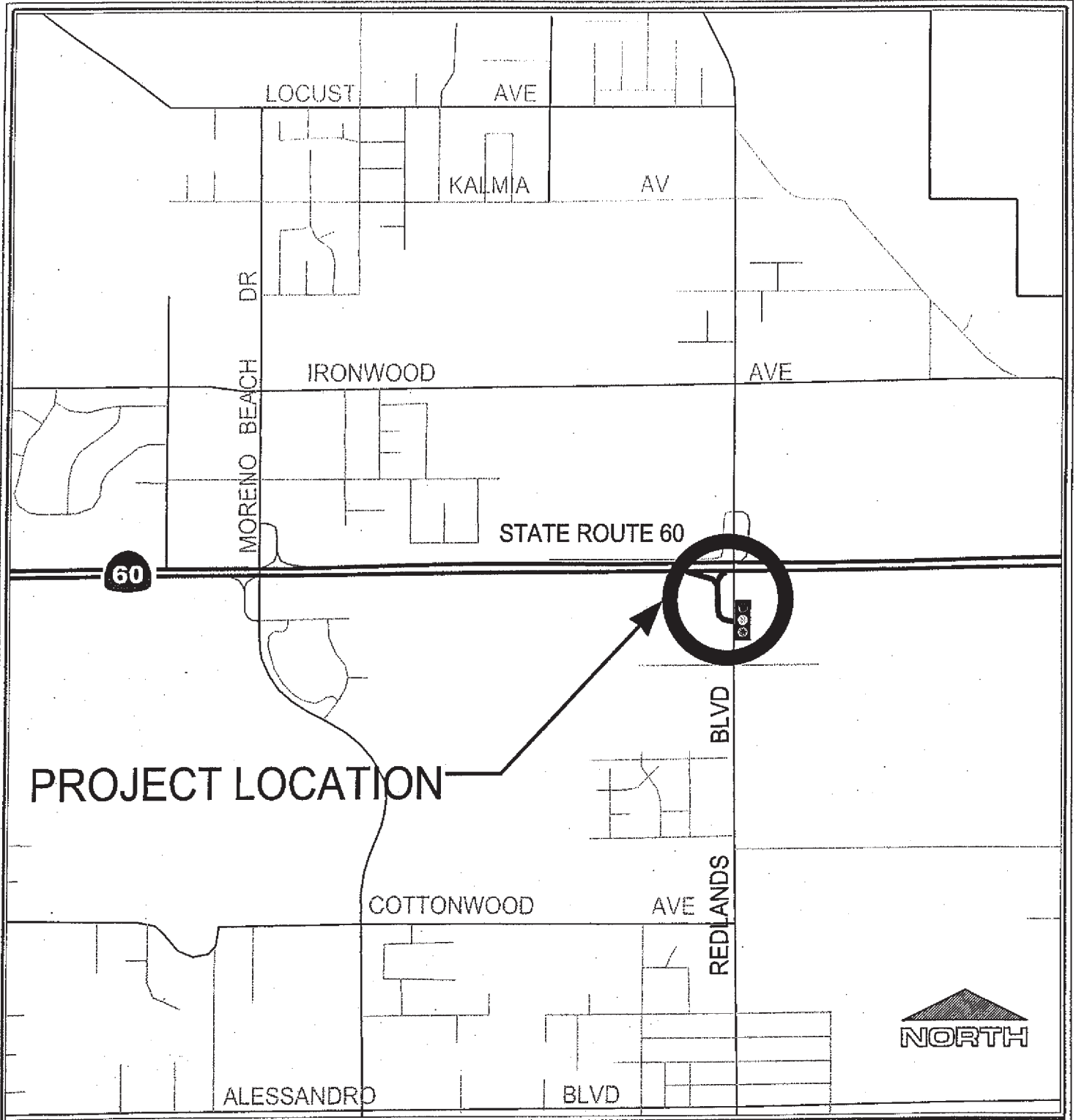
Concurred By:
John Terell, AICP
Planning Division Manager/Planning Official

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

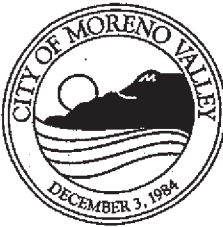
Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Bruce - 05-12566625 - TS Redlands EB Ramps SR 60\CC Reports\Staff Report - MND (CC 06-23-09).doc



PROJECT LOCATION

LOCATION MAP



Public Works Department
Capital Projects Division

Scale: None

ATTACHMENT "A"

STATE ROUTE 60 / REDLANDS BOULEVARD
TRAFFIC SIGNAL ON EAST BOUND ON/OFF RAMP
PROJECT NUMBER 06-12566625

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**TRAFFIC SIGNAL AT SR60 EASTBOUND RAMPS AND
REDLANDS BOULEVARD
(PROJECT NUMBER 06-12566625)**

**MITIGATED NEGATIVE DECLARATION,
INITIAL STUDY, AND MITIGATION MONITORING
& REPORTING PROGRAM**

May 2009

Lead Agency:



**City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552**

Prepared by:



ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

**ECORP Consulting, Inc.
215 North 5th Street
Redlands, CA 92374**

Attachment "B"

MITIGATED NEGATIVE DECLARATION

Traffic Signal at State Route 60 Eastbound Ramps and Redlands Boulevard (Project Number 06-12566625)

Lead Agency: City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552
Attn: Bruce Blank, P.E., L.S.

Project Proponent: City of Moreno Valley

Project Location: The proposed project is located on Redlands Boulevard just south of State Route 60 (SR-60) in the City of Moreno Valley, Riverside County, California. SR-60 is the major east-west roadway linking Moreno Valley to nearby communities. The eastbound on- and off-ramps together make up a 2-lane roadway. Similarly, Redlands Boulevard is currently a 2-lane undivided roadway without curbs. There are two short sections of guardrail leading into the overpass where Redlands Boulevard crosses SR-60. Additionally, there is a three-way stop at the T-intersection where the off ramp meets Redlands Boulevard.

Project Description: The proposed project consists of the installation of a traffic signal to replace a 3-way stop at Redlands Boulevard and the SR-60 eastbound off-ramp (the T-intersection). In addition, the existing eastbound on- and off-ramps and Redlands Boulevard would be widened at this location. Redlands Boulevard would be widened by up to 22 to 24 feet from approximately 550 feet north of to approximately 850 feet south of the eastbound SR-60 ramps.

Two drainage ditches parallel Redlands Boulevard. Grading would occur adjacent to both of these drainages. On both the easterly and westerly sides of Redlands Boulevard, grading would affect the sidewalls of the drainages. Underground culverts on both sides of Redlands Boulevard would be extended as part of the proposed project.

Proposed Finding: Based on the information contained in the attached Initial Study, the City of Moreno Valley finds that there would not be a significant effect to the environment because the mitigation measures described herein would be incorporated as part of the proposed project.

Public Review Period Ends: June 9, 2009

Mitigation Measures Incorporated into the Project to Avoid Significant Effects:

Biological Resources

- B-1:** Four protocol burrowing owl surveys shall be performed during the breeding season (March 1 – August 31) to determine the presence or absence of this species on the site. A pre-construction survey for burrowing owl shall be conducted within 30-days of ground disturbance. These surveys shall follow the guidelines of the MSHCP. If burrowing owls are observed, then mitigation shall be proposed in accordance with the MSHCP requirements.
- B-2:** If construction is to take place during the breeding season for raptor species (March 1 – August 31), a 30-day preconstruction survey shall be performed to ensure that active raptor nests are not present. If there are active nests identified in the preconstruction survey, the nests shall be avoided during construction until all juveniles have fledged and are capable of independent flight, as determined by a qualified biologist. Removal of construction activity within a set distance from the nest, at the discretion of the monitoring biologist, shall also be considered avoidance of active nests.

Cultural Resources

- C-1:** If fossil resources are encountered during any ground-disturbing activity, a qualified paleontologist must recover, examine, and identify the specimen(s); prepare the fossils for permanent curation at an accredited museum repository; and fully document the finding.
- C-2:** If human remains of any kind are found, all construction activities must cease immediately and the Riverside County Coroner, the Moreno Valley Planning Department, and a qualified archaeologist must be notified. If the coroner determines the remains to be of Native American origin, he or she will notify the Native American Heritage Commission (NAHC). The NAHC will then identify the most likely descendants to be consulted regarding treatment and/or reburial of the remains.

Transportation/Traffic

- T-1:** Prior to the commencement of construction activities on Redlands Boulevard and the State Route 60 eastbound on- and off-ramps, a Traffic Control Plan shall be prepared and approved by the City of Moreno Valley. The Traffic Control Plan shall include measures to ensure emergency access at all times along Redlands Boulevard.



**INITIAL STUDY/
ENVIRONMENTAL CHECKLIST FORM
CITY OF MORENO VALLEY**

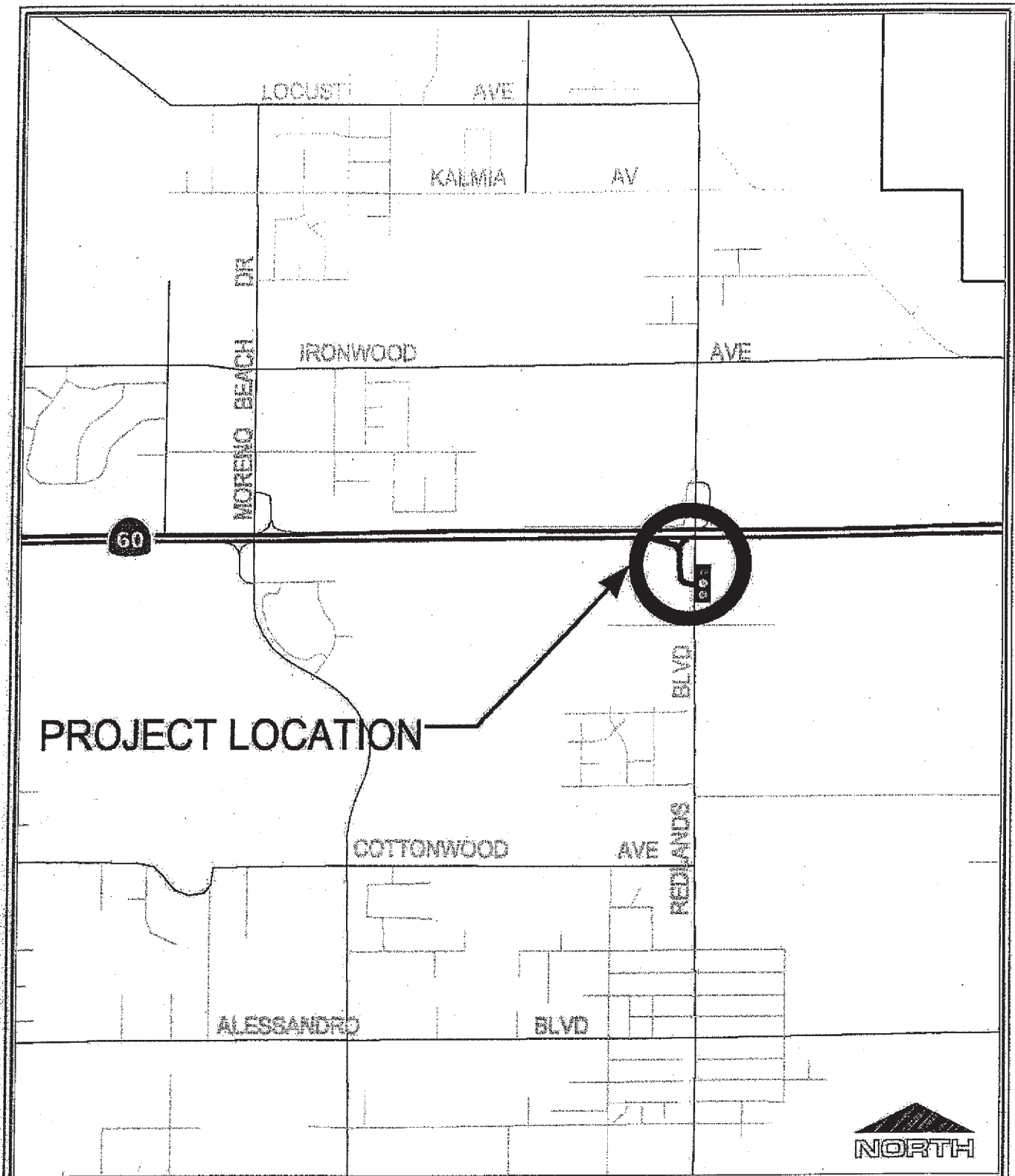
- 1. Project Title:** Traffic Signal at SR60 Eastbound Ramps and Redlands Boulevard
- 2. Lead Agency Name and Address:** City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552
- 3. Contact Person and Phone Number:** Bruce Blank, P.E., L.S.
(951) 697-1678
- 4. Project Location:** Moreno Valley, Riverside County, California
- 5. Project Sponsor's Name and Address:** City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552
- 6. General Plan Designation:** Commercial
- 7. Zoning:** Commercial
- 8. Description of Project:** See attached project description
- 9. Surrounding Land Uses and Setting:** The project is located within an existing roadway and freeway ramps. The surrounding area is mostly former agricultural land, with a few single family residences in the vicinity. March Air Reserve Base is located approximately two miles southwest of the project area.
- 10. Other public agencies whose approval is required:**
 - ◆ City of Moreno Valley: plan approval; permit to construct in City streets
 - ◆ Regional Water Quality Control Board: National Pollutant Discharge Elimination System (NPDES) Permit; Storm Water Pollution Prevention Plan (SWPPP)

PROJECT DESCRIPTION

State Route 60 (SR-60) is the major east-west roadway linking Moreno Valley to nearby communities. The eastbound on- and off-ramps together make up a 2-lane roadway. Similarly, Redlands Boulevard is currently a 2-lane undivided roadway without curbs. There are two short sections of guardrail leading into the overpass where Redlands Boulevard crosses SR-60. Additionally, there is a three-way stop at the T-intersection where the off ramp meets Redlands Boulevard.

The proposed project consists of the installation of a traffic signal to replace a 3-way stop at Redlands Boulevard and the SR-60 eastbound off-ramp (the T-intersection). In addition, the existing eastbound on- and off-ramps and Redlands Boulevard would be widened at this location. Redlands Boulevard would be widened by up to 22 to 24 feet from approximately 550 feet north of to approximately 850 feet south of the eastbound SR-60 ramps (Figures 1 through 3). The proposed project would occur south of SR-60 at Redlands Boulevard.

Two drainage ditches parallel Redlands Boulevard. Grading would occur adjacent to both of these drainages. On both the easterly and westerly sides of Redlands Boulevard, grading would affect the sidewalls of the drainages. Underground culverts on both sides of Redlands Boulevard would be extended as part of the proposed project.



MORENO



VALLEY

LOCATION MAP

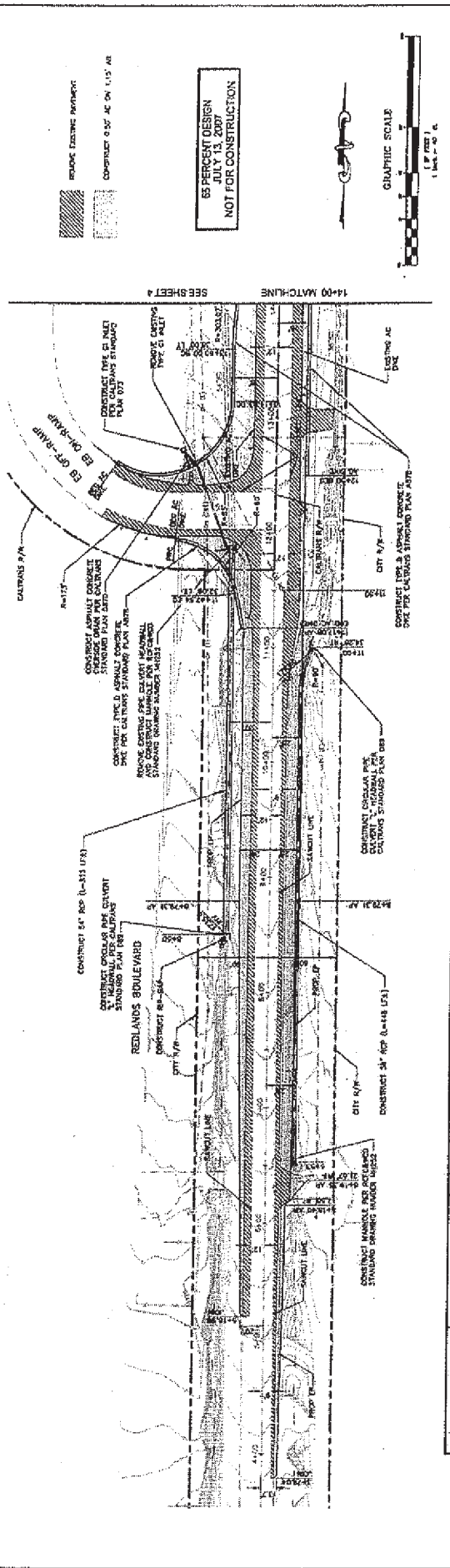
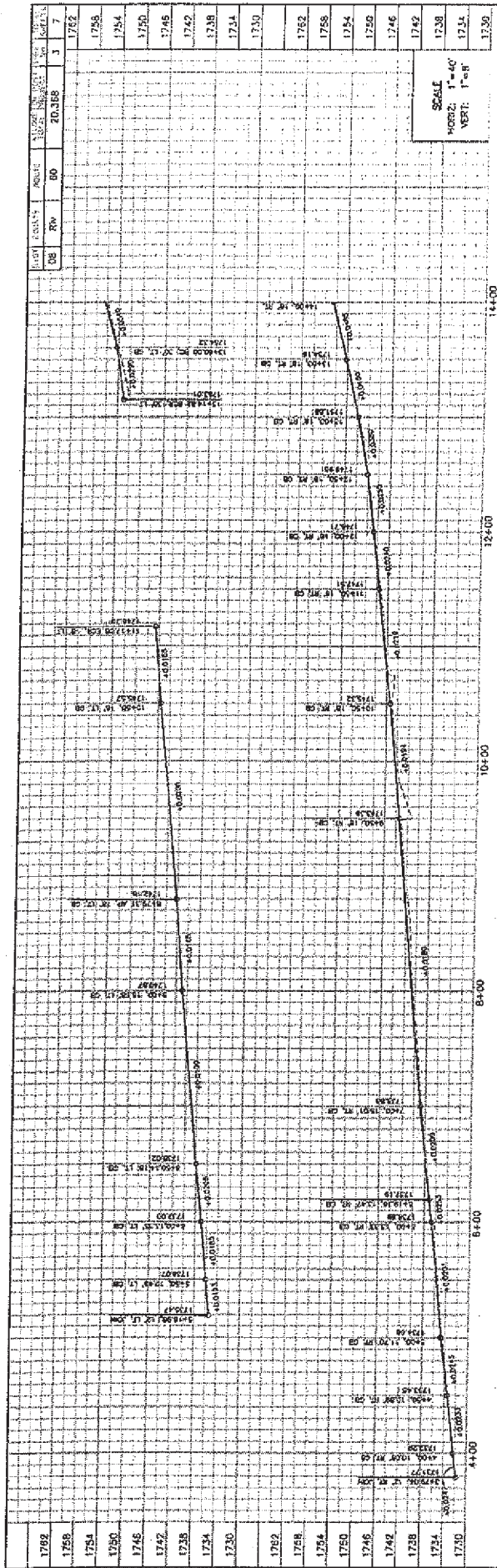
Public Works Department
Capital Projects Division

Scale: None

EXHIBIT "A"

STATE ROUTE 60 / REDLANDS BOULEVARD
TRAFFIC SIGNAL ON EAST BOUND ON/OFF RAMP
PROJECT NUMBER 05-12566625

Figure 1



DISCOUNT 1-800-231-2800 2 Year Guarantee	Basic of Drawings: The County Engineer has approved the plans shown on this sheet for the purpose of showing the location of the proposed project. The County Engineer does not warrant or guarantee the accuracy of the data shown on these drawings. The user of these drawings is advised that the user is responsible for obtaining all necessary permits and approvals from all appropriate agencies. The user is also advised that the user is responsible for obtaining all necessary utility and easement information. The user is further advised that the user is responsible for obtaining all necessary right-of-way information. The user is also advised that the user is responsible for obtaining all necessary zoning and land use information. The user is further advised that the user is responsible for obtaining all necessary environmental information. The user is also advised that the user is responsible for obtaining all necessary historical information. The user is further advised that the user is responsible for obtaining all necessary archaeological information. The user is also advised that the user is responsible for obtaining all necessary geotechnical information. The user is further advised that the user is responsible for obtaining all necessary hydrological information. The user is also advised that the user is responsible for obtaining all necessary meteorological information. The user is further advised that the user is responsible for obtaining all necessary seismic information. The user is also advised that the user is responsible for obtaining all necessary paleontological information. The user is further advised that the user is responsible for obtaining all necessary biological information. The user is also advised that the user is responsible for obtaining all necessary cultural information. The user is further advised that the user is responsible for obtaining all necessary historical information. The user is also advised that the user is responsible for obtaining all necessary archaeological information. The user is further advised that the user is responsible for obtaining all necessary geotechnical information. The user is also advised that the user is responsible for obtaining all necessary hydrological information. The user is further advised that the user is responsible for obtaining all necessary meteorological information. The user is also advised that the user is responsible for obtaining all necessary seismic information. The user is further advised that the user is responsible for obtaining all necessary paleontological information. The user is also advised that the user is responsible for obtaining all necessary biological information. The user is further advised that the user is responsible for obtaining all necessary cultural information.	CITY OF MORENO VALLEY APPROVALS APPROVED BY: [Signature] DATE: [Date] TITLE: [Title]	CITY OF MORENO VALLEY MORENO VALLEY, CALIFORNIA 92551-4404 (951) 796-1111 (951) 796-1111	CONSTRUCTION PLAN ACC. NO. 125-66615 TRAFFIC SIGNAL AT STATE ROUTE 60 AND REDLANDS BOULEVARD	SHEET NO. 3 OF 6 PROJECT NO. 125-66615
			APPROVED BY: [Signature] DATE: [Date] TITLE: [Title]		

Figure 2
Site Plan (1 of 2)

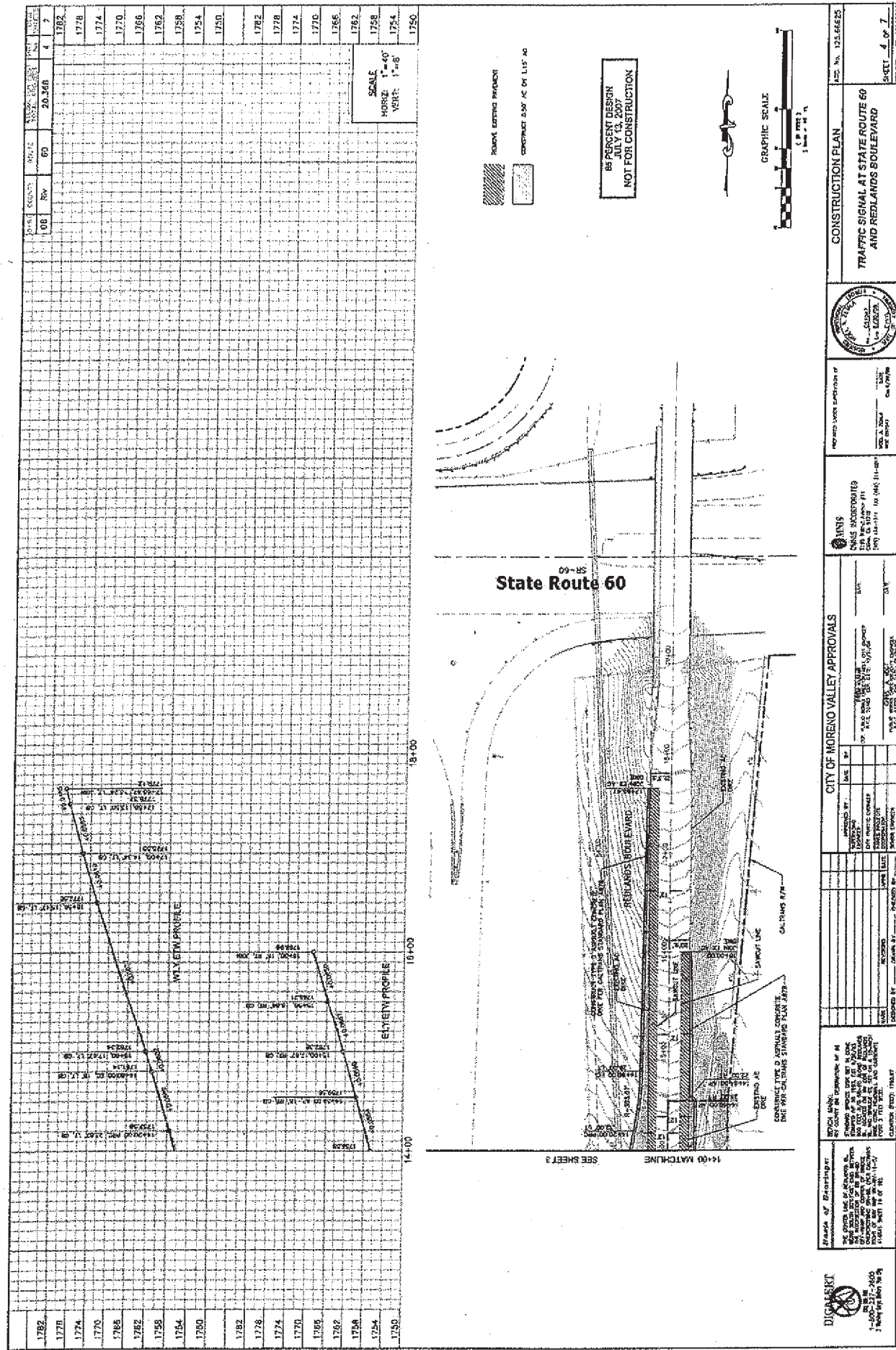


Figure 3
Site Plan (2 of 2)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Circulation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology and Soils | <input type="checkbox"/> Population and Housing | |

DETERMINATION

On the basis of this initial evaluation:

I find that the Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Project, nothing further is required.

Chris Ormsby
Signature

5/19/09
Date

Chris Ormsby
Printed Name

City of Moraga Valley
Agency

EVALUATION OF ENVIRONMENTAL IMPACTS

I. AESTHETICS

The proposed project is located in the City of Moreno Valley in an area that is dominated by former agricultural land, with a few single-family residences, only one of which appears to be occupied. The property to the west of the project site appears to have been previously disced. State Route 60 (SR-60) is located immediately north of the project site. SR-60 is not a designated scenic highway in the project area.

a) Would the project have a substantial adverse effect on a scenic vista?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Most of the project vicinity is open land, providing scenic vistas of the mountain ranges, particularly to the south. The installation of the traffic signal and incidental limited widening of the roadways would not substantially affect these views. A less than significant impact would occur.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SR-60 is not a designated scenic highway in the project area, thus, no impacts would occur (Caltrans 2006). The traffic signal and incidental widening of the roadways would occur within the existing roadway corridors.

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The construction area is currently disturbed, primarily consisting of non-native grassland with two nearby patches of native plant communities. The traffic signal and incidental widening of the roadways would occur within the existing roadway corridors and would not significantly degrade existing conditions. The proposed project would continue an existing use; a less than significant impact would occur.

d) Would the project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed traffic signal and roadway safety lighting would not significantly affect glare or views, or otherwise degrade existing conditions. A less than significant impact would occur.

II. AGRICULTURAL RESOURCES

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed traffic signal and incidental widening of the roadways would occur within the existing roadway corridors and would not significantly degrade existing conditions

nor convert farmland to non-agricultural use. Of the two soil types found on the site, one meets the criteria for prime farmland as outlined in the U.S. Department of Agriculture's Land Inventory and Monitoring (LIM) project (CADO 2006). This soil mapping unit, San Emidio fine sandy loam (2-8 percent slopes), is present on about half of the construction area. The project area has been developed for roadway purposes and the property with this soil type is unlikely to be used for farmland in the future. Although this soil type is mapped to be present on the project site, the proposed project would not result in the conversion of a substantial amount of prime farmland to a non-agricultural use. A less than significant impact would occur.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The areas around the project site are zoned for commercial use and a circulation right-of-way (City of Moreno Valley 2006b). The project would not conflict with agricultural zoning or a Williamson Act contract.

c) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project involves the installation of a traffic signal, and incidental road widening, located within abandoned and disced areas of former agricultural land. Conversion of significant amounts of prime, unique or farmland of statewide importance to non-agricultural use would not occur. The proposed project would continue the existing use of the circulation right-of-way (Riverside County GIS 2006).

III. AIR QUALITY

An air analysis was prepared for the project and is summarized below (Scientific Recourses Associated 2006; Appendix A). The project is in the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD has jurisdiction over an area of approximately 10,743 square miles, consisting of the four-county South Coast Air Basin (SCAB), the Mojave Desert Air Basin (MDAB) and the Riverside County portions of the Salton Sea Air Basin (SSAB). The project is located within the SCAB.

It is the responsibility of the SCAQMD to ensure that state and federal ambient air quality standards are achieved and maintained in the Basin. Health-based air quality standards have been established by California and the federal government for the following criteria air pollutants: ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), particulate matter with a diameter of 10 microns or less (PM₁₀), sulfur dioxide (SO₂), and lead (Pb). These standards were established to protect sensitive receptors from adverse health impacts due to exposure to air pollution. The California Ambient Air Quality Standards (CAAQS) are more stringent than the federal standards, and in the case of PM₁₀ and SO₂, much more stringent. California has also established standards for sulfates, visibility, hydrogen sulfide, and vinyl chloride. Hydrogen sulfide and vinyl chloride are currently not monitored in the Basin because these contaminants are not seen as a significant air quality problem. The SCAB is currently considered a non-attainment area for the CAAQS and National Ambient Air Quality Standards (NAAQS) for O₃, PM₁₀, PM_{2.5}, and CO.

The closest ambient air quality monitoring station to the project is the Perris monitoring station, which measures O₃ and PM₁₀. The nearest monitoring station to the project site that measures CO, PM_{2.5}, NO₂, and SO₂ is the site at the Costa Mesa-Mesa Verde Drive station. Ambient concentrations of criteria pollutants measured at these monitoring stations during the period 2003-2005 are presented in Table 1.

The area is in compliance with both CAAQS and NAAQS for CO, NO₂, and SO₂. Exceedances of the ozone standards and PM₁₀ and PM_{2.5} standards have been recorded at the Perris monitoring station.

**Table 1
Background Air Quality Data
(2003 – 2005)
ppm (unless otherwise indicated)**

Pollutant	Averaging Time	2003	2004	2005	NAAQS	CAAQS	Monitoring Station
Ozone	8 hour	0.121	0.104	0.103	0.09	0.070	Perris
	1 hour	0.155	0.128	0.126	-	0.08	Perris
PM _{10.2}	Annual Arithmetic Mean	43.9	41.4	39.1	50 µg/m ³	20 µg/m ³	Perris
	24 hour	142	83	80	150 µg/m ³	50 µg/m ³	Perris
PM _{2.5}	Annual Arithmetic Mean	24.8	22.1	21.0	15 µg/m ³	12 µg/m ³	Riverside
	24 hour	104.3	91.7	98.7	65 µg/m ³	-	Riverside
NO ₂	Annual	0.021	0.017	0.022	0.053	-	Riverside
	1 hour	0.099	0.092	0.077	-	0.25	Riverside
CO	8 hour	3.67	2.97	2.50	9	9.0	Riverside
	1 hour	4.5	4.3	3.4	35	20	Riverside
SO ₂	Annual	0.002	0.003	0.003	0.03	-	Riverside
	24 hour	0.012	0.015	0.011	0.14	0.04	Riverside
	3 hour	0.015	0.016	0.012	0.05 ¹	-	Riverside
	1 hour	0.018	0.017	0.024	-	0.25	Riverside

¹Secondary NAAQS

²California averages reported for PM₁₀

N/A = not available from current website data

Source: www.arb.ca.gov (all pollutants except 1-hour CO and 1-hour and 3-hour SO₂ and annual data for 2004)

www.epa.gov/air/data/monvals.html (1-hour CO and 1-hour and 3-hour SO₂ and annual data for 2004)

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

b)	Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Would the project expose sensitive receptors to substantial pollutant concentrations?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Would the project create objectionable odors affecting a substantial number of people?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Construction Impacts. The proposed project would result in emissions of air pollutants for the construction phase of the project. Construction emissions would include emissions associated with fugitive dust generation from site grading and preparation, heavy construction equipment exhaust emissions, and construction worker vehicle travel to and from the site. Project construction would employ dust control measures (i.e., watering twice daily) and would therefore be in compliance with strategies in the Air Quality Management Plan (AQMP, SCAQMD 2003) for attaining and maintaining the air quality standards. The project construction would therefore not conflict or obstruct the implementation of the AQMP or applicable portions of the SIP. Emissions are below the significance thresholds set forth by the SCAQMD. Furthermore, because the construction phase of the project is short-term in nature, project construction would not result in emissions that would violate any air quality standard or

contribute substantially to an existing or projected air quality violation, nor result in a cumulatively considerable net increase of PM₁₀. As there are no nearby sensitive receptors, there would be no significant exposure of the public to substantial pollutant concentrations or objectionable odors.

The emissions associated with construction are below the significance criteria for all construction phases. Table 2 presents the estimated emissions associated with the widening and traffic light installation construction.

**Table 2
Estimated Construction Emissions
(lbs/day)**

Emission Source	CO	NO_x	ROC	SO_x	PM₁₀	PM_{2.5}
<i>Grading and Site Preparation</i>						
Fugitive Dust – Grading	-	-	-	-	11.00	2.31
Heavy Equipment Exhaust	11.51	27.26	3.87	0.05	1.43	1.27
Worker Travel – Vehicle Emissions	6.45	0.43	0.54	0.00	0.04	0.04
TOTAL	17.96	27.69	4.41	0.05	12.47	3.62
Significance Threshold	550	100	75	150	150	150
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
<i>Paving</i>						
Heavy Equipment Exhaust	11.06	25.99	3.90	0.04	1.25	1.11
Construction Truck Traffic	0.30	0.08	1.19	0.00	0.04	0.04
Worker Travel – Vehicle Emissions	6.45	0.43	0.54	0.00	0.04	0.04
TOTAL	17.81	26.50	5.63	0.04	1.33	1.19
Significance Threshold	550	100	75	150	150	150
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Emissions associated with the roadway expansion and traffic light installation would be below the SCAQMD's significance thresholds and would therefore not contribute to a violation of an ambient air quality standard.

Operational Impacts. Emissions associated with the project operation are confined to emissions associated with traffic. The project would not result in any predicted increases in traffic volumes in the area, therefore there is no net emissions increase, and the project would not have the potential to worsen air quality. Rather the purpose of the proposed widening is to improve traffic flow and reduce traffic congestion along Redlands Boulevard and provide better access to SR-60. Less traffic congestion and vehicle idling would be a beneficial impact of the project.

Local CO Impacts. The project is located in a CO attainment area. The project does not worsen air quality because it does not significantly increase the percentage of vehicles operating in cold start mode, does not increase traffic volumes, and because it improves traffic flow. The LOS is improved over the no project condition, and no CO "hot spot" would result due to the proposed project. The project meets the criteria for compliance with the NAAQS and CAAQS for CO. Therefore, no exceedances or the CO standard are predicted, and the project would not cause or contribute to a violation of an air quality standard.

PM₁₀. The SCAB is considered a serious nonattainment area for the NAAQS and a nonattainment area for the CAAQS for PM₁₀. The Perris monitoring station indicate that there have been exceedances of both the 24-hour and annual NAAQS for PM₁₀. The project would not exceed the significance criteria for PM₁₀. The project would not result in any predicted increases in traffic volumes in the area, and therefore there is no net emissions increase associated with the project. The project also does not involve street sanding/sweeping, changes in diesel truck or bus routes, or changes in the natural environment. The project would therefore not cause or contribute to a new violation or increase the frequency or severity of existing violations of the PM₁₀ standard.

The project would comply with the requirements of the State Implementation Plan (SIP) for dust control, as well as the Best Available Control Measures and Reasonably Available Control Measures as specified in the SCAQMD's Rule 403 Implementation Handbook for control of PM₁₀ during construction. In accordance with SCAQMD Rule 1186, measures would also be implemented to reduce the potential for PM₁₀ impacts from the project during operation. The City would comply with these rules as set forth by the SCAQMD such that the project would not conflict with the AQMP or SIP and no significant impact would occur.

Diesel Particulate Emissions. Diesel particulate matter is emitted from sources combusting diesel fuel, including on-road trucks and buses. Because the project does not involve an increase in traffic volume, or changes in diesel or bus routes, there would

be no increase in diesel particulate emissions from existing conditions. No significant impact from diesel particulate emissions is anticipated.

Naturally-occurring asbestos. Exposure and disturbance of rock and soil containing asbestos can result in the release of fibers to the air and consequent exposure to the public. Construction and grading would not occur in an area with ultramafic rock that could be a source of emissions of naturally-occurring asbestos. Therefore, no significant impact from this substance is expected.

Odors. The proposed project would be located in a rural area with scattered residences. The project would not create objectionable odors as it would continue the existing use.

IV. BIOLOGICAL RESOURCES

The project site is located in the City of Moreno Valley, in Riverside County within the Study Area for the Western Riverside County Multiple Species Habitat Conservation Plan (WRMSHCP). The property is not within a criteria cell for the MSHCP, and there are no special survey requirements except for a burrowing owl habitat assessment.

A search of the California Natural Diversity Database (CNDDDB) and California Native Plant Society (CNPS) Online Inventory was conducted for the project site and vicinity in September 2006. These databases compile reports of special status species and habitats which have been previously documented in a particular area. Additionally, a search was made using the Riverside County Geographic Information System (GIS) to see if there were any restrictions for the site under the Multiple Species Habitat Conservation Plan (MSHCP). A field visit was also conducted by two biologists on September 26, 2006 to map vegetation and to determine the potential for sensitive species and other sensitive biological resources (e.g., sensitive plant communities; waters under the jurisdiction of the U.S. Army Corps of Engineers or California Department of Fish and Game).

The area surrounding the existing on- and off-ramps and roadway is predominately former agricultural land. A disced area of land, which was most likely an orchard, lies to the west, and a former ranch site and several shade structures lies to the east of the construction area. Both of these open parcels consist of primarily non-native vegetation characteristic of disturbed sites, such as shortpod mustard (*Hirschfeldia incana*), black mustard (*Brassica nigra*), and Mediterranean grass (*Schismus arabicus*).

The vegetation communities on the property include disturbed areas, eucalyptus woodland, ornamental, and saltbush scrub series vegetation. The native saltbush scrub occurs just south of the overpass on either side of Redlands Boulevard, and is dominated by four-wing salt bush (*Atriplex canescens*) and California buckwheat (*Eriogonum fasciculatum*). There are also several ornamental tree varieties, primarily on the eastern side of Redlands Boulevard, including tamarisk (*Tamarix sp.*), and eucalyptus (*Eucalyptus sp.*). Some of these trees would be suitable habitat for raptors.

Although the project area represents poor quality habitat for native wildlife species, several animals were observed during the site visit. Birds detected during the survey included black phoebe (*Sayornis nigricans*), California towhee (*Pipilo Crissalis*), and the non-native European starling (*Sturnella vulgaris*). Two lizards, the Western fence lizard (*Sceloporus occidentalis*) and the side-blotched lizard (*Uta stansburiana*) were also sighted on the property. Additionally, Botta's pocket gopher (*Thomomys bottae*) and the desert cottontail (*Sylvilagus audubonii*) were both observed within the construction area. No sensitive species were detected during the survey; however, potential habitat for two sensitive species, burrowing owl (*Athene cunicularia*) and Stephens' kangaroo rat (*Dipodomys stephensi*) exists on the site. Raptor nesting trees were also identified, although no nests were observed.

<p>a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>	<p>Potentially Significant Impact</p>	<p>Less than Significant With Mitigation Incorporation</p>	<p>Less than Significant Impact</p>	<p>No Impact</p>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The database search identified 57 special-status species (39 plant species and 18 wildlife species) and one special-status plant community in the vicinity of the project area. Habitat exists for two sensitive species, the burrowing owl and Stephens' kangaroo rat, and for raptor species.

The burrowing owl, a California Species of Special Concern (CSC) is sometimes found in very disturbed sites, especially associated with California ground squirrels (*Spermophilus beecheyi*). There is one rock pile within the construction area that could harbor owls, and there are numerous small mammal burrows in the area that could also be used by burrowing owls. Although no evidence of burrowing owls was observed during the survey, they are a mobile species and owls could occupy the site in the future due to the presence of suitable habitat. Impacts to any owls occupying the site, associated with ground disturbance during construction, would be less than significant with mitigation. Operation of the expanded roadway would not affect burrowing owls over the long term. Mitigation Measure B-1 would reduce potential impacts to burrowing owls to a less than significant level.

The Stephens' kangaroo rat (SKR) is federally listed as endangered and listed as threatened by the state of California. SKR prefer open grassland areas with sandy soils. Although the presence of dense brome areas might deter the kangaroo rat, there is still marginal habitat for it on the site. According to the SKR Habitat Conservation Plan (RCIP 2006), the project site is within the SKR Fee Assessment Area. However, since the proposed development consists of the "rehabilitation or remodeling of an existing structure", as specified in Section 10, Ordinance No. 663.10 of the County of Riverside

(County of Riverside 1996), the project is exempt from the fee. No other measures would be required.

The project site additionally has potential nesting habitat for raptors along SR-60 within several small clumps of eucalyptus trees. Raptors can be very sensitive to noise and human presence near their nest locations during their breeding season. Active raptor nests are protected under the Federal Migratory Bird Treaty Act (MBTA). Mitigation Measure B-2 would reduce potential impacts to raptor species to a less than significant level.

Compliance with the MSHCP may require payment of an MSHCP fee for regional infrastructure. This fee amount is to be determined by the City of Moreno Valley in coordination with the Western Riverside County – Regional Conservation Authority (WRC-RCA).

Mitigation Measures

- B-1:** Four protocol burrowing owl surveys shall be performed during the breeding season (March 1 – August 31) to determine the presence or absence of this species on the site. A pre-construction survey for burrowing owl shall be conducted within 30-days of ground disturbance. These surveys shall follow the guidelines of the MSHCP. If burrowing owls are observed, then mitigation shall be proposed in accordance with the MSHCP requirements.
- B-2:** If construction is to take place during the breeding season for raptor species (March 1 – August 31), a 30-day preconstruction survey shall be performed to ensure that active raptor nests are not present. If there are active nests identified in the preconstruction survey, the nests shall be avoided during construction until all juveniles have fledged and are capable of independent flight, as determined by a qualified biologist. Removal of construction activity within a set distance from the nest, at the discretion of the monitoring biologist, shall also be considered avoidance of active nests.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No riparian or other sensitive natural communities exist within the project area.

c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project area has two drainages ditches, on either side of Redlands Boulevard that would be impacted by the proposed project. Under the most recent guidance from the U.S. Army Corps of Engineers, specifically the Rapanos-Carabell Memorandum (June 5, 2007), these ditches were determined to be non-jurisdictional under Section 404 of the Clean Water Act because they are constructed entirely within uplands and do not support a relatively permanent water flow. Therefore, no impacts would occur.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is highly disturbed, supporting mostly non-native species, and the surrounding areas are disturbed and developed. The habitat in the area is also fragmented with the presence of roads and the freeway. Therefore the project site does

not represent and is not crossed by a significant wildlife movement corridor, nor does it contain significant nursery sites for native species due to the level of disturbance and the lack of permanent water on the site.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The City of Moreno Valley does not have a tree preservation ordinance and no native or heritage trees exist in the project area. The project would comply with all local ordinances as well as the MSHCP, as described below.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project will comply with the requirements of the Western Riverside County MSHCP and the Stephens' Kangaroo Rat HCP. The project site is not within a criteria cell under the MSHCP. The site is within an MSHCP fee area and the SKR Fee Assessment Area. However, the project is exempt from the SKR fee. A less than significant impact would occur.

V. CULTURAL RESOURCES

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A cultural resources study was conducted by ECORP on October 3, 2006 to identify existing cultural resources that would be affected by the proposed installation of the traffic signal and road widening of Redlands Boulevard from approximately 600 feet north of to approximately 600 feet south of the eastbound SR-60 on/off ramps (Ahmet 2006; Appendix B). The investigation included a records search and site visit. The cultural resources records search was conducted at the Eastern Information Center, located at the University of California, Riverside to determine the extent of previous investigations within a one-mile radius of the project area, and whether any archaeological sites or architectural resources exist within the project area. Materials reviewed included reports of previous investigations, archaeological site records, historic maps, and listings of resources on the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Points of Historical Interest, California Historical Landmarks, and National Historic Landmarks. In addition, archival maps were inspected for indications of historic structures in the area (Ahmet 2006).

The results of the records search indicate that 10 cultural resources surveys have been conducted within 1 mile of the project area. Only one of these studies, conducted in 1990, included the project area. No cultural resources were identified within or near the current project area as a result of that survey. The records search results showed that no NRHP or CRHR-listed or -eligible properties are located within a one-mile radius of the project area. A review of the U.S. Geological Survey 30' Elsinore, California topographic quadrangle sheet (1901) showed no structures were located within the project area in 1901. A review of the 15' Perris, California topographic quadrangle sheet (1942) shows a structure just outside the eastern edge of the project area in 1942. During the site visit an historic-period building was identified (P33-15436) that corresponds with the location shown on the 1942 Perris quadrangle sheet (Ahmet 2006). Subsequent to the recordation of this building (P33-15436) the building was demolished. Current project plans indicate that road improvements would extend no farther than the existing fenceline in front of the former building site. As such, no impacts would occur.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The cultural resources records search did not identify archaeological sites within or near the project site. Six prehistoric archaeological sites are located roughly one mile southwest of the project area in the vicinity of Moreno Hill. Three of these resources, CA-RIV-2863 through -2865, each contain three grinding slick surfaces on single granite boulders. The other three resources P33-15148 through -15150 consist of single grinding slicks on individual granite boulders. Given the distances of these resources from the project area, none of these resources would be affected by the proposed project.

During the site visit conducted in October 2006 by ECORP, no archaeological materials were identified within the project area boundaries (Ahmet 2006). Given the location of the project area on a heavily disturbed section of the eastbound on/off ramp and on a section of Redlands Boulevard that has been lined on both sides with drainage ditches, the potential for intact subsurface archaeological materials to exist is considered very low. Therefore, no impact is expected and no mitigation measures are required.

c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A paleontologic literature and records review was conducted with the Division of Geological Sciences of the San Bernardino County Museum (Scott 2006). The review included a search of Regional Paleontologic Locality Inventory (RPLI) to identify fossil localities within and near the project area and a review of geologic maps of the area to assess the potential of the project area to contain buried paleontologic resources.

The results of the search of the RPLI indicated that no paleontologic resources have been previously recorded within one-mile of the project area. To the north and northeast of the property, within one mile, numerous paleontological localities are recorded from exposures of the San Timoteo Formation. This highly-fossiliferous formation is not anticipated to be present in the subsurface within the boundaries of the proposed study area, and so the proximity of these localities to the project area has little bearing on the paleontologic sensitivity of the study area. Geologic maps of the area indicate that the entire property is situated upon Quaternary recent alluvium determined to have low paleontologic sensitivity. However, these recent sediments likely overlie older Pleistocene alluvium having high paleontologic sensitivity, which, if not previously disturbed, have a high potential to contain significant nonrenewable paleontologic resources. Similar deposits found elsewhere in San Bernardino and Riverside counties have proved to be highly fossiliferous. Fossils recovered from these Pleistocene sediments represent extinct fauna including mammoths, mastodons, ground sloths, dire wolves, sabre-toothed cats, large and small horses, large and small camels, and bison, as well as plant macro- and microfossils. Excavation into Pleistocene axial fan and valley sediments has a high potential to adversely impact significant nonrenewable paleontologic resources (Scott 2006). The entire project area has been previously disturbed by the construction of Redlands Boulevard, the freeway ramps, drainage ditches, and culverts. Ground-disturbing activities associated with the road improvements are not expected to extend below depths of previous disturbance. Therefore, impacts to paleontologic resources are not anticipated. In the event that fossil remains are encountered, potential impacts to them would be mitigated to a level that is less than significant with the implementation of Mitigation Measure C-1:

Mitigation Measure

- C-1:** If fossil resources are encountered during any ground-disturbing activity, a qualified paleontologist must recover, examine, and identify the specimen(s); prepare the fossils for permanent curation at an accredited museum repository; and fully document the finding.

d) Would the project disturb any human remains, including those interred outside of formal cemeteries?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The review of archival maps did not reveal evidence of cemeteries in the project area and no evidence of burials or cremations was observed in the project area during the site visit (Ahmet 2006). A search of the Sacred Lands file by the Native American Heritage Commission (NAHC) did not result in the identification of any Native American cultural resources within or near the project area (Ahmet 2006; Appendix B). Given the location of the project area on a heavily disturbed section of the eastbound on/off ramps and on a section of Redlands Boulevard that has been lined on both sides with drainage ditches, it is unlikely that any human remains would be encountered during construction and no impacts are expected. However, if grading or excavation occurs at depths below previous disturbances, potential impacts to unknown subsurface resources would be reduced to a level that is less than significant with the implementation of Mitigation Measure C-2:

Mitigation Measure

C-2: If human remains of any kind are found, all construction activities must cease immediately and the Riverside County Coroner, the Moreno Valley Planning Department, and a qualified archaeologist must be notified. If the coroner determines the remains to be of Native American origin, he or she will notify the Native American Heritage Commission (NAHC). The NAHC will then identify the most likely descendants to be consulted regarding treatment and/or reburial of the remains.

VI. GEOLOGY AND SOILS

The project is located in the eastern portion of the City of Moreno Valley, which is affected by three active fault lines; the San Jacinto fault, the San Andreas Fault, and the Elsinore Fault. The San Jacinto fault is the closest active seismic fault to the City of Moreno Valley and is located approximately one mile northeast from the project site (City of Moreno Valley 2006).

There are two soil types in the project area, both of the San Emigdio complex on 2 to 8 percent slopes. The SeC2 type is a fine sandy loam, typically on eroded slopes, while the SgC type is a loam. These soils are typical of alluvial floodplains. Both soils are well drained with good topsoil (NRCS 2006; City of Moreno Valley 2006a).

a)	Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Strong seismic ground shaking?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
iii)	Seismic-related ground failure, including liquefaction?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

iv) Landslides?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is located outside the Alquist-Priolo Special Studies Zone such that no impacts would occur from the rupture of the San Jacinto fault. The City of Moreno Valley, along with the majority of southern California, would be subject to strong groundshaking from a major earthquake. Soils in the project area have poor to fair stability, but impacts due to groundshaking would result in a less than significant level of impact as the project would encompass a small area that does not have occupied structures (City of Moreno Valley 2006a). The project area is not located within a liquefaction or landslides area such that no impacts would occur (City of Moreno Valley 2006a; 2006b).

b) Would the project result in substantial soil erosion or the loss of topsoil?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed project would result in the installation of a traffic signal and incidental road widening. The soil units on the project site are prone to erosion (NRCS 2006). Best Management Practices, included as part of the Storm Water Pollution and Prevention Plan (SWPPP) would be in place such that impacts to soil from erosion would be less than significant.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project would be located on a geologic unit with poor to fair stability (City of Moreno Valley 2006a). Because the project area lies in a floodplain, there is potential for subsidence. Liquefaction is not considered to be a concern for the Moreno Valley vicinity, as it does not have a shallow water table. The project area is nearly level, which reduces the likelihood of landslides. The proposed project would not substantially change the existing use. Project engineering would consider proper soil compaction such that impacts would be less than significant.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project would be located on soils with a low probability for swell/shrink (NRCS 2006). A less than significant impact would occur.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project would not use septic tanks or require the need for alternative wastewater disposal systems. No impacts would occur.

VII. HAZARDS AND HAZARDOUS MATERIALS

The proposed construction area is located adjacent to former agricultural areas, one of which features an abandoned single-family residence and various other structures in disrepair.

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Some hazardous materials, such as diesel fuel, would be used during construction. The transport of hazardous materials by truck is regulated by federal safety standards under the jurisdiction of the U.S. Department of Transportation. The transport of such materials would only be present during construction such that impacts would be less than significant. The proposed project would continue an existing use such that operational impacts would be the same as the existing condition.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Because the project would not increase vehicle traffic, there would be no increase in the transport of hazardous materials. Daily operation of the traffic signal, expanded on- and off-ramps, and road, would not result in a significant new hazard to the public or the environment. The transport of hazardous materials by truck is regulated by the U.S. Department of Transportation (DOT). Impacts would be less than significant.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Calvery Chapel School is located over a mile northwest of the proposed project site. Please see the answer to Question VII. b). Impacts would be less than significant.

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project is not located on a site which is on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The nearest hazardous waste handling sites are over one mile from the project area (City of Moreno Valley 2006b). No impact would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

March Air Reserve Base is located several miles southwest of the proposed project site; the project is located outside the accident potential zones (City of Moreno Valley 2006b). No impact would occur.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

There are no private airstrips near the project area. No impact would occur.

g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The traffic signal project, with incidental roadway widening, would improve traffic flow and would not cause an adverse impact to emergency response or evacuation plans.

h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is not located within a substantial or high fire-risk area (City of Moreno Valley 2006b). The operation of the existing roadway would not increase any risk of loss, injury or death to people or structures due to wildland fires. The impact would be less than significant.

VIII. HYDROLOGY AND WATER QUALITY

a) Would the project violate any water quality standards or waste discharge requirements?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The developer would implement a Storm Water Pollution Prevention Plan (SWPPP), listing the Best Management Practices (BMPs) to prevent construction pollutants and products from violating any water quality standard or waste discharge requirements. These on-site BMPs would treat stormwater before it discharges into the drainages adjacent to Redlands Boulevard and the project area. A less than significant impact would occur.

b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed project would result in a slight increase in impervious surfaces due to the widening of the on- and off-ramps and Redlands Boulevard. However, the proposed project would not substantially deplete groundwater supplies or recharge as water from the site would continue to drain in the present direction and into the existing drainage channels. A less than significant impact would occur.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or offsite?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

As part of the proposed project, the existing drainage ditches would be re-graded and shifted away from Redlands Boulevard. However, even with the re-grading of the drainage ditches, the existing drainage patterns and points of discharge would be maintained. To reduce the siltation and erosion impacts both on and off-site during construction, the developer will implement a SWPPP, listing the BMPs to prevent construction pollutants and products of erosion from moving offsite. The SWPPP would help stabilize the ditches for continued functioning after construction. Impacts would be less than significant.

d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite?	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is located in a rural area with scattered residences where the terrain is relatively flat. The project would add a minor amount of impervious surface and is not expected to substantially alter the existing drainage pattern of the site. Impacts would be less than significant.

e) Would the project create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed project would not substantially increase the amount of runoff, increase the amount of polluted runoff, or change drainage patterns. The existing drainage ditches along Redlands Boulevard would be re-graded to provide more width for the widening of Redlands Boulevard, however, the general drainage patterns would be maintained. Construction of the proposed project would not adversely affect drainage conditions in the project area. A less than significant impact would occur.

f) Would the project otherwise substantially degrade water quality?	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project involves installation of a traffic signal and incidental roadway widening. The project would not substantially degrade the water quality in the area. A less than significant impact would result.

g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No housing or other habitable structures would be involved with this project. No impacts would occur.

h) Would the project place within a 100-year flood hazard area structures that would impede or redirect flood flows?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please see the answer to Question VII. g) above. No structures that would impede or redirect flood flows are included in this project. No impacts would occur.

i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, levee or dam failure.

j) Would the project inundation by seiche, tsunami, or mudflow?	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located in an area susceptible to seiche, tsunami, or mudflow.

IX. LAND USE AND PLANNING

The proposed project is located in the City of Moreno Valley among former agricultural areas that are zoned for commercial development and right-of-way (City of Moreno Valley 2006a). The northeastern part of Moreno Valley is currently a mixture of rural, commercial, and scattered residential areas, with much lower density development than the western part of the city (City of Moreno Valley 2006).

a) Would the project physically divide an established community?	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project would not physically divide the established community such that no impacts would result.

b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project would be constructed by the City of Moreno Valley in compliance with the needs of the City and is compatible with the City's Land Use and General Plan ordinances. No impacts would occur.

c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project would comply with the requirements of the Western Riverside County MSHCP and the Stephens' Kangaroo Rat HCP. The project site is not within a criteria cell under the MSHCP. The site is within an MSHCP fee area and the SKR Fee Assessment Area. However, the project is exempt from the SKR fee. A less than significant impact would occur.

X. MINERAL RESOURCES

Mineral resources known to be located within the City of Moreno Valley include sand, gravel and rock (City of Moreno Valley 2005b; 2005c). No mineral resource areas are in the project area.

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Construction and operation of the proposed project would not result in loss of access to minerals.

XI. NOISE

The proposed project would be located south and adjacent of SR-60, at Redlands Boulevard, a minor arterial street. Sensitive receptors include residential developments, schools, libraries, churches, and hospitals. The nearest sensitive receptors to the project area include a few single-family homes on the south side of Fir Avenue, 500 feet from the project area, and Calvery Chapel School, over one mile from the site. March Air Reserve Base is located over two miles southwest of the proposed project.

The City of Moreno Valley's existing noise regulations specify that the combined indoor noise for sensitive receptors shall not exceed 45 dBA CNEL and 60 dBA CNEL for outdoor noise (City of Moreno Valley 2006b).

a) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project would generate short-term noise levels during the construction period. However, project construction would be limited to the days and hours specified in the City's noise ordinance. Because the project would not result in increased population or traffic levels, normal operation should not alter the existing noise conditions at the site. Impacts would be less than significant. The improved traffic flow would be a beneficial impact.

b) Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Excessive groundborne vibration is typically caused by activities such as blasting used in mining operations or the use of pile drivers during construction. No groundborne vibrations or groundborne noise levels would be generated by the proposed project.

c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Temporary construction impacts would result from the project during construction only. No permanent increase in ambient noise levels would result from the proposed project.

d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short-term construction related noise impacts would result from the proposed project but would cease once construction is completed. The construction area lies next to SR-60, a significant source of high noise levels. Impacts to ambient noise levels in the project vicinity would be less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project is located outside the Air Installation Compatibility Use Zone Plan (AICUZ) for March Air Reserve Base. No impact would occur.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

There are no private airstrips near the project area and no impact would occur.

XII. POPULATION AND HOUSING

The project is located within the City of Moreno Valley. According to the U.S. Census Bureau, the City of Moreno Valley had a population of 142,381 in 2000 (U.S. Census Bureau 2006).

a) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No new homes or businesses, or other infrastructure are part of the proposed project, and the project does not involve extension of the roadway. Neither the installation of the traffic signal, nor the incidental roadway widening, would induce any population growth, either directly or indirectly.

b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No displacement of existing housing units would result from implementation of the proposed project.

c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No people would be displaced as a result of the project.

XIII. PUBLIC SERVICES

Police and fire protection are provided by the City of Moreno Valley Police Department and the Riverside County Fire Department, respectively. The Moreno Valley Police Department operates out of the Safety Building located at 22850 Calle San Juan de Los Lagos. Fire Station No. 58 is the closest station to the project area and serves the eastern portion of the City of Moreno Valley. Station No. 58 is located at 28020 Bay Avenue. A new fire station is under construction on Eucalyptus Avenue easterly of Moreno Beach Boulevard and the Auto Mall (Ormsby 2007).

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: <ul style="list-style-type: none"> ◆ Fire Protection? ◆ Police Protection? ◆ Schools? ◆ Parks? ◆ Other Public Facilities? 	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No new or physically altered governmental facilities would need be constructed as a result of the project to meet acceptable service ratios, response times or other

performance objectives for any public service. The installation of the traffic signal, and incidental roadway widening, should result in improved response times in the local area.

XIV. RECREATION

Morrison Park and Moreno Valley Ranch Golf Club are the closest recreational areas to the project site.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project would not result in any increase in population, therefore it would not cause deterioration of existing neighborhood and regional parks or other recreational facilities. No construction or expansion of recreational facilities are included as part of the project.

XV. TRANSPORTATION/TRAFFIC

State Route 60 is the major east-west highway linking Moreno Valley to nearby communities. The traffic signal installation and incidental roadway widening would occur south of State Route 60 at Redlands Boulevard. Redlands Boulevard is a two-lane roadway, and the freeway on- and off-ramps create a T-intersection with Redlands Boulevard. The intersection is currently controlled by a three-way stop. Fir Avenue is an undivided two-way street at the southern end of the project area.

a) Would the project cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No facilities that would result in additional traffic are proposed. The proposed project would facilitate the flow of traffic in the area.

b) Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project would not exceed, either individually or cumulatively, the level of service standard established by the County of Riverside congestion management agency. The level of service would actually be improved in the vicinity of the project site, due to improvements made to the intersection.

c) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No change in air traffic patterns, increase in traffic levels, or change in location that would generate safety risks would result from the proposed project.

d) Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project was designed to improve an existing intersection. The traffic signal installation and incidental roadway widening would facilitate traffic flow. A less than significant impact would occur.

e) Would the project result in inadequate emergency access?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project could potentially result in temporary lane closures or other actions during construction. Currently, the immediate vicinity is primarily rural, with some low-density residential development. Because there is no high density development, and the project is not in a fire-risk area, the area does not have a high need for emergency services. Operation of the completed traffic signal system should actually improve emergency access. The roadway would have greater capacity and traffic would be better directed at this intersection, thus potentially improving response times for this area. Mitigation Measure T-1 shall be implemented to ensure that impacts are less than significant.

Mitigation Measure

T-1: Prior to the commencement of construction activities on Redlands Boulevard and the State Route 60 eastbound on- and off-ramps, a Traffic Control Plan shall be prepared and approved by the City of Moreno Valley. The Traffic Control Plan shall include measures to ensure emergency access at all times along Redlands Boulevard.

f) Would the project result in inadequate parking capacity?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

There is currently no street parking in the project area. No new structures that would result in additional traffic or the need for parking are proposed. There would be no impact.

g) Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The purpose of the proposed traffic signal installation is to improve an existing intersection. The project would not affect any adopted policies, plans or programs for alternative transportation in the area.

XVI. UTILITIES AND SERVICE SYSTEM

Water is served to the City of Moreno Valley by the Eastern Municipal Water District and the Box Springs Mutual Water Company. Solid waste generated during construction would be taken to the Badlands Sanitary Landfill permitted to accept construction waste.

a) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Wastewater would not be generated by the proposed project; no impacts would occur.

b) Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No new water or wastewater treatment facilities or expansion of existing facilities would result from the implementation of the proposed project. No impacts would occur.

c) Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Drainage ditches exist on either side of Redlands Boulevard. The proposed project would result in the widening of the existing on- and off-ramps and Redlands Boulevard and would affect these ditches. As part of the on- and off-ramp widening, an existing underground culvert would be extended. The extension of the culvert and the grading associated with the roadway widening directly adjacent to the existing ditches would not substantially change the function of the existing stormwater drainage system. A less than significant impact would occur.

d) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No new or expanded entitlements are needed to implement the proposed project.

e)	Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No wastewater is associated with the proposed project such that no impacts to the wastewater provider would result from the project.

f)	Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Would the project comply with federal, state, and local statutes and regulations related to solid waste?				
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Waste generated during construction would be taken to the Badlands Sanitary Landfill. Upon completion of the project, the project would not generate significant amounts of solid waste except for maintenance purposes. Impacts on solid waste services would be less than significant.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

<p>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>	<p>Potentially Significant Impact</p>	<p>Less than Significant with Mitigation Incorporation</p>	<p>Less than Significant Impact</p>	<p>No Impact</p>
	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>

With mitigation described in this Initial Study, the project would not have a significant impact on fish or wildlife species or their habitat. The project area has been examined for historic and prehistoric significance and has been found to contain no known important examples of major periods of California history or prehistory.

<p>b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>	<p>Potentially Significant Impact</p>	<p>Less than Significant with Mitigation Incorporation</p>	<p>Less than Significant Impact</p>	<p>No Impact</p>
<p>c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>

The project would have minor construction-related impacts that would be less than significant with the incorporation of mitigation measures listed in this Initial Study. During operation, the project would offer a beneficial impact to circulation for the City of Moreno Valley.

A Mitigation Monitoring and Reporting Program is attached as Appendix C.

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Appendix A
Air Quality Assessment

Air Quality Assessment
for the
Redlands Boulevard Widening Project

Prepared for:

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Prepared by:



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November 6, 2006

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1.0 Introduction

This report presents the results of an assessment of potential air quality impacts associated with the proposed widening of Redlands Boulevard in the City of Moreno Valley, California. The project involves widening Redlands Boulevard from approximately 600 feet north of to approximately 600 feet south of the eastbound State Route (SR) 60 ramps, and widening of the existing eastbound off ramp. A traffic signal will be installed at Redlands Boulevard and the off-ramp. This air quality assessment addresses the potential for air emissions during construction and operation of the project.

The project is in the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD has jurisdiction over an area of approximately 10,743 square miles, consisting of the four-county South Coast Air Basin (SCAB), the Mojave Desert Air basin (MDAB) and the Riverside County portions of the Salton Sea Air Basin (SSAB). Moreno Valley is located in the SCAB.

2.0 Existing Conditions

2.1 Regulatory Requirements

Air quality is defined by ambient air concentrations of specific pollutants identified by the United States Environmental Protection Agency (USEPA) to be of concern with respect to health and welfare of the general public. The USEPA is responsible for enforcing the Federal Clean Air Act (CAA) of 1970 and its 1977 and 1990 Amendments. The CAA required the USEPA to establish National Ambient Air Quality Standards (NAAQS), which identify concentrations of pollutants in the ambient air below which no adverse effects on the public health and welfare are anticipated. In response, the USEPA established both primary and secondary standards for several pollutants (called "criteria" pollutants). Primary standards are designed to protect human health with an adequate margin of safety. Secondary standards are designed to protect property and the public welfare from air pollutants in the atmosphere.

In September 1997, the EPA promulgated 8-hour O₃ and 24-hour and annual PM_{2.5} national standards (particulate matter less than 2.5 microns in diameter). The EPA has issued attainment designations for these pollutants and, as of July 15, 2005, rescinded the 1-hour O₃ NAAQS.

States that are designated nonattainment for the NAAQS are required to develop a State Implementation Plan (SIP), which outlines federally-enforceable rules, regulations, and programs designed to reduce emissions and bring the area into attainment of the NAAQS. In California, the California Air Resources Board (ARB) is the agency responsible for developing the SIP. The responsibility for developing plans and programs for each air basin has been delegated to the local agency responsible for attaining and maintaining air quality standards in that air basin.

The CAA allows states to adopt ambient air quality standards and other regulations provided they are at least as stringent as federal standards. The ARB has established the more stringent California Ambient Air Quality Standards (CAAQS) for the six criteria pollutants through the California Clean Air Act of 1988, and also has established CAAQS for additional pollutants, including sulfates, hydrogen sulfide, vinyl chloride and visibility-reducing particles. Areas that do not meet the NAAQS or the CAAQS for a particular pollutant are considered to be "nonattainment areas" for that pollutant.

The ARB is the state regulatory agency with authority to enforce regulations to both achieve and maintain the NAAQS and CAAQS. The ARB is responsible for the development, adoption, and enforcement of the state's motor vehicle emissions program, as well as the adoption of the CAAQS. The ARB also reviews operations and programs of the local air districts, and requires each air district with jurisdiction over a nonattainment area to develop its own strategy for achieving the NAAQS and CAAQS. The local air district has the primary responsibility for the development and implementation of rules and regulations designed to attain the NAAQS and CAAQS, as well as the permitting of new or modified sources, development of air quality management plans, and adoption and enforcement of air pollution regulations.

It is the responsibility of the SCAQMD to ensure that state and federal ambient air quality standards are achieved and maintained in the SCAB. Health-based air quality standards have been established by California and the federal government for the following criteria air pollutants: ozone (O₃), CO, NO₂, particulate matter with a diameter of 10 microns or less (PM₁₀), particulate matter with a diameter of 2.5 microns or less (PM_{2.5}), sulfur dioxide (SO₂), and lead (Pb). These standards were established to protect sensitive receptors from adverse health impacts due to exposure to air pollution. The California Ambient Air Quality Standards (CAAQS) are more stringent than the federal standards. California has also established standards for sulfates, visibility, hydrogen sulfide, and vinyl chloride. Hydrogen sulfide and vinyl chloride are currently not monitored in the Basin because these contaminants are not seen as a significant air quality problem. CAAQS and National Ambient Air Quality Standards (NAAQS) for each of these pollutants are shown in Table 2-1. The SCAB is currently considered a nonattainment area for the CAAQS and NAAQS for O₃, PM₁₀, PM_{2.5}, and CO. A brief description of the criteria pollutants follows.

Ozone. Ozone is considered a photochemical oxidant, which is a chemical that is formed when reactive organic compounds (ROC) and nitrogen oxides, both byproducts of combustion, react in the presence of ultraviolet light. Ozone is present in relatively high concentrations in the Basin. Ozone is considered a respiratory irritant and prolonged exposure can reduce lung function, aggravate asthma, and increase susceptibility to respiratory infections. Children and those with existing respiratory diseases are at greatest risk from exposure to ozone.

Carbon monoxide. Carbon monoxide is a product of combustion, and the main source of carbon monoxide in the Basin is from motor vehicle exhaust. CO is an odorless, colorless gas. CO affects red blood cells in the body by binding to hemoglobin and reducing the amount of oxygen that can be carried to the body's organs and tissues. CO can cause health effects to those with cardiovascular disease, and can also affect mental alertness and vision.

Nitrogen dioxide. NO₂ is also a by-product of fuel combustion, and is formed both directly as a product of combustion and in the atmosphere through the reaction of NO with oxygen. NO₂ is a respiratory irritant and may affect those with existing respiratory illness, including asthma. NO₂ can also increase the risk of respiratory illness.

Fine particulate matter. Fine particulate matter, or PM₁₀, refers to particulate matter with an aerodynamic diameter of 10 microns or less. Particulate matter in this size range has been determined to have the potential to lodge in the lungs and contribute to respiratory problems. PM₁₀ arises from a variety of sources, including road dust, diesel exhaust, combustion, tire and break wear, construction operations, and windblown dust. PM₁₀ can increase susceptibility to respiratory infections and can aggravate existing respiratory diseases such as asthma and chronic bronchitis. In 1997, the U.S. EPA proposed a new standard for PM_{2.5}, which is particulate matter with an aerodynamic diameter of 2.5 microns or less. These finer particulates are considered to have the potential to lodge deeper in the lungs.

Sulfur dioxide. SO₂ is a colorless, reactive gas that is produced from the burning of sulfur-containing fuels such as coal and oil, and by other industrial processes. Generally, the highest concentrations of SO₂ are found near large industrial sources. SO₂ is a respiratory irritant that can cause narrowing of the airways leading to wheezing and shortness of breath. Long-term exposure to SO₂ can cause respiratory illness and aggravate existing cardiovascular disease.

Lead. Lead in the atmosphere occurs as particulate matter. Lead has historically been emitted from vehicles combusting leaded gasoline, as well as from industrial sources. With the phase-out of leaded gasoline, large manufacturing facilities are the sources of the largest amounts of lead emissions. Lead has the potential to cause gastrointestinal, central nervous system, kidney, and blood diseases upon prolonged exposure. Lead is also classified as a probable human carcinogen.

The attainment status of the SCAB for each of the criteria pollutants described above is presented below in Table 2-2.

POLLUTANT	AVERAGE TIME	CALIFORNIA STANDARDS		NATIONAL STANDARDS		
		Concentration	Measurement Method	Primary	Secondary	Measurement Method
Ozone (O ₃)	1 hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	--	--	Ethylene Chemiluminescence
	8 hour	0.070 ppm (137 µg/m ³)		0.08 ppm (157 µg/m ³)	0.08 ppm (157 µg/m ³)	
Carbon Monoxide (CO)	8 hours	9.0 ppm (10 mg/m ³)	Non-Dispersive Infrared Spectroscopy (NDIR)	9 ppm (10 mg/m ³)	None	Non-Dispersive Infrared Spectroscopy (NDIR)
	1 hour	20 ppm (23 mg/m ³)		35 ppm (40 mg/m ³)		
Nitrogen Dioxide (NO ₂)	Annual Average	--	Gas Phase Chemiluminescence	0.053 ppm (100 µg/m ³)	0.053 ppm (100 µg/m ³)	Gas Phase Chemiluminescence
	1 hour	0.25 ppm (470 µg/m ³)		--	--	
Sulfur Dioxide (SO ₂)	Annual Average	--	Ultraviolet Fluorescence	0.03 ppm (80 µg/m ³)	--	Pararosaniline
	24 hours	0.04 ppm (105 µg/m ³)		0.14 ppm (365 µg/m ³)	--	
	3 hours	--		--	0.5 ppm (1300 µg/m ³)	
	1 hour	0.25 ppm (655 µg/m ³)		--	--	
Respirable Particulate Matter (PM ₁₀)	24 hours	50 µg/m ³	Gravimetric or Beta Attenuation	150 µg/m ³	150 µg/m ³	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m ³		50 µg/m ³	50 µg/m ³	
Fine Particulate Matter (PM _{2.5})	Annual Arithmetic Mean	12 µg/m ³	Gravimetric or Beta Attenuation	15 µg/m ³	--	Inertial Separation and Gravimetric Analysis
	24 hours	--		65 µg/m ³	--	
Sulfates	24 hours	25 µg/m ³	Ion Chromatography	--	--	--
Lead (Pb)	30-day Average	1.5 µg/m ³	Atomic Absorption	--	--	Atomic Absorption
	Calendar Quarter	--		1.5 µg/m ³	1.5 µg/m ³	
Hydrogen Sulfide (H ₂ S)	1 hour	0.03 ppm (42 µg/m ³)	Ultraviolet Fluorescence	--	--	--
Vinyl Chloride	24 hours	0.010 ppm (26 µg/m ³)	Gas Chromatography	--	--	--

ppm= parts per million

µg/m³ = micrograms per cubic meter

mg/m³ = milligrams per cubic meter

Source: California Air Resources Board, www.arb.ca.gov.

Table 2-2
South Coast Air Basin
Attainment Classification for Criteria Pollutants

Pollutant	CAAQS Attainment Classification	NAAQS Attainment Classification
1-hr Ozone	Nonattainment	Rescinded
8-hr Ozone	Nonattainment	Severe-17 Nonattainment
CO	Attainment	Serious Nonattainment
NO ₂	Attainment	Attainment
SO ₂	Attainment	Attainment
PM ₁₀	Nonattainment	Serious Nonattainment
PM _{2.5}	Unclassified ¹	Nonattainment
Lead	Attainment	Attainment
Sulfates	Attainment	N/A
Hydrogen Sulfide	Unclassified	N/A
Vinyl Chloride	Unclassified	N/A

¹The ARB has not formally issued attainment designations for PM_{2.5}.

2.2 Regional Climate

Annual average temperatures in the Moreno Valley area range from an average minimum temperature of 45.3°F to a average maximum temperature of 78.7°F. January is the coldest month, with average minimum temperatures of 34.7°F. August is the hottest month in the area, with average maximum temperatures reaching 96.9°F. The climate of Morena Valley can be characterized as arid. The nearest meteorological monitoring station to the project site is the Redlands station. Figure 1 presents a wind rose for the Indio station showing the prevailing wind directions in the project vicinity.

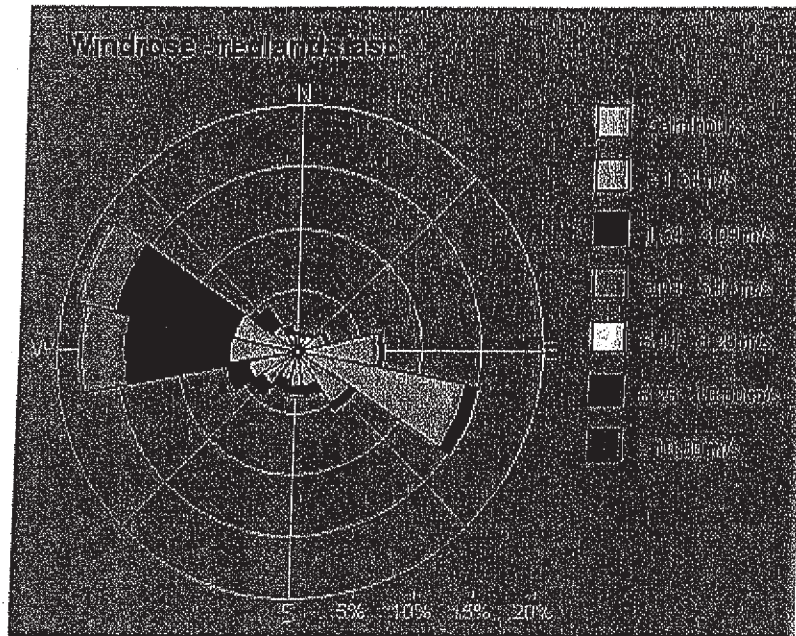


Figure 4 – Wind Rose, Redlands Meteorological Station

2.3 Existing Air Quality

The closest ambient air quality monitoring station to the project is the Perris monitoring station, which measures O_3 and PM_{10} . The nearest monitoring station to the project site that measures CO , $PM_{2.5}$, NO_2 , and SO_2 is the site at the Costa Mesa – Mesa Verde Drive station. Ambient concentrations of criteria pollutants measured at these monitoring stations during the period 2003-2005 are presented in Table 2-3. Ambient air concentrations were compared with the CAAQS and NAAQS. The data indicate that the area is in compliance with both CAAQS and NAAQS for CO , NO_2 , and SO_2 . The state 8-hour CO standard was not exceeded during this three-year period. The maximum measured concentrations of NO_2 each year were less than the 0.25-ppm one-hour state standard and the national annual standard. The SO_2 concentrations were below state and national standards during this period.

Exceedances of the ozone standards and PM_{10} and $PM_{2.5}$ standards have been recorded at the Anaheim monitoring station. Higher than average 24-hour measurements of PM and

PM_{2.5} in 2003 occurred in late October, and are attributable to wildfire events in southern California. Data for 2003 through 2005 indicate that exceedances of the particulate standards were observed in Anaheim.

Table 2-3
Background Air Quality Data
(2003 – 2005)
ppm (unless otherwise indicated)

Pollutant	Averaging Time	2003	2004	2005	NAAQS	CAAQS	Monitoring Station
Ozone	8 hour	0.121	0.104	0.103	0.09	0.070	Perris
	1 hour	0.155	0.128	0.126	-	0.08	Perris
PM ₁₀ ²	Annual Arithmetic Mean	43.9	41.4	39.1	50 µg/m ³	20 µg/m ³	Perris
	24 hour	142	83	80	150 µg/m ³	50 µg/m ³	Perris
PM _{2.5}	Annual Arithmetic Mean	24.8	22.1	21.0	15 µg/m ³	12 µg/m ³	Riverside
	24 hour	104.3	91.7	98.7	65 µg/m ³	-	Riverside
NO ₂	Annual	0.021	0.017	0.022	0.053	-	Riverside
	1 hour	0.099	0.092	0.077	-	0.25	Riverside
CO	8 hour	3.67	2.97	2.50	9	9.0	Riverside
	1 hour	4.5	4.3	3.4	35	20	Riverside
SO ₂	Annual	0.002	0.003	0.003	0.03	-	Riverside
	24 hour	0.012	0.015	0.011	0.14	0.04	Riverside
	3 hour	0.015	0.016	0.012	0.05 ¹	-	Riverside
	1 hour	0.018	0.017	0.024	-	0.25	Riverside

¹Secondary NAAQS

²California averages reported for PM₁₀

N/A = not available from current website data

Source: www.arb.ca.gov (all pollutants except 1-hour CO and 1-hour and 3-hour SO₂ and annual data for 2004)

www.epa.gov/air/data/monvals.html (1-hour CO and 1-hour and 3-hour SO₂ and annual data for 2004)

2.4 Toxic Air Contaminants

Cancer Risk. One of the primary health risks of concern due to exposure to toxic air contaminants (TACs) is the risk of contracting cancer. The carcinogenic potential of TACs is a particular public health concern because it is currently believed by many scientists that there is no “safe” level of exposure to carcinogens, that is, any exposure to a carcinogen poses some risk of causing cancer. Health statistics show that one in four people will contract cancer over their lifetime, or 250,000 in a million, from all causes,

including diet, genetic factors, and lifestyle choices. Approximately two percent of cancer deaths in the United States may be attributable to environmental pollution (Doll and Peto 1981).

Noncancer Health Risks. Unlike carcinogens, for most noncarcinogens it is believed that there is a threshold level of exposure to the compound below which it will not pose a health risk. The California Environmental Protection Agency (CalEPA) and California Office of Environmental Health Hazard Assessment (OEHHA) have developed reference exposure levels (RELs) for noncarcinogenic TACs that are health-conservative estimates of the levels of exposure at or below which health effects are not expected. The noncancer health risk due to exposure to a TAC is assessed by comparing the estimated level of exposure to the REL. The comparison is expressed as the ratio of the estimated exposure level to the REL, called the hazard index (HI).

3.0 Thresholds of Significance

Emissions that can adversely affect air quality originate from various activities. A project generates emissions both during the period of its construction and through ongoing daily operations. Project-related air quality impacts estimated in this environmental analysis would be considered significant if any of the applicable significance thresholds presented in Table 4 are exceeded.

**Table 4
Air Quality Significance Thresholds**

Pollutant	Construction	Operation
Criteria Pollutants Mass Daily Thresholds		
NO _x	100 lbs/day	100 lbs/day
ROC	75 lbs/day	75 lbs/day
PM ₁₀	150 lbs/day	150 lbs/day
PM _{2.5}	55 lbs/day	55 lbs/day
SO _x	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Lead	3 lbs/day	3 lbs/day
TAC, AHM, and Odor Thresholds		
Toxic Air Contaminants (TACs)	Maximum Incremental Cancer Risk ≥ 10 in 1 million Hazard Index ≥ 1.0 (project increment) Hazard Index ≥ 3.0 (facility-wide)	
Odor	Project creates an odor nuisance pursuant to SCAQMD Rule 402	
Ambient Air Quality for Criteria Pollutants		
PM ₁₀ 24-hour	2.5 µg/m ³	
PM ₁₀ annual geometric mean	1.0 µg/m ³	
Sulfate 24-hour average	1 µg/m ³	
CO 1-hour average	1.1 mg/m ³	
CO 8-hour average	0.50 mg/m ³	

µg/m³ = microgram per cubic meter; pphm = parts per hundred million; mg/m³ = milligram per cubic meter; ppm = parts per million; TAC = toxic air contaminant; AHM = Acutely Hazardous Material

4.0 Impacts

The impact analysis was designed to address the potential for adverse impacts to the ambient air quality due to construction and operational emissions. The proposed project would result in air emissions from both construction phase of the project due to use of heavy equipment and fugitive dust emissions. The proposed project would also be associated with operational emissions due to traffic. The following sections address impacts from both Project phases.

4.1 Construction Impacts

Emissions of criteria pollutants associated with the construction phase of the Redlands Boulevard widening project include the following: fugitive dust generation from site

grading and preparation, heavy construction equipment exhaust emissions, and construction worker vehicle travel.

Table 5 presents an estimate of the maximum number of pieces of equipment for the construction phase of the proposed project. The project involves minor amounts of grading on the margins of the existing roadway and will widen Redlands Boulevard and the existing SR60 off-ramp. It was conservatively assumed that heavy construction equipment would be operating at the site for a total of 8 hours per day, 6 months, 6 days per week.

Table 5
Construction Equipment

Equipment	Number
<i>Grading and Site Preparation</i>	
Backhoe/loaders	2
Graders	1
Scrapers	1
Water Trucks	1
<i>Paving</i>	
Asphalt/Concrete Trucks/Mixers	2
Paver	1
Roller Compactor	1

Site preparation is assumed to take place over a period of one month. Approximately 24 workers would be required for the road widening project. This conservative assumption was based on the calculation methodology for workforce requirements in the SCAQMD CEQA Air Quality Handbook (Tables A9-17A, A9-17B, and A9-17C), but assuming the project would be one-tenth the size of the average street/highway project due to its small size. Approximately 5 heavy-duty trucks per day would travel to the site to deliver construction materials such as paving materials.

The segment of Redlands Boulevard that would be widened would be approximately 1200 feet in length. The total amount of area that would be disturbed, assuming that construction would occur within an 80-foot right of way, would be approximately 2.20 total acres. Based on the URBEMIS2002 emission factor of 10 lbs/acre-day, assuming grading could occur in a single day, the emissions would be 22 lbs of PM₁₀. Assuming fugitive dust is controlled via watering three times daily, the emissions would be reduced by 50 percent to 11 lbs/day.

The estimated construction emissions are shown in Table 6.

Table 6
Estimated Construction Emissions
Redlands Boulevard Widening Project
Lbs/day

Emission Source	CO	NO _x	ROC	SO _x	PM ₁₀	PM _{2.5}
<i>Grading and Site Preparation</i>						
Fugitive Dust – Grading	-	-	-	-	11.00	2.31
Heavy Equipment Exhaust	11.51	27.26	3.87	0.05	1.43	1.27
Worker Travel – Vehicle Emissions	6.45	0.43	0.54	0.00	0.04	0.04
TOTAL	17.96	27.69	4.41	0.05	12.47	3.62
Significance Threshold	550	100	75	150	150	150
Significant?	No	No	No	No	No	No
<i>Paving</i>						
Heavy Equipment Exhaust	11.06	25.99	3.90	0.04	1.25	1.11
Construction Truck Traffic	0.30	0.08	1.19	0.00	0.04	0.04
Worker Travel – Vehicle Emissions	6.45	0.43	0.54	0.00	0.04	0.04
TOTAL	17.81	26.50	5.63	0.04	1.33	1.19
Significance Threshold	550	100	75	150	150	150
Significant?	No	No	No	No	No	No

As shown in the table, emissions associated with construction would be below the SCAQMD's significance thresholds and impacts would therefore be less than significant. Project construction would be subject to SCAQMD Rule 403, which requires that fugitive dust Best Available Control Measure be implemented. These measures include:

Applicable Best Available Control Measures/Reasonably Available Control Measures

Land Clearing/Earth-Moving

- (A) Pre-grading watering: Application of water by means of trucks, hoses, and/or sprinklers prior to conducting any land clearing. Pre-application of water to depth of proposed cuts.

(A-1) Post-grading watering: In active earth-moving areas water should be applied at sufficient frequency and quantity to prevent visible emissions from extending more than 100 feet from the point of origin.

(A-2) Pre-grading planning: Each phase should be graded separately where possible, or the entire project graded but chemical stabilizers or ground cover applied to graded areas where construction phase begins more than 60 days after grading phase ends.

(B) Chemical stabilizers: Only effective in areas which are not subject to daily disturbances.

(D) Cover haul vehicles: Entire surface area of hauled earth should be covered once vehicle is full.

(E) Bedliners in haul vehicles: When feasible, use in bottom-dumping vehicles.

Unpaved Roads

(H) Watering: In sufficient quantities to keep surface moist.

(I) Reduce speed limits: 15 miles per hour maximum.

(J) Reduce vehicular trips: Access restriction or redirecting traffic to reduce vehicle trips by a minimum of 60 percent.

Storage Piles

(M) Watering: Frequency of application will vary on site-specific conditions.

(P) Coverings: Tarps, plastic, or other material can be used as a temporary covering.

Source: Rule 403 Implementation Handbook, SCAQMD 1999.

These measures constitute best management practices for dust control and will be incorporated in the project commitments.

4.2 Operational Impacts

Emissions associated with project operation are confined to emissions associated with traffic. The project would not result in any predicted increases in traffic volumes in the area, therefore there is no net emissions increase associated with the project. Rather, the purpose of the proposed widening is to improve traffic flow and reduce traffic congestion along Redlands Boulevard and provide better access to SR 60.

The Transportation Project-Level Carbon Monoxide Protocol (hereinafter referred to as the "Protocol") (California Department of Transportation 1998) is applicable for the assessment of potential impacts of "project alternatives" as identified within the scope of the EIR required by CEQA. The Protocol is designed to ensure that a transportation project action conforms to an approved or promulgated air quality implementation plan and to all applicable state and national ambient air quality standards. In accordance with the Protocol, an affirmative regional conformity determination must be made before a project may proceed. If the project is not specifically exempt from the provisions of 40 CFR Part 93 (per 40 CFR 93.126), a conformity determination must be made. An affirmative determination can be made if the project is included in the Regional Transportation Plan (RTP) for the area, and if the project has not been altered in design concept or scope from that described in the RTP.

In addition, all projects except those that are exempt from analysis are subject to a local CO impact review. This involves an evaluation of the potential for CO "hot spots" to result due to traffic congestion. CO "hot spots" are typically evaluated when (a) the level of service (LOS) of an intersection or roadway decreases to a LOS D or worse; and (b) sensitive receptors such as residences, commercial developments, schools, hospitals, etc. are located in the vicinity of the affected intersection or roadway segment.

The following subsections present (1) the analysis that was conducted to determine the possibility of regional impacts in accordance with the Protocol; and (2) the analysis that was conducted to determine the possibility of local CO impacts in accordance with the Protocol.

Regional Impacts. The Protocol contains a conformity requirement decision flow chart for new projects that is designed to assist in the evaluation of the requirements that apply to the project. The flow chart contained in the Protocol was followed to determine the level of analysis required for the Redlands Boulevard Widening Project. The steps in the analysis are as follows:

1. The project was determined not to be exempt from all emissions analyses.
2. The project was determined not to be exempt from regional emissions analyses.
3. The project is defined as a regionally significant project. In accordance with the definitions contained in 40 CFR Part 93 (the federal conformity rule), a regionally significant project means a transportation project that is on a facility which serves regional transportation needs and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel. Redlands Boulevard is an important alternative arterial for north-south traffic in Moreno Valley and neighboring cities, and is currently constructed as a major arterial. The project is thus considered regionally significant under the definition in 40 CFR Part 93.
4. The project is in a federal nonattainment area for ozone and PM₁₀; therefore, further analysis to determine the potential for regional impacts is required.
5. There is a currently conforming RTP.
6. The project is not included in the regional emissions analysis supporting the currently conforming RTP.

While the project is not specifically included in the RTP, because the project does not increase traffic and does not result in additional emissions, emissions associated with traffic on Redlands Boulevard are accounted for within the regional emissions analysis supporting the currently conforming RTP. Thus the project would conform with the SIP and no further regional analysis is required.

Local CO Impact Analysis. The Protocol provides guidance for determining whether a project would have the potential to cause or contribute to a violation of an air quality standard on a localized basis. The Protocol provides for various levels for the local CO analysis to make the determination of the potential for adverse air quality impacts.

The Protocol contains a local CO analysis flow chart similar to the regional analysis flow chart that is designed to assist in the evaluation of the requirements for demonstrating that

the project will not cause an adverse air quality impact. The flow chart contained in the Protocol was followed to determine the analysis required for the Redlands Boulevard Widening Project. The steps in the analysis contained in the Protocol are as follows:

1. The project is located in a CO attainment area.
2. The area was not redesignated as "attainment" after the 1990 Clean Air Act. (Proceed to Level 7)
3. The project does not worsen air quality, because it:
 - Does not significantly increase the percentage of vehicles operating in cold start mode.
 - Does not significantly increase traffic volumes.
 - Improves traffic flow.

According to the Protocol, a project could have the potential to worsen air quality if (a) it significantly increases the percentage of vehicles operating in cold start mode; (b) significantly increases traffic volumes; and/or (c) worsens traffic flow. Increasing the number of vehicles operating in cold start mode by as little as 2 percent is potentially significant. The widening of Redlands Boulevard would have no effect on the number of vehicles operating in cold start mode and thus would not increase this percentage. The project also does not result in any increases in traffic volumes as it is a road widening project and does not involve new sources of traffic. Also, rather than worsening traffic flows, the project, by virtue of its effect in widening Redlands Boulevard and installation of a traffic signal at the SR 60 off-ramp, would improve traffic flows; therefore, the project would not have the potential to worsen air quality.

Based on the steps in the Protocol, because the project does not worsen air quality, it would be satisfactory from a localized air quality perspective, and would not require further analysis. The project involves improvements to the intersection of Redlands Boulevard and SR 60. According to the *Traffic Study for the SR-60/Redlands Boulevard Eastbound Ramps Intersection Project Moreno Valley, California* (Omnis Incorporated 2006), the intersection of Redlands Boulevard and SR 60 would operate at LOS F during

both the am and pm peak hours in the year 2013 without the project, and would operate at LOS C during the am peak hour and LOS D during the pm peak hour with implementation of the project. The LOS is therefore improved over the no project condition, and would not result in a CO "hot spot".

PM₁₀ Impacts. The SCAB is considered a serious nonattainment area for PM₁₀. Project-generated emissions of PM₁₀ are attributable to traffic sources. The likelihood for adverse impacts associated with particulate emissions from project-generated traffic was evaluated using the Federal Highway Administration's *Guidance for Qualitative Project-Level "Hot Spot" Analysis in PM-10 Non-Attainment and Maintenance Areas* (FHWA 2001). The SCAB is considered a serious nonattainment area for the NAAQS and a nonattainment area for the CAAQS for PM₁₀. In accordance with the guidance, areas that have not had any Federal PM₁₀ violations, or have not observed PM₁₀ concentrations that are within 80 percent of the PM₁₀ NAAQS, are unlikely to cause an exceedance of the PM₁₀ standard.

The data from the Perris monitoring station indicate that the existing PM₁₀ levels have exceeded both the 24-hour and annual NAAQS for PM₁₀. The SCAB has adopted a SIP for the attainment and maintenance of the PM₁₀ NAAQS. The Redlands Boulevard widening project will be subject to the requirements of the SIP for dust control.

Following the *Guidance for Qualitative Project-Level "Hot Spot" Analysis in PM-10 Non-Attainment and Maintenance Areas*, an evaluation of the project versus no project conditions should be conducted to assess the potential to cause or contribute to any new localized PM₁₀ violations or increase the frequency or severity of any existing PM₁₀ violations within the project's area. Projects that are likely to increase PM₁₀ levels include projects in which traffic volumes increase and/or the amount of heavy-duty diesel vehicles increases; projects involving street sanding or sweeping; changes in diesel truck or bus routes; or changes in the natural environment that would affect dispersion of PM₁₀. The project would not result in any predicted increases in traffic volumes in the area,

therefore there is no net emissions increase associated with the project. Rather, the purpose of the proposed widening is to improve traffic flow and reduce traffic congestion along Redlands Boulevard and improve the overall circulation of roadways in the City of Moreno Valley. The project also does not involve street sanding/sweeping, changes in diesel truck or bus routes, or changes in the natural environment. The project would therefore not cause or contribute to a new violation or increase the frequency or severity of existing violations of the PM₁₀ standard.

In accordance with the requirements of the SCAQMD under SCAQMD Rule 1186, PM₁₀ Emissions From Paved And Unpaved Roads, And Livestock Operations, the following mitigation measures should be included in the project to reduce the potential for PM₁₀ impacts from the project:

(1) Any owner or operator of a paved public road on which there is visible roadway accumulations shall begin removal of such material through street cleaning within 72 hours following any notification of the accumulation and shall completely remove such material as soon as feasible. If removal cannot be completed within 10 days of notification, the owner/operator shall notify the Executive Officer and provide information on the location of the accumulation(s) and estimated removal completion date.

(2) Any government or government agency which contracts to acquire street sweeping equipment or street sweeping services for routine street sweeping on public roads that it owns and / or maintains, where the contract date or purchase or lease date is January 1, 2000 or later, shall acquire or use only certified street sweeping equipment.

(3) Any government or government agency subject to the requirements of paragraph (d)(2) and/or its contractors shall operate and maintain the certified street sweeping equipment in accordance with the manufacturer's specifications.

In addition, applicable Best Available Control Measures and Reasonably Available Control Measures as specified in the SCAQMD's Rule 403 Implementation Handbook (SCAQMD 2004) for control of PM₁₀ should be implemented. These measures include:

Applicable Best Available Control Measures/Reasonably Available Control Measures

Land Clearing/Earth-Moving

- (A) Pre-grading watering: Application of water by means of trucks, hoses, and/or sprinklers prior to conducting any land clearing. Pre-application of water to depth of proposed cuts.
- (A-1) Post-grading watering: In active earth-moving areas water should be applied at sufficient frequency and quantity to prevent visible emissions from extending more than 100 feet from the point of origin.
- (A-2) Pre-grading planning: Each phase should be graded separately where possible, or the entire project graded but chemical stabilizers or ground cover applied to graded areas where construction phase begins more than 60 days after grading phase ends.
- (C) Chemical stabilizers: Only effective in areas which are not subject to daily disturbances.
- (F) Cover haul vehicles: Entire surface area of hauled earth should be covered once vehicle is full.
- (G) Bedliners in haul vehicles: When feasible, use in bottom-dumping vehicles.

Unpaved Roads

- (H) Watering: In sufficient quantities to keep surface moist.
- (J) Reduce speed limits: 15 miles per hour maximum.
- (J) Reduce vehicular trips: Access restriction or redirecting traffic to reduce vehicle trips by a minimum of 60 percent.

Storage Piles

- (M) Watering: Frequency of application will vary on site-specific conditions.
- (Q) Coverings: Tarps, plastic, or other material can be used as a temporary covering.

Source: Rule 403 Implementation Handbook, SCAQMD 2004.

Implementation of these mitigation measures would mitigate PM₁₀ impacts associated with the project. Because the project does not result in increases in traffic volumes, and with implementation of the above mitigation measures, PM₁₀ "hot spots" are not anticipated from the project.

Diesel Particulate Emissions. The state of California has classified diesel particulate matter as a toxic air contaminant and has assigned a risk factor for both cancer risk and non-cancer chronic exposure. Diesel particulate is emitted from sources combusting diesel fuel, including on-road trucks and buses.

Because the project does not involve an increase in traffic volume, and because the project does not result in diesel truck or bus routes, the project would not result in an increase in diesel particulate emissions from the no build conditions. Therefore, no significant impact from diesel particulate emissions is anticipated.

Naturally-occurring asbestos. Exposure and disturbance of rock and soil that contains asbestos can result in the release of fibers to the air and consequent exposure to the public. Asbestos most commonly occurs in ultramafic rock that has undergone partial or complete alteration to serpentine rock (proper rock name serpentinite) and often contains chrysotile asbestos. In addition, another form of asbestos, tremolite, can be found associated with ultramafic rock, particularly near faults. Sources of asbestos emissions include: unpaved roads or driveways surfaced with ultramafic rock, construction activities in ultramafic rock deposits, or rock quarrying activities where ultramafic rock is present. Based on the map of naturally-occurring asbestos locations contained in *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos* (California Department of Conservation, Divisions of Mines and Geology 2000), it is unlikely that major ultramafic rock formations would be found in the project vicinity. Therefore, construction and grading would not occur in an area with ultramafic rock that could be a source of emissions of naturally-occurring asbestos.

5.0 Summary and Conclusions

In summary, the proposed project would result in emissions of air pollutants for both the construction phase and operational phase of the project. The air quality impact analysis evaluated the potential for adverse impacts to the ambient air quality due to construction and operational emissions. Construction emissions would include emissions associated with fugitive dust, heavy construction equipment and construction worker commuting to and from the site. The emissions associated with construction are qualitatively discussed and no adverse impacts to the ambient air quality are anticipated during project construction.

Operational emissions would be associated with traffic utilizing Redlands Boulevard and the SR 60 off-ramp. The project is designed to reduce traffic congestion and would therefore also reduce the potential for adverse impacts to the ambient air quality. The potential for impacts was evaluated based on SCAQMD significance criteria and utilizing the procedures set forth in the Transportation Project-Level Carbon Monoxide Protocol to screen projects for the potential for CO "hot spots." The project meets the criteria for compliance with the NAAQS and CAAQS for CO. Therefore, no exceedances of the CO standard are predicted, and the project would not cause or contribute to a violation of an air quality standard.

The analysis also addressed the potential for PM₁₀ "hot spots" associated with project traffic. The likelihood for adverse impacts associated with particulate emissions from project-generated traffic was evaluated using the *Guidance for Qualitative Project-Level "Hot Spot" Analysis in PM-10 Non-Attainment and Maintenance Areas* (FHWA 2001). Based on this guidance, because the project does not result in increases in traffic volumes, and the area has experienced a reduction in PM₁₀ background levels, PM₁₀ "hot spots" are not anticipated from the project.

6.0 References

- California Department of Conservation, Divisions of Mines and Geology. 2000. *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos.*
- California Department of Transportation. 1998. ITS Transportation Project-Level Carbon Monoxide Protocol.
- California Department of Transportation. 2000. Interim Guidance (4/7/2000): Project-Level PM₁₀ Hot Spot Analysis. As updated 1/11/02.
- Federal Highway Administration. 2001. *Guidance for Qualitative Project-Level "Hot Spot" Analysis in PM-10 Non-Attainment and Maintenance Areas.* September 12
- Omnis Incorporated. 2006. *Traffic Study for the SR-60/Redlands Boulevard Eastbound Ramps Intersection Project, Moreno Valley, California.*
- South Coast Air Quality Management District. 1993. CEQA Air Quality Handbook.
- South Coast Air Quality Management District. 2004. Rule 403 Implementation Handbook.

Table A-1
Construction Heavy Equipment Emissions
 Redlands Blvd. Widening Project
 Construction Fleet Average Emission Factors --- South Coast Air Basin (SCAB) 2010
 YEAR: 2010
 If Edit needed see "Equipment" Sheet

Equipment	FUEL	HP	Load Factor	No of Equip ment	Hrs Per Day	CO lbs/day	VOC lbs/day	NOX lbs/day	SOX lbs/day	PM10 lbs/day
Grading and Site Prep										
Backhoe/Loader	DIESEL	79	46.5	2	8	3.42	1.18	3.16	0.01	0.30
Grader	DIESEL	157	57.5	1	8	2.49	0.67	4.11	0.01	0.37
Scraper	DIESEL	267	66	1	8	2.62	0.94	9.35	0.02	0.35
Water Trucks	DIESEL	489	41	1	8	2.98	1.07	10.64	0.02	0.40
						SUM	SUM	SUM	SUM	SUM
						11.51	3.87	27.26	0.05	1.43
Paving										
Asphalt/Concrete Trucks	DIESEL	489	41	2	8	5.97	2.14	21.29	0.03	0.80
Paving Equip (4-strk)	DIESEL	99	53	1	8	2.44	0.84	2.26	0.00	0.22
Rollers	DIESEL	99	57.5	1	8	2.65	0.91	2.45	0.00	0.23
						SUM	SUM	SUM	SUM	SUM
						11.06	3.90	25.99	0.04	1.25

Table A-2
Construction Worker Estimates And Emission Calculations
Redlands Blvd. Widening Project

Mile	Construction Phase	Vehicle Class	No. of Workers Per Construction Phase	Speed (mph)	VMT (vehicle miles)	CO		NO _x		SO ₂		PM ₁₀		PM _{2.5}		CO	NO _x	SO ₂	PM ₁₀	PM _{2.5}	
						Running Exhaust (g/mi)	Start-Up (g/vehicle)	Running Exhaust (g/mi)	Start-Up (g/vehicle)	Running Exhaust (g/mi)	Start-Up (g/vehicle)	Running Exhaust (g/mi)	Start-Up (g/vehicle)	Running Exhaust (g/mi)	Start-Up (g/vehicle)						
0.11	Construction Phase	Light-Duty Truck, 2000-2006	24	27	216	14.52	1.15	0.24	0.058	0.123	0.034	0.074	0.034	0.034	0.034	0.034	0.034	0.034	0.034	0.034	0.034
Emission factors from 2008 EPA/California Air Resources Board 27 mph, light-duty truck with catalyst, average temp 63 F Average running rate known Assume 45 minutes per hour total																					

Table A-3
 Construction Truck Trip Emissions
 Redlands Blvd. Widening Project

Construction Phase	Vehicle Class	No. of Trucks Per Constructi on Phase	Speed (mph)	VMT (mi/vehicle day)	VOCs			PM10			Emissions, lbs/day					
					CO Running Exhaust (g/mi)	NOx Running Exhaust (g/mi)	SOx Running Exhaust (g/mi)	CO Running Exhaust (g/mi)	NOx Running Exhaust (g/mi)	SOx Running Exhaust (g/mi)	CO	NOx	VOCs	SOx		
Paving	Heavy-duty truck	5	27	10	2.69	10.816	0.713	0.021	0.283	0.038	0.013	0.30	1.19	0.08	0.00	0.04

Emission factors from 2008
 EMFAC2002, Riverside County, 27
 mph, Heavy Duty Diesel truck (HRD)

Riverside County
October 3, 2006, 2006

Serrano Band of Indians
Goldie Walker
6588 Valeria Drive Serrano
Highland , CA 92346

(909) 862-9883

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Traffic Signal at State Route 80 and Redlands Boulevard; Riverside County, California for which a Sacred Lands File search was requested.

Appendix B
Cultural Resources Survey Report

Cultural Resources Survey of a 9-Acre Area
for a Proposed Traffic Signal at
State Route 60 and Redlands Boulevard
Riverside County, California

October 2006

Prepared for:

OMNIS INCORPORATED
5195 Walnut Avenue #14,
Chino, California

Prepared by:



ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

215 N. 5th Street
Redlands, CA 92374
(909) 307-0046
(909) 307-0056 fax

**Cultural Resources Survey of a 9-Acre Area for a
Proposed Traffic Signal at State Route 60 and
Redlands Boulevard, Riverside County, California**

October 2006

Prepared For:

**ONMIS INCORPORATED
5195 Walnut Avenue #14,
Chino, California**

Prepared By:

Koral Ahmet

**ECORP CONSULTING, INC.
215 N. 5th Street
Redlands, California 92374**

U.S. Geological Survey 7.5-minute Quadrangles:
Sunnymead, California (1967, photorevised 1980)

Area Surveyed: 9 Acres

Cultural Resources Identified:

New Historic Site: P33-15436

Keywords: Moreno Valley, Cultural Resources Survey,
Ethnohistory, History, Prehistory, Riverside County,
Cahuilla, State Route 60, Redlands Boulevard

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APPENDICES

Appendix A Correspondence With the Native American Heritage Commission

Appendix B DPR 523 Forms (Confidential – Not to be released to General Public)

1.0 INTRODUCTION/MANAGEMENT SUMMARY

A cultural resources investigation was conducted of a 9-acre area at State Route 60 and Redlands Boulevard in Moreno Valley, Riverside County, California in support of the proposed installation of a traffic signal and the widening of Redlands Boulevard from approximately 600 feet north of to approximately 600 feet south of the eastbound State Route 60 on/off ramps. The study was completed by ECORP Consulting, Inc. (ECORP) under contract to OMNIS Incorporated in compliance with the California Environmental Quality Act (CEQA). The location and extent of the project area are presented in Figures 1 and 2.

To identify existing cultural resources within the project area that would be affected by the proposed project, a cultural resources records search was conducted with the Eastern Information Center in Riverside, California. Following an evaluation of the records search results, an intensive field survey of the project area was conducted. This report presents the methods and results of the records search and field survey that were conducted for the project. Management recommendations for the project area are also given. No cultural resources were identified within the project area as a result of the records search or field survey. An historic structure (P33-15436) was identified just outside the eastern edge of the project area and must be evaluated for CRHR eligibility if any disturbances or visual impacts from road improvements and traffic signal construction affect the structure.

2.0 LOCATION AND SETTING

The project area is located between the city of Riverside and Beaumont, just over 4 miles east of Sunnymead. It lies in the Moreno Valley, a flat alluvial plain between the foothills of Reche and San Timoteo Canyons on the north and Mount Russell on the south, at an elevation of approximately 1,770 feet above mean sea level. The project area and its surroundings are flat, with no topographic relief and a barely perceptible slope toward the south. As shown on the U.S. Geological Survey (USGS) 7.5-minute Sunnymead topographic quadrangle (1967, photorevised 1980), the property is in the southwest one-quarter of Section 1 and the southeast one-quarter of Section 2, Township 3 South, Range 3 West of the San Bernardino Base Meridian (see Figure 2).

The proposed project consists of the eastbound on/off ramps that link State Route 60 to Redlands Boulevard and a section of Redlands Boulevard that runs south from State Route 60 to

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Fir Avenue. The project area includes a 15-meter buffer on either side of the existing off ramp and road section giving a total distance of 4,120 feet and a total area of 9 acres for the proposed route.

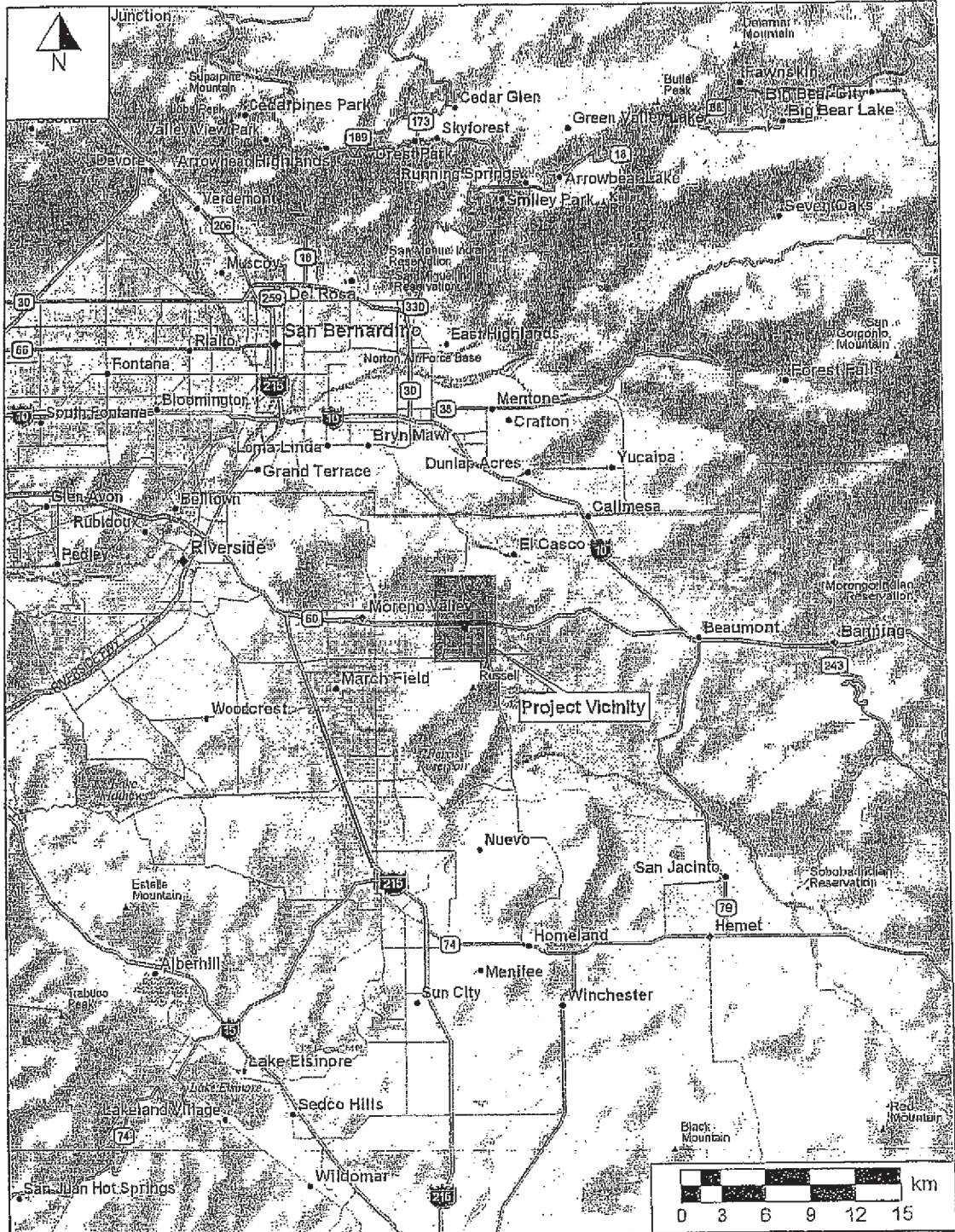


Figure 1 Project Area Vicinity, Riverside County, California

CULTURAL RESOURCES SURVEY OF A 9-ACRE AREA FOR A PROPOSED TRAFFIC SIGNAL AT STATE ROUTE 60
AND REDLANDS BOULEVARD, RIVERSIDE COUNTY, CALIFORNIA

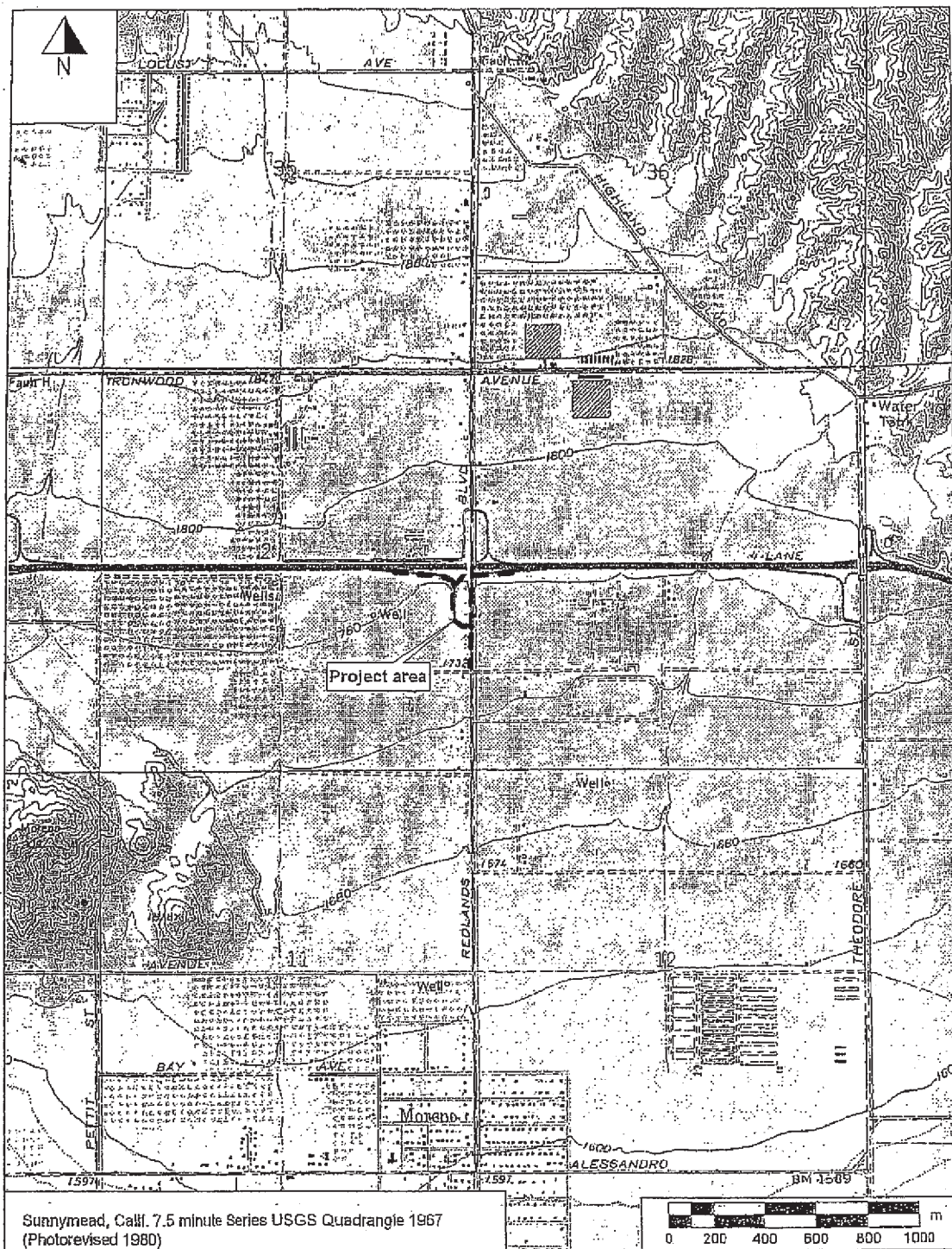


Figure 2 Project Area, Riverside County, California

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3.0 CULTURAL SETTING

3.1 Prehistory

It is generally believed that human occupation of southern California dates back to at least 10,000 years before present (BP). Four cultural periods of prehistoric occupation of California during the Holocene Epoch (10,000 years BP to present) are discussed below: the Early Holocene Period, the Early Horizon Period, the Middle Horizon Period, and the Late Horizon Period. During the Early Holocene Period (10,000 to 8,000 years BP), hunters/gatherers utilized lacustrine and marshland settings for the varied and abundant resources found there. Milling-related artifacts are lacking from archaeological sites dating to this period, but the atlatl and dart are common. Hunting of large and small game occurred, as well as fishing. A few, scattered permanent settlements were established near large water sources, but a nomadic lifestyle was more common (Erlandson 1994; Moratto 1984).

Milling-related artifacts first appear in archaeological sites dating to the Early Horizon Period (8,000 to 4,000 years BP). Hunting and gathering continued during this period, but with greater reliance on vegetal foods. Mussels and oysters were a staple among coastal groups. This gave way to greater consumption of shellfish in the Middle Horizon Period (4,000 to 2,000 years BP). Use of bone artifacts appears to have increased during this period, and baked-earth steaming ovens were developed. Occupation of permanent or semi-permanent villages occurred in this period, as did reoccupation of seasonal sites. During the Late Horizon Period (2,000 years BP to the time of European Contact (around A.D. 1769), population densities were high and settlement in permanent villages increased. Regional subcultures also developed, each with its own geographical territory and language or dialect. These groups, bound by shared cultural traits, maintained a high degree of interaction, including trading extensively with one another (Erlandson 1994; Moratto 1984).

3.2 Ethnohistory

The project area was part of the territory occupied by the Cahuilla Native American group when the Spanish arrived in the late eighteenth century (Kroeber 1925; Bean 1972, 1978). The Cahuilla language belongs to the Takic family of the Uto-Aztecan linguistic classification. Cahuilla territory coincided with much of present-day Riverside and southwest San Bernardino Counties,

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extending from around what are now the Perris and Redlands areas east through the San Jacinto and Santa Rosa Mountains to the Coachella Valley and the north end of the Salton Sea. Except to the south, the Cahuilla had other Takic speaking groups as neighbors. The Serrano were located to the north in the San Bernardino Mountains, the Gabrielino were to the northwest, and the Juaneño and Luiseño were located to the west and southwest. The Hokan speaking Ipai and Tipai were located to the south (Bean 1978).

The Cahuilla sustained themselves through hunting, gathering, and fishing. Major villages were fully occupied during the winter, but during other seasons task groups made periodic forays to collect various plant foods, with larger groupings from several villages organizing for the annual acorn harvest (Bean and Saubel 1972). Bean and Saubel (1972) have recorded the use of several hundred species of plants used for food, building/artifact materials, and medicines. The major plant foods included acorns, pinyon nuts, and various seed-producing legumes. These were complemented by agave, wild fruits and berries, tubers, cactus bulbs, roots and greens, and seeds.

Hunting focused on both small and medium-sized mammals, such as rodents and rabbits, and large mammals, such as pronghorn sheep, mountain sheep, and mule deer. Hunting was done using the throwing stick or the bow and arrow, though nets and traps were also used for small animals (Bean 1972).

Cahuilla material culture included of dome-shaped to rectangular type houses; above-ground granaries; baskets, pottery, and grinding implements; stone tools, arrowshaft straighteners and bows; clothing (loincloths, blankets, rope, sandals, skirts, and diapers); and various ceremonial objects made from mineral, plant, and animal substances (Bean 1972).

3.3 History

The first significant European settlement of California began during the Spanish Period (1769 to 1821) when 21 missions and 4 presidios were established between San Diego and Sonoma. Although located primarily along the coast, the missions dominated economic and political life over the majority of the California region during this period. The purpose of the missions and presidios was to establish Spanish economic, military, political, and religious control over the Alta California territory. This included the forced conversion of the native population to Spanish

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colonial society and Catholicism, which often consisted of subjugating Indians into a life of servitude to Spanish citizens (Castillo 1978; Cleland 1941).

The Mexican Period (1821 to 1848) began with the success of the Mexican Revolution in 1821, but changes to the mission system were slow to follow. When secularization of the missions occurred in the 1830s, the vast land holdings of the missions in California were divided into large land grants called *ranchos*. The Mexican government granted ranchos throughout California to Spanish and Hispanic soldiers and settlers (Castillo 1978).

In 1848, the Treaty of Guadalupe Hidalgo ended the Mexican-American War and marked the beginning of the American Period (1848 to present). The discovery of gold the same year initiated the 1849 California Gold Rush, bringing thousands of miners and settlers to California, most of whom settled in the north. For those settlers who chose to come to southern California, much of their economic prosperity was fueled by cattle ranching rather than by gold. This prosperity, however, came to a halt in the 1860s as a result of severe floods and droughts, which put many ranches into bankruptcy (Castillo 1978; Cleland 1941).

The Moreno Valley is located on a portion of the land known during the Spanish Period, and later, during the Mexican Period as both Rancho San Jacinto and Rancho San Jacinto Nuevo y Potrero. At some time prior to 1821, Rancho San Jacinto was established by Mission San Luis Rey for grazing of mission livestock. In 1842, Governor *pro tempore* Manuel Jimeno granted a large portion of the mission's holdings to a private citizen, José Antonio Estudillo, who was mayordomo of the mission. The name Rancho San Jacinto was retained for this property. Three years later, Estudillo's son-in-law, Miguel de Pedrorena, petitioned for approximately one-half of Rancho San Jacinto. Estudillo had no objection to splitting the rancho, since the land Pedrorena was asking for was considered surplus. In 1846, Governor Pio Pico approved the grant under the name Rancho San Jacinto Nuevo y Potrero. When the land was surveyed after Pedrorena's death in 1850, its boundaries were said to be San Bernardino on the north, San Geronio on the northeast, Jurupa on the northwest, and Temecula on the southwest. A patent for this land, which encompassed the present day location of Moreno Valley and its vicinity, was given to Thomas W. Sutherland, legal guardian of Pedrorena's widow and children, by the United States Government in 1883 (Gunther 1984). Portions of the land were subsequently acquired by the government, and alternate sections were granted to the Southern Pacific Company. Homesteaders eventually patented many small ranches in this area.

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In 1883, Frank E. Brown formed the Bear Valley Land and Water Company. Brown, which is "Moreno" in Spanish, built a dam on the Santa Ana River in Bear Valley, 25 miles to the north, in the San Bernardino Mountains, to provide water to the small farming communities of Moreno and Alessandro. The latter is located under what is now the runways at March Air Reserve Base (Ghost Town USA 2005). Increased demands on this water supply from Perris and Alessandro led to litigation with the City of Redlands, which claimed priority rights to the water. The plight of farmers in the Perris and Moreno Valleys was sealed by Redlands winning their suit in 1899 and compounded by a period of drought that led to failing agriculture and depopulation in the area. More expensive homes in the Moreno Valley were moved wholesale by steam-powered tractors, many of them, to nearby Riverside. By 1901, few people resided in the Moreno Valley and those who remained concentrated on dry farming of hay, grain, and grapes (City of Moreno Valley 2005).

Like most Southern California communities, the Moreno Valley suffered economic setbacks during the Great Depression of the 1930s. But, as happened in many areas throughout the country, the local economy was re-energized by the activities at military facilities during World War II (City of Perris 2003). In the Moreno Valley, it was the wartime growth of March Field, located 0.5 mile west of the project area, which helped bring about a return to prosperity. The base was built in 1918 on 640 acres as a training ground for fighter pilots in anticipation of US entry in the European arena. The base was closed between 1922 and 1927, but reopened as a flight training school and grew to encompass more than 7,000 acres. The base has influenced growth in the project vicinity with Sunnymead Boulevard first paved in 1936, and led to the growth of the three unincorporated rural communities of Sunnymead, Moreno and Edgemont, which now comprise the Moreno Valley. The post-war expansion of the facility, renamed March Air Force Base in 1947, continued to benefit the region. At the height of its activity, the Base supported 85,000 troops and boasted the longest airstrip in Southern California (City of Moreno Valley 2005).

In the decades following World War II, the valley rapidly flourished from commercial and housing developments. Recreational activities also became a focal point in the region with the opening of the Riverside International Freeway in 1958 (closed in 1988) and Lake Perris Recreation Area in 1973. This growth has continued at a high rate even by Southern Californian standards. The valley's population has grown from under 20,000 residents in 1970 to over

150,000 today and was incorporated as the City of Moreno Valley In 1984 (City of Moreno Valley 2005; Ghost Town USA 2005).

4.0 METHODS

4.1 Records Search Methods

A cultural resources records search was conducted on September 28, 2005 at the Eastern Information Center, located at the University of California, Riverside. The purpose of the records search was to determine the extent of previous investigations within a 1.0-mile (1,600-meter) radius of the project area, and whether any archaeological sites or historic architectural resources exist within or near the project area. Materials reviewed included reports of previous investigations, archaeological site records, historic maps, and listings of resources on the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Points of Historical Interest, California Historical Landmarks, and National Historic Landmarks.

In addition, a search of the Sacred Lands File was conducted on October 2, 2006 by the Native American Heritage Commission (NAHC) in Sacramento, California. The purpose of the search was to identify known sensitive or sacred Native American resources located within or near the project area.

4.2 Field Survey Methods

A field survey of the project area was conducted on October 3, 2006 to determine if there are historic-age houses or other structures adjacent to the project area that could be affected by construction-related impacts and also to determine if there are any archaeological sites within the project area that could be affected by the installation of the proposed traffic signal and road widening. Notes were taken on the environmental setting and disturbances within the surveyed area. Cultural resources identified within the project area were documented using standard methods outlined by the California Office of Historic Preservation (Office of Historic Preservation 1995).

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5.0 RESULTS

5.1 Records Search Results

The results of the records search indicate that 10 cultural resources surveys have been conducted within 1 mile of the project area (Appendix A). Only one of these studies, however, included the project area. In 1990, a cultural resource impact analysis was conducted for the Highway 60 Corridor Study (Drover 1990), which extended from Moreno Beach Drive to the extreme east of the City of Moreno Valley's boundary, located east of Gilman Springs Road. The northern boundary of that study area was defined by Ironwood Drive with the southern boundary generally located along the Eucalyptus Avenue Alignment. No cultural resources were identified within or near the current project area as a result of that survey. The other nine surveys were conducted between 1973 and 2005. One of these surveys, conducted in 2005, overlies Drover's 1990 survey and is located adjacent to the project area on the west side of Redlands Boulevard and south of State Route 60 (Keller 2005). No cultural resources were identified during that 2005 study.

No properties listed on or determined eligible for the NRHP or the CRHR have been identified within or near the project area. The records search identified two historic-age structures, P33-7275 and P33-7291, located 1 mile east and 1 mile northeast of the project area, respectively. P33-7275 is an early rural ranch dating to 1920 (Warner 1983a). P33-7291, also known as "The Armstrong Home", contains three buildings dating from 1915 to 1924 made up of a vernacular stone house, a wood framed house, and a stone summer house (Warner 1983b).

The records search identified six prehistoric resources all located roughly 1 mile southwest of the project area in the vicinity of Moreno Hill. Three of the resources, CA-RIV-2863 through -2865, each contain three grinding slick surfaces on single granite boulders (Drover 1984a-c). The other three resources P33-15148 through -15150 consist of single grinding slicks on individual granite boulders (Moslak 2006a-c). A summary of the records search results conducted by the Eastern Information Center can be found in Appendix A to this report.

A search of the Sacred Lands File was conducted on October 2, 2006 by the NAHC to identify any known sensitive or sacred Native American resources located in or near the project area. The search did not indicate the presence of any Native American cultural resources, including

burial or cremation sites, in or near the project area. Correspondence between ECORP and the NAHC can be found in Appendix B to this report.

5.2 Field Survey Results

During field survey of the project area, an historic structure (P33-15436) was identified just outside the eastern edge of the project area and is described below. The structure was recorded using a DPR 523 primary record form and location map (Appendix C). Also scattered across the area is modern debris that includes paper, plastic, and glass items. The off-ramp shoulder has been bladed and stabilized with a nylon mesh covering. The east and west sides of Redlands Boulevard contain storm drain channels that run parallel to it. The east channel is lined with concrete and the west channel is a V-shaped ditch with concrete segments.

P33-15436

This single family residence is located on the east side of Redlands Boulevard and just south of State Route 60. The structure lies opposite the southern off-ramp from State Route 60 at its junction with Redlands Boulevard. It consists of an L-shaped structure measuring 75 feet long by 40 feet wide and oriented north-south. It has a poured concrete foundation with wooden siding and gabled roof with shingle covering. The main entrance is located on the west façade of the building via a small porch. A later extension on the north end of the building contains a north-sloping roof. A second structure lies to the southeast of the residence and consists of a large workshop and garage oriented east-west with sliding doors providing vehicular access on the south façade. The west perimeter fence of the property lies 30 feet east of the eastern edge of Redlands Boulevard and the front of the entrance porch lies a further 30 feet east of the western perimeter fence. The house is dated to 1948 based on the Tax Assessor's record obtained through the property parcel number (Riverside County Assessor-County Clerk-Recorder 2006). A structure is also shown on the 1942 USGS Perris 15-minute map that may represent an earlier building phase on the same site.

6.0 SUMMARY AND RECOMMENDATIONS

The cultural resources records search did not result in the identification of any CRHR- or NRHP-listed or eligible properties within a 1-mile (1,600-meter) radius of the project area. The Sacred Lands file search also did not identify any sensitive Native American resources in the vicinity. During the current field survey, one historic structure was recorded that lies just outside the project area. P33-15436 must be evaluated for CRHR eligibility if any disturbances or visual impacts from road improvements and traffic signal construction may affect the structure. No other cultural materials were identified within the project area boundaries.

Given the heavy disturbances the project area has sustained from construction of the off-ramps and storm drains that run parallel on both sides of Redlands Boulevard, the potential for intact subsurface archaeological materials to exist is considered very low. Therefore, the overall sensitivity of the project area is considered low, and no further cultural resources work is recommended.

To ensure avoidance of inadvertent impacts to subsurface archaeological materials, however, any grading permit or contract must contain a clause regarding the appropriate actions to take in the event that any subsurface archaeological deposits or features are unearthed during ground-disturbing construction activities. In that event, all activities must be suspended in the vicinity of the find until the deposits are recorded and evaluated by a qualified archaeologist. If human remains of any kind are found, all construction activities must cease immediately and the Riverside County Coroner and a qualified archaeologist must be notified. If the coroner determines the remains to be of Native American origin, he or she will notify the NAHC. The NAHC will then identify the most likely descendants to be consulted regarding treatment and/or reburial of the remains.

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Moslak, Ken

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Center, University of California, Riverside.

Moslak, Ken

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Riverside Reflex

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Warner, Jim

1983a Archaeological Site Record, P33-7275. On file at the Eastern Information
Center, University of California, Riverside.

Warner, Jim

1983b Archaeological Site Record, P33-7291. On file at the Eastern Information
Center, University of California, Riverside.

8.0 REPORT AND FIELD PERSONNEL

8.1 Report Preparers

Koral Ahmet, Principal Author

1995 M.Phil., Archaeology, University of Manchester, Manchester, UK

1991 B.A. (Hons), Ancient History and Archaeology, University of Manchester, UK

RPA Certified

Years of experience: 10

Evelyn N. Chandler, Project Manager

1989 B.A., Anthropology/Sociology, University of Redlands, California

1989 B.A., Political Science, University of Redlands, California

Years of experience: 14

8.2 Field Personnel

Koral Ahmet, Field Director

1995 M.Phil., Archaeology, University of Manchester, Manchester, UK

1991 B.A. (Hons), Ancient History and Archaeology, University of Manchester, UK

RPA Certified

Years of experience: 10

APPENDIX A EASTERN INFORMATION CENTER RECORDS SEARCH RESULTS (LETTER REPORT)



ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

VIA FAX (951) 827-5409
(2006-214)

September 28, 2006

Ms. Kay White
Eastern Information Center
Dept. of Anthropology
University of California Riverside
Riverside, California 92521

Subject: Record Search Request for Initial Study for Proposed Traffic Signal at
State Route 60 and Redlands Boulevard, Riverside County, California

Dear Kay:

ECORP Consulting, Inc. requests a record search for an initial study for a proposed traffic signal at the State Route 60 and Redlands Boulevard interchange. The project area consists of a 600 foot area covering the southern off-ramp (dashed line on enclosed map) from State Route 60 to Redlands Boulevard. For this project, a records search is needed for a 1-mile (1600-meter) radius around the entire project area, as marked on the enclosed Sunnymead California USGS 7.5 topographic quadrangle.

Please review archaeological resources, including sites, surveys, and other investigations that have been conducted, as well as the Historical Resources Inventory files, the National Register of Historic Places, the California Register of Historical Resources, and the lists of California Historical Landmarks, National Historical Landmarks, and California Points of Interest. Please mark all site and survey locations on the enclosed quadrangle map and return them with copies of site records. Also, please include a NADB list of pertinent investigation.

Please send us the results via mail when this record search has been completed and submit billing using our project number of 2006-214.

If you have any questions regarding this request, please do not hesitate to call me at (909) 307-0046, or contact me via email at kahmet@ecorpconsulting.com.

Sincerely,

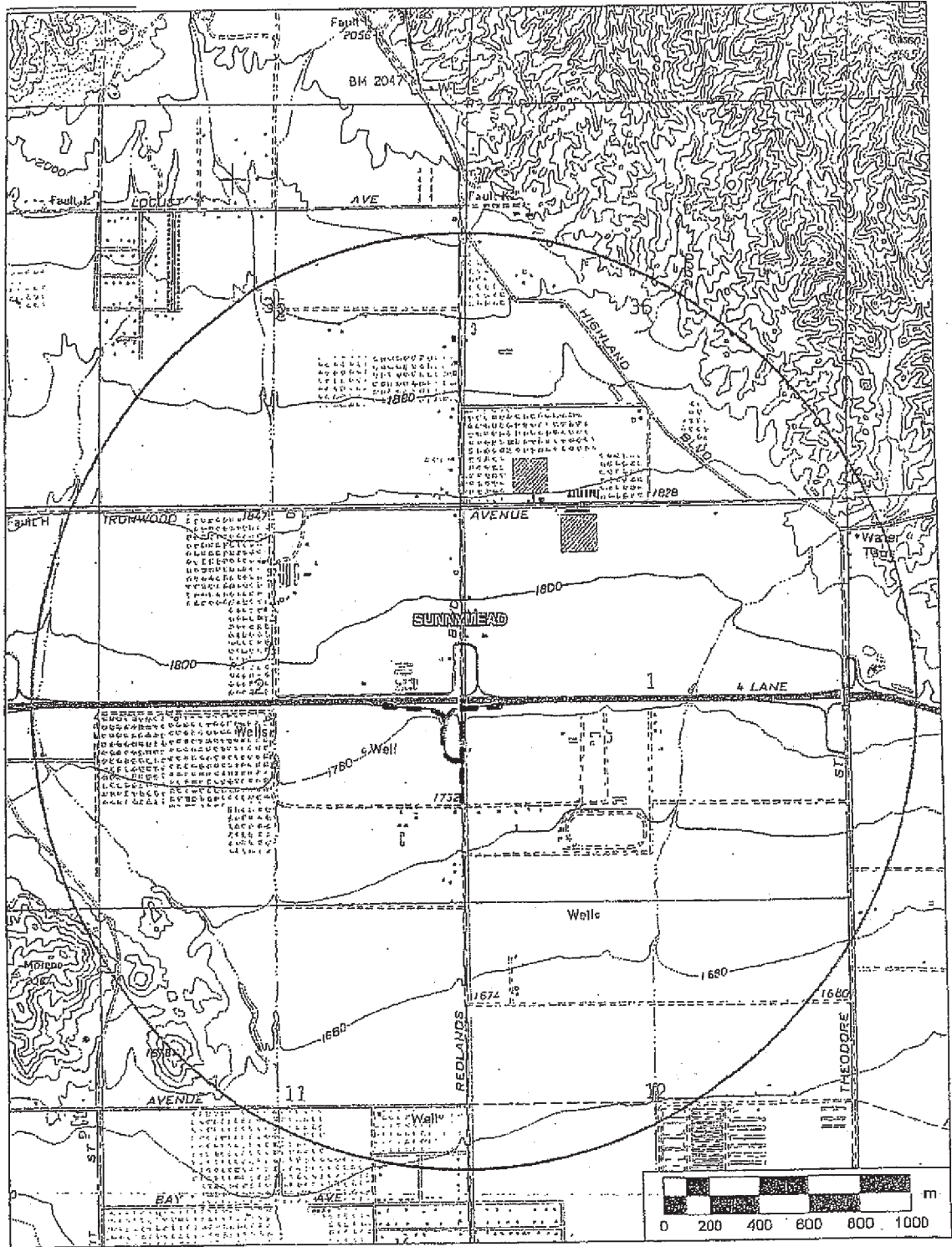
ECORP CONSULTING, INC.

Koral Ahmet
Cultural Resources Field Director

Enclosure: as stated

215 North 5th Street
Redlands, California 92374
Phone: (909) 307-0046
Fax: (909) 307-0056

Roseville
Oakland
Redlands
San Francisco



Moreno_2006-214_No reliefv2.jpg

EASTERN INFORMATION CENTER

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM
Department of Anthropology, University of California, Riverside, CA 92521-0418
(951) 827-5745 - Fax (951) 827-5409 - eickw@ucr.edu
Inyo, Mono, and Riverside Counties

September 28, 2006
RS #3822

Koral Ahmet
ECORP Consulting, Inc.
215 North 5th Street
Redlands, CA 92374

Re: Cultural Resource Records Search for the Traffic Signal at State Route 60 and Redlands Boulevard (Project # 2006-214)

Dear Ms. Ahmet:

We received your request on September 28, 2006 for a cultural resource records search for the proposed traffic signal at the southern off-ramp from State Route 60 to Redlands Boulevard located in Sections 1 & 2, T.3S, R.3W, SBBM, in the Moreno area of Riverside County. We have reviewed our site records, maps, and manuscripts against the location map you provided.

Our records indicate that 10 cultural resource studies have been conducted within a one-mile radius of your project area. One of these studies involved the project area; a copy of this report is included for your reference. Four additional studies provide overviews of cultural resources in the general project vicinity. All of these reports are listed on the attachment entitled "Archeological Reports" and are available upon request at 15¢/page plus \$30/hour. The KEYWORD section of each citation lists the geographic area, quad name, listing of trinomials (when identified), report number in our manuscript files (RI #), and the number of pages per report.

No cultural resource properties are recorded within the boundaries of the project area. Our records indicate that eight properties have been recorded within a one-mile radius of the project area. Copies of the records are included for your reference.

The above information is reflected on the enclosed map. Areas that have been surveyed are highlighted in yellow; pencil line slashes indicate a records search area. Numbers marked in blue ink refer to the report number in our manuscript files (RI #). Cultural resource properties are marked in red; numbers in black refer to Trinomial designations, those in green to Primary Number designations. National Register properties are indicated in light blue.

Koral Ahmet
September 28, 2006
Page 2

Additional sources of information consulted are identified below.

National Register of Historic Places: no listed properties are located within the boundaries of the project area.

Office of Historic Preservation (OHP), Archaeological Determinations of Eligibility (ADOE): no listed properties are located within the boundaries of the project area.

Office of Historic Preservation (OHP), Directory of Properties in the Historic Property Data File (HPD): no listed properties are located within the boundaries of the project area.

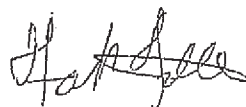
Not all properties in the California Historical Resources Information System are listed on the OHP ADOE and HPD.

The ADOE and HPD comprise lists of properties submitted to the OHP for review.

Copies of the relevant portions of the 1901 USGS Elsinore 30' and the 1942 USGS Perris 15' topographic maps are included for your reference.

As the Information Center for Riverside County, it is necessary that we receive a copy of all cultural resource reports and site information pertaining to this county in order to maintain our map and manuscript files. Confidential information provided with this records search regarding the location of cultural resources outside the boundaries of your project area should not be included in reports addressing the project area.

Sincerely,



Farah Firtha
Information Officer

Enclosures

Document No.: 1080098
HAMMOND, STEPHEN

Unpublished Report

1973 THE CRAZY HORSE CAMPGROUND DEVELOPMENT: ARCHAEOLOGICAL IMPACT STATEMENT.
ARCHAEOLOGICAL RESEARCH UNIT, U.C. RIVERSIDE. SUBMITTED TO PRIVATE. UNPUBLISHED
REPORT ON FILE AT UCR, EASTERN INFORMATION CENTER, RIVERSIDE, CA 92521.

Last Update: 12/01/2003

Cataloged by: WOR-CA-04 on 09/27/1988

Keywords: 40 ACRES SURVEYED (4), 4 PP (7), CISMONTANE SOUTHERN CALIFORNIA (4),
RI-0085 (MF #0076) (6), NO RESOURCES (8), SUNNYMEAD 7.5' QUAD (4)

Document No.: 1080150

Unpublished Report

KING, THOMAS F., MARY A. BROWN, GERRIT FENENGA, AND CLAUDIA NISSLEY

1974 ARCHAEOLOGICAL IMPACT EVALUATION: SOUTHERN CALIFORNIA EDISON COMPANY'S
DEVERS-VISTA 220 KV TRANSMISSION LINE, RIVERSIDE COUNTY, CALIFORNIA.
ARCHAEOLOGICAL RESOURCE SERVICE, MILL VALLEY, CA. SUBMITTED TO PRIVATE.
UNPUBLISHED REPORT ON FILE AT UCR, EASTERN INFORMATION CENTER, RIVERSIDE, CA
92521.

Last Update: 10/13/2005

Cataloged by: WOR-CA-04 on 09/30/1988

Keywords: 64 PP (7), BEAUMONT 7.5' QUAD (4), CABAZON 7.5' QUAD (4), DESERT HOT
SPRINGS 7.5' QUAD (4), REDLANDS 7.5' QUAD (4), EL CASCO 7.5' QUAD (4), RI-0133
(MF #0114) (6), SUNNYMEAD 7.5' QUAD (4), WHITEWATER 7.5' QUAD (4), UNMAPPABLE
WITH INFO PROVIDED (4), NO RECORD FORMS FILED (8)

Document No.: 1080155

Report Series

O'CONNELL, J.F., P.J. WILKE, T.F. KING, AND CAROL MIX

1974 PERRIS RESERVOIR ARCHAEOLOGY: LATE PREHISTORIC DEMOGRAPHIC CHANGE IN
SOUTH-EASTERN CALIFORNIA. DEPARTMENT OF PARKS AND RECREATION - ARCHAEOLOGICAL
REPORTS, VOL. - NO. 14. CALIFORNIA STATE DEPARTMENT OF PARKS AND RECREATION,
SACRAMENTO.

Last Update: 12/01/2003

Cataloged by: WOR-CA-04 on 09/30/1988

Keywords: 182 PP (7), 2400 ACRES SURVEYED (4), CA-RIV-0011 (8), CA-RIV-0012 (8),
CA-RIV-0021 (8), CA-RIV-0202 (8), CA-RIV-0205 (8), CA-RIV-0610 (8), CA-RIV-0538
(8), CA-RIV-0492 (8), CA-RIV-0602 (8), CA-RIV-0526 (8), CA-RIV-0524 (8),
CA-RIV-0528 (8), CA-RIV-0603 (8), CA-RIV-0420 (8), CA-RIV-0604 (8), CA-RIV-0531
(8), CA-RIV-0480 (8), CA-RIV-0533 (8), CA-RIV-0331 (8), CA-RIV-0535 (8),
CA-RIV-0605 (8), CA-RIV-0537 (8), CA-RIV-0481 (8), CA-RIV-0421 (8), CA-RIV-0482
(8), CA-RIV-0540 (8), CA-RIV-0606 (8), CA-RIV-0452 (8), CA-RIV-0483 (8),
CA-RIV-0463 (8), CA-RIV-0484 (8), CA-RIV-0542 (8), CA-RIV-0485 (8), CA-RIV-0543
(8), CA-RIV-0486 (8), CA-RIV-0468 (8), CA-RIV-0487 (8), CA-RIV-0527 (8),
CA-RIV-0488 (8), CA-RIV-0530 (8), CA-RIV-0529 (8), CA-RIV-0613 (8), CA-RIV-0532
(8), CA-RIV-0614 (8), CA-RIV-0534 (8), CA-RIV-0062 (8), CA-RIV-0489 (8),
CA-RIV-0541 (8), CA-RIV-0490 (8), CA-RIV-0465 (8), CA-RIV-0607 (8), CA-RIV-0536
(8), CA-RIV-0455 (8), CA-RIV-0464 (8), CA-RIV-0525 (8), CA-RIV-0539 (8),
CA-RIV-0609 (8), CA-RIV-0611 (8), CA-RIV-0419

(8), CISMONTANE SOUTHERN CALIFORNIA (4), RI-0137 (MF #0117) (6), PERRIS 7.5' QUAD
(4), SUNNYMEAD 7.5' QUAD (4)

Document No.: 1080200
GREENWOOD, ROBERTA S.

Unpublished Report

1975 PALEONTOLOGICAL, ARCHAEOLOGICAL, HISTORICAL, AND CULTURAL RESOURCES--WEST COAST-MIDWEST PIPELINE PROJECT, LONG BEACH TO COLORADO RIVER. GREENWOOD AND ASSOCIATES. SUBMITTED TO PRIVATE. UNPUBLISHED REPORT ON FILE AT UCR, EASTERN INFORMATION CENTER, RIVERSIDE, CA 92521.

Last Update: 01/07/2004

Cataloged by: WOR-CA-04 on 10/01/1988

Keywords: RI-0161 (MF #0144) (6), 38 PP (7), NO ACREAGE SURVEYED--OVERVIEW OF PROJECT AREA (4), BEAUMONT 7.5' QUADRANGLE (4), BLYTHE 7.5' QUADRANGLE (4), CABAZON 7.5' QUADRANGLE (4), CATHEDRAL CITY 7.5' QUADRANGLE (4), COTTONWOOD BASIN 7.5' QUADRANGLE (4), COTTONWOOD SPRING 7.5' QUADRANGLE (4), DESERT CENTER 7.5' QUADRANGLE (4), DESERT HOT SPRINGS 7.5' QUADRANGLE (4), EAST OF AZTEC MINES 7.5' QUADRANGLE (4), EL CASCO 7.5' QUADRANGLE (4), FORD DRY LAKE 7.5' QUADRANGLE (4), HAYFIELD 7.5' QUADRANGLE (4), HAYFIELD SPRING 7.5' QUADRANGLE (4), HOPKINS WELL 7.5' QUADRANGLE (4), INDIO 7.5' QUADRANGLE (4), LA QUINTA 7.5' QUADRANGLE (4), MYOMA 7.5' QUADRANGLE (4), PALM SPRINGS 7.5' QUADRANGLE (4), RIPLEY 7.5' QUADRANGLE (4), ROOSEVELT MINE 7.5' QUADRANGLE (4), SIDEWINDER WELL 7.5' QUADRANGLE (4), SUNNYMEAD 7.5' QUADRANGLE (4), THERMAL CANYON 7.5' QUADRANGLE (4), WHITEWATER 7.5' QUADRANGLE (4), YUCAIPA 7.5' QUADRANGLE (4)

Document No.: 1082175
DROVER, CHRISTOPHER E.

Unpublished Report

1984 EIR: AN ARCHAEOLOGICAL ASSESSMENT OF THE PETTIT HILL SPECIFIC PLAN. AUTHOR(S). SUBMITTED TO PRIVATE. UNPUBLISHED REPORT ON FILE AT UCR, EASTERN INFORMATION CENTER, RIVERSIDE, CA 92501.

Last Update: 03/03/2004

Cataloged by: WOR-CA-04 on 04/26/1989

Keywords: 225 ACRES SURVEYED (4), 21 PP (7), CA-RIV-2864 (8), CA-RIV-2867 (8), CA-RIV-2866 (8), CA-RIV-2865 (8), CA-RIV-2863 (8), CISMONTANE SOUTHERN CALIFORNIA (4), RI-1822 (MF #1969) (6), SUNNYMEAD 7.5' QUAD (4)

Document No.: 1082230

Unpublished Report

SCIENTIFIC RESOURCE SURVEYS, INC.

1984 CULTURAL RESOURCE SURVEY REPORT FOR TRACT 19861, NEAR MORENO, RIVERSIDE COUNTY, CALIFORNIA. AUTHOR(S). SUBMITTED TO PRIVATE. UNPUBLISHED REPORT ON FILE AT UCR, EASTERN INFORMATION CENTER, RIVERSIDE, CA 92501.

Last Update: 03/03/2004

Cataloged by: WOR-CA-04 on 05/02/1989

Keywords: 250 ACRES SURVEYED (4), 6 PP (7), CISMONTANE SOUTHERN CALIFORNIA (4), RI-1851 (MF #2015) (6), NO RESOURCES (8), SUNNYMEAD 7.5' QUAD (4)

Document No.: 1082753
MCCARTHY, DANIEL F.

Unpublished Report

1987 CULTURAL RESOURCES INVENTORY FOR THE CITY OF MORENO VALLEY, RIVERSIDE COUNTY, CALIFORNIA. ARCHAEOLOGICAL RESEARCH UNIT, U.C. RIVERSIDE. SUBMITTED TO CITY OF MORENO VALLEY PLANNING DEPARTMENT. UNPUBLISHED REPORT ON FILE AT UCR, EASTERN INFORMATION CENTER, RIVERSIDE, CA 92501.

Last Update: 06/17/2004

Cataloged by: WOR-CA-04 on 06/16/1989

Keywords: 40 PP (7), 680 ACRES SURVEYED (4), CA-RIV-1064 (8), CA-RIV-1063 (8), CA-RIV-3228 (8), CA-RIV-3245 (8), CA-RIV-3240 (8), CA-RIV-3233 (8), CA-RIV-3234 (8), CA-RIV-3232 (8), CA-RIV-3273 (8), CA-RIV-3269 (8), CA-RIV-3268 (8), CA-RIV-3267 (8), CA-RIV-3266 (8), CA-RIV-3265 (8), CA-RIV-3264 (8), CA-RIV-3272 (8), CA-RIV-3262 (8), CA-RIV-3261 (8), CA-RIV-3263 (8), CA-RIV-3271 (8), CA-RIV-3259 (8), CA-RIV-3258 (8), CA-RIV-3260 (8), CA-RIV-3231 (8), CA-RIV-3249H (8), CA-RIV-3250 (8), CA-RIV-3247H (8), CA-RIV-3246 (8), CA-RIV-3248H (8), CA-RIV-3230 (8), CA-RIV-3244 (8), CA-RIV-3270 (8), CA-RIV-3242 (8), CA-RIV-3246 (8), CA-RIV-3223 (8), CA-RIV-3254/H (8), CA-RIV-3225 (8), CA-RIV-3226 (8), CA-RIV-3227 (8), CA-RIV-3241 (8), CA-RIV-3243 (8), CA-RIV-3224 (8), CA-RIV-3239 (8), CA-RIV-3229 (8), CA-RIV-3235 (8), CA-RIV-3236 (8), CA-RIV-3237 (8), CA-RIV-3238 (8), CA-RIV-0860 (8), CA-RIV-0857 (8), CA-RIV-3304 (8), CA-RIV-3305 (8), CA-RIV-3306 (8), CA-RIV-0395 (8), CA-RIV-0395 (8), CA-RIV-3345 (8), CA-RIV-3351 (8), CA-RIV-3352 (8), CA-RIV-3343 (8), CA-RIV-3341 (8), CA-RIV-0497/H (8), CA-RIV-3342 (8), CA-RIV-3353-H (8), CA-RIV-3344 (8), CA-RIV-0361 (8), CA-RIV-3346 (8), CA-RIV-3347 (8), CISMONTANE SOUTHERN CALIFORNIA (4), EL CASCO 7.5' QUAD (4), LAKEVIEW 7.5' QUAD (4), RI-2171 (MF #2358) (6), SUNNYMEAD 7.5' QUAD (4), RIVERSIDE EAST 7.5' QUAD (4), PERRIS 7.5' QUAD (4), UCRARU #0870 (6)

Document No.: 1083564
DROVER, CHRISTOPHER E.

Unpublished Report

1990 ENVIRONMENTAL IMPACT EVALUATION: HIGHWAY 60 CORRIDOR STUDY, MORENO VALLEY, RIVERSIDE COUNTY, CALIFORNIA. AUTHOR. SUBMITTED TO PRIVATE. UNPUBLISHED REPORT ON FILE AT UCR, EASTERN INFORMATION CENTER, RIVERSIDE, CA 92501.

Last Update: 05/27/2004

Cataloged by: WOR-CA-04 on 10/15/1990

Keywords: RI-2171 (MF #2358) (6), 20 PP (7), 1920 ACRES SURVEYED (4), CISMONTANE SOUTHERN CALIFORNIA (4), EL CASCO 7.5' QUAD (4), SUNNYMEAD 7.5' QUAD (4), NO RESOURCES (8)

Document No.: 1085633
DUKE, CURT

Unpublished Report

1999 LETTER REPORT: CULTURAL RESOURCE ASSESSMENT FOR THE AT&T WIRELESS SERVICES FACILITY NUMBER C498.1, COUNTY OF RIVERSIDE, CALIFORNIA. LSA ASSOCIATES, INC. SUBMITTED TO PRIVATE. UNPUBLISHED REPORT ON FILE AT EASTERN INFORMATION CENTER, U.C. RIVERSIDE, CA 92521.

Cataloged by: WOR-CA-04 on 10/04/2000

Keywords: RI-4337 (MF #4833) (6), DB PP (7), -0.25 ACRE SURVEYED (4), MYOMA 7.5'
QUAD (4), COACHELLA VALLEY (4), NO RESOURCES (8)

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ARCHAEOLOGICAL REPORTS
Printed: 09/28/2006

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NADE/Query |
Page: 004 |

Document No.: 1085714
DICE, MICHAEL

Unpublished Report

2000 AN ARCHAEOLOGICAL ASSESSMENT AND PALEONTOLOGY SUMMARY OF EASTERN MUNICIPAL WATER DISTRICTS "MANZANITA TANK AND SUPPLY PIPELINE PROJECT", COUNTY OF RIVERSIDE, AND CITY OF MORENO VALLEY, CALIFORNIA. L&L ENVIRONMENTAL, INC. SUBMITTED TO PRIVATE. CONTRACT NO. N/A. UNPUBLISHED REPORT ON FILE AT EASTERN INFORMATION CENTER, U.C. RIVERSIDE, CA 92521.

Last Update: 11/05/2004

Cataloged by: WRO-CA-04 on 12/14/2000

Keywords: RI-4388 (MF #4890) (6), 49 PP (7), 50-70 METERS (4), SUNNYMEAD 7.5' QUAD (4), CISMONTANE SOUTHERN CALIFORNIA (4), NO RESOURCES (8), JOB #EMW-00-194 (6)

Document No.: 1086450
CULTURAL SYSTEMS RESEARCH, INC.

Unpublished Report

2005 ETHNOGRAPHIC OVERVIEW INLAND FEEDER PIPELINE PROJECT. CULTURAL SYSTEMS RESEARCH, INC. SUBMITTED TO PRI. UNPUBLISHED REPORT ON FILE AT EASTERN INFORMATION CENTER, U.C. RIVERSIDE, CA 92521.

Last Update: 01/09/2006

Cataloged by: WRO-CA-04 on 01/09/2006

Keywords: RI-5088 (6), 86 PP (7), NO ACRES SURVEYED, OVERVIEW (4), EL CASCO 7.5' QUAD (4), LAKEVIEW 7.5' QUAD (4), SUNNYMEAD 7.5' QUAD (4), NO RESOURCES (8)

Document No.: 1086662
MCKENNA ET AL.

Unpublished Report

2005 A PHASE I CULTURAL RESOURCES SURVEY OF THE PROPOSED MORENO VALLEY UNIFIED SCHOOL DISTRICT HIGH SCHOOL #5, LOCATED IN THE CITY OF MORENO VALLEY, RIVERSIDE COUNTY, CA. MCKENNA ET AL. SUBMITTED TO PRI. UNPUBLISHED REPORT ON FILE AT EASTERN INFORMATION CENTER, U.C. RIVERSIDE, CA 92521.

Last Update: 02/16/2006

Cataloged by: WRO-CA-04 on 02/16/2006

Keywords: RI-5299 (6), 58 PP (7), 280 ACRES SURVEYED (4), SUNNYMEAD 7.5' QUAD (4), NO RESOURCES (8), JOB NO. 08-05-09-1130 (6)

Document No.: 1086836
KELLER, JEAN

Unpublished Report

2005 A PHASE I CULTURAL RESOURCES ASSESSMENT OF APN 477-120-004, -005, +/- 31.0 ACRES OF LAND IN MORENO VALLEY, RIVERSIDE COUNTY, CA. JEAN KELLER. SUBMITTED TO PRI. UNPUBLISHED REPORT ON FILE AT EASTERN INFORMATION CENTER, U.C. RIVERSIDE, CA 92521.

Last Update: 03/24/2006

Cataloged by: WRO-CA-04 on 03/24/2006

Keywords: RI-5473 (6), 34 PP (7), 31 ACRES SURVEYED (4), SUNNYMEAD 7.5' QUAD (4)

=====

Document No.: 1086837
KELLER, JEAN

Unpublished Report

2005 A PHASE I CULTURAL RESOURCES ASSESSMENT OF TENTATIVE TRACT MAP 33901,
+/-17.95 ACRES OF LAND IN MORENO VALLEY, RIVERSIDE COUNTY, CA. JEAN KELLER.
SUBMITTED TO PRI. UNPUBLISHED REPORT ON FILE AT EASTERN INFORMATION CENTER,
U.C. RIVERSIDE, CA 92521.

Last Update: 03/24/2006
Keywords: RI-5474 (6), 38 PP (7), 17.95 ACRES SURVEYED (4), SUNNYMEAD 7.5' QUAD
(4), NO RESOURCES (8)

Cataloged by: WRO-CA-04 on 03/24/2006

=====



ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

VIA FACSIMILE (916) 657-5390
(2006-214)

October 2, 2006

Mr. Rob Wood
Associate Governmental Program Analyst
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

**Subject: Proposed Traffic Signal at State Route 60 and Redlands Boulevard,
Riverside County**

Dear Mr. Wood:

We are requesting on behalf of our client that a review of the Sacred Lands file be conducted for an initial study for a proposed traffic signal at the State Route 60 and Redlands Boulevard interchange. The project area consists of a 600 foot area covering the southern off-ramp (dashed line on enclosed map) from State Route 60 to Redlands Boulevard. The project area, as shown on the attached map, is located in the southeast quarter of Section 2 of Township 3 South, Range 3 West, of the San Bernardino Base Meridian on the U.S. Geological Survey 7.5' Sunnymead, California topographic quadrangle sheet. Please fax the results of this search to my attention at (909) 307-0056.

For correspondence, please reference the project number of **2006-214**. If you have any questions regarding this request, please do not hesitate to contact me at (909) 307-0046 or via email at kahmet@ecorpconsulting.com. Thank you for your assistance with this project.

Sincerely,

ECORP Consulting, Inc.

Koral Ahmet
Cultural Resources Field Director

Attachment: as stated

215 North 5th Street
Redlands, California 92374
Phone: (909) 307-0046
Fax: (909) 307-0056

Roseville
Oakland
Redlands
San Francisco

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

815 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax: (916) 657-6390
 Web Site: www.nahc.ca.gov
 e-mail: na_hc@pacbell.net



October 3, 2006

Ms. Koral Ahmet, Cultural Resources Field Director.

ECORP Consulting, Inc.

215 North 5th Street
 Redlands, CA 92374

Sent by FAX to: 909-307-0056

Number of pages: 3

Re: Cultural Resource Identification Study/Sacred Lands File Search for Proposed Traffic Signal at State Route 60 and Redlands Blvd. Riverside County, California

Dear Ms. Ahmet:

The Native American Heritage Commission was able to perform a record search of its Sacred Lands File (SLF) for the affected project area. The SLF failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the Sacred Lands File does not guarantee the absence of cultural resources in any 'area of potential effect (APE).'

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed is the name of the nearest tribes that may have knowledge of cultural resources in the project area. A list of Native American contacts is attached to assist you. The Commission makes no recommendation of a single individual or group over another. It is advisable to contact the person listed; if they cannot supply you with specific information about the impact on cultural resources, they may be able to refer you to another tribe or person knowledgeable of the cultural resources in or near the affected project area.

Lack of surface evidence of archeological resources does not preclude the existence of archeological resources. Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 15064.5(f) and Section 15097.98 and Health & Safety Code Section 7050.6 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton, Program Analyst

Attachment: Native American Contact List

Native American Contacts
Riverside County
October 3, 2006, 2006

San Manuel Band of Mission Indians
Henry Duro, Chairperson
26569 Community Center Dr. Serrano
Highland, CA 92346
dmarquez@sanmanuel
(909) 864-8933

(909) 864-3370 Fax

Soboba Band of Mission Indians
Robert J. Salgado, Sr., Chairperson
P.O. Box 487 Luiseno
San Jacinto, CA 92581
luiseno@soboba-nsn.
(951) 654-2765

(951) 654-4198 - Fax

Anthony J. Andreas, Jr.
3022 W. Nicolet Street Cahuilla
Banning, CA 92220

(951) 849-8844

Gabrielino Band of Mission Indians of CA
Ms. Susan Frank
PO Box 3021 Gabrielino
Beaumont, CA 92223

(951) 845-3606
Phone/Fax

Morongo Band of Mission Indians
Britt W. Wilson, Cultural Resources Coordinator
245 N. Murray Street, Suite C. Cahuilla
Banning, CA 92220 Serrano
britt_wilson@morongo.org

(951) 849-8807
(951) 755-5206

(951) 922-8146 Fax

San Manuel Band of Mission Indians
Bernadette Brierty, GIS Coordinator/Cultural Resource
26569 Community Center Dr. Serrano
Highland, CA 92346
bbrierty@sanmanuel-

(909) 864-8933 EXT
-2203

(909) 862-5152 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.93 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources.

Native American Contacts

**Appendix C
Mitigation Monitoring &
Reporting Program**

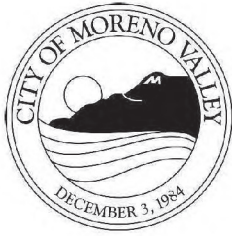
Traffic Signal at State Route 60 Eastbound Ramps and Redlands Boulevard
(Project Number 06-12566625)
Mitigation Monitoring & Reporting Program

Mitigation Measure	Responsible for Implementation	Implementation/ Verification	Potential Outside Agency Coordination	Date Completed
Biological Resources				
<p>B-1: Four protocol burrowing owl surveys shall be performed during the breeding season (March 1 – August 31) to determine the presence or absence of this species on the site. A pre-construction survey for burrowing owl shall be conducted within 30-days of ground disturbance. These surveys shall follow the guidelines of the MSHCP. If burrowing owls are observed, then mitigation shall be proposed in accordance with the MSHCP requirements.</p>	<p>City of Moreno Valley Community Development – Planning Division and Public Works – Capital Projects (review of studies)</p>	<p>Protocol level surveys for the burrowing owl shall be conducted during the spring/summer (March 1 through August 31) prior to ground disturbance.</p> <p>A mandatory preconstruction survey for owls shall be conducted within 30 days prior to ground disturbance.</p> <p>This mitigation measure shall be included in the bid specifications for the proposed project.</p>	<ul style="list-style-type: none"> ◆ California Department of Fish & Game ◆ Western Riverside County Regional Conservation Authority 	
<p>B-2: If construction is to take place during the breeding season for raptor species (March 1 – August 31), a 30-day preconstruction survey shall be performed to ensure that active raptor nests are not present. If there are active nests identified in the preconstruction survey, the nests shall be avoided during construction until all juveniles have fledged and are capable of</p>	<p>City of Moreno Valley Public Works Dept. – Capital Projects</p>	<p>Pre-construction nesting bird survey shall occur within 30 days of initial ground disturbance that is to occur between March 1 through August 31.</p> <p>This mitigation measure shall be included in the bid specifications for the proposed project.</p>	<p>California Department of Fish & Game</p>	

Mitigation Measure	Responsible for Implementation	Implementation/ Verification	Potential Outside Agency Coordination	Date Completed
<p>independent flight, as determined by a qualified biologist. Removal of construction activity within a set distance from the nest, at the discretion of the monitoring biologist, shall also be considered avoidance of active nests.</p>				
Cultural Resources				
<p>C-1: If fossil resources are encountered during any ground-disturbing activity, a qualified paleontologist must recover, examine, and identify the specimen(s); prepare the fossils for permanent curation at an accredited museum repository; and fully document the finding.</p>	<p>City of Moreno Valley Public Works Dept. – Capital Projects</p>	<p>A qualified paleontologist shall be contracted if fossils are found during any ground-disturbing activities that occur below the depths of previous disturbance. The paleontology stop work clause shall be included in the bid specifications in areas of previously undisturbed sediments.</p>	<p>Potential coordination with accredited curation facility.</p>	
<p>C-2: If human remains of any kind are found, all construction activities must cease immediately and the Riverside County Coroner, the Moreno Valley Planning Department, and a qualified archaeologist must be notified. If the coroner determines the remains to be of Native American origin, he or she will notify the Native American Heritage Commission (NAHC). The NAHC will then identify the most likely descendants to be consulted</p>	<p>City of Moreno Valley Community Development – Planning Division and Public Works – Capital Projects</p>	<p>The human remains stop work clause shall be included in the bid specifications.</p>	<ul style="list-style-type: none"> ◆ Riverside County Coroner ◆ Native American Heritage Commission 	

Mitigation Measure	Responsible for Implementation	Implementation/ Verification	Potential Outside Agency Coordination	Date Completed
regarding treatment and/or reburial of the remains.				
Transportation/Traffic				
T-1: Prior to the commencement of construction activities on Redlands Boulevard and the State Route 60 eastbound on- and off-ramps, a Traffic Control Plan shall be prepared and approved by the City of Moreno Valley. The Traffic Control Plan shall include measures to ensure emergency access at all times along Redlands Boulevard.	City of Moreno Valley Public Works Dept. – Capital Projects	Shall occur prior to any lane closures. This mitigation measure shall be included in the bid specifications for the proposed project.		

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RDA</i>
CITY MANAGER	<i>RM</i>

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 4-Maintenance

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: APPROVAL AND ADOPTION OF THE SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 4-MAINTENANCE FOR FISCAL YEAR 2009/10

RECOMMENDED ACTION

Staff recommends that the City Council acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 4–Maintenance approve and adopt Resolution No. 2009-52 to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual special tax requirement of Community Facilities District No. 4-Maintenance (“CFD No. 4-M”) as set forth in the Annual Special Tax Report.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not Applicable

BACKGROUND

Centerpointe Business Park is an industrial development area, which is generally located north of Cactus Avenue, south of Alessandro Boulevard, east of Frederick Street, and west of Heacock Street. As a condition of development, stormwater and detention basin improvements were constructed to accommodate water runoff and detention for new and future developments within the industrial development area and adjoining properties.

On October 25, 2005, City Council adopted Resolution No. 2005-97 to form and establish CFD No. 4-M, to provide stormwater facilities maintenance, and to authorize the collection of a special tax against all nonexempt property within the Centerpointe Business Park industrial development, including adjacent properties that may in the future be annexed into CFD No. 4-M. Maintenance, as defined in the resolution to form CFD No. 4-M includes, but is not limited to, the provisions of all labor, materials, administration, equipment, utilities, and incidental expenses necessary to provide maintenance of the stormwater facilities. To fund the cost of maintenance, all nonexempt properties within the boundaries of CFD No. 4-M shall be subject to an annual special tax levy.

DISCUSSION

The City Council shall have the opportunity to consider implementing the rate and method of apportionment of the special tax ("RMA") required to cover the special tax requirement for CFD No. 4-M, as submitted in the special tax report on file in the office of the City Treasurer. Detailed within the annual special tax report ("Report") is the calculation of the special tax levy as per the RMA to meet the FY 2009/10 special tax requirement.

The maximum annual special tax for each assessor's parcel of developed and undeveloped property, as established by the RMA, shall be increased each fiscal year thereafter, beginning in July 2007, by an amount equal to the Engineering News-Record Building Cost Index ("BCI") for the City of Los Angeles, measured as of the end of the calendar year. For FY 2009/10 the maximum special tax was increased by 6.61% to \$0.008531 per square foot of land area, based upon the application of the BCI. The special tax levy shall be applied proportionately on each parcel of developed and undeveloped property within the boundaries of CFD No. 4-M at up to 100% of the applicable maximum annual special tax. The special tax levy per parcel will be collected on the Riverside County property tax bill. However, the special tax levy for the United States Postal Service, assessor parcel number 297-170-071, shall be hand billed.

ALTERNATIVES

1. **Approve and adopt the proposed resolution** to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the RMA required to cover the annual special tax requirement of CFD No. 4-M as set forth in the Annual Special Tax Report. *This approval will allow collection of the special taxes necessary to fund ongoing administrative and maintenance costs associated with stormwater and detention basin facilities to service the properties within the boundaries of CFD No. 4-M.*
2. **Do not approve or adopt the proposed resolution** to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize

the City Treasurer to levy the special tax in accordance with the RMA required to cover the annual special tax requirement of CFD No. 4-M as set forth in the Annual Special Tax Report. *If the special tax levy was not approved, there may be a shortage of funds necessary to fund ongoing administrative and maintenance costs associated with stormwater and detention basin facilities to service the properties within the boundaries of CFD No. 4-M.*

FISCAL IMPACT

The fiscal impact for CFD No. 4-M will be a levy of a special tax applied to the property owner's FY 2009/10 tax bill or a hand bill for tax-exempt properties. There is no impact on the General Fund regarding the levy of the special tax for CFD No. 4-M. Properties within the boundaries of CFD No. 4-M consist of commercial and industrial developments. Residential properties are not affected by this special tax levy.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to fund CFD No. 4-M services shall be collected in accordance with the provisions outlined within the RMA.

SUMMARY

The City Council shall have an opportunity to consider implementing the levy for CFD No. 4-M, per the RMA, to provide ongoing administrative and maintenance services for the stormwater and detention basin improvements.

NOTIFICATION

Not Applicable

EXHIBITS

- EXHIBIT A A proposed resolution to accept and approve the Report for FY 2009/10 regarding CFD No. 4-M
- EXHIBIT B Boundary Map of CFD No. 4-M
- EXHIBIT C Future Annexation Area Map of CFD No. 4-M

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Sue Anne Maxinoski,
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\Special Dist Administration\Community Facilities Districts CFD\CFD 4-Maintenance\Administration\Annual Report\2009-10\Staff_Report for CFD No 4-M annual report.doc

RESOLUTION NO. 2009-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE REPORT FOR FISCAL YEAR 2009/10 REGARDING COMMUNITY FACILITIES DISTRICT NO. 4-MAINTENANCE

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, did form Community Facilities District No. 4-Maintenance ("CFD No. 4-M" or "District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Ordinance No. 697 ("Ordinance") approving the rate and method of apportionment of special taxes ("RMA") to authorize a levy of a special taxes within CFD No. 4-M; and,

WHEREAS, The City has prepared and submitted the Special Tax Report ("Report") for FY 2009/10; and a copy of said Report is on file in the office of the City Treasurer and is incorporated herein by this reference as if fully set forth.

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

1. That the above recitals are all true and correct.
2. That the Report for FY 2009/10, as on file in the office of the City Treasurer, is hereby approved.
3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual special tax requirement of CFD No. 4-M as set forth in the Report and hereby is levied during FY 2009/10 against the parcels within the District.

APPROVED AND ADOPTED this _____ day of _____.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

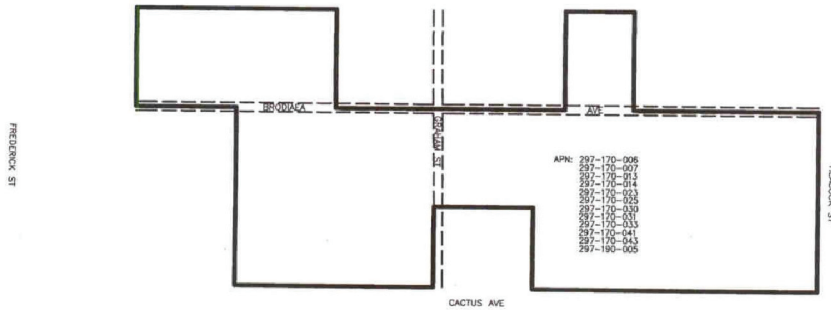
RESOLUTION JURAT

[Clerk's Office will prepare]

[Note: Any attachments or exhibits to this resolution should follow this jurat.]

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PROPOSED BOUNDARY OF
 COMMUNITY FACILITIES DISTRICT No. 4 – MAINTENANCE
 OF THE CITY OF MORENO VALLEY
 COUNTY OF RIVERSIDE,
 STATE OF CALIFORNIA



VICINITY MAP
 NO SCALE
 LEGEND
 ——— DISTRICT BOUNDARY

REFERENCE THE RIVERSIDE COUNTY ASSESSOR'S MAPS
 FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS 20th DAY OF September, 2005.
Margaret Arroyo
 CITY CLERK OF THE CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT
 NO. 4 – MAINTENANCE, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY
 THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AT A REGULARLY SCHEDULED MEETING, THEREOF, HELD ON THE
15th DAY OF September, 2005. BY ITS RESOLUTION NO. 2005-84
Margaret Arroyo
 CITY CLERK OF THE CITY OF MORENO VALLEY

FILED THIS 22nd DAY OF September, 2005, AT THE HOUR OF 3 O'CLOCK P.M. IN BOOK 64 OF MAPS
 OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS PAGE NOS. 72 THROUGH 73 AS INSTRUMENT NO. 2005-01452-7
 IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.
M. King

COUNTY RECORDER OF THE COUNTY OF RIVERSIDE

FEE \$ 7

PROPOSED BOUNDARY MAP

Proposed Boundary of
 Community Facilities District No. 4—Maintenance
 of the City of Moreno Valley
 County of Riverside, California

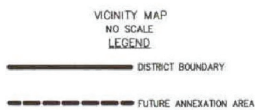
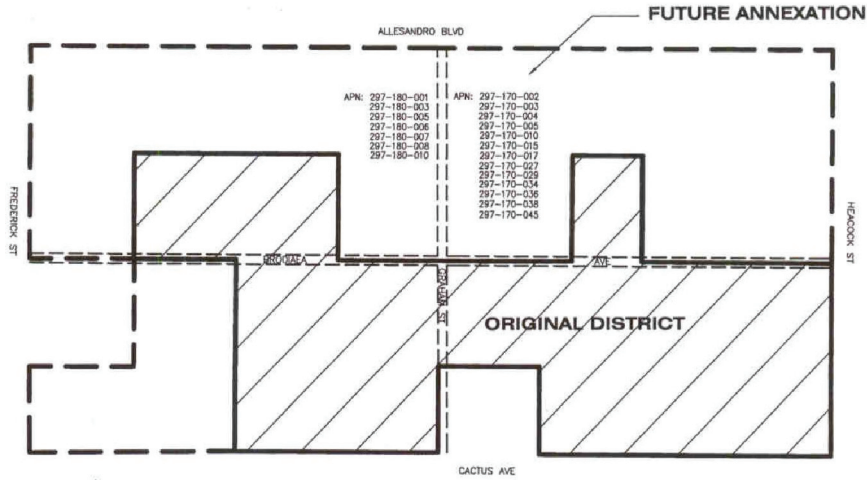
Sheet 1 OF 1

HARRIS & ASSOCIATES
 34 Executive Park, Suite 150
 Irvine, CA 92614
 (949) 855-3950 • FAX (949) 855-3985

EXHIBIT B

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FUTURE ANNEXATION AREA OF
 COMMUNITY FACILITIES DISTRICT No. 4 – MAINTENANCE
 OF THE CITY OF MORENO VALLEY
 COUNTY OF RIVERSIDE,
 STATE OF CALIFORNIA



REFERENCE THE RIVERSIDE COUNTY ASSESSOR'S MAPS
 FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS 20th DAY OF September 2005.
Margaret Lawler
 CITY CLERK OF THE CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED FUTURE ANNEXATION AREA OF COMMUNITY FACILITIES DISTRICT NO. 4 – MAINTENANCE, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, AT A REGULARLY SCHEDULED MEETING, THEREOF, HELD ON THE 13th DAY OF September, 2005, BY ITS RESOLUTION No. 2005-86.
Margaret Lawler
 CITY CLERK OF THE CITY OF MORENO VALLEY

FILED THIS 22nd DAY OF September 2005, AT THE HOUR OF 8 O'CLOCK A.M. IN BOOK 64 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS PAGE NOS. 17 THROUGH 18 AS INSTRUMENT NO. 2005-0105280 IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.
Alexander

COUNTY RECORDER OF THE COUNTY OF RIVERSIDE

FEE \$ 7.00

PROPOSED BOUNDARY MAP

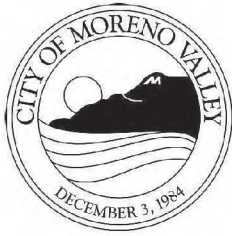
Future Annexation Area of
 Community Facilities District No. 4-Maintenance
 of the City of Moreno Valley
 County of Riverside, California

Sheet 1 of 1

HARRIS & ASSOCIATES
 34 Executive Park, Suite 150
 Irvine, CA 92614
 (949) 655-3500 • FAX (949) 655-3985

EXHIBIT C

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>SMG</i>
CITY MANAGER	<i>PH</i>

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 5

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 5 FOR FISCAL YEAR 2009/10

RECOMMENDED ACTION

Staff recommends that the City Council acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 5 adopt the following:

1. Resolution No. 2009-53 to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 5 as set forth in the Annual Special Tax Report; and
2. Resolution No. 2009-54 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not Applicable

BACKGROUND

Community Facilities District No. 5 ("CFD No. 5" or "District") consists of Stoneridge Towne Centre, which is zoned for commercial/retail use. The site, located at the northeast corner of the Nason Street and Fir Avenue, is approximately 64 gross acres, of which 33 are net taxable acres.

On October 25, 2005, City Council adopted Resolution No. 2005-104 to form CFD No. 5 to finance the capital costs related to the Stoneridge Towne Centre commercial development for street improvements (Nason Street, Dracaea Avenue, Eucalyptus Avenue, and Fir Avenue), traffic signals, water, sewer, drainage, and electrical improvements.

California Government Code Sections 53410 and 53411 ("Code Sections") state that any local bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures that include, but are not limited to, the chief fiscal officer of the issuing local agency filing an Annual Accountability Report with its governing body at least once a year. The Annual Accountability Report shall contain the specific purpose of the bonds, both the amount of funds collected and expended, and the status of any project required or authorized to be funded as identified in the statement indicating the specific purpose of the bonds.

DISCUSSION

Each year during the term of the debt, an Annual Special Tax Report must be approved by the City Council to provide funds for the annual debt service requirements. Detailed within the Annual Special Tax Report is the total annual debt service, administrative requirements, and the calculation of the special tax levy, as per the rate and method of apportionment ("RMA"), to meet the fiscal year (FY) 2009/10 special tax requirement.

The maximum annual special tax for developed and undeveloped property has been established by the RMA at \$10,652.00 per acre for FY 2006/07. Per the RMA, the maximum annual special tax shall be increased by an amount equal to two percent (2%) each fiscal year in order to meet the annual special tax requirement. The maximum special tax rate for FY 2009/10 is \$11,303.99 per acre. Subsequent increases, not addressed in the RMA, will be subject to a two-thirds voter approval of the property owners. The County of Riverside collects the special tax levy per taxable parcel, not exempted, on the annual property tax bills.

The special tax is applied only to those taxable parcels within the District boundaries, excluding parcels not subject to the special tax, which includes parcels owned by Target Corp and Kohls Dept Stores, Inc that prepaid their special tax obligation. The CFD No. 5 debt service is calculated based on a total acreage of 33.

The CFD No. 5 Annual Accountability Report provides the following accountability measure as required by the Code Sections:

- a) A statement indicating the specific purpose of the bonds;
- b) Verification of the satisfaction of the requirement that the proceeds are being applied only to the specific purposes identified to the CFD formation and bond financing documents. This includes the creation of an account into which the bond proceeds were deposited upon bond issuance;
- c) The amount of funds collected and expended; and

- d) The status of the project.

The Annual Special Tax Report and the Annual Accountability Report have been consolidated into the Annual Special Tax and Bond Accountability Report, which is on file in the office of the City Treasurer.

ALTERNATIVES

1. **Approve and adopt the proposed resolutions** 1) accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 5 as set forth in the Annual Special Tax Report and 2) to approve the submittal of the Annual Accountability Report for CFD No. 5. *Approval of the resolutions will allow for the collection of the special taxes necessary to cover the annual debt service of CFD No. 5 and ensure reporting compliance with the Code Sections.*
2. **Do not approve or adopt the proposed resolutions** 1) accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 5 as set forth in the Annual Special Tax Report and 2) to approve the submittal of the Annual Accountability Report for CFD No. 5. *If the special tax levy was not approved, there may be a shortage of funds necessary to cover the annual debt service of CFD No. 5. Not approving the Annual Accountability Report would be a violation of the Code Sections.*

FISCAL IMPACT

The fiscal impact will be a special tax applied to the 2009/10 Riverside County property tax bill for those parcels subject to the special tax. There is no fiscal impact on the General Fund associated with the annual debt service or the submittal of the Annual Special Tax and Bond Accountability Report for CFD No. 5.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to cover the annual debt service for CFD No. 5 shall be collected in accordance with the provisions outlined within the RMA.

SUMMARY

The City Council shall have an opportunity to consider implementing the levy for CFD No. 5, per the RMA, required to cover the special tax requirement of CFD No. 5, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer.

Also being considered is the approval and submittal of the Annual Accountability Report for CFD No. 5.

NOTIFICATION

Not Applicable

EXHIBITS

- EXHIBIT A A proposed resolution to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 5 as set forth in the Annual Special Tax Report
- EXHIBIT B A proposed resolution to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 5
- EXHIBIT C Boundary Map of CFD No. 5

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Sue Anne Maxinoski,
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\Special Dist Administration\Community Facilities Districts CFD\CFD 5 Stoneridge\Administration\Annual Reports\2009-10\CFD 5 0910 levy - Staff Report.doc

RESOLUTION NO. 2009-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2009/10 REGARDING COMMUNITY FACILITIES DISTRICT NO. 5

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, did form Community Facilities District No. 5 ("CFD No. 5" or "District") pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Ordinance No. 701 ("Ordinance") to authorize a levy of a special tax within CFD No. 5; and,

WHEREAS, The City has prepared and submitted the Special Tax Report ("Report") for FY 2009/10; and a copy of said Report is on file in the office of the City Treasurer and is incorporated herein by this reference as if fully set forth.

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

1. That the above recitals are all true and correct.
2. That the Report for FY 2009/10, as on file in the office of the City Treasurer, is hereby approved.
3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 5 as set forth in the Report and hereby is levied during FY 2009/10 against the parcels within the District, excluding parcels not subject to the special tax.

APPROVED AND ADOPTED this _____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION JURAT

[Clerk's Office will prepare]

[Note: Any attachments or exhibits to this resolution should follow this jurat.]

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RESOLUTION NO. 2009-54

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 5 OF THE CITY OF MORENO VALLEY, APPROVING THE SUBMITTAL OF THE ANNUAL ACCOUNTABILITY REPORT IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 53410 and 53411 FOR COMMUNITY FACILITIES DISTRICT NO. 5

WHEREAS, Government Code §53410 requires that on or after January 1, 2001 any bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures; and,

WHEREAS, Government Code §54311 requires the chief fiscal officer of the issuing local agency to file an Annual Accountability Report ("Report") with its governing body no later than January 1, 2001, and at least once a year thereafter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE that the City of Moreno Valley submits the Report in compliance with the above mentioned Government Code Sections, and that the Report shall remain on file in the office of the City Treasurer for review by the public upon request.

APPROVED AND ADOPTED this _____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

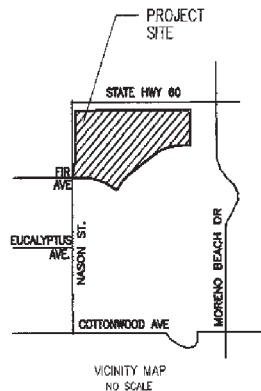
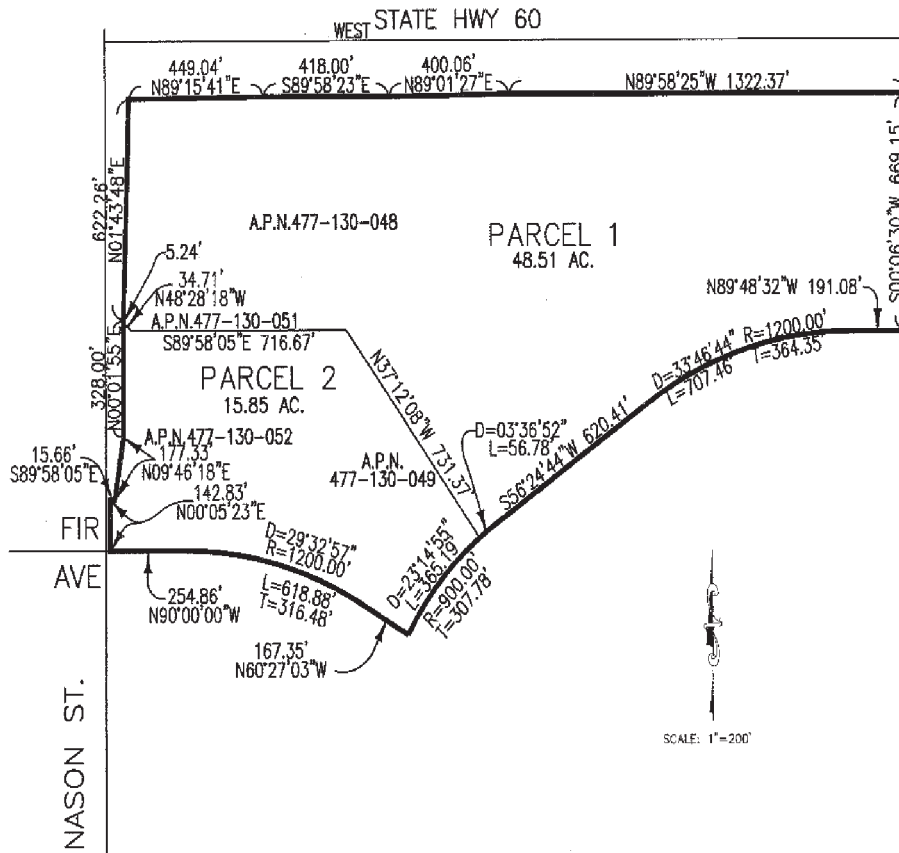
RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

6/20
CITY

PROPOSED BOUNDARY OF
COMMUNITY FACILITIES DISTRICT No. 5
OF THE CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS 20th DAY OF July 2005.
Wendy Wilson
CITY CLERK OF THE CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 5 CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AT A REGULARLY SCHEDULED MEETING THEREOF, HELD ON THE 14th DAY OF September 2005, BY ITS RESOLUTION No. 2005-74.
Wendy Wilson
CITY CLERK OF THE CITY OF MORENO VALLEY

FILED THIS 20th DAY OF July 2005, AT THE HOUR OF 3 O'CLOCK PM IN BOOK 64 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS PAGE NOS 20 THROUGH 22 AS INSTRUMENT NO. 2005-74 IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.
Ant. Garcia
COUNTY RECORDER OF THE COUNTY OF RIVERSIDE

FEE \$ 7

REFERENCE THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

PROPOSED BOUNDARY MAP

Community Facilities District No. 5
of the City of Moreno Valley
County of Riverside, California

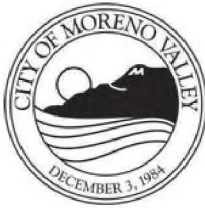
Sheet 1 OF 1

HARRIS & ASSOCIATES
34 Executive Park, Suite 150
Irvine, CA 92614
(949) 655-3390 • FAX (949) 655-3395

04/22/05

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RJA</i>
CITY MANAGER	<i>RM</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH NORRIS REPKE, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Norris Repke, Inc. (Norris Repke), 400 North Tustin Ave., Suite 230, Santa Ana, CA 92705, to provide Professional Consultant Services and increase the agreement amount by the "not to exceed" fee of \$295,000.
2. Authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with Norris Repke, in the form attached hereto.
3. Authorize a Change Order to the Purchase Order to Norris Repke in the amount of \$295,000 when "First Amendment to Agreement for Professional Consultant Services" has been signed by all parties. (Account No. 501.82725)

BACKGROUND

On July 8, 2008, the City Council approved the "Agreement for Professional Consultant Services" with Norris Repke in the amount of \$350,000 for temporary professional consultant services for the Capital Projects Division.

DISCUSSION

Due to the continued heavy workload in managing capital improvement projects for FY09/10, the Capital Projects Division requires additional resources at this time. As a temporary solution to assist in expediting the completion of projects, the Capital Projects Division seeks to amend the agreement with Norris Repke to continue the temporary professional staffing services. This action is necessary due to a shortage of qualified

technical staff and the need for resources to complete budgeted City capital improvement projects.

Norris Repke staff will be responsible for the management, coordination, and contract administration of design and construction projects. The work will include plan and design review, fulfilling all bidding requirements, chairing pre-bid and construction meetings, retaining construction support services, processing permits and utility coordination, tracking contractors project progress, contract administration (ensuring contract requirements are met, preparing agreements and amendments, approving purchase requisitions and change orders, etc.), reviewing progress payments, authorizing invoices for payment, punch list items, contractor claims, warranty issues, labor and DBE compliance and fulfilling Public Contract Codes, as well as construction legal requirements.

Over the past twelve months, Norris Repke staff has provided professional staffing services to assist City staff with key projects that are integral to the community of Moreno Valley. These projects include, but are not limited to, Lasselle Street Improvements, Sheila Street Sidewalk Project, Street Improvement Program (SIP) Projects, Indian and Cactus Storm Drain Improvements, Edgemont Water Master Plan, Frederick and Heacock Street Improvements, Traffic Signal and Street Improvements at Redlands Boulevard and SR 60, On-going Slurry Seal Program, Reche Vista Realignment, Graham Street Bridge Improvements, and the Patriot Park project.

Over the next twelve months Norris Repke staff will continue to work on Ironwood Avenue Improvements from Perris to Nason, Phase I and II Pavement Rehabilitation, On-going Slurry Seal Program, Reche Vista Realignment, Graham Street Bridge Improvements, Patriot Park Project, Traffic Signal and Street Improvements at Redlands Boulevard and SR 60, as well as various other projects as assigned.

The current agreement expires August 31, 2009. The amendment will extend the agreement through August 31, 2010 and reflects the Consultant's reduced hourly rates.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Norris Repke, Inc. (Norris Repke), 400 North Tustin Ave., Suite 230, Santa Ana, CA 92705, to provide Professional Consultant Services and increase the agreement amount by the "not to exceed" fee of \$295,000, authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with Norris Repke, in the form attached hereto, and authorize a Change Order to the Purchase Order to Norris Repke in the amount of \$295,000 when "First Amendment to Agreement for Professional Consultant Services" has been signed by all parties. (Account No. 501.82725) *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the “First Amendment to Agreement for Professional Consultant Services” with Norris Repke, Inc. (Norris Repke), 400 North Tustin Ave., Suite 230, Santa Ana, CA 92705, to provide Professional Consultant Services and increase the agreement amount by the “not to exceed” fee of \$295,000, do not authorize the City Manager to execute said “First Amendment to Agreement for Professional Consultant Services” with Norris Repke, in the form attached hereto, and do not authorize a Change Order to the Purchase Order to Norris Repke in the amount of \$295,000 when “First Amendment to Agreement for Professional Consultant Services” has been signed by all parties. (Account No. 501.82725)
This alternative will delay the design and construction of budgeted capital improvement projects.

FISCAL IMPACT

The “Agreement for Professional Consultant Services” with Norris Repke will be fully expended in September 2009. This First Amendment to the agreement will increase the Purchase Order by \$295,000 to extend the temporary professional staffing services. Adequate funding is provided through the various budgeted capital improvement projects assigned to the temporary staff. The consultant has reduced their billable hourly rates as part of this Amendment in recognition of the City’s budget situation. The agreement provides the City the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Lasselle Street Improvements project budget (Account No. 501.82725) to encumber the purchase order. As costs are incurred in this purchase order, the expenditures will be transferred to the capital projects for which services were performed.

The associated costs for the “Agreement for Professional Consultant Services” will be funded through Measure A Transportation Fund (Fund 125), CDBG Fund (Fund 282), Proposition 1B (Fund 226), and DIF Arterial Streets (Fund 416):

Phase I and II Pavement Rehabilitation (Account No. 125.56330).....	\$95,000
Traffic Signal and Street Imps. at Redlands/SR 60 (Account No. 125.66625)	\$57,000
On-Going Slurry Seal Program (Account No. 125.84830).....	\$10,000
Patriot Park (Account No. 282.68628).....	\$45,000
Ironwood Avenue Improvements (Perris to Nason) (Account No. 415.72727)	\$55,000
Reche Vista Alignment (Account No. 416.78626)	\$10,000
Graham Street Bridge (Account No. 416.83125).....	\$23,000
Total.....	\$295,000

There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:

Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:

Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Due to the need for additional temporary professional consultant services on a variety of projects, the "First Amendment to Agreement for Professional Consultant Services" with Norris Repke is necessary to extend the temporary professional staffing services to the Capital Projects Division. Staff recommends a Change Order to the Purchase Order to Norris Repke in the amount of \$295,000.

ATTACHMENT

Attachment "A" - First Amendment to Agreement for Professional Consultant Services

Prepared By:
Kimberly Jester
Consultant Contract Administrative Assistant

Prepared By:
Prem Kumar, P.E.
Deputy Public Works Director /Asst. City Engineer

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

W:\CapProj\CapProj\hirestaffconsultant\Norris-Repke\Agreement (6-2008) for PM, CA & Eng Tech\First Amendment 6-2009\Staff Rpt First Amendment Norris Repke 6-2009.DOC

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**FIRST AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES**

This First Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and Norris Repke, Inc., a California corporation hereinafter referred to as "Consultant." This First Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated July 29, 2008.

Whereas, the Consultant is providing consultant services for **various projects of the Capital Projects Division.**

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has provided a description for expansion of the scope of work to be performed and a copy of said description is attached as Exhibit "A" – Amended Scope of Work and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

- 1.1 The Agreement termination date is extended from August 31, 2009 to August 31, 2010.
- 1.2 Exhibit "B" to the Agreement is hereby amended by adding to the scope of work section described in Exhibit "A" -- Amended Scope of Work.

Attachment "A"

**AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES
PROJECT NO.**

1.3 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of \$295,000, as set forth in Exhibit "A" -- Amended Scope of Work.

1.4 The total "Not to Exceed" fee for this contract is \$645,000 (\$350,000 for the original Agreement plus \$295,000 for the First Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

**AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES
PROJECT NO.**

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

Norris Repke, Inc.

BY: _____
City Manager

BY: [Signature]

TITLE: PRESIDENT
(President or Vice President)

4/30/2009
Date

Date

<u>INTERNAL USE ONLY</u>
APPROVED AS TO LEGAL FORM:
_____ City Attorney
_____ Date
RECOMMENDED FOR APPROVAL:
_____ Department Head
_____ Date

BY: [Signature]

TITLE: Corp. Sec
(Corporate Secretary)

4-29-09
Date

Attachments: Exhibit "A" -- Amended Scope of Work

W:\CapProj\CapProj\hirestaffconsultant\Norris-Repke\Agreement (6-2008) for PM, CA & Eng Tech\First Amendment 6-2009\First Amendment Norris Repke 6-2009.DOC
Revised Feb 2009

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

Norris Repke, Inc. staff will work as directed by the City Engineer. The City may assign a variety of projects and tasks to the assigned Norris Repke staff. The City Engineer is authorized to review and approve any proposed personnel replacement or additions and associated rate changes.

Tasks

- 1) Work on a variety of tasks and projects as assigned by the City Engineer.
- 2) Perform temporary project management services to complete budgeted City capital improvement projects.
- 3) The total "Not-to-Exceed" fee for the aforementioned services is \$645,000.00 (\$350,000 for original Agreement and \$295,000 for First Amendment to Agreement) at the hourly rate described in the attached Norris Repke letter.

April 30th, 2009

City of Moreno Valley
Public Works Department
Capital Projects Division
14177 Fredericks Street
Moreno Valley, CA 92552-0805

P-4244

Attention: Mr. Prem Kumar, P.E., Deputy Public Works Director/Assistant City Engineer

SUBJECT: NORRIS REPKE RATE SCHEDULE REVISION FOR CONTRACT CONSULTANT PERSONNEL

Dear Mr. Kumar:

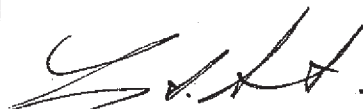
Per your letter dated April 22, 2009, requesting a rate reduction due to the current economic climate and the City's budget shortfall, I make the following adjustment to our existing rate:

- Project Manager @ \$ 110.00 per hour
- Engineering Technician @ \$ 75.00 per hour

The above listed rates will be effective in conjunction with the attached agreement from September 1st, 2009 through August 31st, 2010.

I look forward to forward to continuing service to the City of Moreno Valley and appreciate the opportunity to be a part of the Moreno Valley Capital Projects Division Team.

Sincerely,



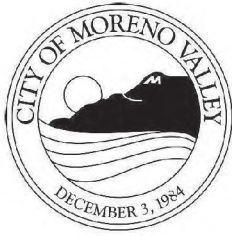
Ludwig I. Smeets, P.E.
President
Norris Repke, Inc.

4/30/2009

Date

Exhibit "A" - Amended Scope of Work
Page 2

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RDH</i>
CITY MANAGER	<i>ph</i>

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of the Moreno Valley Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 3 (AUTO MALL REFINANCING)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 3 (Auto Mall Refinancing) ("CFD No. 3"), approve and adopt Resolution No. 2009-55 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2009/10, on file in the office of the City Treasurer.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not Applicable.

BACKGROUND

The City of Moreno Valley Community Facilities District No. 2 (Auto Mall) ("CFD No. 2") formation permitted a bonded indebtedness in an amount not to exceed \$14,700,000. The sale of bonds in June 1989 financed infrastructure improvements and acquisition. Except for funds set aside for traffic signal construction at the eastbound off ramp of State Route 60 and Moreno Beach Dr., the improvements were declared complete in 1993, and the excess improvement funds were used to retire \$2,805,000 in bonds in December 1993. The traffic signal construction was completed June 14, 1996, and the remaining funds were used to call \$95,000 in bonds on June 2, 1997.

There were special tax payment delinquencies on eleven (11) parcels within CFD No. 2. Landmark Land Company of California failed to remit their payments starting with the April 10, 1994 through December 10, 1999 installments on nine parcels. Foreclosure proceedings began in May 1994. The foreclosure was delayed due to bankruptcy proceedings against Oak Tree Federal Savings Bank, Landmark Land Company's parent corporation. On February 7, 1997, a judicial foreclosure sale was held at the Riverside County Courthouse. No bids were received for the properties. In addition to the nine Landmark Land Company delinquencies, the Federal Deposit Insurance Corporation (FDIC) failed to make the April 10, 1997, through December 10, 1999, payments on two (2) parcels.

The bonds defaulted on December 1999, requiring City staff to work with the current auto dealerships and professional consultants to resolve the delinquencies by refinancing the outstanding debt and providing for the acquisition of the nonperforming parcels by new property owners.

On January 25, 2000, a Settlement Agreement, as developed through a combined effort of City staff, the Auto Mall dealerships, and professional consultants, was approved by the City Council. The City Council adopted the Amended and Restated Agreement on March 7, 2000. These agreements provided for the refinancing of the CFD No. 2 Special Tax Bonds and restructuring of the special taxes, remedied the Event of Default on December 1, 1999, reduced and discharged the delinquent ad valorem taxes and special taxes, provided for the disposition of the nonperforming parcels, facilitated development of the nonperforming parcels, established a defined interpretation of the calculation of special tax, and settled all claims. In March 2000, the City formed Community Facilities District No. 3 ("CFD No. 3") for the purpose of restructuring the special tax and issuing bonds to refinance CFD No. 2. On April 5, 2000, \$8,075,000 of CFD No. 3 bonds were sold to refinance the outstanding CFD No. 2 bonds. At formation of CFD No. 3, the rate and method of apportionment ("RMA") established a maximum special tax rate that could be levied against properties within CFD No. 3.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. CFD No. 2 was established to finance the capital costs for public improvements, including grading, paving, sewers, sidewalks, landscaping, etc. Bonds were sold to provide the funding for acquisition of these improvements. Only properties benefiting from the improvements had annual special tax levies placed on the property tax roll to repay the bonded indebtedness. CFD No. 3 Special Tax Bonds, Series 2000 (the "Bonds"), were issued to refinance the CFD No. 2 bonds. Due to these factors, CFD No. 3 is exempt from the provisions of Proposition 218. Subsequent increases if required, not addressed in the March 7, 2000, CFD Report, will be subject to a two-thirds voter approval by the property owners.

DISCUSSION

The City Council shall have the opportunity to consider implementing the RMA required to cover the special tax requirement for CFD No. 3, as submitted in the Special Tax

Report on file in the office of the City Treasurer. Detailed within the Annual Special Tax Report is the calculation of the special tax levy as per the RMA to meet the FY 2009/10 special tax requirement. The maximum special tax rates are based upon the assigned zone and development status for each parcel within CFD No. 3, as determined by the timing of the building permit. Developed parcels are those parcels that have a building permit issued prior to January of the current year. For each fiscal year following 2000/01, the Maximum Special Tax rates shall increase by an amount equal to 2% of the Maximum Special Tax in effect for the prior fiscal year. The Maximum Special Tax applicable to each parcel, or portion thereof, shall be obtained by multiplying the taxable acreage for the parcel or portion thereof by the appropriate maximum special tax rate for the parcel's assigned zone as shown within the table below.

<i>Community Facilities District No. 3 (Auto Mall Refinancing)</i> MAXIMUM SPECIAL TAX RATES BY LAND USE CLASSIFICATION FOR FISCAL YEAR 2009/10		
Zone	Developed Property	Undeveloped Property
A	\$58,992/Taxable Acres	\$20,914/Taxable Acres
B	\$14,341/Taxable Acres	\$7,750/Taxable Acres
C	\$9,561/Taxable Acres	\$3,215/Taxable Acres

The special tax levy is applied only to those parcels within the boundaries of CFD No. 3 and will be collected on the annual tax bills prepared by the County of Riverside. The debt service shall be paid from a combination of CFD special taxes and Redevelopment tax increment and limited project specific sales tax.

ALTERNATIVES

1. Approve and adopt the proposed resolution to implement the rate and method of apportionment of the special tax levy required to cover the annual debt service of CFD No. 3, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer. *This approval would allow collection of funds necessary to pay the annual debt service on CFD No. 3 Bonds.*
2. Do not approve and adopt the proposed resolution to implement the rate and method of apportionment of the special tax levy required to cover the annual debt service of CFD No. 3, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer. *If the collection of the special taxes are not approved, there will be a shortage of funds necessary to pay the annual debt service on CFD No. 3 Bonds. Bond reserves cover the shortfall and/or the payments to the bondholders to prevent an event of default. Default to bondholders may significantly impact the City of Moreno Valley's reputation in the bond market, thereby, possibly affecting viability of future bond sales.*

FISCAL IMPACT

The fiscal impact will be a special tax applied to the CFD No. 3 property owner's 2009/10 tax bill. The amounts of the individual charges are reported in the Annual Special Tax Report on file in the office of the City Treasurer. There are no general fund expenditures involved with this special tax obligation. Specific uses of parcel Redevelopment tax increment and sales tax revenues, as defined in various Participation Agreements, may offset the special tax.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to repay the CFD No. 3 bonded indebtedness shall be collected in accordance with the provisions outlined within the RMA and the Bond Indenture.

SUMMARY

City Council, acting in their capacity as the legislative body of the Moreno Valley CFD No. 3, shall have an opportunity to consider implementing the RMA to provide the payment of the annual debt service of CFD No. 3, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer.

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

- Exhibit A A proposed resolution to accept and approve the Annual Special Tax Report for FY 2009/10 for CFD No. 3
- Exhibit B Boundary Map CFD No. 3

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Sue Anne Maxinoski
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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RESOLUTION NO. 2009-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE SPECIAL TAX REPORT FOR FISCAL YEAR 2009/10 REGARDING COMMUNITY FACILITIES DISTRICT NO. 3 OF THE CITY OF MORENO VALLEY (AUTO MALL REFINANCING)

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, did form Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing) ("District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Resolution No. 2000-27 ("Resolution") approving the form of Bond Indenture ("Indenture") terms and conditions pertaining to the issuance of the \$8,075,000 of the Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing) Special Tax Bond, Series 2000; and,

WHEREAS, the City has prepared and submitted the Annual Special Tax Report ("Report") for fiscal year ("FY") 2009/10, which fully sets forth all information concerning the District is on file in the office of the City Treasurer and is incorporated herein by this reference.

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

1. That the above recitals are all true and correct.
2. That the Report for FY 2009/10, as on file in the office of the City Treasurer, is hereby approved.
3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 3 as set forth in the Report and hereby is levied during FY 2009/10 against the parcels within the District, excluding parcels not subject to the special tax.

1
Exhibit A

Resolution No. 2009-____
Date Adopted: June 9, 2009

APPROVED AND ADOPTED this _____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

2
Exhibit A

Resolution No. 2009-_____
Date Adopted: June 9, 2009

RESOLUTION JURAT

{Clerk's office will prepare}

[Note: Any attachments or exhibits to this resolution should follow this jurat.]

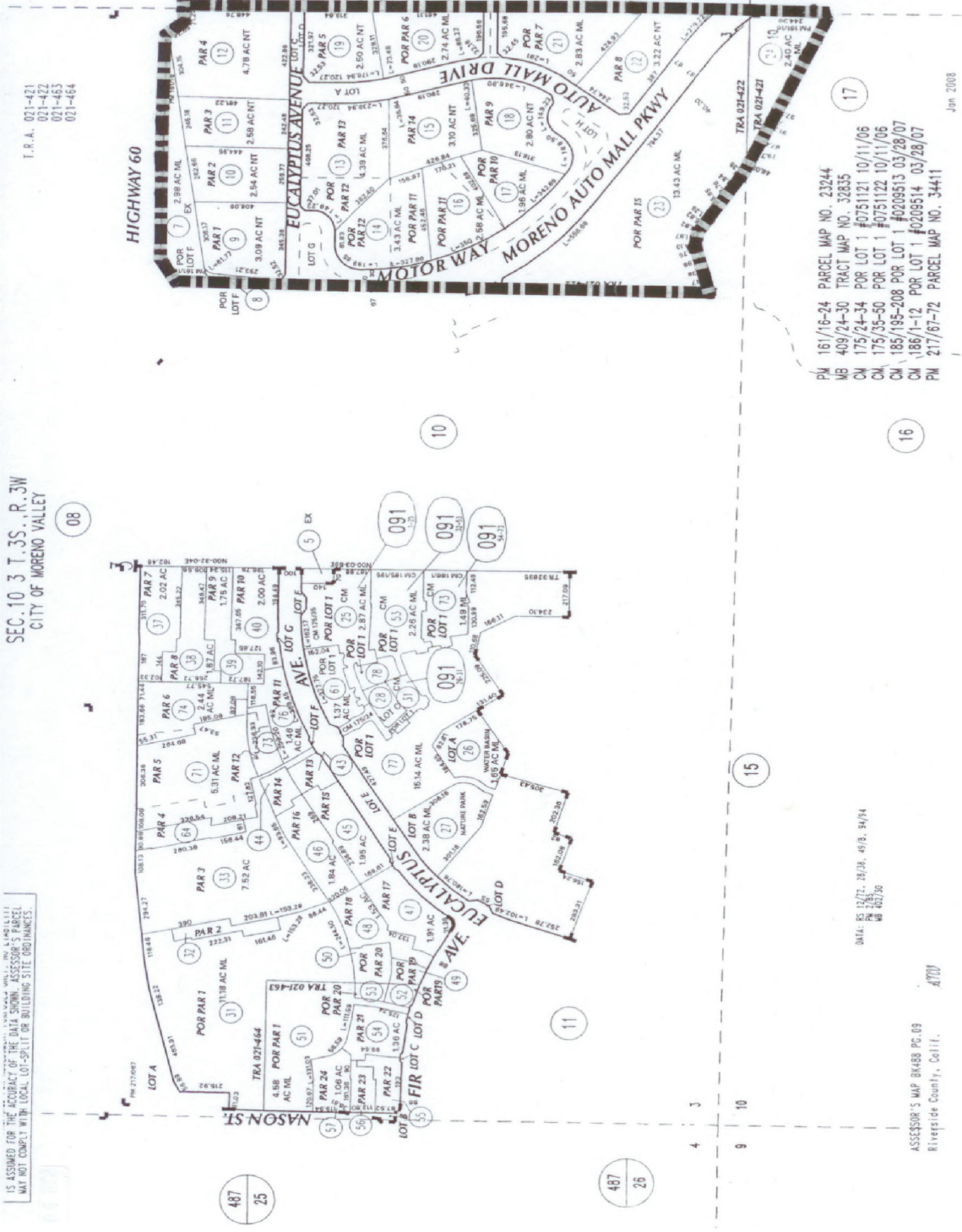
3
Exhibit A

Resolution No. 2009-
Date Adopted: June 9, 2009

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City of Moreno Valley

488-09
477-13
SHEET 1 OF 2



SEC. 10 3 T. 3S., R. 3W
CITY OF MORENO VALLEY

IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN HEREON. THE CITY OF MORENO VALLEY MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

I.R.A. 021-471
021-472
021-483
021-484

1" = 400'
NAD83 = 0

TRACT OR MAP NO.	REV.	DATE
181/16-24	1	03/28/07
409/24-30	1	03/28/07
175/24-34	1	03/28/07
175/35-50	1	03/28/07
185/195-208	1	03/28/07
186/1-12	1	03/28/07
217/67-72	1	03/28/07

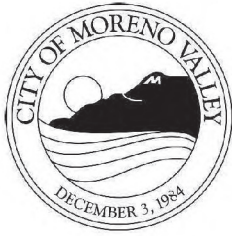
PM 181/16-24 PARCEL MAP NO. 23244
MB 409/24-30 TRACT MAP NO. 32835
CM 175/24-34 POR LOT 1 #0751121 10/11/06
CM 175/35-50 POR LOT 1 #0751122 10/11/06
CM 185/195-208 POR LOT 1 #0209513 03/28/07
CM 186/1-12 POR LOT 1 #0209514 03/28/07
PM 217/67-72 PARCEL MAP NO. 34411

Jan. 2008

CFD NO. 3 (AUTO MALL REFINANCE) BOUNDARY

Exhibit B

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APPROVALS	
BUDGET OFFICER	<i>cap</i>
CITY ATTORNEY	<i>RDH</i>
CITY MANAGER	<i>RA</i>

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 87-1 (Towngate)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) ("CFD No. 87-1") approve and adopt the following:

1. Resolution No. 2009-56 to accept and approve the Special Tax Report for fiscal year (FY) 2009/10 regarding CFD No. 87-1; and
2. Resolution No. 2009-57 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not Applicable.

BACKGROUND

As part of the formation proceedings, CFD No. 87-1 was authorized to issue bonds. In April 1988, the Series A Bonds were sold in the amount of \$9,000,000 to finance Phase I improvements. The Series B Bonds were sold in August 1991 in the amount of \$12,000,000 to fund the remaining improvements within CFD No. 87-1.

In May of 1994, the legislative body of CFD No. 87-1 approved the issuance of the Special Tax Refunding Series A (\$14,170,000) and Series B (\$8,530,000) Bonds, which were sold on June 24, 1994. These bonds are collectively known as the "Prior Bonds".

In October of 2007, the legislative body of CFD No. 87-1 adopted Resolution Nos. 2007-119 and 2007-120 to authorize the issuance of 2007 Special Tax Refunding Bonds ("Bonds") for CFD No. 87-1 and CFD No. 87-1 (Towngate) Improvement Area No. 1. On November 29, 2007, \$10,665,000 of CFD No. 87-1 Bonds and \$4,075,000 of CFD No. 87-1 Improvement Area No. 1 Bonds were sold. The issuance of the Bonds accomplished a net reduction in debt service requirements from the Prior Bonds as a result of receiving favorable interest rates. Construction and acquisition of public improvements within CFD No. 87-1 have been completed for more than a decade.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. CFD No. 87-1 was established to finance the capital costs for roadway improvements, including grading, paving, sewers, sidewalks, landscaping, etc. Bonds were issued to provide funding for these improvements. Only commercial properties within the CFD No. 87-1 are subject to the annual special tax to repay the bonded indebtedness. Subsequent increases in the special tax, not addressed in the original CFD Report, will be subject to a two-thirds voter approval of the property owners.

DISCUSSION

The City Council shall have the opportunity to consider implementing the rate and method of apportionment of the special tax ("RMA") required to meet the special tax requirement for CFD No. 87-1, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer. Detailed within the Annual Special Tax Report is the calculation of the special tax levy as per the RMA to meet the FY 2009/10 special tax requirement.

The maximum special tax rate for CFD No. 87-1 is \$11,500 per net acre. This amount is uniformly applied to developed property and may only be applied to undeveloped property if the maximum special tax levy on the developed property is insufficient to cover the annual special tax requirement.

The special tax will be levied per parcel and collected on the annual property tax bills, which are prepared by the County of Riverside. Only taxable parcels within the boundaries of CFD No. 87-1 shall be subject to the special tax. The total special tax requirement will be funded through a combination of CFD No. 87-1 special tax, TownGate Specific Plan Area tax increment as provided by the Redevelopment Agency, and excess Reserve Fund interest earnings.

Additionally, City Council is being asked to approve and adopt a resolution to approve the submittal of the CFD 87-1 Annual Accountability Report in compliance with

California Government Code Sections 53410 and 53411 (“Code Sections”). Sales of local bonds require the chief fiscal officer of the issuing local agency to file a report with its governing body at least once a year (“Annual Accountability Report”). Beginning with Fiscal Year (FY) 2008/09, and every year thereafter, Special Districts shall include the requirements of this Annual Accountability Report as part of the CFD 87-1 Annual Special Tax and Bond Accountability Report which is on file in the office of the City Treasurer. The Annual Accountability Report provides the following information, as required by the Code Sections:

- a) A statement indicating the specific purpose of the bonds;
- b) Verification that the bond proceeds are being utilized for the purposes identified in the CFD formation and bond financing documents, which includes creation of an account into which the bond proceeds were deposited upon bond issuance;
- c) The amount of funds collected and expended; and
- d) The status of the project.

ALTERNATIVES

1. Approve and adopt the proposed resolutions to accept and approve the Annual Special Tax Report for FY 2009/10 for CFD No. 87-1 and approve the submittal of the Annual Accountability Report in compliance with the Code Sections, as submitted in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. *This approval would allow collection of funds necessary to pay the annual debt service on CFD No. 87-1 (Towngate) Special Tax Refunding Bonds and comply with state reporting requirements.*
2. Do not approve and adopt the proposed resolutions to accept and approve the Annual Special Tax Report for FY 2009/10 for CFD No. 87-1 and the Annual Accountability Report, as submitted in the Annual Special Tax and Bond Accountability Report, in compliance with Code Sections, on file in the office of the City Treasurer. *If the collection of the special taxes are not approved, there would be a shortage of funds necessary to pay the annual debt service on CFD No. 87-1 (Towngate) Special Tax Refunding Bonds. Bond reserves would be used to cover the shortfall and a technical default would occur. Default to bondholders may significantly impact the City of Moreno Valley’s reputation in the bond market, thereby, possibly affecting viability of future bond sales. Failure to file the Annual Accountability Report would be a violation of the Code Sections.*

FISCAL IMPACT

The fiscal impact will be a special tax applied to the 2009/10 tax bill for each of the taxable parcels within the boundary of CFD No. 87-1. The amounts of the individual charges are reported in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. There are no general fund expenditures involved with this special tax obligation. Specific uses of parcel Redevelopment tax increment, as

defined in various Owner Participation Agreements, may offset the special taxes. No single family residential property is affected by this special tax levy. There is no fiscal impact associated with filing a report in compliance with the Code Sections.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to repay the CFD No. 87-1 bonded indebtedness shall be collected and accounted for in accordance with the provisions outlined within the RMA and the Bond Indenture.

SUMMARY

City Council, acting in their capacity as the legislative body of the Moreno Valley CFD No. 87-1, shall have an opportunity to consider implementing the RMA to provide the payment of annual debt service for the Bonds, as submitted in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. There are two similar reports on the agenda tonight. This report approves the special tax levy and reporting of the Code Sections for CFD No. 87-1. The other report approves the special tax levy and reporting requirements for CFD No. 87-1 Improvement Area No. 1.

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

- | | |
|-----------|---|
| Exhibit A | A proposed resolution to accept and approve the Annual Special Tax Report for FY 2009/10 for CFD No. 87-1 |
| Exhibit B | A proposed resolution to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1 |
| Exhibit C | Boundary Map CFD No. 87-1 |

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Sue Anne Maxinoski
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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RESOLUTION NO. 2009-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE SPECIAL TAX REPORT FOR FISCAL YEAR 2009/10 REGARDING COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE)

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, formed Community Facilities District No. 87-1 ("District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Resolution No. 88-13 establishing the terms and conditions pertaining to the issuance of the \$9,000,000 City of Moreno Valley Community Facilities District No. 87-1 (Towngate) Special Tax Bonds, Series "A" ("1988 Bonds"); and, adopted Resolution No. 91-90 establishing the terms and conditions pertaining to the issuance of the \$12,000,000 City of Moreno Valley Towngate Community Facilities District No. 87-1 Special Tax Bonds, Series "B" ("1991 Bonds"); and,

WHEREAS, the District, did previously adopt Resolution No. 94-28, which established the terms and conditions pertaining to the issuance of the City of Moreno Valley Community Facilities District No. 87-1 (Towngate) \$14,170,000 Special Tax Refunding Bonds, Series A ("1994 Series A Bonds") and \$8,330,000 Special Tax Refunding Bonds, Series B ("1994 Series B Bond") (collectively, the "Prior Bonds"); and,

WHEREAS, the legislative body of the District determined that it would be prudent in the management of the fiscal affairs of the District to proceed with issuing bonds for the purpose of refunding the Prior Bonds; and,

WHEREAS, this legislative body, approved Resolution No. 2007-119 to authorize the issuance of 2007 Special Tax Refunding Bonds for CFD No. 87-1, which were sold on November 29, 2007, at \$10,665,000; and,

WHEREAS, this legislative body approved the Bond Indenture to establish the terms and conditions pertaining to the issuance of the 2007 Special Tax Refunding Bonds; and,

WHEREAS, an annual special tax report ("Report") for fiscal year ("FY") 2009/10, which fully sets forth all information concerning the District is on file in the office of the City Treasurer and is incorporated herein by this reference.

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

1. That the above recitals are all true and correct.
2. That the Report for FY 2009/10, on file in the Office of the City Treasurer, is hereby approved.
3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 87-1 as set forth in the Report and hereby is levied during FY 2009/10 against the parcels within the District, excluding parcels not subject to the special tax.

APPROVED AND ADOPTED this day _____ of _____, 2009.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[Note: Any attachments or exhibits to this resolution should follow this jurat.]

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RESOLUTION NO. 2009-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) OF THE CITY OF MORENO VALLEY, APPROVING THE SUBMITTAL OF AN ACCOUNTABILITY REPORT IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 53410 and 53411 FOR COMMUNITY FACILITIES DISTRICT NO. 87-1

WHEREAS, Government Code §53410 requires that on or after January 1, 2001, any bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures; and,

WHEREAS, Government Code §54311 requires the chief fiscal officer of the issuing local agency to file a report with its governing body no later than January 1, 2001, and at least once a year thereafter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE that the City of Moreno Valley submits the report in compliance with the above mentioned Government Code Sections, and that a copy of the Annual Accountability Report is on file in the office of the City Treasurer for review by the public upon request.

1

Exhibit B

Resolution No. 2009-_____
Date Adopted June 9, 2009

APPROVED AND ADOPTED this _____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

2

Exhibit B

Resolution No. 2009-_____
Date Adopted June 9, 2009

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

3

Exhibit B

Resolution No. 2009-_____
Date Adopted June 9, 2009

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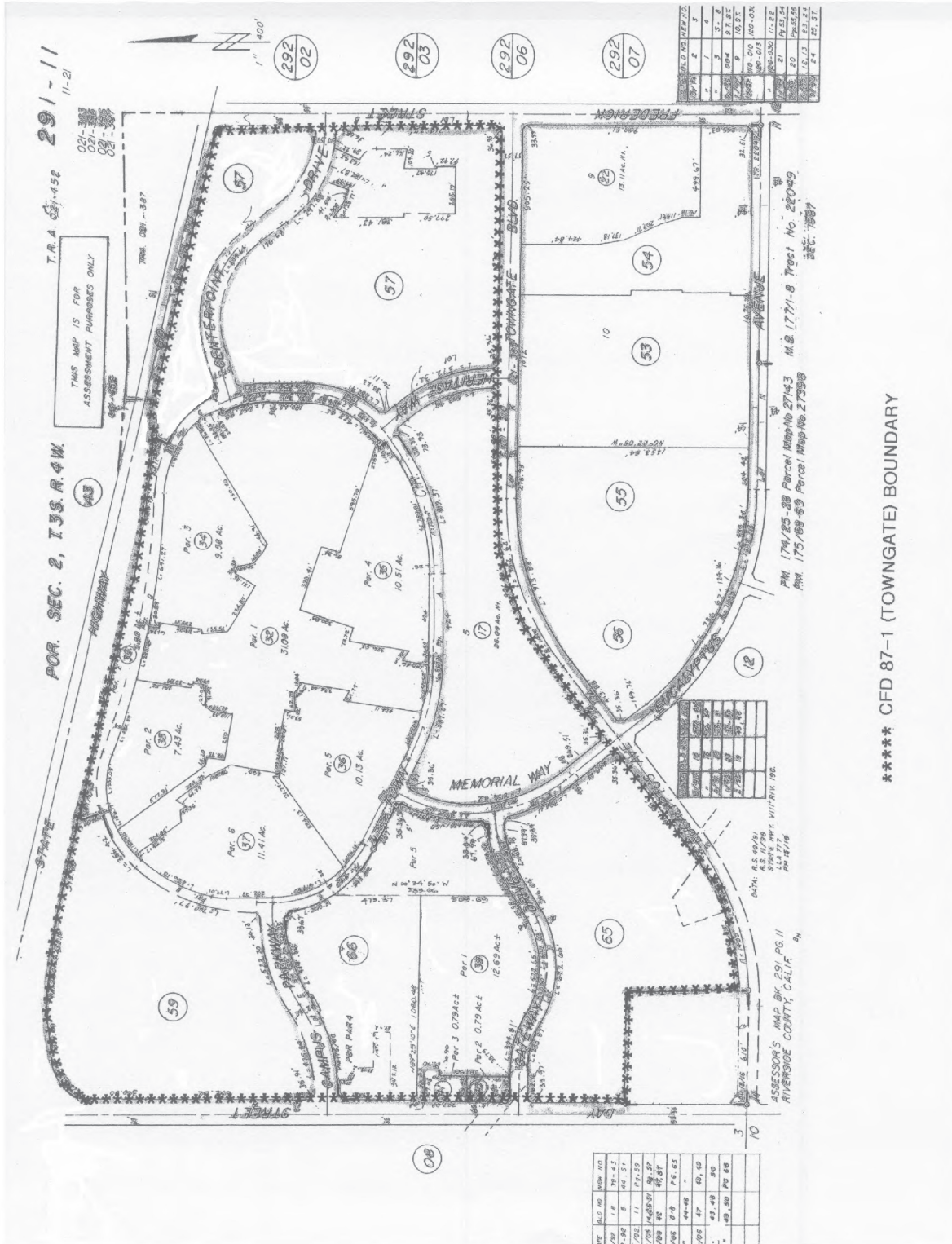
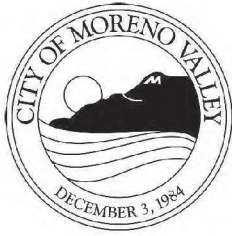


Exhibit C

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APPROVALS	
BUDGET OFFICER	<i>CAF</i>
CITY ATTORNEY	<i>RDA</i>
CITY MANAGER	<i>RM</i>

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) Improvement Area No. 1 ("CFD No. 87-1, Improvement Area No. 1") approve and adopt the following:

- 1) Resolution No. 2009-58 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2009/10 for CFD No. 87-1 Improvement Area No. 1; and
- 2) Resolution No. 2009-59 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1 Improvement Area No. 1.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not Applicable.

BACKGROUND

As part of the formation proceedings, CFD No. 87-1, Improvement Area No. 1 was authorized to issue bonds. On March 23, 1993, the Moreno Valley City Council approved Resolution No. 93-16 to authorize the issuance of \$5,000,000 in bonds for

CFD No. 87-1 Improvement Area No. 1, which were sold on June 24, 1994. The bonds contained a capitalized interest component, which precluded the necessity to levy a Special Tax for 1993/94; therefore, fiscal year (FY) 1994/95 was the first year for a Special Tax levy.

In October of 2007, the legislative body of CFD No. 87-1 Improvement Area No. 1 adopted Resolution Nos. 2007-119 and 2007-120 to authorize the issuance of 2007 Special Tax Refunding Bonds ("Bonds") for CFD No. 87-1 and CFD No. 87-1 Improvement Area No. 1. On November 29, 2007, \$10,665,000 of CFD No. 87-1 Bonds and \$4,075,000 of CFD No. 87-1 Improvement Area No. 1 Bonds were sold. The issuance of the Bonds accomplished a net reduction in debt service requirements from the refunded bonds as a result of receiving favorable interest rates. Construction and acquisition of public improvements within CFD No. 87-1 Improvement Area No. 1 have been completed for more than a decade.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. CFD No. 87-1 Improvement Area No. 1 was established to finance the acquisition, construction, and/or installation of public facilities, which include sewer and water improvements, traffic signals, freeway ramps and land for a detention basin. Bonds were issued to provide funding for these improvements. Only commercial properties within the District are subject to an annual special tax to repay the bonded indebtedness. Subsequent increases, not addressed in the original CFD Report, will be subject to a two-thirds voter approval of the property owners.

DISCUSSION

The City Council shall have the opportunity to consider implementing the rate and method of apportionment of the special tax ("RMA") required to meet the special tax requirement for CFD No. 87-1 Improvement Area No.1, as submitted in the Special Tax Report on file in the office of the City Treasurer. Detailed within the Annual Special Tax Report is the calculation of the special tax levy as per the RMA to meet the FY 2009/10 special tax requirement. The special taxes for CFD 87-1 Improvement Area No. 1 shall be levied at a uniform rate per taxable acre on all parcels within each of two tax rate areas. Tax Rate Area 1 (Moreno Valley Regional Mall) consists of approximately 80.15 net taxable acres, which is responsible for 59% of the special tax levy up to the maximum special tax rate of \$4,450 per taxable acre. Tax Rate Area 2 (a commercial area of approximately 61.76 acres as shown in Exhibit C) is responsible for 41% of the special tax levy up to a maximum special tax rate of \$3,850 per taxable acre.

The special tax will be levied per parcel and collected on the annual property tax bills as prepared by the County of Riverside. The special tax levy is applied only to those parcels within the boundaries of CFD No. 87-1 Improvement Area No. 1.

Additionally, City Council is being asked to approve and adopt a resolution to approve the submittal of the CFD 87-1 Improvement Area No. 1 Annual Accountability Report in

compliance with California Government Code Sections 53410 and 53411 (“Code Sections”). Sales of local bonds require the chief fiscal officer of the issuing local agency to file a report with its governing body at least once a year (“Annual Accountability Report”). Beginning with FY 2008/09, and every year thereafter, Special Districts shall include the requirements of this Annual Accountability Report as part of the CFD 87-1 Improvement Area No. 1 Annual Special Tax and Bond Accountability Report, which is on file in the office of the City Treasurer. The Annual Accountability Report provides the following information as required by the Code Sections:

- a) A statement indicating the specific purpose of the bonds;
- b) Verification that the bond proceeds are being utilized for the purposes identified in the CFD formation and bond financing documents, which includes creation of an account into which the bond proceeds were deposited upon bond issuance;
- c) The amount of funds collected and expended; and
- d) The status of the project.

ALTERNATIVES

1. Approve and adopt the proposed resolutions to accept and approve the Annual Special Tax Report for FY 2009/10 for CFD No. 87-1 Improvement Area No. 1 and approve the submittal of the Annual Accountability Report in compliance with the Code Sections, as submitted in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. *This approval will allow collection of funds necessary to pay the annual debt service on CFD No. 87-1 (Towngate) Improvement Area No. 1 Special Tax Refunding Bonds and comply with reporting state reporting requirements.*
2. Do not approve and adopt the proposed resolutions to accept and approve the Annual Special Tax Report for FY 2009/10 for CFD No. 87-1 Improvement Area No. 1 and the Annual Accountability Report, as submitted in the Annual Special Tax and Bond Accountability Report, in compliance with the Code Sections, on file in the office of the City Treasurer. *If the collection of the special taxes are not approved, there will be a shortage of funds necessary to pay the annual debt service on CFD No. 87-1 Improvement Area No. 1 Special Tax Refunding Bonds. Bond reserves would be used to cover the shortfall and a technical default would occur. Default to bondholders may significantly impact the City of Moreno Valley’s reputation in the bond market, thereby, possibly affecting the viability of future bond sales. Filing of the Annual Accountability Report is a legal requirement, which would be a violation of the Code Sections.*

FISCAL IMPACT

The fiscal impact will be a special tax applied to the 2009/10 tax bill for each of the taxable parcels within the boundary of CFD No. 87-1 Improvement Area No. 1. The amounts of the individual charges are reported in the Annual Special Tax and Bond

Accountability Report on file in the office of the City Treasurer. There are no general fund expenditures involved with this special tax obligation. The property within the CFD No. 87-1 Improvement Area No. 1 boundary is commercial; therefore, there are no residential properties affected by this special tax levy. There is no fiscal impact associated with filing a report in compliance with the Code Sections.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to repay the CFD No. 87-1 Improvement Area No. 1 bonded indebtedness shall be collected and accounted for in accordance with the provisions outlined within the RMA and the Bond Indenture.

SUMMARY

City Council, acting in their capacity as the legislative body of the Moreno Valley CFD No. 87-1 Improvement Area No. 1, shall have an opportunity to consider implementing the RMA to provide the payment of the annual debt service for the Bonds, as submitted in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. There are two similar reports on the agenda tonight. This report approves the special tax levy and reporting of the Code Sections for CFD No. 87-1 Improvement Area No. 1. The other one approves the special tax levy and reporting requirements for CFD No. 87-1.

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

- Exhibit A A proposed resolution to accept and approve the Annual Special Tax Report for FY 2009/10 for CFD No. 87-1 Improvement Area No. 1
- Exhibit B A proposed resolution to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1 Improvement Area No. 1
- Exhibit C Boundary Map CFD No. 87-1 Improvement Area No.1

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Sue Anne Maxinoski
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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RESOLUTION NO. 2009-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE REPORT FOR FISCAL YEAR 2009/10 REGARDING COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, formed Community Facilities District No. 87-1 Improvement Area No. 1 ("District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Resolution No. 93-16 approving the Bond Indenture terms and conditions pertaining to the issuance of the \$5,000,000 City of Moreno Valley Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1 Special Tax Bonds; and,

WHEREAS, on October 27, 2007, the legislative body adopted Resolution No. 2007-120, which authorized the issuance of Special Tax Refunding Bonds for the District to accomplish a net reduction in the debt service requirement, and approved the Bond Indenture terms and conditions pertaining to the issuance of \$4,075,000 for Community Facilities District No. 87-1 Improvement Area No. 1; and,

WHEREAS, an annual special tax report ("Report") for fiscal year ("FY") 2009/10, which fully sets forth all information concerning the District is on file in the office of the City Treasurer and is incorporated herein by this reference.

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

1. That the above recitals are all true and correct.
2. That the Report for FY 2009/10, on file in the Office of the City Treasurer, is hereby approved.
3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No 87-1 Improvement Area No. 1 as set forth in the Report and hereby is levied during FY 2009/10 against the parcels within the District, excluding parcels not subject to the tax.

1

Exhibit A

Resolution No. 2009-____
Date Adopted: June 9, 2009

APPROVED AND ADOPTED this _____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

2

Exhibit A

Resolution No. 2009-_____
Date Adopted: June 9, 2009

RESOLUTION JURAT

[Clerk's Office will prepare]

[Note: Any attachments or exhibits to this resolution should follow this jurat.]

3
Exhibit A

Resolution No. 2009-____
Date Adopted: June 9, 2009

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RESOLUTION NO. 2009-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1 OF THE CITY OF MORENO VALLEY, APPROVING THE SUBMITTAL OF THE ANNUAL ACCOUNTABILITY REPORT IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 53410 and 53411 FOR COMMUNITY FACILITIES DISTRICT NO. 5

WHEREAS, Government Code §53410 requires that on or after January 1, 2001, any bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures; and,

WHEREAS, Government Code §54311 requires the chief fiscal officer of the issuing local agency to file an Annual Accountability Report ("Report") with its governing body no later than January 1, 2001, and at least once a year thereafter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE that the City of Moreno Valley submits the Report in compliance with the above mentioned Government Code Sections, and that the Report shall remain on file in the office of the City Treasurer for review by the public upon request.

APPROVED AND ADOPTED this _____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

2

EXHIBIT B

Resolution No. 2009-_____
Adopted June 9, 2009

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

3

EXHIBIT B

Resolution No. 2009-_____
Adopted June 9, 2009

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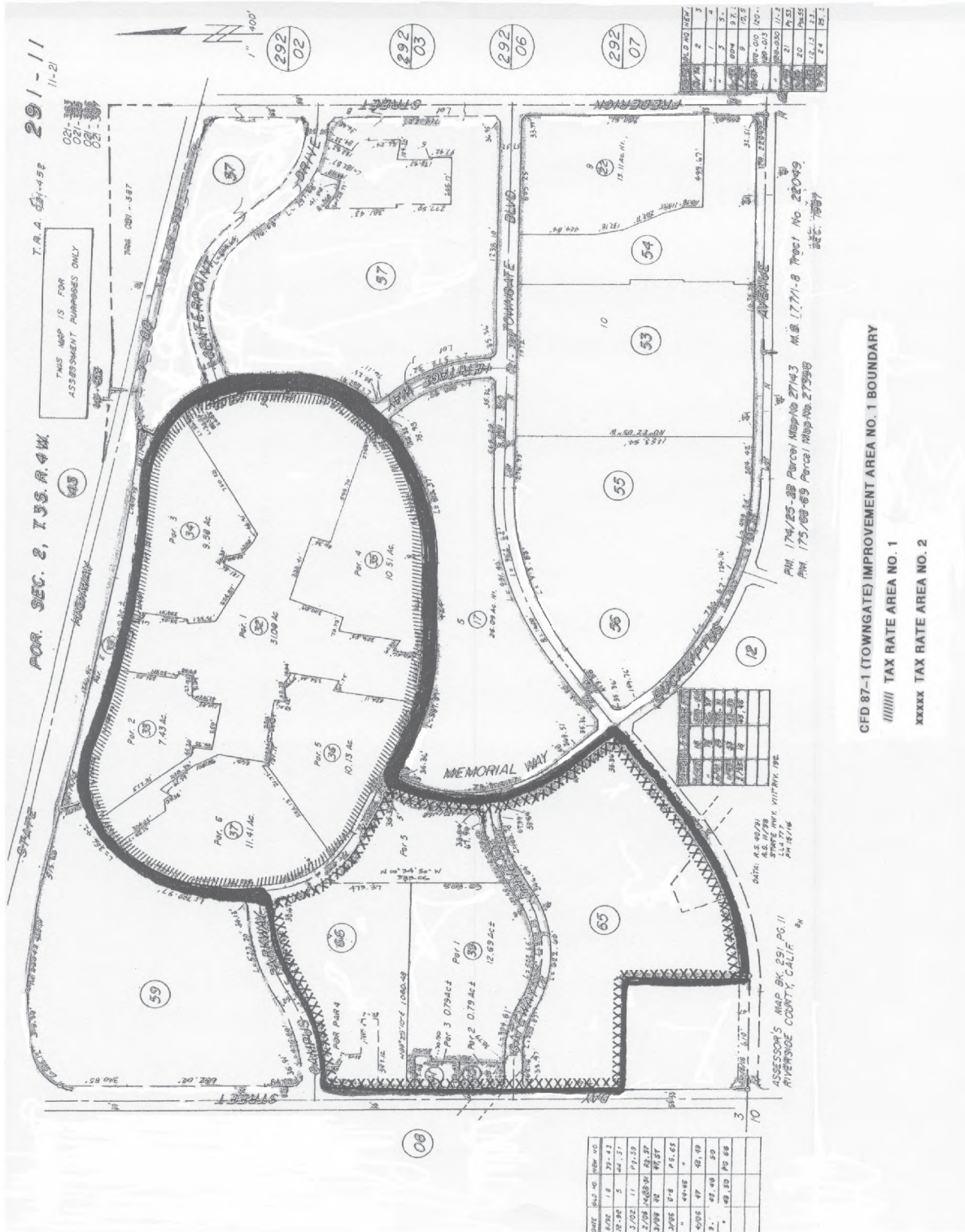
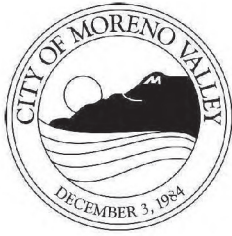


Exhibit C

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>CAF</i>
CITY MANAGER	<i>CA</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR THE TRAFFIC SIGNAL IMPROVEMENTS COTTONWOOD AVENUE AT PATTILYNN DRIVE INTERSECTION PROJECT NO. 09-12566628

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Grant R&M Electrical Contracting's request for relief of a bid proposal due to a mistake made in filling out the bid.
2. Award the construction contract for the Traffic Signal Improvements at the Cottonwood Avenue and Pattilynn Drive intersection to Pouk & Steinle, Inc., 2520 Rubidoux Boulevard, Riverside, CA 92519, the lowest responsible bidder.
3. Authorize the City Manager to execute a contract with Pouk & Steinle, Inc. in the form attached hereto.
4. Authorize the issuance of a Purchase Order to Pouk & Steinle, Inc. in the amount of \$168,245 (bid amount \$146,300 plus 15% contingency of \$21,945) when the contract has been signed by all parties.
5. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Pouk & Steinle, Inc. up to but not to exceed the Purchase Order contingency of \$21,945.
6. Authorize the Public Works Director/City Engineer to incrementally accept completed portions of work and pay retainage based on the acceptance of said work in accordance with Public Contract Code, Section 7107.

BACKGROUND

The improvements at Cottonwood Avenue and Pattilynn Drive intersection will include the installation of a traffic signal, striping, replacement of damaged sidewalk, and updated access ramps on the southeast and southwest corners to be in compliance with the current Americans with Disabilities Act (ADA) standard. The improvements will be located adjacent to Moreno Valley High School.

The project improvements were designed by the City's Transportation Division staff.

The Planning Division of the Community Development Department determined on December 12, 2008, that this project is exempt from the California Environmental Quality Act (CEQA) as it is classified as a Class 1 Categorical Exemption under Section 15301(c) and, therefore, environmental documents are not required.

DISCUSSION

Formal bidding procedures have been followed in conformance with the Public Contract Code (PCC), and the City Clerk opened bids at 2:00 p.m. on April 16, 2009, for the subject project. Thirteen (13) bids were received as follows:

<u>BIDDERS</u>	
1. Pouk & Steinle, Inc.	\$146,300.00
2. DBX, Inc.	\$148,141.00
3. Lincoln Pacific.....	\$157,550.00
4. PTM General Engineering Services	\$159,159.00
5. Lekos Electric, Inc.	\$168,950.00
6. Sierra Pacific Electrical Contracting.....	\$170,109.50
7. Christopher R. Morales, Inc.	\$171,635.00
8. California Professional Engineering.....	\$173,392.00
9. Traffic Loops Crack Filling, Inc.	\$173,550.00
10. AK Engineering.....	\$184,038.00
11. Steiny & Company, Inc.	\$195,141.00
12. Pro Tech Engineering.....	\$212,770.00
13. R&M Electrical Contracting.....	Withdrawn
Engineer's Estimate	\$253,880.00

R&M Electrical Contracting (R&M) submitted a letter to the City within 5 days of the bid opening to request relief of bid due to a mistake in filling out the bid documents which made the bid materially different than intended, but was not due to an error in judgment. This is consistent with Public Contract Codes 5101, 5103. Upon review of the letter, staff concurs that a mistake was made and recommends that the City Council grant the request to withdraw the Bidder's Proposal of R&M Electrical Contracting.

Staff reviewed the next lowest bid submitted by Pouk & Steinle, Inc. (Pouk & Steinle) and finds it to be the lowest responsible bidder in possession of a valid license and bid bond. No material issues were identified through a review of the references submitted by Pouk & Steinle.

ALTERNATIVES

1. Grant R&M Electrical Contracting's request for relief of a bid proposal due to a mistake made in filling out the bid, award the construction contract for the Traffic Signal Improvements at the Cottonwood Avenue and Pattilynn Drive intersection to Pouk & Steinle, Inc., 2520 Rubidoux Boulevard, Riverside, CA 92519, the lowest responsible bidder, authorize the City Manager to execute a contract with Pouk & Steinle, Inc. in the form attached hereto, authorize the issuance of a Purchase Order to Pouk & Steinle, Inc. in the amount of \$168,245 (bid amount \$146,300 plus 15% contingency of \$21,945) when the contract has been signed by all parties, authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Pouk & Steinle, Inc. up to but not to exceed the Purchase Order contingency of \$21,945, and authorize the Public Works Director/City Engineer to incrementally accept completed portions of work and pay retainage based on the acceptance of said work in accordance with Public Contract Code, Section 7107. *This alternative complies with City policy and procedures, and will allow much needed improvements.*

2. Do not grant R&M Electrical Contracting's request for relief of a bid proposal due to a mistake made in filling out the bid, do not award the construction contract for the Traffic Signal Improvements at the Cottonwood Avenue and Pattilynn Drive intersection to Pouk & Steinle, Inc., 2520 Rubidoux Boulevard, Riverside, CA 92519, the lowest responsible bidder, do not authorize the City Manager to execute a contract with Pouk & Steinle, Inc. in the form attached hereto, do not authorize the issuance of a Purchase Order to Pouk & Steinle, Inc. in the amount of \$168,245 (bid amount \$146,300 plus 15% contingency of \$21,945) when the contract has been signed by all parties, do not authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Pouk & Steinle, Inc. up to but not to exceed the Purchase Order contingency of \$21,945, and do not authorize the Public Works Director/City Engineer to incrementally accept completed portions of work and pay retainage based on the acceptance of said work in accordance with Public Contract Code, Section 7107. *This alternative results in non-compliance with City policy and procedures, and thus will delay the completion of needed improvements.*

FISCAL IMPACT

The project is included in the Fiscal Year 2008/2009 Capital Improvement Project Budget. This project is funded by Measure A (Fund 125) funds. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2008/2009 Funds (Account No. 125.66628)..... \$311,000

ESTIMATED PROJECT RELATED COSTS:

Design Phase Costs.....	\$40,000
Contractor Construction Cost (plus 15% contingency)	\$168,000
Construction Geotechnical Services.....	\$3,000
Construction Survey Services	\$2,000
City Furnished Equipment.....	\$30,000
Electrical Service Connection Design (SCE).....	\$2,000
Project Administration *	\$9,000
Total Estimated Project Related Costs.....	\$254,000

* Public Works and consultant staff will provide Project Administration including inspection services.

ANTICIPATED PROJECT SCHEDULE

Order Equipment.....	July 2009
Begin Construction.....	October 2009
Complete Construction.....	November 2009

CITY COUNCIL GOALS

PUBLIC SAFETY:

Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:

Create a positive environment for the development of Moreno Valley’s future.

SUMMARY

The improvements at Cottonwood Avenue and Pattilynn Drive intersection will include the installation of a traffic signal, striping, replacement of damaged sidewalk, and updated access ramps on the southeast and southwest corners to be in compliance with the current Americans with Disabilities Act standards. The improvements will be located adjacent to Moreno Valley High School.

ATTACHMENTS

- Attachment “A” – Location Map
- Attachment “B” – Agreement, Project No. 09-12566628

Prepared By:
 John Kerenyi
 Senior Engineer, P.E.

Concurred By:
 Prem Kumar, P.E.
 Deputy Public Works Director/Assistant City
 Engineer

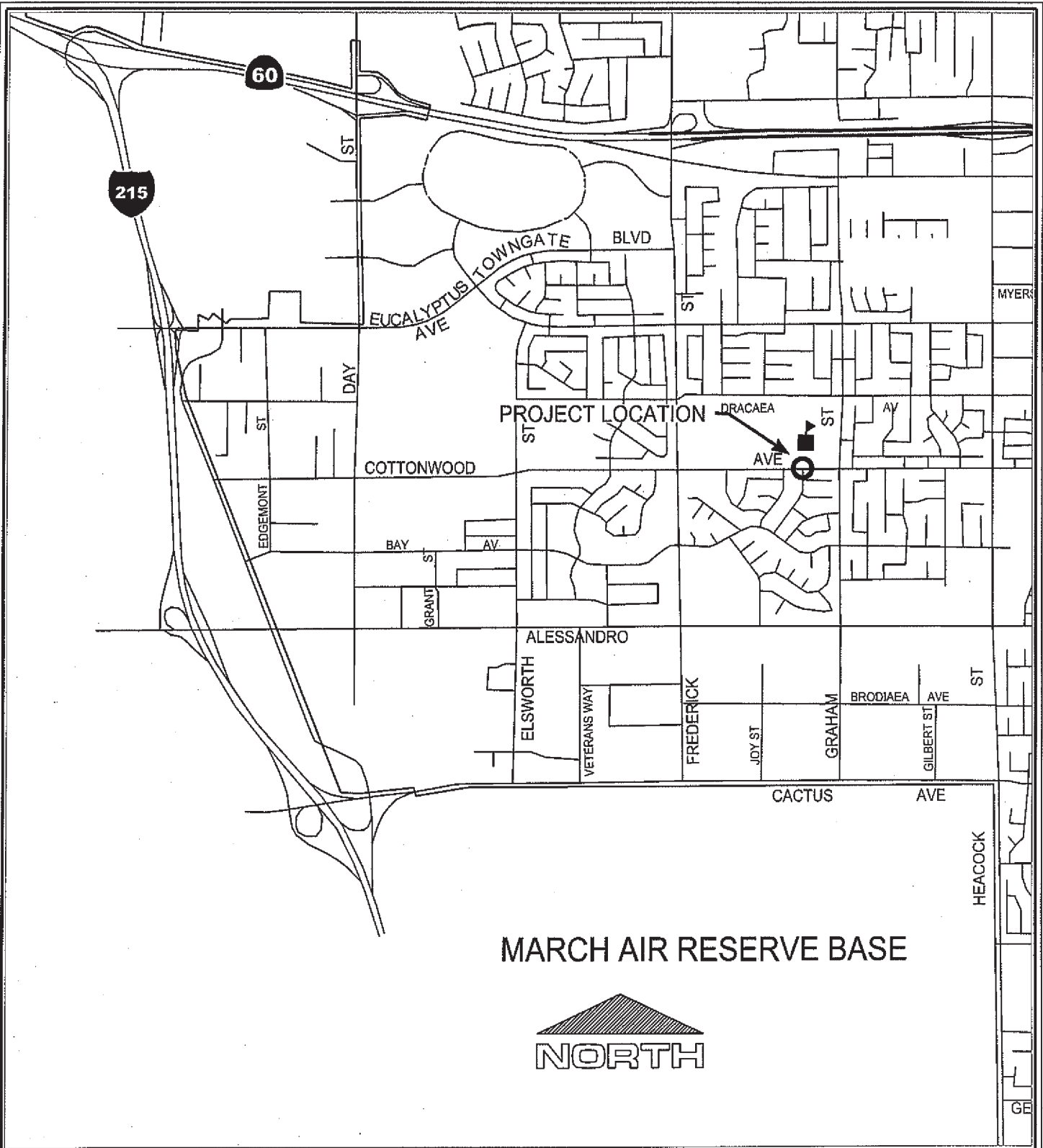
Department Head Approval:
 Chris A. Vogt, P.E.
 Public Works Director/City Engineer

Concurred By:
 Eric Lewis
 Transportation Division Manager/City
 Traffic Engineer

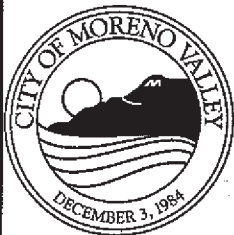
Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\John K - 09-12566628 - Cottonwood Pattilynn TS\CC Reports\6-9-09 NOA for TS Cottonwood
 Pattilynn to Pouk & Steidle.doc

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LOCATION MAP



Public Works Department
Capital Projects Division

Scale: None

ATTACHMENT "A"

PROJECT NO. 09-12566628
TRAFFIC SIGNAL AT
COTTONWOOD AVE AND PATTILYNN DR

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AGREEMENT

PROJECT NO. 09-12566628

TRAFFIC SIGNAL IMPROVEMENTS
COTTONWOOD AVENUE AT PATTILYNN DRIVE INTERSECTION

THIS Contract Agreement, made and entered into as of the date signed by the Mayor, by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and **Pouk & Steinle, Inc.** hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

1. The written Agreement includes all of the following: a) any and all Contract Change Orders issued after the execution of this Agreement, b) the Bidder's Proposal which includes the Bidder's Bond and Non-Collusion Affidavit, c) **Addenda No. None** issued prior to the opening of the Bids, d) the bound Contract Documents, e) the Special Provisions which include the General Provisions and Technical Provisions, f) the project Plans, g) the Standard Plans, h) the Standard Specifications, i) Reference Specifications, j) any and all federal/Caltrans certifications, all of which are essential parts of this Agreement. In the event of any conflict in the provisions thereof, the terms of said Contract Documents as set forth above shall control, each over the other, in the order provided. The above items are incorporated in this Agreement as though set forth in full
2. The Contractor shall furnish all materials, tools, equipment and labor, except as otherwise provided in the Plans or Special Provisions, and will perform all the work which is necessary to complete in a good, workmanlike and substantial manner the above said project in accordance with the Contract documents for this project, the Contract documents which are hereby specifically referred to and by such reference made a part hereof.
3. The City will pay the Contractor and the Contractor agrees to receive and accept the prices set forth in the Bid Schedule as full compensation for the work required under the bid items awarded by the City, to wit, the Bid Item(s) and Additive Bid Item(s) in the sum total amount of **\$146,300**, subject to additions or reductions of the quantities of the various bid items at the unit prices bid, for furnishing all materials and for doing all the work contemplated and embraced under this Contract Agreement; for all loss or damages arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work, until the work is accepted by the City Council; for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, the whole thereof, in the manner and in accordance with the Contract documents therefore and the requirements of the Engineer under them.
4. The Contractor hereby agrees to order materials pursuant to this Contract within 7 calendar days after the date of authorization specified in the "Notice to Proceed with Order of Materials." The Contractor hereby agrees to commence work pursuant to this Contract within (14) calendar days after the date of authorization specified in the "Notice to Proceed with Construction." The Contractor agrees to diligently prosecute the contracted work, including corrective items of work, day to day thereafter, to completion within **forty-five (45) working days** after said date in the "Notice to Proceed with Construction," except as adjusted by subsequent Contract Change Order(s).
5. The City and Contractor hereby agree that in case all ordering of materials and construction called for under the Contract is not completed within the time hereinabove specified, including City caused delays or extensions, damages will be sustained by the City and that, it is and will be impracticable or extremely difficult to ascertain and determine the actual amount of damages the City will sustain in the event of, and by reason of, such delay.

Attachment "B"

AGREEMENT
PROJECT NO. 09-12566628

It is, therefore, agreed that such damages shall be presumed to be in the amount of \$250.00 per calendar day, and that the Contractor will pay to the City, or City may retain from amounts otherwise payable to Contractor, said amount for each calendar day by which the Contractor fails to complete the work, including corrective items of work, under this Contract Agreement within the time hereinabove specified and as adjusted by Contract Change Order(s). The Contractor will not be assessed liquidated damages for delay(s) occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

6. The Contractor shall name as additional insured, the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), and shall furnish the City with a certificate of insurance evidencing liability insurance policy or policies which shall provide coverage for owned and non-owned automobiles; manufacturers and Contractor's liability; broad form property damage in any case where the Contractor has any property belonging to the City in his care, custody or control; owners and Contractor's protective liability; blanket contractual liability; products and completed operations coverage; coverage for collapse, explosion, and where any excavation, digging or trenching is done with power equipment; and shall bear an endorsement containing the following Provisions:

Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, employees and agents, are added as additional insured under this policy and the coverage provided hereunder shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, California, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents; under any third party liability policy.

It is further agreed that the other insurance provision(s) of the policy are amended to conform therewith.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. Insurance companies providing insurance here under shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

The terms of the insurance policy or policies issued to provide the below insurance coverage(s) shall not be amended or canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendments or cancellation to the City, except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

All liability insurance policies shall bear an endorsement or shall have an attached rider which provides that the City of Moreno Valley will be notified by certified or registered mail at least 30 days prior to the effective date of cancellation, non-renewal, or material alteration of such policy.

All liability insurance shall cover comprehensive general liability for both bodily injury (including death) and property damage, including but not limited to aggregate products, aggregate operations, aggregate protective and aggregate contractual with the following minimum limits:

AGREEMENT
PROJECT NO. 09-12566628

	Each Person	Each Occurrence	Aggregate
Bodily Injury	\$500,000.00	\$1,000,000.00	\$2,000,000.00
Property Damage	---	\$1,000,000.00	\$2,000,000.00

A combined single limit for Bodily Injury Liability and Property Damage Liability of \$2,000,000.00 for each occurrence will be considered equivalent to the above minimum limits for Comprehensive General Liability.

Property Damage Insurance shall cover full replacement value for damages to any property caused directly or indirectly by or from acts or activities of the Contractor or its sub-contractors or any person acting for the Contractor or under its control or direction.

The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Contract Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated. Such coverage limits shall not be less than \$1,000,000 combined single limit.

Any deductibles or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or the contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

The Contractor shall also furnish the City with a certificate evidencing Worker's Compensation Insurance with limits as established by the State of California.

The Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

7. The Contractor hereby agrees to provide and maintain in effect two (2) good and sufficient Surety Bonds for one hundred percent (100%) each of the contract price. The bonds shall be a "Faithful Performance Bond" which shall guarantee the faithful performance of all work and a "Labor and Materials Payment Bond" which shall secure the payment of the claims of labor, mechanics, or materialmen for all work under the Contract pursuant to Section 3247 of the Civil Code.

8. The Contractor, the Contractor's heirs, executors, administrators, successors, or assigns guarantee that all work performed under this Contract fully meets the requirements thereof as to quality of workmanship and materials furnished. If any defects in materials or workmanship become evident within a period of one year from the date of the acceptance of the work by the City Council, the Contractor shall, at his or her own expense, make any repair(s) or replacement(s) necessary to restore the work to full compliance with the Plans and Specifications.

9. The Contractor and any agents or subcontractors of the Contractor shall pay the prevailing rates of per diem wages established by the California Department of Industrial Relations. The Contractor and any agents or subcontractors of the Contractor shall also adhere to the California Labor Code, Division 2, Part 7, "Public Works and Public Agencies," and the California Administrative Code, Title 8, Group 3, "Payment of Prevailing Wages upon Public Works," all of which are made a part of the Contract documents.

10. The Contractor agrees that he or she and its subcontractors shall maintain and keep books, payrolls, invoices of materials, records on a current basis, and recording all transactions pertaining to this Agreement

**AGREEMENT
PROJECT NO. 09-12566628**

in a form in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, County, the State of California, the Federal Government and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for such periods of time as required by law, provided, however, notwithstanding any shorter period of retention, all books, records, and supporting detail shall be retained for a period of at least three years after expiration of the term of this Agreement.

11. Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the City of Moreno Valley to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the City of Moreno Valley, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld and shall receive any dividends or interest thereon. The Contractor shall give the City written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow Contract Agreement in a form which is substantially similar to the Contract Agreement set forth in Section 22300, of the Public Contract Code.

12. The Contractor agrees to indemnify, defend, and save the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, agents, and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the Contractor's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Contract Agreement, or are caused or claimed to be caused by the negligent acts of the Contractor its officers, agents, employees, sub-contractors or suppliers, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, its officers, agents, or employees.

The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended, or held harmless, whether in a judicial or administrative action or in arbitration, and whether the issue is between the parties or involves one or more third parties.

13. The parties do for themselves, their heirs, executors, administrators, successors and assigns agree to the full performance of all of the provisions herein contained. The Contractor may not, either voluntarily or by action of law, assign any obligation assumed by the Contractor hereunder without prior written consent of the City.

14. Should either party bring any legal or equitable action for the purpose of protecting or enforcing its rights under this Contract Agreement, the prevailing party in such action shall recover in addition to all other relief, its reasonable attorney's fees and court costs to be fixed by the court.

In addition to the foregoing award of attorney's fees, the prevailing party shall be entitled to its attorneys' fees incurred in any post judgment proceedings to enforce any judgments in connection with this Contract Agreement. The Provision is separate and several and shall survive the merge of this Provision into any judgment.

AGREEMENT
PROJECT NO. 09-1256628

15. By my signature hereunder, as Contractor, I certify that I am aware of the Provisions of Section 3700, of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the Provisions of that code, and I will comply with such Provisions before commencing the performance of the work of this Contract.

16. The effective date of this Contract Agreement shall be the date of the Award of Contract by the City of Moreno Valley.

17. Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 3132 Bradshaw Road, Sacramento, CA 95826. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

(SIGNATURE PAGE FOLLOWS)

**AGREEMENT
PROJECT NO. 09-12566628**

CITY OF MORENO VALLEY,
Municipal Corporation

Pouk & Steinle, Inc.

BY: _____
City Manager

License No./
Classification: _____

Expiration Date: _____

DATE: _____

Federal I.D. No.: _____

<u>INTERNAL USE ONLY</u>	
APPROVED AS TO LEGAL FORM:	

City Attorney	

Date	
RECOMMENDED FOR APPROVAL:	

Department Head <i>(if contract exceeds \$15,000)</i>	

Date	

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____
Date

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____
Date

SIGNING INSTRUCTION TO THE CONTRACTOR:

All signatures on the Contract Agreement on behalf of the Contractor must be acknowledged before a notary public.

General Partners must sign on behalf of the partnership.

In the event that the contracting firm is a corporation, two (2) corporate officer's having authority from the corporation MUST sign (two (2) signatures total). If the corporation has a corporate resolution stating that one person is authorized to sign on behalf of all officers, attach corporate resolution immediately following the notary certificates. Corporate Seal may be affixed hereto.

BOND NO. _____

PREMIUM \$ _____

**FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)**

PROJECT NO. 09-12566628

**TRAFFIC SIGNAL IMPROVEMENTS
COTTONWOOD AVENUE AT PATTILYNN DRIVE INTERSECTION**

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City," has awarded to **Pouk & Steinle, Inc.** as Principal hereinafter designated as "Contractor" and have entered into a Contract Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Contract Agreement, effective on the date signed by the Mayor, and identified as **Project No. 09-12566628**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Contract Agreement is required to furnish a bond guaranteeing the faithful performance of said Contract Agreement;

NOW THEREFORE, we the undersigned Contractor and _____, as Surety, are held and firmly bound unto the City of Moreno Valley, County of Riverside in the penal sum of _____ dollars, (\$ _____), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Contract Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

**FAITHFUL PERFORMANCE BOND
PROJECT NO. 09-12566628**

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day
of _____ 2009.

BIDDER

SURETY

Contractor Name: _____

Name: _____

Address: _____

Address: _____

Telephone No.: _____

Telephone No.: _____

Print Name: _____

Print Name: _____
Attorney-in-Fact

Signature: _____

Signature: _____

Approved as to Form this

_____ day of _____ 2009

City Attorney
City of Moreno Valley

NOTE:

This bond must be executed by both parties. Corporate seal may be affixed hereto. All signatures must be acknowledged before a notary public (attach acknowledgments). The attorney-in-fact for the corporate surety must be registered, as such, in at least one county in the State of California. (Attach one original Power of Attorney sheet for each bond).

BOND NO. _____

PREMIUM \$ _____

**LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)**

PROJECT NO. 09-12566628

**TRAFFIC SIGNAL IMPROVEMENTS
COTTONWOOD AVENUE AT PATTILYNN DRIVE INTERSECTION**

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City", has awarded to **Pouk & Steinle, Inc.**, as Principal hereinafter designated as "Contractor" and have entered into a Contract Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Contract Agreement, effective on the date signed by the Mayor, and identified as **Project No. 09-12566628**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the City of Moreno Valley, County of Riverside, in the penal sum of _____ dollars, (\$ _____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)

**LABOR AND MATERIALS PAYMENT BOND
PROJECT NO. 09-12566628**

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day
of _____ 2009.

BIDDER

SURETY

Contractor Name: _____

Name: _____

Address: _____

Address: _____

Telephone No.: _____

Telephone No.: _____

Print Name: _____

Print Name: _____

Attorney-in-Fact

Signature: _____

Signature: _____

Approved as to Form this

_____ day of _____ 2009

City Attorney
City of Moreno Valley

NOTE:

This bond must be executed by both parties. Corporate seal may be affixed hereto. All signatures must be acknowledged before a notary public (attach acknowledgments). The attorney-in-fact for the corporate surety must be registered, as such, in at least one county in the State of California. (Attach one original Power of Attorney sheet for each bond).

W:\CapProj\CapProj\PROJECTS\John K - 09-12566628 - Cottonwood Pattilynn TS\Construction\Contractor\Agreement\Agreement-Cottonwood Pattilynn TS.DOC



Report to City Council

TO: Mayor and City Council
FROM: Jane Halstead, City Clerk
AGENDA DATE: June 9, 2009
TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of May 20 – June 2, 2009.

<i>Reports on Reimbursable Activities</i> May 20 – June 2, 2009		
Council Member	Date	Meeting
William H. Batey II	5/30/09	Moreno Valley Chamber of Commerce Taste of the Valley
Bonnie Flickinger	5/27/09	31 st Annual Law Enforcement Appreciation Dinner
	5/30/09	Moreno Valley Chamber of Commerce Taste of the Valley
Robin N. Hastings		None
Jesse L. Molina	5/30/09	Moreno Valley Chamber of Commerce Taste of the Valley
Richard A. Stewart	5/20/09	Greater Riverside Chambers of Commerce B/Gen Eric W. Crabtree Welcome Reception
	5/30/09	Moreno Valley Chamber of Commerce Taste of the Valley

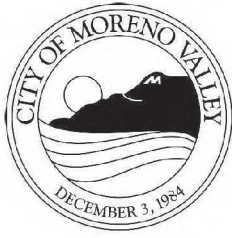
Prepared By:
 Cindy Miller
 Executive Assistant to the Mayor/City Council

Department Head Approval:
 Jane Halstead
 City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

\\Zurich\shared\InterDept\Council-Clerk\City Clerk Files\Council Office\AB 1234 Reports\2009\060909.doc

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RDH</i>
CITY MANAGER	<i>RM</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris Paxton, Human Resources Director

AGENDA DATE: June 9, 2009

TITLE: Second Amendment to City Attorney's Employment Agreement

RECOMMENDED ACTION

Staff recommends that the City Council approve the Second Amendment to the Employment Agreement with the City Attorney.

BACKGROUND

Robert D. Herrick has served as the City Attorney for the City of Moreno Valley since February 1, 1994. His Employment Agreement was approved by the City Council on February 21, 1994, and the First Amendment to his contract was approved on June 26, 2007. Per the original Employment Agreement, Section 4, Salary, the Council shall conduct annual reviews of the Employee's performance and salary at twelve-month intervals.

Through an inadvertent oversight, Council did not conduct a performance evaluation of Mr. Herrick when it was due on August 12, 2008. This evaluation was completed on June 2, 2009.

DISCUSSION

In a closed session on June 2, 2009, Mr. Herrick was given his annual performance evaluation. After closed session, the Mayor directed staff to prepare a Second Amendment to Mr. Herrick's Employment Agreement. The Second Amendment increases his hourly base salary to \$112.47.

This change is to be retroactive to August 12, 2008. Staff recommends that the Council approve the Second Amendment to Mr. Herrick's' Employment Agreement as attached hereto.

FISCAL IMPACT

\$17,779 per year

ATTACHMENTS/EXHIBITS

1. Second Amendment to City Attorney's Employment Agreement

Prepared By
Chris Paxton
Human Resources Director

Department Head Approval
Chris Paxton
Human Resources Director

Concurred By
Betsy Adams
Assistant City Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

SECOND AMENDMENT TO EMPLOYMENT AGREEMENT

THIS SECOND AMENDMENT TO THE EMPLOYMENT AGREEMENT (hereinafter referred to as "the Agreement") is made and entered into as of June 9, 2009, by the **CITY OF MORENO VALLEY** (hereinafter referred to as "City") and **ROBERT D. HERRICK**, (hereinafter referred to as "Employee").

WITNESSETH AS FOLLOWS:

WHEREAS, pursuant to Section 4 of Agreement, the City Council conducted the annual review of Employee's performance at a closed session held at a City Council meeting on June 2, 2009; and

WHEREAS, the City Council finds that Employee's performance continues to be exemplary and, accordingly, desires to extend Agreement and to modify certain terms and conditions of employment; and

WHEREAS, through an inadvertent oversight, the City Council did not conduct a performance evaluation when it was due on August 12, 2008.

NOW, THEREFORE, the parties hereto agree as follows:

1. Section 4 of Agreement, Salary, is hereby amended to read as follows:
 - A. Council agrees to conduct annual reviews of Employee's performance and salary at twelve-month intervals. The pay range for this position as of July 11, 2008 was \$70.62 - \$112.47 per hour. Employer agrees to increase the employee's salary for the services rendered for the previous year as City Attorney pursuant hereto, by 8.2% which results in an hourly base rate of \$112.47 per hour, payable in installments at the same time as other employees of the Employer are paid. This salary increase shall be retroactive to the employee's anniversary date which was August 12, 2008.

All other Sections of the Employment Agreement and First Amendment to the Employment Agreement are not modified by this Second Amendment and remain in full force and effect.

IN WITNESS THEREOF, the parties have executed this agreement which is to become effective as of August 12, 2008.

EMPLOYEE

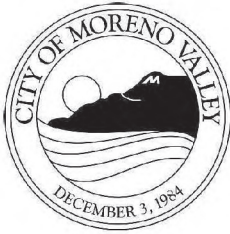
Robert D. Herrick

CITY OF MORENO VALLEY
A California Municipal Corporation
EMPLOYER

Mayor

ATTEST:

City Clerk



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RDA</i>
CITY MANAGER	<i>RM</i>

Report to City Council

TO: Mayor and City Council, Acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

FROM: Chris A. Vogt, P. E. , Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: **EXTENSION OF CONTRACT** - Project No. E-4/07 - Maintenance of Extensive Landscaping and Irrigation – Moreno Valley Ranch-East

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (MVCSD):

1. Approve the attached Extension Agreement for MVCSD Project E-4/07 to extend the term of the contract for an additional one-year period, and;
2. Authorize the President of the MVCSD Board to execute said Amendment with Bemus Landscape, Inc. of San Clemente, California, and;
3. Authorize the Purchasing Manager, on July 1, 2009, to issue open purchase orders to Bemus Landscape, Inc. in the amounts of:
 - a.) ONE HUNDRED NINETY-TWO THOUSAND TWO HUNDRED TWENTY-THREE AND 20/100 DOLLARS (\$192,223.20) for twelve months of base maintenance service, and;
 - b.) THIRTEEN THOUSAND SEVEN HUNDRED FIFTEEN AND 00/100 DOLLARS (\$13,715.00) for anticipated Additional Work per Section 5. of the Extension Agreement.

ADVISORY COMMITTEE RECOMMENDATION

Not Applicable

BACKGROUND

On March 13, 2007, the Special Districts Division of the Public Works Department received valid proposals from three landscape contracting firms in response to its Request for Proposals for the subject project. On May 22, 2007, upon the recommendation of staff, the City Council, acting in their capacity as the Board of Directors of the MVCSD voted to award the contract for landscape maintenance of Moreno Valley Ranch-East parkways and medians to Bemus Landscape, Inc., San Clemente, California. The contract amount for the initial twelve-month term was \$196,378.00 (\$183,000.00 for Base Service; \$13,378.00 for estimated Additional Work). The Contractor was awarded a one-year extension on May 27, 2008. The amount of the contract extension totaled \$203,700.00 (\$190,320.00 for Base Service; \$13,380.00 for estimated Additional Work). Staff is recommending that the Contractor be awarded the second of three possible contract extensions, as discussed below.

DISCUSSION

The current contract with Bemus Landscape expires on June 30, 2009. In January of this year Special Districts' staff contacted Bemus Landscape representatives and discussed extending the term of the vendor's contract for an additional twelve-month term, as allowed by Subsection 5. b. of the subject Agreement, as well as Subsection V.B.3. of City Fiscal Policy 3.18. Per Subsection 5.c. of the subject Agreement, staff determined that the vendor had provided a satisfactory level of service throughout the term of the first contract extension, and proposed a one percent (1%) increase in Bemus's annual compensation for providing basic services, an amount consistent with the regional Consumer Price Index for All Urban Consumers (CPI-U) in the Los Angeles-Riverside-Orange County metropolitan area for the year ending in November 2008. An Extension Agreement was duly drafted by staff and signed by Bemus's President and Corporate Secretary. Key provisions of the document are as follows:

1. Extension of the contract term to June 30, 2010 (based on the Contractor's performance during the 2009/2010 Fiscal Year, and at staff's discretion, the contractor may be recommended for a third and final contract extension for Fiscal Year 2010/2011).
2. Changes to certain contract elements in order to clarify the respective duties of the two parties relating to payment for additional work, and any landscape areas that may be added to the Moreno Valley Ranch-East Service Area during the term of the Extension Agreement.

ALTERNATIVES

1. Approve the Extension Agreement for Project E-4/07 to extend the term of the contract for an additional one-year period; authorize the President of the MVCSD Board to execute said Amendment with Bemus Landscape, Inc.; authorize the Purchasing Manager to issue open purchase orders for Base Service and estimated Additional Work to Bemus Landscape, Inc. at the start of Fiscal Year 2009/10. *Extension of this contract will ensure uninterrupted landscape maintenance service is provided for the Moreno Valley Ranch-East parkways and medians.*

2. Do not approve the Extension Agreement for Project E-4/07 to extend the term of the contract for an additional one-year period. *Choosing this alternative may disrupt the continuity of parkway and median landscape service for the eastern portion of the Moreno Valley Ranch Specific Plan.*

FISCAL IMPACT

The necessary annual purchase orders for the term of this contract are set forth below.

<u>Purchase Order Type/Fund/Business Unit</u>	<u>2009/2010 Fiscal Year P.O. Amount</u>
<u>Base Contract</u>	
00182.78250.6261	\$187,810.10
00182.78282.6261	\$ 4,413.10
<u>Additional Work</u>	
00182.78250.6261	\$ 11,980.00
00182.78282.6261	\$ 1,255.00
00182.78250.6361.362	\$ 200.00
00182.78282.6361.362	\$ 40.00
00182.78250.6371	\$ 200.00
00182.78282.6371	\$ 40.00
Total P.O. Amounts	\$205,938.20

The combined cost of Base Contract Services plus estimated Additional Work for the entire twelve-month term shall not exceed \$205,938.20, which amount will be included in the Fund 00182.78250 and Fund 00182.78282 budgets for Fiscal Year 2009/10. This action will not impact the City's General Fund.

CITY COUNCIL GOALS

By approving the Extension Agreement with Bemus Landscape, Inc., the MVCSD Board will continue to promote community image, as well as neighborhood pride and cleanliness, while ensuring that these public facilities are properly cared for.

SUMMARY

The actions before the MVCSD Board are to approve the attached Extension Agreement for Project E-4/07, authorize the Board President to execute the Extension Agreement with Bemus Landscape, Inc., and authorize the Purchasing Division Manager, at the start of Fiscal Year 2009/10, to issue purchase orders to Bemus Landscape, Inc. for twelve months of base maintenance services and anticipated Additional Work.

NOTIFICATION

Not applicable.

ATTACHMENTS

1. Project E-4/07 Vicinity Maps
2. Copy of Extension Agreement

Prepared By
Stuart Sheldon
Landscape Districts Program Manager

Department Head Approval
Chris A. Vogt, P.E.,
Public Works Director

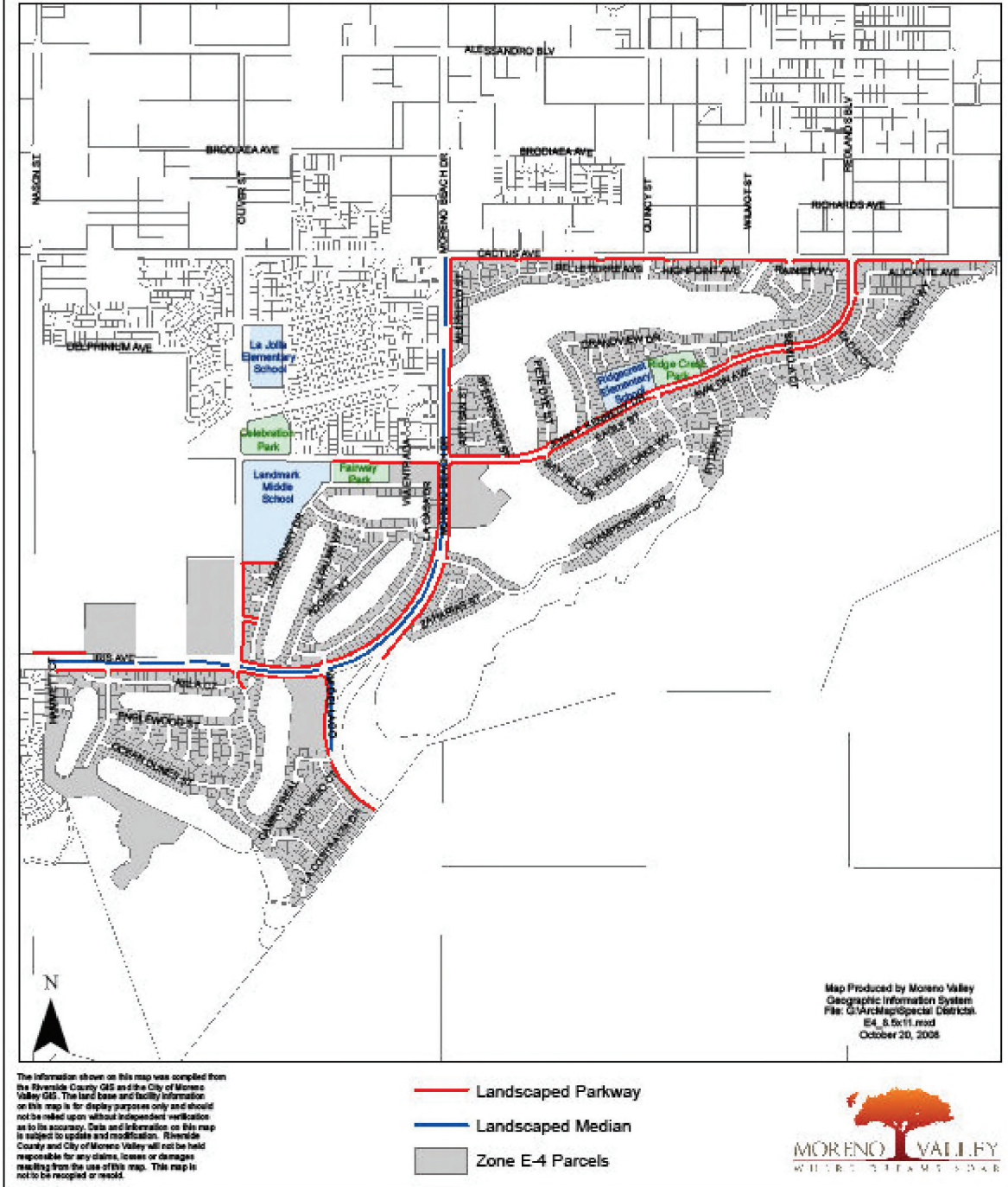
Concurred By
Sue Maxinoski
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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Moreno Valley Community Services District Extensive Landscaping & Irrigation

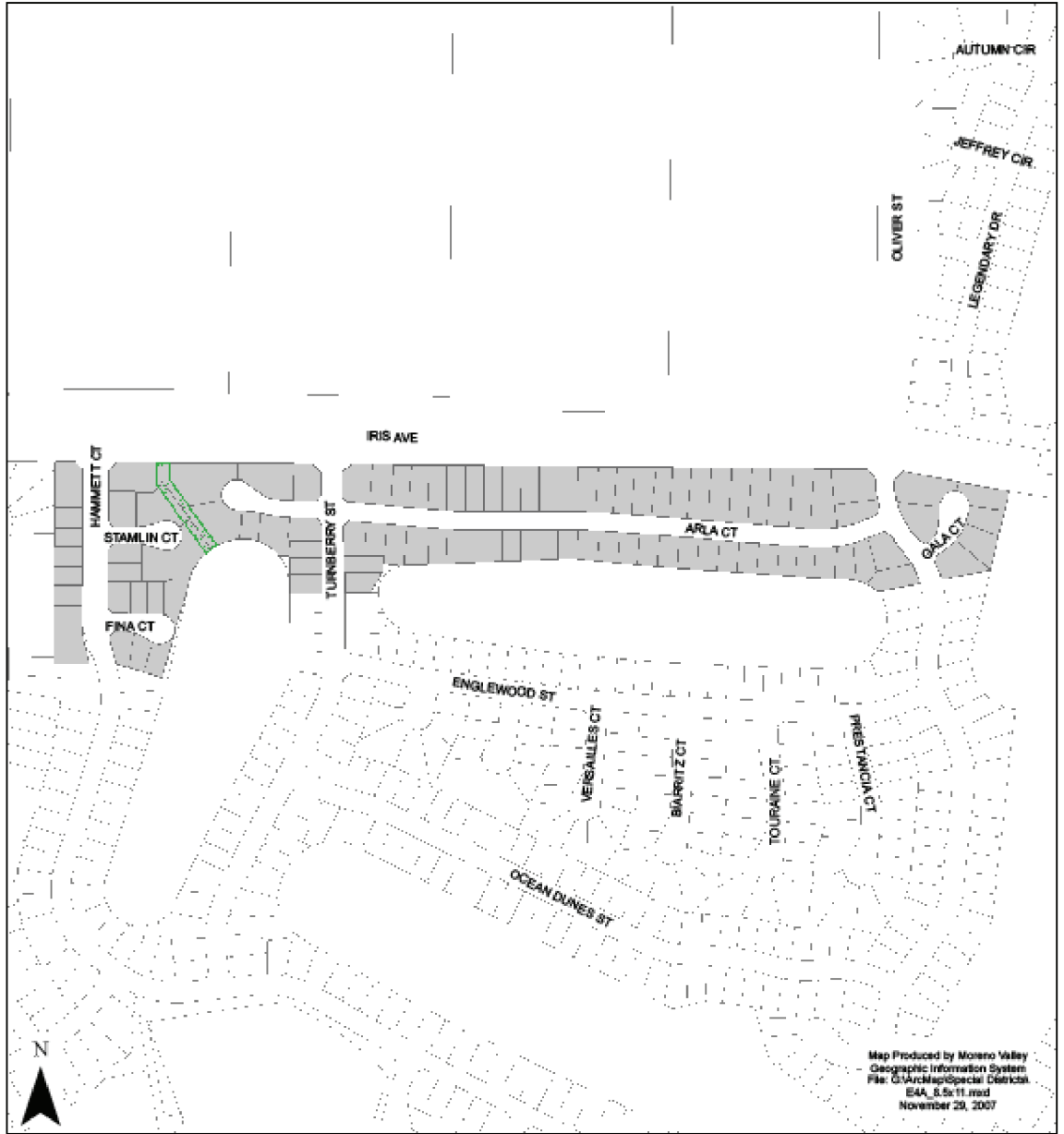
Zone E-4 • Moreno Valley Ranch - East



ATTACHMENT 1



Moreno Valley Community Services District Extensive Landscaping & Irrigation

Zone E-4A • Daybreak - Internal Landscape Maintenance



Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts
E4A_5.5x11.mxd
November 29, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or reprinted.

-  Landscaped Open Space
-  Zone E-4A Parcels



EXTENSION AGREEMENT
PROJECT NO. E-4/07
MORENO VALLEY RANCH - EAST
MAINTENANCE OF LANDSCAPING AND IRRIGATION

THIS AGREEMENT is made and entered into by and between the Moreno Valley Community Services District (hereafter, "District") and **Bemus Landscape, Inc.**, (hereafter, "Contractor").

WHEREAS, the District and Contractor entered into an agreement dated May 24, 2007, referencing Project No. E-4/07 regarding maintenance of District landscaping and irrigation systems (hereafter, "Agreement").

WHEREAS, pursuant to the terms of the Agreement, both parties wish to extend the Agreement by a period of twelve (12) months under the following additional terms:

1. The extension period shall commence on **July 1, 2009**, and shall terminate on **June 30, 2010**.
2. In accordance with paragraph 5(b) of the Agreement, this Extension shall be considered the second extension of the Agreement AND THE Agreement may be extended for up to one (1) additional twelve (12) month period with the concurrence of both parties.
3. Notwithstanding paragraph 3(b) of the Agreement, for the period of this Extension and except where additional compensation is specifically provided for in the Agreement, the District will pay the Contractor for all work (labor, materials, supplies, equipment, etc.) performed under this Extension the total amount of **SIXTEEN THOUSAND EIGHTEEN AND 60/100 DOLLARS (\$16,018.60)** per month, one month in arrears, on the last day of the month. The total contract amount for the twelve (12) month extension period shall not exceed **ONE HUNDRED NINETY-TWO THOUSAND TWO HUNDRED TWENTY-THREE AND 20/100 DOLLARS (\$192,223.20)**
4. Notwithstanding paragraph 3(f) of the Agreement, the unit cost set forth in the Additional Work Price List, Section B. for any landscape areas added to the project during the period of this Extension shall be as follows:
 - a. Additional parkway areas, turf (trees up to 18-foot height, as applicable). **\$0.0182/ sq. ft. / mo.**
 - b. Additional parkway areas, planters (trees up to 18-foot height, shrubs, ground cover included, as applicable). **\$0.0131/ sq. ft. / mo.**
5. Notwithstanding paragraph 3(h) of the Agreement, for the period of this Extension and except as specifically approved by subsequent action of the District Board of Directors, the Director may not authorize additional work pursuant to this Extension or the original Agreement in excess of the cumulative total of **THIRTEEN THOUSAND SEVEN HUNDRED FIFTEEN AND 00/100 DOLLARS (\$13,715.00)**.

ATTACHMENT 2

EXTENSION AGREEMENT

PROJECT: E-4/07

PAGE 2

6. Except as set forth above, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE FOLLOWS

EXTENSION AGREEMENT
PROJECT: E-4/07
PAGE 3

Dated: _____

MORENO VALLEY COMMUNITY SERVICES DISTRICT

By: _____
Mayor, acting in the capacity
of President to the Moreno
Valley Community Services District

CONTRACTOR:

Signature

Signature

Printed Name

Printed Name

Title

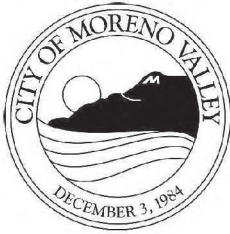
Title

Company Name

(Corporate Seal)

<u>INTERNAL USE ONLY</u>
ATTEST:
_____ City Clerk
APPROVED AS TO LEGAL FORM:
_____ City Attorney
_____ Date
RECOMMENDED FOR APPROVAL:
_____ Department Head
_____ Date

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>PH</i>

Report to City Council

TO: Mayor and City Council, Acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

FROM: Chris A. Vogt, P. E. , Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: **EXTENSION OF CONTRACT** - Project No. D-SG1-E/07 - Maintenance of Parkway Landscaping and Irrigation

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (MVCSD):

1. Approve the attached Extension Agreement for MVCSD Project D-SG1-E/07 to extend the term of the contract for an additional one-year period, and;
2. Authorize the President of the MVCSD Board to execute said Amendment with TruGreen LandCare of Riverside, California, and;
3. Authorize the Purchasing Manager, on July 1, 2009, to issue open purchase orders to TruGreen LandCare in the amounts of:
 - a.) ONE HUNDRED THIRTY-THREE THOUSAND TWO HUNDRED SIXTY AND 96/100 DOLLARS (\$133,260.96) for twelve months of base maintenance service, and;
 - b.) FOURTEEN THOUSAND FOUR HUNDRED FIVE AND 00/100 DOLLARS (\$14,405.00) for anticipated Additional Work per Section 5. of the Extension Agreement.

ADVISORY COMMITTEE RECOMMENDATION

Not Applicable

BACKGROUND

On June 7, 2007, the Special Districts Division of the Public Works Department received valid proposals from four landscape contracting firms in response to its Request for Proposals for the subject project. On July 10, 2007, upon the recommendation of staff, the City Council, acting in their capacity as the Board of Directors of the MVCSD, voted to award the contract for maintenance of standard service level parkway landscaping in the eastern portion of the city (Perris Boulevard east to eastern City Limits) to TruGreen LandCare, Riverside, California. The contract amount for the initial twelve-month term was \$152,024.00 (\$141,924.00 for Base Service; \$10,100.00 for estimated Additional Work). The Contractor was awarded a one-year extension on June 10, 2008. The amount of the contract extension totaled \$170,515.43 (\$160,410.43 for Base Service; \$10,105.00 for estimated Additional Work). Staff is recommending that the Contractor be awarded the second of three possible contract extensions, as discussed below. The significant differences in contract amounts from the initial contract term to this second contract extension are due to additions and deletions to the D-SG1-E service roster in each of the first two contract terms, resulting from the outcome of Proposition 218-mandated mail ballot proceedings.

DISCUSSION

The current contract with TruGreen LandCare expires on June 30, 2009. In January of this year Special Districts' staff contacted TruGreen LandCare representatives and discussed extending the term of the vendor's contract for an additional twelve-month term, as allowed by Subsection 5.b. of the subject Agreement, as well as Subsection V.B.3. of City Fiscal Policy 3.18. Per Subsection 5.c. of the subject Agreement, staff determined that the vendor had provided a satisfactory level of service throughout the term of the first contract extension, and proposed a one percent (1%) increase in TruGreen LandCare's annual compensation for providing basic services, an amount consistent with the regional Consumer Price Index for All Urban Consumers (CPI-U) in the Los Angeles-Riverside-Orange County metropolitan area for the year ending in November 2008. An Extension Agreement was duly drafted by staff and signed by TruGreen LandCare's Branch Manager on April 16, 2009. Key provisions of the document are as follows:

1. Extension of the contract term to June 30, 2010 (based on the Contractor's performance during the 2009/2010 Fiscal Year, and at staff's discretion, the contractor may be recommended for a third and final contract extension for Fiscal Year 2010/2011).
2. Changes to certain contract elements in order to clarify the respective duties of the two parties relating to payment for additional work, and any landscape areas that may be added to or removed from the D-SG1-E Service Area during the term of the Extension Agreement.

ALTERNATIVES

1. Approve the Extension Agreement for Project D-SG1-E/07 to extend the term of the contract for an additional one-year period; authorize the President of the MVCSD Board to execute said Amendment with TruGreen LandCare; authorize the Purchasing Manager to issue open purchase orders for Base Service and estimated Additional Work to TruGreen LandCare at the start of Fiscal Year 2009/10. *Extension of this contract will ensure uninterrupted landscape maintenance service is provided for the D-SG1-E parkways.*
2. Do not approve the Extension Agreement for Project D-SG1-E/07 to extend the term of the contract for an additional one-year period. *Choosing this alternative may disrupt the continuity of parkway landscape service for the eastern portion of the city's Standard Service Level parkway landscapes.*

FISCAL IMPACT

The necessary annual purchase orders for the term of this contract are set forth below.

<u>Purchase Order Type/Fund/Business Unit</u>	<u>2009/2010 Fiscal Year P.O. Amount</u>
<u>Base Contract</u>	
00181.78110.6261	\$133,260.96
<u>Additional Work</u>	
00181.78110.6261	\$ 14,005.00
00181.78110.6361.362	\$ 200.00
00181.78110.6371	\$ 200.00
Total P.O. Amounts	\$147,665.96

The combined cost of Base Contract Services plus estimated Additional Work for the entire twelve-month term shall not exceed \$147,665.96, which amount will be included in the Fund 00181.78110 budget for Fiscal Year 2009/10. This action will not impact the City's General Fund.

CITY COUNCIL GOALS

By approving the Extension Agreement with TruGreen LandCare, the MVCSD Board will continue to promote community image, as well as neighborhood pride and cleanliness, while ensuring that these public facilities are properly cared for.

SUMMARY

The actions before the MVCSD Board are to approve the attached Extension Agreement for Project D-SG1-E/07, authorize the Board President to execute the Extension Agreement with TruGreen LandCare, and authorize the Purchasing Division Manager, at the start of Fiscal Year 2009/10, to issue purchase orders to TruGreen LandCare for twelve months of base maintenance services and anticipated Additional Work.

NOTIFICATION

Not applicable.

ATTACHMENTS

1. Project D-SG1-E/07 Vicinity Map
2. Copy of Extension Agreement

Prepared By
Stuart Sheldon
Landscape Districts Program Manager

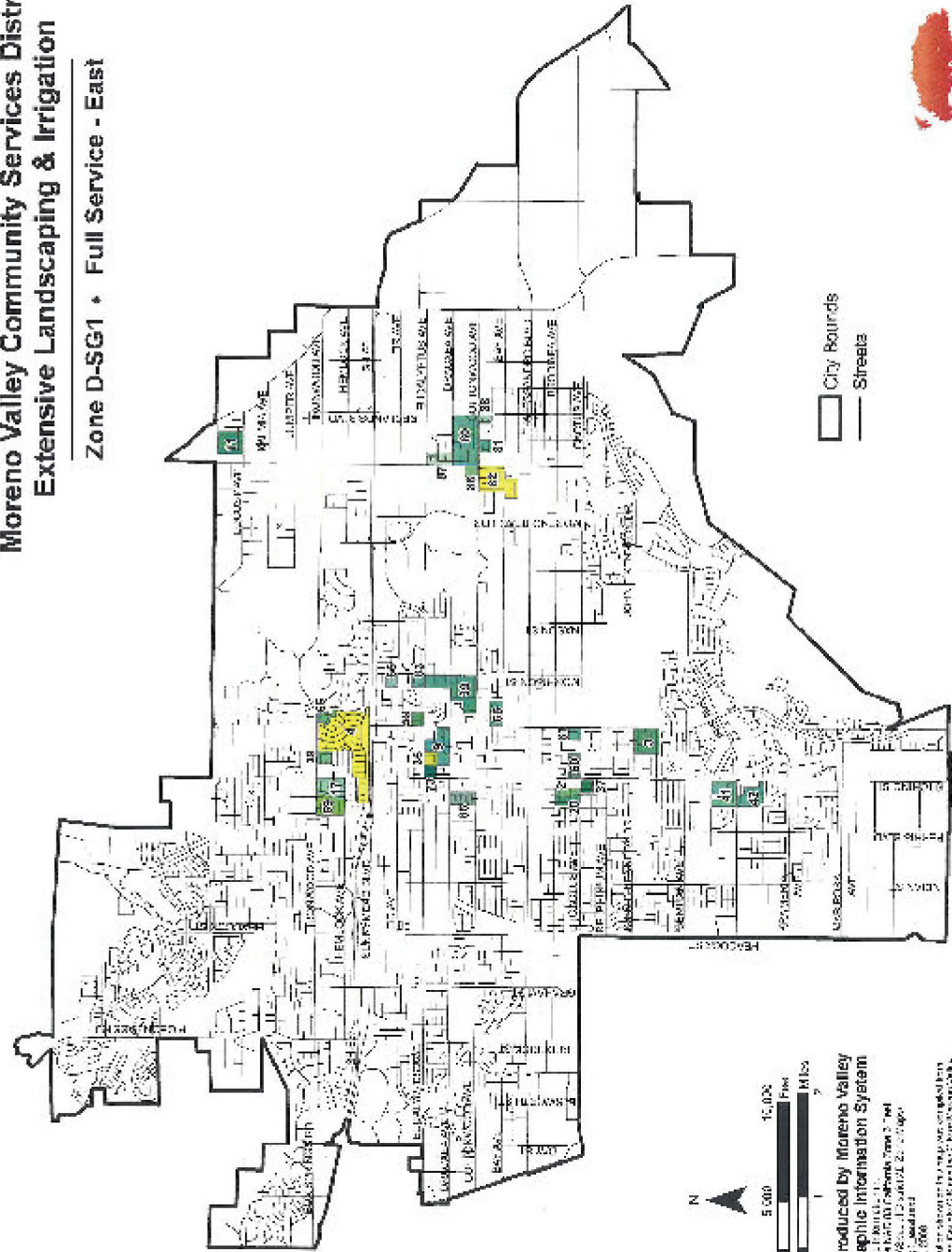
Department Head Approval
Chris A. Vogt, P.E.,
Public Works Director

Concurred By
Sue Maxinoski
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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**Moreno Valley Community Services District
 Extensive Landscaping & Irrigation
 Zone D-SG1 • Full Service - East**



Map Produced by Moreno Valley
 Geographic Information System
 Date: 08/11/2011
 0 5,000 10,000 Feet
 0 1 2 Miles
 N
 The information contained on this map was compiled from
 various sources and is not guaranteed to be accurate.
 The City of Moreno Valley is not responsible for any errors
 or omissions. It is advised that users verify the information
 on this map with the appropriate authorities before using it for
 any purpose.

ATTACHMENT 1

**Moreno Valley Community Services District
Extensive Landscaping & Irrigation**

Zone D-SG1 • Full Service - East

<u>Map ID</u>	<u>Tract Number</u>	<u>Area (Sq. Ft.)</u>
3	TR 12773	13,806
4	TR 12902	7,344
9	TR 16769	7,500
11	TR 17334	37,880
17	TR 18784/20906	30,432
20	TR 19141	5,838
21	TR 19142	3,950
29	TR 19496	3,600
35	TR 19541	5,325
37	TR 19875	2,550
39	TR 19852	28,800
41	TR 19912	11,750
42	TR 19937	20,890
56	TR 20941	9,600
59	TR 21345	6,600
60	TR 21597	33,230
61	TR 21616	23,528
65	TR 22277	20,485
66	TR 22999	3,204
69	TR 28882	20,983
73	TR 22371	17,844
80	TR 31269-1	43,723
81	TR 31268	7,058
82	TR 31284	28,321
83	TR 31591	16,445
85	TR 32018	11,306
86	TR 31269	7,450
87	TR 31424	8,750
88	TR 32625	17,826

Total Area, Service Area East: **455,818**
Total Acreage, Service Area East: **10.5**

Print Date: Aug
 File: 0506MapSpec

EXTENSION AGREEMENT
PROJECT NO. D-SG1-E/07
MAINTENANCE OF LANDSCAPING AND IRRIGATION

THIS AGREEMENT is made and entered into by and between the Moreno Valley Community Services District (hereafter, "District") and **TruGreen Landcare**, (hereafter, "Contractor").

WHEREAS, the District and Contractor entered into an agreement dated July 17, 2007, referencing Project No. D-SG1-E/07 regarding maintenance of District landscaping and irrigation systems (hereafter, "Agreement").

WHEREAS, pursuant to the terms of the Agreement, both parties wish to extend the Agreement by a period of twelve (12) months under the following additional terms:

1. The extension period shall commence on **July 1, 2009**, and shall terminate on **June 30, 2010**.
2. In accordance with paragraph 5(b) of the Agreement, this Extension shall be considered the second final extension of the Agreement AND THE Agreement may be extended for up to one (1) additional twelve (12) month period with the concurrence of both parties.
3. Notwithstanding paragraph 3(b) of the Agreement, for the period of this Extension and except where additional compensation is specifically provided for in the Agreement, the District will pay the Contractor for all work (labor, materials, supplies, equipment, etc.) performed under this Extension the total amount of **ELEVEN THOUSAND ONE HUNDRED FIVE AND 08/100 DOLLARS (\$11,105.08)** per month, one month in arrears, on the last day of the month. The total contract amount for the twelve (12) month extension period shall not exceed **ONE HUNDRED THIRTY-THREE THOUSAND TWO HUNDRED SIXTY AND 96/100 DOLLARS (\$133,260.96)**.
4. Notwithstanding paragraph 3(f) of the Agreement, the unit cost set forth in the Additional Work Price List, Section B. for any landscape areas added to the project during the period of this Extension shall be as follows:
 - a. Additional parkway areas, turf & planters (trees up to 18-foot height, as applicable). **\$0.0236/sq.ft./month** .
5. Notwithstanding paragraph 3(h) of the Agreement, for the period of this Extension and except as specifically approved by subsequent action of the District Board of Directors, the Director may not authorize additional work pursuant to this Extension or the original Agreement in excess of the cumulative total of **FOURTEEN THOUSAND FOUR HUNDRED FIVE AND 00/100 DOLLARS (\$14,405.00)**.
6. Special Provisions, Landscape Maintenance Specifications Section 1 paragraph n. 6 is deleted from the Agreement for this Extension.

ATTACHMENT 2

EXTENSION AGREEMENT

Project No. D-SG1-E/07

Page 2

7. Special Provisions, Fertilization Specifications Section 1 paragraphs b, c and d are deleted from the Agreement for this Extension.
8. Table I under Special Provisions, Fertilization Specifications has been amended to remove the required April and October Humus-Base turf applications.
9. Except as set forth above, all other terms and conditions of the Agreement shall remain in full force and effect.

EXTENSION AGREEMENT

Project No. D-SG1-E/07

Page 3

Dated: _____

MORENO VALLEY COMMUNITY SERVICES DISTRICT

By: _____

Mayor, acting in the capacity
of President to the Moreno
Valley Community Services District

CONTRACTOR:

Signature

Signature

Printed Name

Printed Name

Title

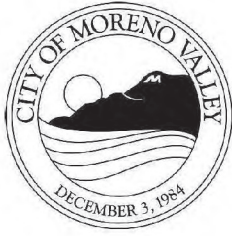
Title

Company Name

(Corporate Seal)

<u>INTERNAL USE ONLY</u>
ATTEST:
_____ City Clerk
APPROVED AS TO LEGAL FORM:
_____ City Attorney
_____ Date
RECOMMENDED FOR APPROVAL:
_____ Department Head
_____ Date

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RDA</i>
CITY MANAGER	<i>RA</i>

Report to City Council

TO: Mayor and City Council Acting in their Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: APPROVAL AND ADOPTION OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 1 ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2009/10

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board") and as the legislative body of Community Facilities District No. 1 ("CFD No. 1" or "District") approve and adopt Resolution No. CSD 2009-15 to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual special tax requirement of CFD No. 1.

ADVISORY BOARD/COMMITTEE RECOMMENDATIONS

Not Applicable

BACKGROUND

In 1986, CSD Zone A was established to fund park and recreational services. Over the years the cost of providing park maintenance services steadily increased, while the CSD Zone A annual charge remained fixed since fiscal year ("FY") 1992/93 at \$87.50 per parcel (per Dwelling Unit ["DU"] for apartments). Rising program costs along with an increase of new residential developments in recent years created a need for additional funding to support the new neighborhood park areas. CSD Zone A funds cannot adequately accommodate the maintenance costs of both existing and newly constructed neighborhood park areas. In an effort to provide for the ongoing maintenance and safety of new neighborhood parks, without jeopardizing CSD Zone A

funding for existing park and recreation services, the CSD formed CFD No. 1 for new neighborhood parks.

On July 8, 2003, the CSD Board conducted a Public Hearing for the formation of CFD No. 1, approved a resolution to provide for future territory annexation into CFD No. 1 and authorized a special tax levy. The special tax funds public services, such as ongoing maintenance and/or repair of parks, park improvements, and all efforts by Park Rangers that are devoted to the maintenance and safety of the newly constructed neighborhood parks accepted by the City of Moreno Valley Parks and Community Services Department for maintenance after District formation in July 2003. FY 2003/04 was the first year for the special tax levy.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. Subsequent increases, not addressed in the original CFD Report, will be subject to a two-thirds approval by the property owners within CFD No. 1.

DISCUSSION

The CSD Board shall have the opportunity to consider implementing the rate and method of apportionment of special tax ("RMA") required to cover the special tax requirement for CFD No. 1, as submitted in the Annual Special Tax Report ("Report") on file in the office of the City Treasurer.

Detailed within the Report is the description of the CFD proceedings, identification of participating developments, park projects maintained within the District, description of services, and amount of the special tax to be levied for 2009/10. The maximum special tax rate for FY 2009/10 is \$141 per DU; however, the FY 2009/10 CFD No. 1 levy shall be based on projected District expenses and shall not exceed the maximum special tax amount. This charge does not impact the FY 2009/10 CSD Zone A levy of \$87.50 per dwelling unit, which will continue to be collected to support maintenance of existing parks and recreation programs. The special tax levy per residential parcel or per DU for apartments will be collected on the Riverside County property tax bill and is applied only to those parcels, or any portion thereof, annexed into CFD No. 1.

ALTERNATIVES

1. **Approve and adopt the proposed resolution** to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the RMA required to cover the annual special tax requirement of CFD No. 1. *This approval will allow collection of monies necessary to fund ongoing maintenance services of CFD No. 1.*
2. **Do not approve and adopt the proposed resolution** to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the RMA required to cover the annual special tax requirement of CFD No. 1. *CSD Zone A funds*

maintenance and operations of existing park areas, recreation facilities and programs; however, these funds are inadequate to support ongoing maintenance and/or repair of parks, park improvements, and all efforts by Park Rangers that are devoted to the maintenance and safety of the newly constructed neighborhood parks as a result of added residential development. If the CFD No. 1 special tax is not authorized to be levied, there will be a shortage of funds to pay for maintenance and Park Ranger costs associated with new neighborhood parks.

FISCAL IMPACT

The fiscal impact will be a levy of a special tax applied to the property owner's 2009/10 Riverside County property tax bill. Collection of the CFD No. 1 special tax reduces the level of CSD Zone A and General Fund support necessary to maintain neighborhood parks. Properties within CFD No. 1 are new residential developments, which create the need for new neighborhood parks. Neither existing nor new commercial/industrial property is affected by this special tax levy.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

A special tax necessary to fund CFD No. 1 is collected according to the provisions outlined within the Mello-Roos Community Facilities Act of 1982.

SUMMARY

The CSD Board shall have an opportunity to consider implementing the levy for CFD No. 1, per the RMA, as identified within the Report on file in the office of the City Treasurer.

NOTIFICATION

Not Applicable

EXHIBITS

- Exhibit A A proposed resolution to accept and approve the Report for FY 2009/10 regarding CFD No.1
- Exhibit B Boundary Map CFD No. 1

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Sue Anne Maxinoski,
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\Special Dist Administration\Community Facilities Districts CFD\CFD 1 Neighborhood Parks\Annual Report\2009-10\Staff Report 06.09.09.doc

RESOLUTION NO. CSD 2009-15

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE REPORT FOR FISCAL YEAR 2009/10 REGARDING COMMUNITY FACILITIES DISTRICT NO. 1

WHEREAS, the CITY COUNCIL for the CITY OF MORENO VALLEY, CALIFORNIA, acting in their capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD Board"), did form Community Facilities District No.1 ("CFD No. 1" or "District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the CSD Board, acting as the legislative body, did introduce and adopt Ordinance Nos. CSD-40 (Urgency Ordinance) and CSD-41 (an Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, California) to authorize the levy of a special tax within CFD No. 1; and,

WHEREAS, the CSD Board adopted Resolution No. CSD 2003-26 authorizing annexation of Territory in the future to CFD No. 1; and,

WHEREAS, annexations to CFD No. 1 have been conducted by the Community Services District following formation of the District; and,

WHEREAS, The City has prepared and submitted the Special Tax Report ("Report") for FY 2009/10; and a copy of said Report is on file in the office of the City Treasurer and is incorporated herein by this reference as if fully set forth.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the above recitals are all true and correct.
2. That the Report for FY 2009/10, as on file in the office of the City Treasurer, is hereby approved.
3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover

1
EXHIBIT A

Resolution No. CSD 2009-____
Date Adopted: June 9, 2009

the annual special tax requirement of CFD No. 1 as set forth in the Report and hereby is levied during FY 2009/10 against the parcels within the District.

APPROVED AND ADOPTED this ____ day of _____.

Mayor of the City of Moreno Valley,
Acting in the capacity of President
of the Moreno Valley Community
Services District

ATTEST:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

City Attorney, Acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT
2
EXHIBIT A

Resolution No. CSD 2009-_____
Date Adopted: June 9, 2009

[Clerk's Office will prepare]

[Note: Any attachments or exhibits to this resolution should follow this jurat.]

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**MORENO VALLEY
 COMMUNITY SERVICES DISTRICT
 COMMUNITY FACILITIES DISTRICT NO. 1
 2009-2010**

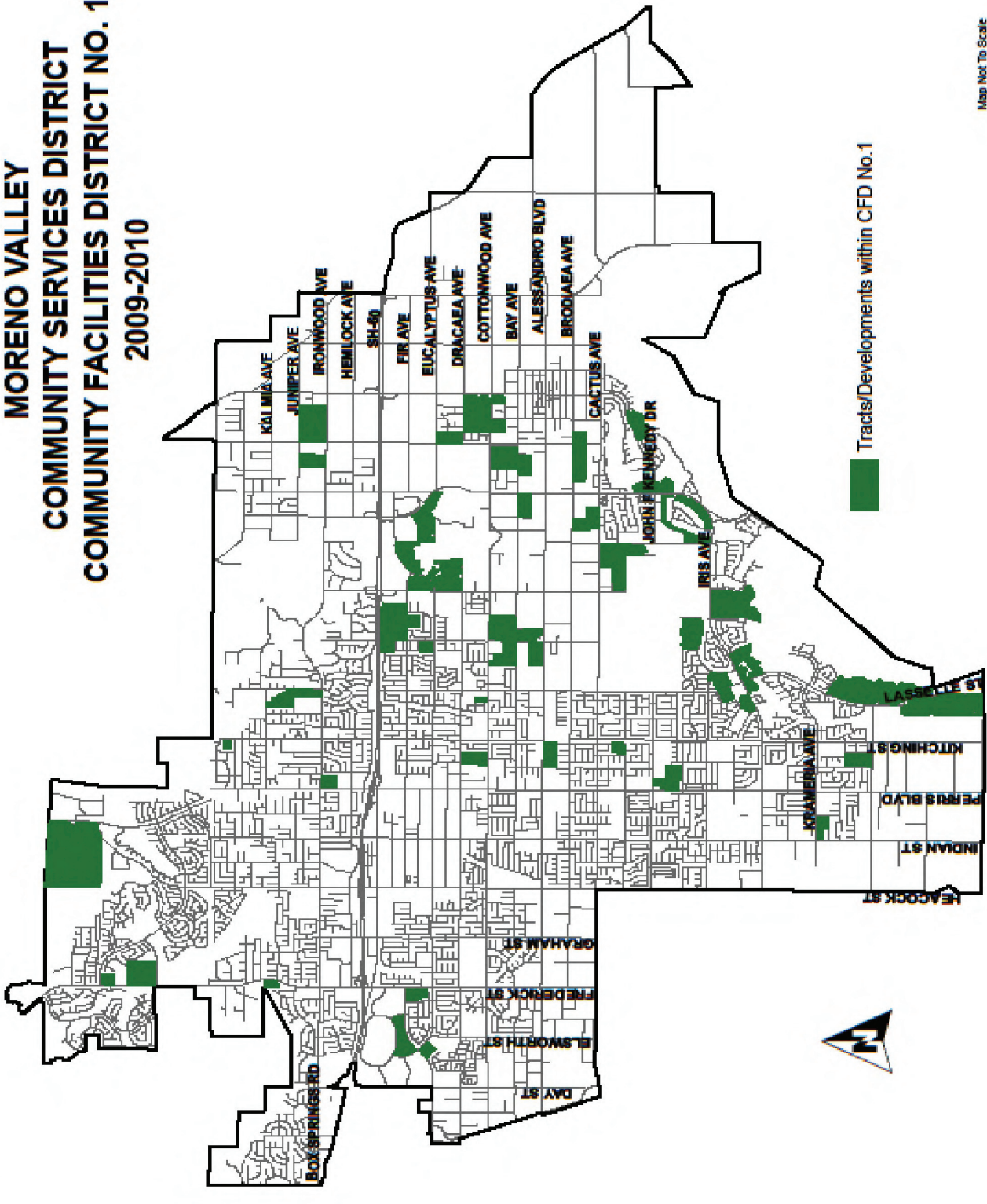
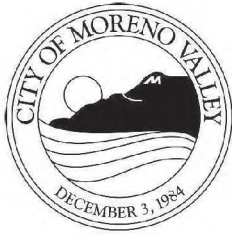


EXHIBIT B

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RDH</i>
CITY MANAGER	<i>RM</i>

Report to City Council

TO: Mayor and City Council, acting in their respective capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District

FROM: Michael McCarty, Director of Parks and Community Services

AGENDA DATE: June 9, 2009

TITLE: Recommendation to Approve Contract Mowing of Parks and Easements 2009-2010 of Community Services District Zone A and Community Facilities District #1 Parks and Easements to DLS Landscape, Inc.

RECOMMENDED ACTION

Staff recommends that the Board of Directors:

1. Approve Contract Mowing of Parks and Easements 2009-2010, of Community Services District ("CSD") Zone A and Community Facilities District ("CFD") #1 parks and easements to DLS Landscape, Inc., Redlands, CA, in the total amount of \$148,680.00 (\$122,760.00 for CSD Zone A and \$25,920.00 for CFD #1).
2. Authorize the Mayor to execute the Contract Mowing of Parks and Easements 2009-2010, with the above-mentioned contractor in a form and substance acceptable to the City Attorney.
3. Authorize the Financial & Administrative Services Director to issue a purchase order upon execution of the Contract Mowing of Parks and Easements 2009-2010 to the above-mentioned contractor not to exceed \$148,680.00. Funds are available in CSD Zone A account 161.76310.6261 and CFD #1 account 184.18410.6261.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

The current contract with DLS Landscape, Inc. expires on June 30, 2009. In order to maintain continuity of services, in April 2009, the CSD advertised for Request for Proposals for Contract Mowing of Parks and Easements 2009-2010, of CSD Zone A and CFD #1 parks and easements.

DISCUSSION

A Request for Proposal advertisement was placed in the Press Enterprise on April 25, 2009 and May 2, 2009. In addition, the Request for Proposal was posted to the City's website.

Representatives from seven (7) landscape maintenance firms attended the mandatory pre-submittal meeting on April 30, 2009. At this meeting, staff explained in detail information requested in the Request for Proposal, and provided information on the proposal submittal and selection process.

Sealed proposals were received until the due date of May 11, 2009 at which time all received proposals were opened and recorded by the City Clerk. Six sealed proposals were received and the results are as follows:

1.	DLS, Landscaping, Inc.	\$148,680.00
2.	Green It Up	\$175,118.16
3.	Midori Gardens	\$180,528.00
4.	CTAI Pacific Greenscape	\$203,940.00
5.	Bemus Landscape	\$207,660.00
6.	Soholt & Company Landscape	\$225,696.00

In order to determine the best overall value to the City, all proposals were evaluated by the City's selection panel. The panel was made up of three staff members from the Parks and Community Services Department. The result of the selection panel was to rank DLS, Landscape, Inc. as the vendor that best meets the City's specifications and needs, and represents the best overall value for the City. Therefore, based upon DLS, Landscape, Inc.'s proposal providing the best overall value, staff recommends that the CSD award the contract to DLS Landscape, Inc., effective July 1, 2009.

ALTERNATIVES

1. Award the contract for Contract Mowing of Parks and Easements 2009-2010, of CSD Zone A and CFD #1 parks and easements to DLS Landscape, Inc. effective July 1, 2009. Approving this proposal will ensure uninterrupted contract mowing services of CSD Zone A and CFD #1 parks and easements. **Staff recommends this alternative.**

2. Elect not to approve the Contract Mowing of Parks and Easements 2009-2010 of CSD Zone A and CFD #1 parks and easements to DLS Landscape, Inc. Publishing a new Request for Proposal may cause a disruption in the continuity of service to the District's mowing. Resubmitting proposals for this project will consume considerable additional time, with no guarantee of a more favorable result of the CSD. **Staff does not recommend this alternative.**

FISCAL IMPACT

Approval of this contract will obligate the CSD to pay a total of \$148,680 for Contract Mowing of Parks and Easements 2009-2010, of CSD Zone A and CFD #1 parks and easements. Funding for this project has been approved in the CSD Zone A 2009-2010 fiscal budget account 161.76310.6261 and CFD #1 account 184.18410.6261.

City Council Goals

By approving this contract with DLS Landscape, Inc., the CSD Board will continue to promote community image, as well as neighborhood pride and cleanliness, while ensuring that these public facilities are properly cared for.

SUMMARY

Staff recommends that the Board of Directors:

1. Approve the Contract Mowing of Parks and Easements 2009-2010 to DLS Landscape, Inc. in the amount of \$148,680.00.
2. Authorize the Mayor to execute the Contract Mowing of Parks and Easements 2009-2010 with the above-mentioned contractor in the form attached hereto.
3. Authorize the Financial & Administrative Services Director to issue a purchase order upon execution of the Contract Mowing of Parks and Easements 2009-2010 to the above-mentioned contractor not to exceed the amount of \$148,680.00. Funds are available in CSD Zone A account 161.76310.6261 and CFD #1 account 184.18410.6261.

NOTIFICATION

Publication of the Agenda.

ATTACHMENTS/EXHIBITS

- | | |
|---------------|---|
| Attachment 1: | Agreement |
| Attachment 2: | Faithful Performance and Materials and Labor Bond |
| Attachment 3: | Approved Insurance Documents |
| Attachment 4: | City of Moreno Valley Business License |

Prepared By Steve Kupsak
Parks Maintenance Division Manager

Michael McCarty
Director of Parks and Community
Services

Concurred By

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

**AGREEMENT BETWEEN
THE COMMUNITY SERVICES DISTRICT
OF THE CITY OF MORENO VALLEY
AND DLS LANDSCAPE, INC.**

This Agreement is made and entered into as of the date the City signs this agreement by and between the Community Services District of the City of Moreno Valley, a district organized and existing pursuant to the community services district laws of the State of California ("CSD"), and DLS Landscape, Inc., a California corporation ("Contractor").

RECITALS

WHEREAS, the CSD has determined it is in the public interest to proceed with the work hereinafter described as "Project"; and

WHEREAS, the CSD has determined the Project involves the performance of maintenance services of a temporary nature; and

WHEREAS, the CSD does not have available employees to perform the services for the Project; and

WHEREAS, the CSD has requested the Contractor to perform the services for the Project; and

WHEREAS, the Contractor is professionally qualified in California to perform the maintenance services required for the Project.

THEREFORE, the CSD and the Contractor, for consideration hereinafter described, mutually agree as follows:

1. **DESCRIPTION OF PROJECT.** The Project is described as the contract mowing of parks and easements in the City of Moreno Valley.
2. **CONSIDERATION.**
 - A. As partial consideration, Contractor agrees to perform the work set forth in the attached Exhibit A, Scope of Services, attached hereto and incorporated herein by this reference.
 - B. As additional consideration, the CSD's responsibility, other than payment, is described in Exhibit B, CSD Services to be Provided to Contractor, attached hereto and incorporated herein by this reference.
 - C. As additional consideration, CSD agrees to pay Contractor on a monthly basis an amount set forth in the attached Exhibit C, Terms of Payment, attached hereto and incorporated herein by this reference, for Contractor's services. CSD will pay such amount according to the terms noted in Exhibit C.
 - D. As additional consideration, Contractor and CSD agree to abide by the terms and conditions contained in this Agreement.

3. SCOPE OF SERVICES.

- A. Contractor will perform services listed in the attached Exhibit A.
- B. Contractor will, in a workmanlike manner, furnish all of the labor, technical, administrative, professional and other personnel, all supplies and materials, equipment, printing, vehicles, transportation, office space and facilities, and all tests, testing and analyses, calculation, and all other means whatsoever, except as herein otherwise expressly specified to be furnished by CSD, necessary or proper to perform and complete the work and provide the professional services required of Contractor by this Agreement.

4. PERFORMANCE STANDARDS. While performing this Agreement, Contractor will use the appropriate generally accepted professional standards of practice existing at the time of performance utilized by persons engaged in providing similar services. CSD will continuously monitor Contractor's services. CSD will notify Contractor of any deficiencies and Contractor will have fifteen (15) days after such notification to cure any deficiencies to CSD's satisfaction. Costs associated with curing the deficiencies will be borne by Contractor.

5. PREVAILING WAGES. Prevailing wages are not required for the work described.

6. PAYMENTS. For CSD to pay Contractor as specified by this Agreement, Contractor must submit a detailed invoice to CSD which lists the hours worked and hourly rates for each personnel category and reimbursable costs, the tasks performed, the percentage of the task completed during the billing period, the cumulative percentage completed for each task, the total cost of that work during the preceding billing month and a cumulative cash flow curve showing projected and actual expenditures versus time to date. The CSD payment cycle is Net/30 once the invoice has been reviewed and authorized for payment by the respective contract manager. Invoices received after the cycle cutoff date will be scheduled for payment in the following payment cycle. Payment may be delayed by the contract manager should he/she require further information or verification of work performed.

7A. CONTRACTOR'S COMPENSATION

- i. The Contractor will be paid monthly per site for work performed satisfactorily under this Agreement. By the tenth of each month the Contractor shall submit to the Parks Maintenance Supervisor detailed reports of: 1) maintenance performed; 2) complaints received; 3) hazards noted; and greenwaste reports (if applicable). These documents shall be accompanied by a billing in accordance with the Agreement price for the work performed and shall become the basis for payment. No payment(s) shall be made until aforesaid reports have been submitted and approved.

- ii. Except where additional compensation is specifically provided for in this Agreement, the CSD will pay the Contractor for all work (labor, material, supplies, equipment, etc.) performed under this Agreement the total amount of **Twelve Thousand Three Hundred Ninety and No/100 Dollars (\$12,390.00) per month.**

The total contract amount for twelve (12) months shall not exceed **One Hundred Forty-Eight Thousand Six Hundred Eighty and No/100 Dollars (\$148,680.00).**

- iii. Should this Agreement commence or terminate on other than the first day of a calendar month, the Contractor's compensation for that partial calendar month shall be prorated at the rate of 1/30 of the full month rate per day for the number of days during which the Agreement is effective.
- iv. During the term of this Agreement the CSD, may, at its discretion, authorize the Contractor to perform certain work in addition to that set forth herein as Contractor's Scope of Work. Said Additional Work *shall* include: Section 7A, paragraph v below.

If the CSD determines it to be in their best interest, said Additional work *may* include repair or replacement of turf damaged or destroyed due to Acts of God (e.g., earthquake damage, storm damage), vandalism, theft, and acts or omissions by third parties.

Compensation for all such Additional Work shall be calculated at a price based on the Contractor's written estimate (lump sum, time and materials, or cost plus basis), as determined by the Parks Maintenance Supervisor. Except as set forth in Section 7A, paragraph v below, the Contractor shall not perform any such Additional Work without first obtaining express authorization from the CSD.

- v. Notwithstanding the above requirement for prior authorization, when a condition exists wherein there is imminent danger of injury to the public or damage to property, the Parks and Community Services Department ("Department") may verbally authorize the work to be performed upon receiving a verbal estimate from the Contractor. However, within twenty-four (24) hours after receiving a verbal authorization, the Contractor shall submit a written estimate to the Department for approval. Whenever immediate action is required to prevent impending injury, death, or property damage to the facilities being maintained, the Department may, after reasonable attempt to notify the Contractor, cause such action to be taken by the Department or City's work force.
- vi. The Contractor shall maintain as Additional Work, at a unit price comparable to turf areas described herein, additional turf areas that the Department may add to this Agreement. In the event that notification is made of a new installation at other

than the beginning of a monthly period, the unit cost as shall be pro-rated from the day the Contractor commences work on the additional areas.

- vii. Repairs to area turf shall be considered Additional Work to the extent that the Contractor shall charge only for materials used to perform said repairs at Contractor's cost, plus a reasonable percentage of that cost, as determined by the Parks Maintenance Supervisor. For purposes of this Agreement, turf repairs must be authorized by the Parks Maintenance Supervisor or his designee prior to the Contractor commencing any repair.
- viii. Except as specifically approved by subsequent action of the Department, the Parks Maintenance Supervisor may not authorize Additional Work pursuant to paragraphs iv, v, vi, and vii above in excess of the cumulative total of \$148,680.00 for each contract year during the term of this Agreement.
- ix. The Department shall deduct from the Contractor's monthly progress payment amounts sufficient to protect the Department from loss due to:
 1. Work required under the Agreement which is: 1) not performed; 2) not performed to the standards set forth in the General or Special Provisions; or 3) is incomplete.
 2. Work required under the Agreement which is not performed at or within the time(s) specified in the Exhibit A, including but not limited to the monthly work schedule, or if not so specified, within seven (7) calendar days of Contractor's receiving a Notice To Perform from the Parks Maintenance Supervisor.
 3. Claims filed or reasonable evidence indicating probable filing of claims by laborers, material men, subcontractors, or third parties.

7B. NON-PERFORMANCE PENALTIES

The Contractor may become liable for payment of non-performance penalties for failure to: provide adequate communications; provide adequate work area safety; complete "specialty" operations in a timely manner as set forth in the General Provisions; submit notifications or reports required by the Agreement, or General or Special Provisions at the intervals and/or frequencies set forth therein, or; perform work required by the General or Special Provisions at the intervals and/or frequencies as set forth therein, or as set forth in Contractor's approved work schedule, or as directed by the Department. For each of the categories set forth hereinabove, the penal sum of \$100 per working day will be assessed for each working day the deficiencies remain uncorrected.

If non-performance penalties are to be assessed, the Contractor will be notified immediately by facsimile transmission, or in writing, or by telephone.

The Contractor will not be assessed non-performance penalties for delay occasioned by the failure of the Department or of the owner of a utility to provide for the removal or relocation of utility facilities.

8. **NON-APPROPRIATION OF FUNDS.** Payments due and payable to Contractor for current services are within the current budget and within an available, unexhausted and unencumbered appropriation of the CSD. In the event the CSD has not appropriated sufficient funds for payment of Contractor services beyond the current fiscal year, this Agreement will cover only those costs incurred up to the conclusion of the current fiscal year and shall not be considered a breach of this Agreement.

9. **ADDITIONAL WORK/CHANGE ORDERS.**

- A. If Contractor believes Additional Work is needed to complete the Scope of Services, Contractor will provide the CSD with written notification that contains a specific description of the proposed Additional Work, reasons for such additional work, and a detailed proposal regarding cost.
- B. CSD may order changes in the services within the general scope of this Agreement, consisting of additions, deletions, or other revisions, and the contract sum and the contract time will be adjusted accordingly. All such changes must be authorized in writing, executed by Contractor and CSD. The cost or credit to CSD resulting from changes in the services will be determined in accordance with written agreement between the parties.

10. **FAMILIARITY WITH WORK.**

- A. By executing this Agreement, Contractor represents that Contractor has:
 - i. Carefully investigated and considered the scope of services to be performed.
 - ii. Carefully considered how the services should be performed.
 - iii. Understands the facilities, difficulties, and restrictions attending performance of the services under this Agreement.
 - iv. Contractor is entering into Agreement under Contractor's own free will and volition.
 - v. If services involve work upon any site, Contractor warrants that Contractor has or will investigate the site and is or will be fully acquainted with the existing site conditions before commencing the services hereunder. Should Contractor discover any latent or unknown conditions that may materially affect the performance of the services, Contractor will

immediately inform CSD of such fact and will not proceed except at Contractor's own risk until written instructions are received from CSD.

11. **TERMS.** The CSD operates on a fiscal year basis, running from July 1st through June 30th of the following calendar year. It is the intent of the CSD to have a fully executed contract in place by July 1, 2009. The initial Contract shall be in effect through June 30, 2010 and then renewed, per agreement by both parties, for the next fiscal year starting July 1st. The agreement may be renewed at the expiration of its term, by agreement of both parties, in one-year increments at the end of each fiscal year. Renewal of the Agreement shall be accomplished through a written letter of understanding that is signed by both parties and shall extend the agreement for one year. The Contract shall remain in full force and effect for a total period of five (5) years from the date of fully executed Agreement, unless terminated by either party as stated in Section 17.

12. **TIME FOR PERFORMANCE.** Contractor will not perform any work under this Agreement until:

- A. Contractor furnishes proof of insurance as required under Section 25 of this Agreement; and
- B. CSD gives Contractor a written Notice to Proceed.
- C. Should Contractor begin work in advance of receiving written authorization to proceed, any such professional services are at Contractor's own risk.

13. **TIME EXTENSIONS.** Should Contractor be delayed by causes beyond Contractor's control, CSD may grant a time extension for the completion of the contracted services. If delay occurs, Contractor must notify the CSD within forty-eight hours (48 hours), in writing, of the cause and the extent of the delay and how such delay interferes with the Agreement's schedule. The CSD will extend the completion time, when appropriate, for the completion of the contracted services, but there will be no increase in the amount payable to Contractor under this Agreement unless a Contract Change Order has been authorized.

14. **TAXPAYER IDENTIFICATION NUMBER.** Contractor will provide CSD with a Taxpayer Identification Number.

15. **PERMITS AND LICENSES.** Contractor, at its sole expense, will obtain and maintain during the term of this Agreement, all necessary permits, licenses, and certificates that may be required in connection with the performance of services under this Agreement, including a City of Moreno Valley business license, if required.

16. **WAIVER.** CSD's review or acceptance of, or payment for, work product prepared by Contractor under this Agreement will not be construed to operate as a waiver of any rights CSD may have under this Agreement or of any cause of action arising from Contractor's performance. A waiver by CSD of any breach of any term, covenant, or condition contained in this Agreement

will not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained in this Agreement, whether of the same or different character.

17. TERMINATION.

- A. Either party may terminate this Agreement at any time with thirty (30) days written notice.
- B. Upon receiving a termination notice, Contractor will immediately cease performance under this Agreement unless otherwise provided in the termination notice. Except as otherwise provided in the termination notice, any additional work performed by Contractor after receiving a termination notice will be performed at Contractor's own cost; CSD will not be obligated to compensate Contractor for such work.
- C. Should termination occur, all work product of the Contractor, including but not limited to documents, data, studies, surveys, drawings, maps, reports and all other materials prepared by Contractor will, at CSD's option, become CSD's property, and Contractor will receive just and equitable compensation for any work satisfactorily completed up to the effective date of notice of termination, not to exceed the total costs under Section 2C. Such work product will be delivered to the CSD within thirty (30) days of notice of termination.
- D. By executing this Agreement, Contractor waives any and all claims for damages that might otherwise arise from CSD's termination under this Section.

18. OWNERSHIP OF DOCUMENTS. All documents, data, studies, drawings, maps, models, photographs, reports or any other item prepared by Contractor under this Agreement are CSD'S property. Contractor may retain copies of said documents and materials as desired, but will deliver all original materials to CSD upon CSD's written notice. CSD agrees that use of Contractor's completed work product for purposes other than identified in this Agreement, or use of incomplete work product, without the prior written consent of the CONTRACTOR is at the CSD's own risk and CSD agrees to indemnify Contractor for same.

19. PUBLICATION OF DOCUMENTS. Except as necessary for performance under this Agreement, no copies, sketches or graphs of materials, including graphic art work, prepared pursuant to this Agreement, will be released by Contractor to any other person or entity without CSD's prior written consent. All press releases, including graphic display information to be published in newspapers or magazines, will be approved and distributed solely by CSD, unless otherwise provided for by written agreement between the parties.

20. INDEMNIFICATION. Contractor agrees to indemnify, save, defend, and hold harmless the CSD, the City of Moreno Valley, and the Community Redevelopment Agency of the City of Moreno Valley and their officers, agents and employees (collectively referred to in this provision as "CSD"), from and against any claim, action, damages, costs (including, without limitation, all attorney's fees and litigation costs), injuries, or liability, (collectively referred to in

this provision as "Claims), arising out of the performance of any action contemplated by this Agreement by Contractor. Should CSD be named in any suit, or should any claim be brought against it by suit or otherwise, arising out of performance by Contractor of services rendered pursuant to this Agreement, Contractor will defend CSD (at CSD's request and with counsel satisfactory to CSD) and will indemnify CSD for any judgment rendered against it or any sums paid out in settlement or costs incurred in defense otherwise; provided, however, that this indemnification and hold harmless shall not include any Claims arising from the sole negligence or willful misconduct of the CSD.

CSD agrees to indemnify, save, defend and hold harmless the Contractor and their officers, agents and employees from any and all liability, claims, damages or injuries to any person, including injury to the CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the CSD under this Agreement, or are caused or claim to be caused by the negligent acts of the CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the CSD or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any Claims arising from the negligence or willful misconduct of the Contractor, its officers, agents or employees.

21. PUBLIC RECORDS ACT. The City of Moreno Valley is a public agency and subject to the Public Records Act under California State law. This Agreement is public record and "public records are open to inspection at all times during the office hours of the agency and every person has a right to inspect any public record, except as provided (and to receive) an exact copy" of an identifiable record unless impracticable. (Government Code § 6253).

22. ASSIGNABILITY. This Agreement is for Contractor's maintenance services. Contractor's attempts to assign the benefits or burdens of this Agreement without CSD's prior written approval are prohibited and will be null and void.

23. INDEPENDENT CONTRACTOR. The CSD and the Contractor agree that Contractor will act as an independent contractor and will have control of all work and the manner in which it is performed. Contractor will be free to contract for similar service to be performed for other employers while under contract with CSD. Contractor is not an agent or employee of CSD and is not entitled to participate in any pension plan, insurance, bonus or similar benefits CSD provides for its employees. Any provision in this Agreement that may appear to give CSD the right to direct Contractor as to the details of doing the work or to exercise a measure of control over the work means that Contractor will follow the direction of the CSD as to end results of the work only. Should any of Contractor's employees attempt to make a claim or bring a legal action against the CSD as an employee of the CSD, Contractor agrees to indemnify, save, defend, and hold harmless the CSD for any such claim or action.

24. AUDIT OF RECORDS. Contractor will maintain full and accurate records with respect to all services and matters covered under this Agreement. CSD will have free access at all reasonable times to such records, and the right to examine and audit the same and to make transcript therefrom, and to inspect all program data, documents, proceedings and activities.

Contractor will retain such financial and program service records for at least three (3) years after termination or final payment under this Agreement.

Audit will occur at location of Contractor and Contractor will allow access to all necessary records.

25. INSURANCE.

- A. Before commencing performance under this Agreement, and at all other times this Agreement is effective, Contractor will procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

<u>Type of Insurance</u>	<u>Limits (combined single)</u>
Commercial general liability:	\$1,000,000 per occurrence \$ 500,000 Property Damage
Business automobile liability	\$2,000,000 aggregate
Workers' compensation	\$1,000,000 Statutory requirement.

- B. Endorsement. Commercial general liability insurance will meet or exceed the requirements of ISO-CGL Form No. CG 00 01 11 85 or 88. The amount of insurance set forth above will be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies will be endorsed to name CSD, City of Moreno Valley, and the Community Redevelopment Agency of the City of Moreno Valley, its officials, and employees as "additional insured" under said insurance coverage and to state that such insurance will be deemed "primary" such that any other insurance that may be carried by CSD will be excess thereto. Such insurance will be on an "occurrence," not a "claims made," basis and will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to CSD.
- C. Professional liability coverage will be on an "occurrence basis" if such coverage is available, or on a "claims made" basis if not available. When coverage is provided on a "claims made" basis, Contractor will continue to renew the insurance for a period of three (3) years after this Agreement expires or is terminated. Such insurance will have the same coverage and limits as the policy that was in effect during the term of this Agreement, and will cover Contractor for all claims made by CSD arising out of any errors or omissions of Contractor, or its officers, employees or agents during the time this Agreement was in effect.
- D. Automobile coverage will be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).

- E. The CSD, the City of Moreno Valley, and the Community Redevelopment Agency of the City of Moreno Valley, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and workers' compensation.
- F. Contractor will furnish to CSD duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by CSD from time to time. Insurance must be placed with insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A:-VII." Certificate(s) must reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage.
- G. Should Contractor, for any reason, fail to obtain and maintain the insurance required by this Agreement, CSD may obtain such coverage at Contractor's expense and deduct the cost of such insurance from payments due to Contractor under this Agreement or terminate.

26. USE OF SUB-CONTRACTORS. Contractor will obtain CSD's prior written approval to use any subcontractors while performing any portion of this Agreement. Such approval by CSD will not be unreasonably withheld.

27. INCIDENTAL TASKS. Contractor will meet with CSD monthly to provide status on the project, which will include a schedule update and a short narrative description of progress during the past month for each major task, a description of the work remaining and a description of the work to be done before the next schedule update.

28. NOTICES. All communications to either party by the other party will be deemed made when received by such party at its respective name and address as follows:

If to Contractor:

DLS Landscape, Inc.
 1652 Plum Lane, Suite 104
 Redlands, CA 92374
 Attention: Daniel Sanchez

If to CSD:

Community Services District of the
 City of Moreno Valley
 15670 Perris Boulevard
 Moreno Valley, CA 92551
 Attention: Steve Kupsak

Any such written communications by mail will be conclusively deemed to have been received by the addressee upon deposit thereof in the United States Mail, postage prepaid and properly addressed as noted above. In all other instances, notices will be deemed given at the time of actual delivery. Changes may be made in the names or addresses of persons to whom notices are to be given by giving notice in the manner prescribed in this paragraph.

29. CONFLICT OF INTEREST. Contractor will comply with all conflict of interest laws and regulations including, without limitation, City of Moreno Valley's Conflict of Interest.

Code (on file in the City Clerk's Office). It is incumbent upon the Contractor to notify the CSD pursuant to Section 28 of any staff changes relating to this Agreement.

- A. In accomplishing the scope of services of this Agreement, the range of duties of officers, employees and/or agents of Contractor are limited in scope; thus Contractor is not required to fully comply with the conflict of interest disclosure requirements. No disclosures are required by any officers, employees, and/or agents of Contractor, except as indicated in Subsection B.
- B. In accomplishing the scope of services of this Agreement, Contractor will be performing a specialized or general service for the CSD, and there is substantial likelihood that the Contractor's work product will be presented, either written or orally, for the purpose of influencing a governmental decision. As a result, the following Contractor shall be subject to the Disclosure Category "1" of the CSD's Conflict of Interest Code:

30. SOLICITATION. Contractor maintains and warrants that it has not employed nor retained any company or person, other than Contractor's bona fide employee, to solicit or secure this Agreement. Further, Contractor warrants that it has not paid nor has it agreed to pay any company or person, other than Contractor's bona fide employee, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Should Contractor breach or violate this warranty, CSD may rescind this Agreement without liability.

31. THIRD PARTY BENEFICIARIES. This Agreement and every provision herein is generally for the exclusive benefit of Contractor and CSD and not for the benefit of any other party. There will be no incidental or other beneficiaries of any of Contractor's or CSD's obligations under this Agreement.

32. INTERPRETATION. This Agreement was drafted in, and will be construed in accordance with the laws of the State of California.

33. JURISDICTION/VENUE. Jurisdiction shall lie exclusively in the State of California and venue shall lie exclusively in the Superior Court in and for the County of Riverside, California.

34. COMPLIANCE WITH LAW. Contractor agrees to comply with all federal, state, and local laws applicable to this Agreement.

35. RULES OF CONSTRUCTION. Each party had the opportunity to independently review this Agreement with legal counsel. Accordingly, this Agreement will be construed simply, as a whole, and in accordance with its fair meaning; it will not be interpreted strictly for or against either party.

36. SEVERABILITY. If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion will be deemed modified to the

extent necessary in the opinion of the court to render such portion enforceable and, as so modified, such portion and the balance of this Agreement will continue in full force and effect.

37. AUTHORITY/MODIFICATION. The parties represent and warrant that all necessary action has been taken by the parties to authorize the undersigned to execute this Agreement and to engage in the actions described herein. This Agreement may be modified by written amendment. CSD's executive manager, or designee, may execute any such amendment on behalf of CSD.

38. ACCEPTANCE OF FACSIMILE SIGNATURES. The parties agree that this Agreement, agreements ancillary to this Agreement, and related documents to be entered into in connection with this Agreement will be considered signed when the signature of party is delivered by facsimile transmission. Such facsimile signature will be treated in all respects as having the same effect as an original signature.

39. CAPTIONS. The captions of the paragraphs of this Agreement are for convenience of reference only and will not affect the interpretation of this Agreement.

40. TIME IS OF ESSENCE. Time is of the essence for each and every provision of this Agreement.

41. FORCE MAJEURE. Should performance of this Agreement be prevented due to fire, flood, explosion, acts of terrorism, war, embargo, government action, civil or military authority, the natural elements, or other similar causes beyond the parties' reasonable control, then the Agreement will immediately terminate without obligation of either party to the other.

42. STATEMENT OF EXPERIENCE. By executing this Agreement, Contractor represents that it has demonstrated trustworthiness and possesses the quality, fitness and capacity to perform the Agreement in a manner satisfactory to CSD. Contractor represents that its financial resources, surety and insurance experience, service experience, completion ability, personnel, current workload, experience in dealing with private consultants, and experience in dealing with public agencies all suggest that Contractor is capable of performing the proposed contract and has a demonstrated capacity to deal fairly and effectively with and to satisfy a public agency.

43. PROTECTION OF RESIDENT WORKERS. The City of Moreno Valley actively supports the Immigration and Nationality Act (INA) which includes provisions addressing employment eligibility, employment verification, and nondiscrimination. Under the INA, employers may hire only persons who may legally work in the United States (i.e., citizens and nationals of the U.S.) and aliens authorized to work in the U.S. The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9). The Contractor shall establish appropriate procedures and controls so no services or products under the Contract Documents will be performed or manufactured by any worker who is not legally eligible to perform such services or employment.

44. **ENTIRE AGREEMENT.** This Agreement, and its Attachments, sets forth the entire understanding of the parties. There are no other understandings, terms or other agreements expressed or implied, oral or written. There are Attachments to this Agreement. This Agreement will bind and insure to the benefit of the parties to this Agreement and any subsequent successors and assigns.

SIGNATURE PAGE TO FOLLOW

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

Community Services District of the
City of Moreno Valley

DLS Landscape, Inc.

BY: _____
President

BY: _____
Daniel Sanchez, President

Date: _____

Date: _____

INTERNAL USE ONLY

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney

Date: _____

RECOMMENDED FOR APPROVAL:

Department Head

Date: _____

EXHIBIT A
SCOPE OF SERVICES

GENERAL PROVISIONS

SCOPE OF WORK - The work to be performed under this Agreement shall include the furnishing of all labor and equipment necessary for the provision of contract mowing services within the boundaries of the various parks of the Department as determined in the resolutions of the City Council establishing said parks, and as said boundaries may have been heretofore or may be hereafter altered, and as more particularly shown on the Description of Park Locations contained in this Exhibit A.

The Contractor shall have the duty to mow, edge turf, and blow off hardscapes and gutters.

AREAS TO BE MAINTAINED - There may be medians, parkway panels, adjacent roadway slopes, open space lots and other areas of turf besides parks included within a park's boundaries.

CONTRACT SUPERVISION - The Agreement shall be administered on behalf of the Director of the Parks and Community Services Department of the City of Moreno Valley, or his designated representative(s), hereinafter referred to as "Director."

FUNCTIONS AND RESPONSIBILITIES - All work shall be performed in accordance with usual and customary horticultural practices to achieve and maintain healthy, viable turf. The Director or his designee will periodically inspect all the operations and approve or reject the work performed, and methods or materials used, and make changes in work scheduling.

The Director or his designee will decide all questions which may arise as to the manner of performance and completion per schedule, acceptable fulfillment of the Agreement by the Contractor, interpretation of the Specifications, and compensation to include completion of work by alternate sources. The Department shall manage the operation of all irrigation systems. The Department will pay the costs of water and electricity used in the sites covered by this Agreement. The Contractor shall be responsible for carefully reviewing the site(s) and verifying that all areas include the square footage noted for each location of proposed work. The Contractor shall not be relieved of his or her liability under this Agreement, nor the Department or City be held liable for any loss sustained by the Contractor as a result of any variance between conditions as referred to in the Specifications and the actual conditions revealed during the examination of the locations of the proposed work.

The Director or his designee and the Contractor shall conduct an inspection of all sites covered under this Agreement as soon as practicable after its execution, and prior to commencement of Contractor's operations. Following said inspection, the Contractor shall submit to the Director a written affidavit certifying the actual condition of the site(s) relative to Department Specifications, including but not limited to the nature and extent of any deficiencies noted by the Contractor and acknowledged by the Director. The Contractor is hereby advised that this affidavit shall serve as the benchmark for the Director's evaluation of Contractor's performance

under this Agreement. Failure to maintain site(s) up to this established standard may result in the Department deducting payment of all or part of the Contractor's compensation, as further described in Section 7A, paragraph ix, of the Agreement.

The Contractor shall adhere to the facilities, equipment and staffing schedule, and monthly and annual work schedules submitted as a part of Contractor's proposal, and made a part of this Agreement. These schedules, and any approved revisions thereto, shall be used by the Department as a basis for determining Contractor's satisfactory performance. In the absence of any specified time(s) for performance of work required under the Agreement, the Director may issue a written Notice to perform to the Contractor. The Contractor shall perform the required work within seven (7) calendar days of receipt of said Notice to Perform. Revisions to facilities, equipment, staffing, or monthly and annual work schedules shall not be implemented without the prior written approval of the Director. The Contractor shall submit proposed revisions to equipment and staffing, or the monthly work schedule in writing to the Department at the address as set forth in Section 28 of the Agreement, at least ten (10) working days prior to commencing work per the proposed revisions. Failure to submit proposed revisions to equipment, staffing, or work schedules by the time limits established hereinabove may result in the Contractor becoming liable to the Department for non-performance penalties per Section 7B of the Agreement. The above provisions shall not be construed to eliminate the Contractor's responsibility for complying with the requirement to notify the Director for Specialty type maintenance as set forth immediately hereinafter.

The Contractor shall maintain on an ongoing basis a monthly log that records all work performed by Contractor. Said log shall be in a form and content acceptable to the Director and shall be submitted to the Director monthly, along with the submission of the monthly invoice. The monthly payment for the work so requested will not be authorized until such report is received and approved by the Director or his designee. The Contractor shall perform at least one maintenance inspection weekly during daylight hours of all sites. Additionally, the Director or his designee may require Contractor to attend meetings with Department field staff at some fixed interval to review Contractor's operations and schedule such future work as may be ordered by the Director or his designee. Failure to conduct said weekly inspections or attend regularly scheduled meetings may result in the assessment of non-performance penalties per Section 7B of the Agreement. The Contractor shall maintain an office at some fixed place, and shall maintain an operable telephone thereat, listed in the telephone directory in Contractor's own name or in Contractor's firm name, and shall, at all times, employ some responsible person(s) to take the necessary action regarding all inquiries, complaints, and/or emergency calls that may be received from the Director or other authorized individuals or agencies. This person(s) shall be reachable 24 hours per day, seven days a week. During normal working hours, the Contractor's supervisor or employee designated as being responsible for providing maintenance services to the Department shall be directly available for immediate notification through some type of reliable electronic means, including, but not limited to, two-way radio, pager, or cell phone. The Contractor or his designated employee shall confirm said notification within one (1) hour of receipt. An answering service will be considered an acceptable substitute for coverage only during periods outside of normal working hours, provided Contractor is advised of emergency calls within one (1) hour of receipt of the call by the answering service and within 24 hours after receipt of non-emergency calls by the answering service. The above provision for Contractor's

communication with the Department is the minimum acceptable standard under this agreement. Failure to regularly provide said communication capability may result in the Contractor being assessed non-performance penalties, per Section 7B of the Agreement.

The Contractor shall respond to an emergency call from any of the parties listed below no later than two hours following first notification by facsimile transmission, or in writing, or by telephone. In situations involving emergency repair work after normal working hours, the Contractor shall dispatch qualified personnel and equipment to reach the site within two (2) hours of first notification. An emergency may be called by the following individuals or agencies at any time: City Manager, Director of Parks and Community Services, Parks Maintenance Supervisor, Parks Maintenance Division Manager, Police Department, or Fire Department.

Contractor's emergency response and any necessary corrective work shall be considered Additional Work as defined in Section 9 of the Agreement, unless said emergency is determined to have been caused by an act or omission attributable to Contractor.

When inclement weather renders performance per approved schedule unsafe, impractical, or liable to damage turf, the Contractor shall adjust his work force in order to accomplish those work items and shall contact Department field staff to inform them of said alternate work assignments. Failure to so advise the Department may be cause for assessment of non-performance penalties, per Section 7B of the Agreement.

For the purposes of this Agreement, "working days" shall be Monday through Friday. The hours of maintenance service shall be 7:00 a.m. to 4:30 p.m. on those days maintenance is to be provided, pursuant to the work schedule approved by the Director or his designee. Any work the Contractor proposes to perform outside of the days and hours set forth hereinabove, as well as on legal City holidays, shall not be undertaken without the prior approval of the Director or his designee.

CONTRACTOR'S STAFF - The Contractor shall provide sufficient personnel to perform all work in accordance with the Specifications set forth herein. All of the Contractor's maintenance personnel shall be supervised at the work site(s) by a qualified supervisor in the employ of the Contractor. Work site supervisors must be able to demonstrate to the satisfaction of the Director that they possess adequate technical background and communication skills. Adequate and competent supervision shall be provided for all work done by the Contractor's employees to ensure accomplishment of high quality work which will be acceptable to the Director. Any order or communication given to the work site supervisor shall be deemed to have been delivered to the Contractor. The Contractor and his employees and subcontractors, if any, shall conduct themselves in a proper and efficient manner at all times and shall cause the least possible inconvenience to the public. The Director may require the Contractor to remove from the work site any employee(s) deemed careless, incompetent, or otherwise objectionable, whose continued employment on the job is considered to be contrary to the best interest of the CSD or the City. The Contractor shall require each employee performing work under the Agreement to adhere to basic Public Works standards of working attire, including but not limited to proper shoes, other gear required by applicable safety regulations. Shirts shall be worn at all times and shall be buttoned. Approved safety vests shall be worn by Contractor's employees when working in

parks and other high traffic-hazard areas as determined by the Director. Failure to comply with the above requirements may make the Contractor liable for assessment of non-performance penalties, per Section 7B of the Agreement.

The Contractor shall establish an identification system for his personnel which clearly indicates to the public the name of the Contractor. The identification system shall be furnished at the Contractor's expense and may include appropriate attire and/or name badges as specified by the Director.

EMPLOYMENT OF APPRENTICES - The provisions of Sections 1777.5, 1777.6, and 1777.7 of the California Labor Code regarding the employment of properly registered apprentices may apply to this contract if the Contractor, or any subcontractors thereunder, employs workers in any apprenticeable craft or trade. It is the Contractor's sole responsibility to comply with the Labor Code sections cited above. Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the Director of Industrial Relations, *ex-officio* the Administrator of Apprenticeship, San Francisco, California, or from the Division of Apprenticeship Standards and its branch offices.

COMPLAINTS - All complaints shall be responded to as soon as possible after notification; but in all cases within 24 hours, to the satisfaction of the Director or his designee. If any complaint is not satisfactorily responded to within 24 hours, the Director shall be notified immediately of the reason for not remedying the complaint followed by a written report to the Director within five (5) days. If the complaints are not remedied within the time specified and to the satisfaction of the Director or his designee, the Director or his designee may correct the specific complaint by using an alternative source. The total cost incurred by the Department to effect necessary remedies will be deducted from the payments owing to the Contractor from the Department. The Contractor shall maintain a written log of all complaints, the date and time thereof and the action taken pursuant thereto, or the reason for non-action. Said log shall be submitted to the Director as set forth above. In addition to the provisions above, in the event of a failure by the Contractor to satisfactorily remedy a complaint in a timely manner or for any other breach of this Agreement by Contractor, the Department may immediately upon written notice to the Contractor terminate this Agreement.

SAFETY - The Contractor agrees to perform all work outlined in these Specifications in such a manner as to meet all accepted standards for safe practices and to safely maintain equipment, machines, and materials and prescribe and employ all precautions and safety procedures related to other hazards consequential to the work; and accepts additionally the sole responsibility for complying with all local, State, Federal and other legal requirements including but not limited to, full compliance with the terms of any and all applicable OSHA and Cal/OSHA Safety Orders at all times so as to protect all persons, including Contractor's employees and subcontractors, agents of the Department, City, materialmen, vendors, members of the public and others from foreseeable injury, or damage to their property. The Contractor's operations shall be conducted in such a manner as to cause the least possible obstruction and inconvenience to public traffic. The Contractor shall furnish, erect, and maintain such fences, barriers, lights and warning signs as may be deemed necessary by the Director, or any duly constituted public safety official. Contractor's work area traffic control, including but not limited to type and placement of signs,

barricades, and delineators, shall be in accordance with the most current edition of Caltrans' *"Traffic Manual, Chapter 5, Traffic Controls."*

Contractor's work should not encroach into open lanes of traffic between the hours of 7:00 a.m. and 8:30 a.m. or between 3:30 p.m. and 6:00 p.m.

The Contractor shall maintain all work sites free of hazards to persons or property resulting from Contractor's operations. The Contractor shall inspect all potential hazards at said areas under maintenance and keep a log indicating date inspected and action taken. Said log shall be submitted monthly to the Director or his designee as set forth above. Any hazardous condition noted by the Contractor, which is not a result of Contractor's operations, shall be immediately reported to the Director or his designee. The Contractor shall be responsible for making minor corrections including but not limited to filling holes in turf areas and replacing valve box covers, so as to protect members of the public or others from injury. The Contractor shall cooperate fully with the CSD or City in the investigation of any accidental injury or death occurring on the site, including a complete written report thereof to the Director or his designee within five (5) days following the occurrence.

Failure to comply with this section of the General Provisions may result in deduction of payment per Section 7A, paragraph ix, of the Agreement or assessment of non-performance penalties per Section 7B of the Agreement. Repeated failure to comply with this section of the General Provisions may result in contract termination, per Section 17 of the Agreement.

LICENSES AND PERMITS - The Contractor shall, without additional expense to the CSD or City, possess all licenses and permits, including but not limited to a valid City Business License, required for the performance of the work under this Agreement.

COMPLIANCE WITH THE LAW - Under the Agreement, the Contractor's performance shall comply with all applicable laws of the United States of America, the State of California, the County of Riverside, the City of Moreno Valley, and all other entities of competent jurisdiction.

CONTRACTOR'S LIABILITY - The Contractor shall be responsible for all damages to people and/or property that occur as a result of the fault or negligence attributable to Contractor in connection with the performance under this Agreement. Any and all restitution or repairs deemed necessary by the Director to remedy such damages shall be furnished and performed at the Contractor's sole expense, and shall be completed within the time limits established by the Director or his designee. Repairs made to sites and site appurtenances that are damaged as a result of Acts of God, vandalism, theft, and acts or omissions by third parties or any other occurrence not attributable to the Contractor's operations shall be repaired by the Contractor as Additional Work and compensated as defined in Section 7A, paragraphs iv, v, vii of the Agreement.

SPECIAL PROVISIONS

TURF MAINTENANCE SPECIFICATIONS

1. TURF CARE

- a. All turf areas shall be mowed, edged, and trimmed every seven days, weather and site conditions permitting. Any prolonged deviation from this schedule shall require the approval of the Director or his designee. Failure to adhere to this specification without approval may result in assessment of non-performance penalties, per Section 7B of the Agreement.
- b. At the discretion of the Director or his designee, turf areas may be mowed with mulching-type mowers of a type acceptable to the CSD.
- c. All mowing and edging equipment shall be in proper working order; have blades properly sharpened and aligned; be thoroughly cleaned of all excess clippings, soil, and debris prior to working at each site.
- d. All clippings, soil, and debris generated by mowing and edging operations shall be immediately collected, removed from the site, and disposed of in a legal manner. For the purposes of this specification, the term "site" shall include, but is not limited to hardscapes, sidewalks, curbs, and gutters.
- e. Machines operating on turf known to have a disease, fungus, or insect infestation shall be sterilized with a ten percent (10%) chlorine bleach and water solution prior to working on any site.
- f. Mowing height for cool season grasses shall not exceed three inches maximum, or two inches minimum, and shall be adjusted within these parameters on a seasonal basis.
- g. Mowing height for warm season grasses shall not exceed 1½ inches maximum, or three-quarters of an inch minimum, and shall be adjusted within these parameters on a seasonal basis.
- h. All turf borders shall be cut with a vertical blade edger. Use of string trimmers to perform this task is not acceptable.
- i. Trimming around turf appurtenances (e.g., valve and meter boxes, backflow devices and controller enclosures, sprinklers) may be accomplished through the use of string trimmers.
- j. Whenever trees occur in turf areas, a six-inch ring of grass shall be removed from around the trunks in order to protect the crowns from mechanical damage. These rings shall be maintained in a clean, weed free condition.
- k. Renovation/thatching operations are to be considered Additional Work, per Agreement, Section 7A, paragraph iv.
 1. Have no more than one-third of living branches removed annually.
 2. Be fertilized only as directed by the Director of his designee.

2. DEBRIS/LITTER

- a. The Contractor shall remove immediately after pruning, trimming, weeding, edging or other work required under this Agreement, all debris generated by his or her performance of the work.
- b. Contractor shall make a minimum of one visitation every seven days of all sites covered under this Agreement for the express purpose of removing from both planted areas and adjacent hardscapes/walks the following items, including but not limited to: Bottles, cans, paper/plastic, cardboard, dog litter, tumbleweeds/windblown plant litter, automobile tires, or metallic items. Sites that are, in the opinion of the Director or his designee, exceptionally littered shall be cleared by Contractor before the close of business the working day following notification of the condition.
- c. All hardscape areas, including but not limited to sidewalks, curbs, and gutters shall be continuously maintained in a "broom clean" condition.
- d. From time to time, the Director or his designee may require Contractor to perform special clean-ups on a site-specific basis. Said special clean-ups shall be considered Additional Work per Agreement, Section 7A, paragraphs iv and v.
- e. The Contractor shall dispose of all debris and litter as described in paragraphs a and b above off-site, and in a legal manner.
- f. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Section 7B of the Agreement.

3. GREENWASTE RECYCLING

- a. The Public Resources Code (PRC), Division 30, Sections 4000 through 42055 requires that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction.
- b. For the purposes of this contract, materials defined as "greenwaste" shall include all plant parts (e.g., trimmings, prunings, grass clippings, etc.) removed from contract sites by the Contractor or any subcontractors thereunder, in performance of contract's Scope of Work.
- c. Contractor, or any subcontractor thereunder, shall deposit all greenwaste generated in performance of contract's Scope of Work at a landscape material recycling center, or reuse said greenwaste in some manner. Contractor or any subcontractor thereunder, shall be solely responsible for all costs incurred in complying with this requirement.
- d. The Contractor shall submit a Monthly Greenwaste Report as an element of Contractor's Monthly Report. The Contractor shall provide responses to all information requested therein and shall include, on a separate Monthly Greenwaste Report form, any greenwaste generated through the operations of any subcontractors performing under Contractor's Scope of Work.
- e. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Section 7B of the Agreement.

BASE COMPENSATION SHEET

Zone A

SITE	APPROXIMATE TURF AREA	MONTHLY COST	ANNUAL COST
Adrienne Mitchell Park	158,229 SF	\$395.00	\$4,740.00
Bayside Park	66,317 SF	\$165.00	\$1,980.00
Bethune Park	113,168 SF	\$285.00	\$3,420.00
El Potrero Park	564,147 SF	\$1,400.00	\$16,800.00
Fairway Park	205,846 SF	\$515.00	\$6,180.00
Gateway Park	299,908 SF	\$745.00	\$8,940.00
JFK Park	240,500 SF	\$600.00	\$7,200.00
March Field Park	98,305 SF	\$245.00	\$2,940.00
March Field Community Center	45,068 SF	\$115.00	\$1,380.00
Community Park	215,452 SF	\$540.00	\$6,480.00
Morrison Park	273,549 SF	\$680.00	\$8,160.00
Parque Amistad Park	162,059 SF	\$400.00	\$4,800.00
Pedrorena Park	183,642 SF	\$460.00	\$5,520.00
Ridge Crest Park	197,421 SF	\$490.00	\$5,880.00
Sunnymead Park	353,967 SF	\$880.00	\$10,560.00
Towngate I Park	233,416 SF	\$580.00	\$6,960.00
Victoriano Park	105,645 SF	\$270.00	\$3,240.00
Westbluff Park	125,525 SF	\$315.00	\$3,780.00
Weston Park	176,434 SF	\$440.00	\$5,280.00
Woodland Park	285,385 SF	\$710.00	\$8,520.00
TOTAL	4,103,983 SF	\$10,230.00	\$122,760.00

BASE COMPENSATION SHEET
Community Facilities District #1

SITE	APPROXIMATE TURF AREA	MONTHLY COST	ANNUAL COST
Celebration Park	169,248 SF	\$420.00	\$5,040.00
Rock Ridge Park	78,269 SF	\$195.00	\$2,340.00
Shadow Mountain Park	263,314 SF	\$655.00	\$7,860.00
Towngate II Park	251,391 SF	\$625.00	\$7,500.00
Vista Lomas Park	106,269 SF	\$265.00	\$3,180.00
TOTAL	868,491 SF	\$2,160.00	\$25,920.00

Zone A

\$10,230.00 per month

\$122,760.00 per year

Community Facilities District #1

\$2,160.00 per month

\$25,920.00 per year

TOTAL ZONE A AND COMMUNITY FACILITIES DISTRICT #1

\$12,390.00 per month

\$148,680.00 per year

DESCRIPTION OF PARK LOCATIONS

Adrienne Mitchell Park, 22631 Bay Avenue, southwest corner of Bay Avenue and Pam Am Boulevard, Moreno Valley, CA

Bayside Park, 24435 Bay Avenue, southwest corner of Bay Avenue and Indian Avenue, Moreno Valley, CA

Bethune Park, 16745 Kitching Avenue, northwest corner of Kitching Avenue and Lurin Avenue, Moreno Valley, CA

Celebration Park, 14965 Morgan Avenue, northeast corner of Oliver Street and JFK Drive, Moreno Valley, CA

Community Park, 13380 Frederick Street, northeast corner of Frederick Street and Cottonwood Avenue, Moreno Valley, CA

El Potrero Park, 16901 Lasselle Street, southwest corner of Lasselle Street and Arroyo Park Drive, Moreno Valley, CA

Fairway Park, 27891 JFK Drive, southeast corner of JFK Drive and Legendary Street, Moreno Valley, CA

Gateway Park, 23975 Manzanita Avenue, northwest corner of Heacock Street and Manzanita Avenue, Moreno Valley, CA

JFK Park, 15115 Indian Street, southwest corner of JFK Drive and Indian Avenue, Moreno Valley, CA

March Field Park, southeast corner of 6th Street and "W" Street on the civilian portion of March Air Reserve Base, Moreno Valley, CA

March Field Park Community Center, 15325 5th Street, on the civilian portion of March Air Reserve Base, Moreno Valley, CA

Morrison Park, 26667 Dracaea Avenue, southeast corner of Dracaea Avenue and Morrison Street, Moreno Valley, CA

Parque Amistad, 26160 Gentian Avenue, northeast corner of Gentian Avenue and Caballo Road, Moreno Valley, CA

Pedrorena Park, 16009 Rancho Del Lago, southwest corner of Iris Avenue and Rancho Del Lago, Moreno Valley, CA

Ridge Crest Park, 28506 JFK Avenue, north side of JFK Avenue, east of Championship Drive, Moreno Valley, CA

Rock Ridge Park, 27119 Waterford Way, south of Eucalyptus at Waterford Way, Moreno Valley, CA

Shadow Mountain Park, 23239 Presidio Hills Drive, north side of Presidio Hills Drive, east of Casmalia Court, Moreno Valley, CA

Sunnymead Park, 12655 Perris Boulevard, northwest corner of Fir Avenue and Perris Boulevard, Moreno Valley, CA

TownGate Park (Phases I & II), 13051 Elsworth, west side of Elsworth Avenue between Eucalyptus Avenue and Dracaca Avenue, Moreno Valley, CA

Victoriano Park, 25730 Los Cabos Drive, on Los Cabos Drive, one block north of Iris Avenue, Moreno Valley, CA

Vista Lomas Park, 26700 Iris Avenue, north side of Iris Avenue between Camino Flores and Firerock Lane, Moreno Valley, CA

Westbluff Park, 10750 Pigeon Pass Road, east side of Pigeon Pass Road, between Canyon Springs High School and Vista Heights Middle School, Moreno Valley, CA

Weston Park, 13170 Lasselle Street, northeast corner of Lasselle Street and Dracaca Avenue, Moreno Valley, CA

Woodland Park, 25705 Cactus Avenue, southeast corner of Cactus Avenue and Rio Hondo Drive, Moreno Valley, CA

EXHIBIT B
CSD SERVICES TO BE PROVIDED
TO CONTRACTOR

1. Furnish the Contractor all in-house data which is pertinent to services to be performed by the Contractor and which is within the custody or control of the CSD, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the CSD.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Contractor.
3. Provide timely CSD staff liaison with the Contractor when requested and when reasonably needed.

EXHIBIT C
TERMS OF PAYMENT

1. The Contractor's compensation shall not exceed \$148,680.00 annually.
2. The Contractor will submit invoices to the CSD along with documentation evidencing services completed. Invoices will be submitted at least every ninety (90) days. At no time will the CSD pay for more services than have been satisfactorily completed and the CSD's determination of the amount due shall be final. Invoices shall reference the appropriate purchase order number.
3. The CSD shall pay the Contractor for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.
4. Any fees for authorized professional services furnished by the Contractor which have not been paid or contested by the CSD within thirty (30) days of the CSD's receipt of the invoice for such services will be subject to a late charge of one percent (1%) of the unpaid amount for each month for which payment has not been received by the Contractor.

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\$3,230.00 PREMIUM IS FOR CONTRACT TERM AND IS SUBJECT TO ADJUSTMENT BASED ON FINAL CONTRACT PRICE

APPENDIX C

BOND NO.: CAC70319
FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)
R.F.P. # VAG-08/09-10

CONTRACT MOWING OF PARKS AND EASEMENTS

WHEREAS the Board of Directors of the Community Services District of the City of Moreno Valley, County of Riverside, State of California, and DLS Landscape, Inc., hereinafter designated as "Principal," have entered into an Agreement whereby Principal agrees to maintain certain designated public improvements, which said Agreement, dated May 14, 2009, and identified as R.F.P. # VAG-08/09-10 is hereby referred to, and made a part hereof; and

WHEREAS, said Principal is required under the terms of said Agreement to furnish a bond for the faithful performance of said Agreement,

NOW, THEREFORE, we, the Principal, and Merchants Bonding Company (Mutual) as Surety, are held and firmly bound unto the Community Services District of the City of Moreno Valley County of Riverside, in the penal sum of SEE ITEM #1 BELOW dollars (words) (\$148,680.00*****) (figures) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors, and administrators, jointly and severally, firmly by these presents.

The conditions of this obligation are such that if the above-bounded Principal, his heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Agreement, and any alteration thereof made as therein provided on his or their part to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and hold harmless the Community Services District of the City of Moreno Valley, its officers, agents, and employees, as therein stipulated, then this obligation shall become null and void, otherwise it shall be and remain in full force, and effect.

As a part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the Community Services District of the City of Moreno Valley in successfully enforcing such obligation, all to be taxed as costs, and included in any judgment rendered.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Agreement or to the work to be performed thereunder or the specifications accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or the specifications.

*ITEM #1-ONE HUNDRED FORTY EIGHT THOUSAND SIX HUNDRED EIGHTY AND NO/100 DOLLARS

ATTACHMENT 2
FAITHFUL PERFORMANCE
AND MATERIALS & LABOR
BOND

APPENDIX C

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above-named, on May 14, 2009.

PRINCIPAL

SURETY

Name: DLS Landscape, Inc.

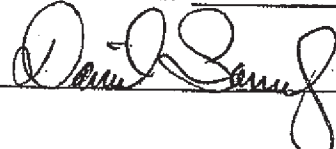
Name: Merchants Bonding Company (Mutual)

Address: 1652 Plum Lane, Suite 104A
Redlands, Ca. 92374

Address: 2100 Fleur Drive
Des Moines, Iowa 50321

Telephone Number: 909-792-7400

Telephone Number: 515-243-8171

By: 

By: 

Title: Daniel Sanchez, President

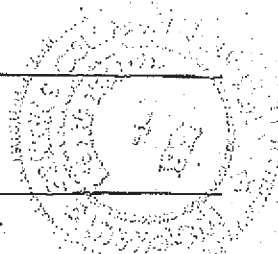
Title: Ryan S. Mantle, Attorney-in-Fact

By: _____

By: _____

Title: _____

Title: _____



Approved as to form this _____ day of _____, 20__.

City Attorney, in the Capacity of General Legal Counsel
to the Community Services District of the City of Moreno Valley.

(MUST BE ACKNOWLEDGED BEFORE A NOTARY BY BOTH PRINCIPAL AND SURETY)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
 County of Orange }
 On 5-14-09 before me, Mary Martignoni - Notary Public
Date Here Insert Name and Title of the Officer
 personally appeared Ryan Mantle
Name(s) of Signer(s)



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 Mary Martignoni
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

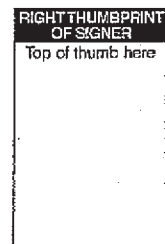
Title or Type of Document: _____
 Document Date: _____ Number of Pages: _____
 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Ryan Mantle
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____
 Signer is Representing: _____
Merchants Bonding
Company (Mutual)



Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____
 Signer is Representing: _____



Merchants Bonding Company

(Mutual)

POWER OF ATTORNEY

Know All Persons By These Presents, that the MERCHANTS BONDING COMPANY (MUTUAL), a corporation duly organized under the laws of the State of Iowa, and having its principal office in the City of Des Moines, County of Polk, State of Iowa, hath made, constituted and appointed, and does by these presents make, constitute and appoint

Les M. Mantle, Ryan Mantle

of Fullerton and State of California its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

SIX MILLION (\$6,000,000.00) DOLLARS

and to bind the MERCHANTS BONDING COMPANY (MUTUAL) thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the MERCHANTS BONDING COMPANY (MUTUAL), and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following Amended Substituted and Restated By-Laws adopted by the Board of Directors of the MERCHANTS BONDING COMPANY (MUTUAL) on November 16, 2002.

ARTICLE II, SECTION 8 - The Chairman of the Board or President or any Vice President or Secretary shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

ARTICLE II, SECTION 9 - The signature of any authorized officer and the Seal of the Company may be affixed by facsimile to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed.

In Witness Whereof, MERCHANTS BONDING COMPANY (MUTUAL) has caused these presents to be signed by its President and its corporate seal to be hereto affixed, this 20th day of January, 2009.



MERCHANTS BONDING COMPANY (MUTUAL)

By *Larry Taylor*
President

STATE OF IOWA
COUNTY OF POLK ss.

On this 20th day of January, 2009, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL), the corporation described in the foregoing instrument, and that the Seal affixed to the said instrument is the Corporate Seal of the said Corporation and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



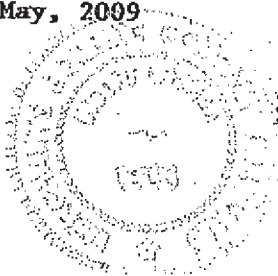
Cindy Smyth
Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL), do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said MERCHANTS BONDING COMPANY (MUTUAL), which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Company on this

14th day of May, 2009



William Warner Jr.
Secretary

POA 0001 (1/06)

PREMIUM INCLUDED IN
PERFORMANCE BOND

APPENDIX B

BOND NO.: CAC70319
MATERIALS AND LABOR BOND
(100% of Total Contract Amount)
R.F.P. # VAG-08/09-10

CONTRACT MOWING OF PARKS AND EASEMENTS

KNOW ALL MEN BY THESE PRESENTS,

THAT DLS Landscape, Inc., as Principal, and Merchants Bonding Company (Mutual), as Surety, as held firmly bound unto the Community Services District of the City of Moreno Valley, in the just and full amount of ONE HUNDRED FORTY EIGHT THOUSAND SIX HUNDRED EIGHTY***** dollars (words), (\$148,680.00*****) (figures), for the payment whereof, we hereby bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Given under our hands and sealed with our seals this 14th day of May, 2009.

The condition of the foregoing obligation is such that,

WHEREAS; the above-named Principal is about to enter into a Contract with the Community Services District of the City of Moreno Valley whereby said principal agrees to contract mowing of parks and easements described in R.F.P. # VAG-08/09-10, and as provided in said Contract, which said Contract is hereby referred to and made a part hereof to the same extent as if the same were herein specifically set forth;

NOW, THEREFORE, if the said Principal or any subcontractor of said Principal shall fail to pay for any materials, provisions, provider of other supplies, or teams used in, upon, for or about the performance of said work contracted to be done, or for any work or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, the Surety will pay for the same in an amount not exceeding the sum hereinabove specified, and in case suit is brought hereon, a reasonable attorney's fee to be fixed by the Court, otherwise this bond shall be void and of no effect;

PROVIDED, that no amendment, change, extension of time, alteration, or addition to said Contract or Agreement, or of any feature or item or items or performance required therein or thereunder shall in any manner effect the obligation of the undersigned on or under this bond; and the surety does hereby waive notice of such amendment, limitation of time for bringing action on this bond by the District change, extension of time, alteration or addition to said Contract or Agreement, and of any feature or item or items of performance required herein or thereunder.

APPENDIX B

This bond shall inure to the benefit of any and all persons entitled to file claims under Sections 3181 through 3187 of the Civil Code of the State of California, and shall give right of action to such persons or their assigns in any suit brought upon this bond.

WITNESS our hands this 14th day of May, 2009.

PRINCIPAL

SURETY

Name: DLS Landscape, Inc.

Name: Merchants Bonding Company (Mutual)

Address: 1652 Plum Lane, Suite, 104A

Address: 2100 Fleur

Redlands, Ca. 92374

Des Moines, Iowa 50321

Telephone No.: 909-792-7400

Telephone No.: 515-243-8171

By: *[Signature]*

By: *[Signature]*

Title: Daniel Sanchez, President

Title: Ryan S. Mantle, Attorney-in-Fact

Approved as to form this _____ day of _____, 20____.

City Attorney, in the Capacity of General Legal Counsel
to the Community Services District of the City of Moreno Valley.

(MUST BE ACKNOWLEDGED BEFORE A NOTARY BY BOTH PRINCIPAL AND SURETY)

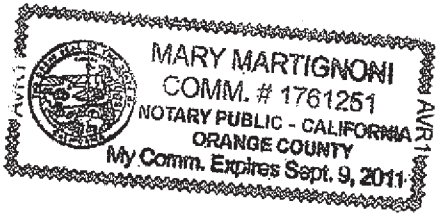
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On 5-14-09 before me, Mary Martignoni - Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Ryan Mantle
Name(s) of Signer(s)



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 (he 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 Mary Martignoni
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Ryan Mantle

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: Merchants Bonding Company (Mutual)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

Merchants Bonding Company

(Mutual)

POWER OF ATTORNEY

Know All Persons By These Presents, that the MERCHANTS BONDING COMPANY (MUTUAL), a corporation duly organized under the laws of the State of Iowa, and having its principal office in the City of Des Moines, County of Polk, State of Iowa, hath made, constituted and appointed, and does by these presents make, constitute and appoint

Les M. Mantle, Ryan Mantle

of Fullerton and State of California its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

SIX MILLION (\$6,000,000.00) DOLLARS

and to bind the MERCHANTS BONDING COMPANY (MUTUAL) thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the MERCHANTS BONDING COMPANY (MUTUAL), and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following Amended Substituted and Restated By-Laws adopted by the Board of Directors of the MERCHANTS BONDING COMPANY (MUTUAL) on November 16, 2002.

ARTICLE II, SECTION 8 - The Chairman of the Board or President or any Vice President or Secretary shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

ARTICLE II, SECTION 9 - The signature of any authorized officer and the Seal of the Company may be affixed by facsimile to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed.

In Witness Whereof, MERCHANTS BONDING COMPANY (MUTUAL) has caused these presents to be signed by its President and its corporate seal to be hereto affixed, this 20th day of January, 2009.



MERCHANTS BONDING COMPANY (MUTUAL)

By *Larry Taylor*
President

STATE OF IOWA
COUNTY OF POLK ss.

On this 20th day of January, 2009, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL), the corporation described in the foregoing instrument, and that the Seal affixed to the said instrument is the Corporate Seal of the said Corporation and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



Cindy Smyth
Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL), do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said MERCHANTS BONDING COMPANY (MUTUAL), which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Company on this

14th day of May, 2009



William Warner Jr.
Secretary

POA 0001 (1/06)

PRODUCER
 Hunter Insurance Services,
 Agency Lic# OD94594
 7863 La Mesa Blvd
 La Mesa, CA 91941
 Phone: 888-815-7639 Fax: 619-465-1926

INSURED
 DLS Landscape, Inc.
 Daniel Sanchez
 PO Box 67
 Redlands CA 92373

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Navigators Insurance Company AX(CA)	42307
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	X		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	0410059934	09/12/08	09/12/09	EACH OCCURRENCE \$1000000 ✓ DAMAGE TO RENTED PREMISES (Ea occurrence) \$5000 MED EXP (Any one person) \$5000 PERSONAL & ADV INJURY \$1000000 ✓ GENERAL AGGREGATE \$2000000 ✓ PRODUCTS - COMPI/OP AGG \$1000000 ✓
			AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
			GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
			EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
			WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATUTORY LIMITS OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
			OTHER				

RISK MANAGEMENT
 Approved
OCadney 10/2/08

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 Cancellation: 10 day non-pay, 30 days all others
 City of Moreno Valley, Moreno Valley Community Services District, & Redevelopment Agency of Moreno Valley are named additional insured, endorsement to follow from carrier.

CERTIFICATE HOLDER

City of Moreno Valley
 15670 Perris Blvd.
 Moreno Valley CA 92552

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
[Signature]

BLANKET ADDITIONAL INSUREDS- OWNERS, LESSEES OR CONTRACTORS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
SCHEDULE

Policy Number: 04-10059934	Endorsement Effective: 9/16/2008 TO 09/12/2009
Named Insured: DLS LANDSCAPE, INC. DBA:	Countersigned By: <i>Rasia Erickson</i>

SCHEDULE

Name of Person or Organization: CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND REDEVELOPMENT AGENCY OF MORENO VALLEY 15670 PERRIS BLVD MORENO VALLEY, CA, 92552
Location: LOCATIONS THROUGHOUT THE CITY OF MORENO VALLEY, CA

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

- A. Section II - Who Is An Insured** is amended to include as an insured the person or organization shown in the Schedule, but only to the extent that the person or organization shown in the Schedule is held liable for your acts or omissions arising out of your ongoing operations performed for that insured.
- B.** With respect to the insurance afforded to these additional insureds, the following exclusion is added:

2. Exclusions

This insurance does not apply to "bodily injury" or "property damage" occurring after:

- (1) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the site of the covered operations has been completed; or
- (2) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

- C.** The words "you" and "your" refer to the Named Insured shown in the Declarations.
- D.** "Your work" means work or operations performed by you or on your behalf, and materials, parts or equipment furnished in connection with such work or operations.

Primary Wording

If required by written contract or agreement: Such insurance as is afforded by this policy shall be primary insurance, and any insurance or self-insurance maintained by the above additional insured(s) shall be excess of the insurance afforded to the named insured and shall not contribute to it.

Waiver of Subrogation

If required by written contract or agreement: We waive any right of recovery we may have against an entity that is an additional insured per the terms of this endorsement because of payments we make for injury or damage arising out of "your work" done under a contract with that person or organization.

ANF- ES 043 (5/2006)

CERTIFICATE OF INSURANCE

EFFECTIVE DATE
OF CERTIFICATE
11/08/08

ATXV (CA)

ALLSTATE INSURANCE COMPANY
HOME OFFICE - NORTHBROOK, IL 60062
hereby certifies that the following insurance is in force:

POLICYHOLDER
DLS LANDSCAPE, INC

PO BX 67
REDLANDS, CA 92373-0021

POLICY NUMBER
048688337 BAP

POLICY PERIOD
11/08/08 TO 11/08/09
AT 12:01 A.M. STANDARD TIME

The person or organization designated below is described in the policy as:

CITY OF MORENO VALLEY

PO BOX 88005
MORENO VALLEY, CA 92552-0805

- LIENHOLDER (Loss Payable Clause)
- ADDITIONAL INTERESTED PARTY
- ADDITIONAL INSURED
- CERTIFICATE HOLDER

Coverages designated are afforded as stated below:

Basis of Coverage:

LIMITS OF LIABILITY \$ 1,000,000 COMBINED SINGLE LIMITS

- ANY "AUTO"
- OWNED "AUTOS" ONLY
- SPECIFICALLY DESCRIBED "AUTOS"
- HIRED "AUTOS" ONLY
- NONOWNED "AUTOS" ONLY
- OWNED PRIVATE PASSENGER "AUTOS" ONLY
- OWNED "AUTOS" OTHER THAN PRIVATE PASSENGER
- OWNED COMMERCIAL "AUTOS" ONLY

To the person or organization stated above:

This policy, as respects the interest of the loss payee, additional interested party, additional insured or certificate holder named herein, may be cancelled by the Company during the policy period by giving such person or organization 10 days written notice at its last address known to the Company.

Proof of such mailing is deemed sufficient proof of such notice.

This Certificate of Insurance neither affirmatively nor negatively amends, extends or alters the coverage afforded by the policy referred to above.

BU1985 10 03

PAGE 1 OF 1

SK MANAGEMENT
Approved

[Signature] 9/11/08



BU114R-3



CUSTOMER NUMBER: CA048688337

RUN DATE: 09-03-08

DOUG MOORE

7270 VICTORIA PK #3C
RNCHO CUCAMONGA, CA 91739

A.I.P. (CA)

10 48 888337

NS CA



CITY OF MORENO VALLEY

PO BOX 88005
MORENO VALLEY, CA 92552-0805

BU114R-3

REPRINT KEY: 0472829



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED
DESIGNATED PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM
GARAGE COVERAGE FORM
TRUCKERS COVERAGE FORM

SCHEDULE

Name and Address of Person or Organization:

CITY OF MORENO VALLEY
PO BOX 88005
MORENO VALLEY, CA 92552-0805

- A.** The person or organization shown in the Schedule is included as an insured but only if liable for the conduct of an "insured" and only to the extent of that liability.
- B. CANCELLATION**
1. If we cancel the policy, we will mail or deliver notice to such person or organization in accordance with the Common Policy Conditions.
 2. If you cancel the policy, we will mail or deliver notice to such person or organization.
 3. Cancellation ends this agreement.

BU1114(1-93)

BU114R-3

**STATE
COMPENSATION
INSURANCE
FUND**

P.O. BOX 420807, SAN FRANCISCO, CA 94142-0807

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

ISSUE DATE: 11-01-2008

GROUP:
POLICY NUMBER: 1709203-2008
CERTIFICATE ID: 21
CERTIFICATE EXPIRES: 11-01-2009
11-01-2008/11-01-2009 *NRS(CA)*

COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF MORENO VALLEY
PO BOX 88005
MORENO VALLEY CA 92552

SJ

This is to certify that we have issued a valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon 30 days advance written notice to the employer.

We will also give you 30 days advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policy listed herein. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate of insurance may be issued or to which it may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions, and conditions, of such policy.

James Neary
AUTHORIZED REPRESENTATIVE

Janet Frank
PRESIDENT

EMPLOYER'S LIABILITY LIMIT INCLUDING DEFENSE COSTS: \$1,000,000 PER OCCURRENCE. ✓

ENDORSEMENT #0015 ENTITLED ADDITIONAL INSURED EMPLOYER EFFECTIVE 2006-11-01 IS ATTACHED TO AND FORMS A PART OF THIS POLICY. NAME OF ADDITIONAL INSURED: COMMUNITY REDEVELOPMENT AGENCY OF

ENDORSEMENT #1600 - DANIEL SANCHEZ, PRESIDENT - EXCLUDED.

ENDORSEMENT #1600 - TERRY SANCHEZ, VICE PRESIDENT - EXCLUDED.

ENDORSEMENT #1600 - NATHAN SANCHEZ, VICE PRESIDENT - EXCLUDED.

ENDORSEMENT #1600 - SABRINA SANCHEZ, SECRETARY TREASURER - EXCLUDED.

ENDORSEMENT #2065 ENTITLED CERTIFICATE HOLDERS' NOTICE EFFECTIVE 11-01-2005 IS ATTACHED TO AND FORMS A PART OF THIS POLICY.

EMPLOYER

OK MANAGEMENT
Approved

Clackey 11/3/08

DLS LANDSCAPE INC
PO BOX 67
REDLANDS CA 92373

SJ

CITY OF MORENO VALLEY

BUSINESS LICENSE TAX RECEIPT

The person, firm or corporation named below has paid the appropriate fees to the City and is hereby granted this business license tax receipt for the business described below. Granting of this receipt does not entitle the holder to operate or maintain a business in violation of any law or ordinance. The City does not pass on the qualifications of the holder of this business license tax receipt.

Business Name: D.L.S Landscape, Inc
Business Location: 1652 Plum Ln, Redlands, CA 92373
Business Owner: D.L.S Landscape, Inc
Daniel Sanchez

BUSINESS TYPE: 091
Description: CONTRACTOR - ALL

D.L.S LANDSCAPE, INC
C/O DANIEL SANCHEZ
P.O. 67
REDLANDS, CA 92373

BUSINESS LICENSE #: 19376
Effective Date: January 01, 2009
Expiration Date: December 31, 2009


Steve Elam
Financial & Administrative Services Director

TO BE POSTED IN A CONSPICUOUS PLACE

NOT TRANSFERABLE

**ATTACHMENT 4
CITY BUSINESS LICENSE**

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**MINUTES - REGULAR MEETING OF May 26, 2009
(Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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**MINUTES - REGULAR MEETING OF May 26, 2009
(Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

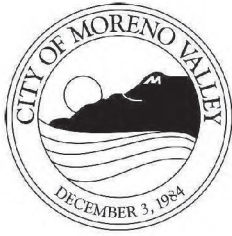
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**MINUTES - REGULAR MEETING OF May 26, 2009
(Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RJA</i>
CITY MANAGER	<i>RA</i>

Report to City Council

TO: Mayor and City Council Acting in their Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR NINE TRACTS

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing:

1. Direct the City Clerk to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charge for Tracts 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277, and 31284;
2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet and attached Assessor's Parcel Number (APN) listing;
3. Receive and file with the City Clerk's office the accepted CSD Official Tally Sheet and attached APN listing; and
4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charge for Tracts 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277, and 31284.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the cost of special services to those parcels receiving the service. Each zone provides specific services to designated areas. The Zone D program provides parkway landscape maintenance at the entry of a tract, around its perimeter, or in the median adjacent to the tract.

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

DISCUSSION

Every year, the CSD compares the cost to provide the service to the revenue received from each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenditures for Tracts 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277, and 31284 exceed the annual parcel charge paid by the property owners. In order to maintain services at the current standard service level it is necessary to increase the CSD Zone D annual charge.

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, mail ballot proceedings are being conducted to allow property owners within Tracts 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277, and 31284 the opportunity to approve or oppose the proposed increase in the CSD Zone D annual parcel charge. The current and proposed CSD Zone D annual charge for each tract is listed below.

Tract	Current CSD Zone D Annual Parcel Charge*	Proposed CSD Zone D Annual Parcel Charge*
17334	\$345.00	\$622.80
18512/21322	\$82.00	\$112.00
18784/20906	\$177.00	\$258.30
18930	\$77.00	\$104.00
19852	\$69.00	\$109.20
20715	\$94.00	\$126.30
21616	\$371.00	\$708.70
22277	\$264.00	\$574.10
31284	\$127.00	\$186.50

*The CSD Zone D annual charge may be subject to an annual inflation adjustment in subsequent years based on the annual percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index

for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on May 26, 2009 and the Public Hearing on June 9, 2009.

If a tract approves the proposed increase by a simple majority (50%+1) of returned valid ballots, the proposed CSD Zone D annual charge will be levied on the FY 2009/10 Riverside County property tax bill. If a tract opposes the proposed increase by a simple majority of returned valid ballots, the existing CSD Zone D annual charge shall continue to be levied on the property tax bill, which may include an annual inflation adjustment. The ballot measure shall also be considered not approved if there is a tie in the number of valid yes and no ballots returned. The CSD will evaluate the level of landscape service to be provided based on the City Council/CSD Board approved Zone D (Parkway Landscape Maintenance) Service Plan, General Management Policy #2.30.

If revenues from a tract do not support the lowest level of reduced landscape maintenance service, the property owners will be notified that the CSD is no longer able to provide landscape maintenance service. If desired, property owners may consider the option of forming a homeowners association, or other method, to continue the landscape maintenance.

ALTERNATIVES

1. **Conduct the Public Hearing**, tabulate the ballots, verify and accept the results of the mail ballot proceeding for Tracts 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277, and 31284 for the proposed increase in the CSD Zone D annual charge. *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218.*
2. **Do not conduct the Public Hearing**, tabulate the ballots, verify or accept the results of the mail ballot proceeding for Tracts 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277, and 31284 for the proposed increase in the CSD Zone D annual charge. *This alternative would be contrary to state statutes.*

FISCAL IMPACT

The CSD provides services through various zones, such as Zone D (Parkway Landscape Maintenance), which are full-cost recovery programs. There is no impact on the General Fund for the operation of the CSD Zone D program.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness

Continuation of the Zone D services in the landscaped areas of the nine tracts shall allow the CSD to maintain the current appearance of the area.

Revenue Diversification and Preservation

The proposed CSD Zone D annual charge for the nine tracts is based upon actual costs, which include maintenance and administration.

SUMMARY

Nine Zone D tracts are being balloted to seek approval for an increase in the CSD Zone D annual charge. The action before the CSD Board is to accept public comments and tabulate the returned ballots for the balloted tracts.

NOTIFICATION

On April 17, 2009, a ballot packet was mailed to each property owner within the affected tracts. The packet included a cover letter, notice to property owner, 2009/10 budget, history of charges, map, CSD Zone D service levels, official mail ballot, and a postage-paid envelope for returning the ballot. A sample mail ballot packet for each tract is included as Attachments 1 through 9.

Newspaper advertising for the May 26, 2009, Public Meeting and June 9, 2009, Public Hearing was published in The Press-Enterprise on May 8, 2009. Additionally, the Public Hearing notification was published on May 22, 2009 and on May 29, 2009.

ATTACHMENTS

- Attachment 1: Sample mail ballot packet for Tract 17334
- Attachment 2: Sample mail ballot packet for Tract 18512/21322
- Attachment 3: Sample mail ballot packet for Tract 18784/20906
- Attachment 4: Sample mail ballot packet for Tract 18930
- Attachment 5: Sample mail ballot packet for Tract 19852
- Attachment 6: Sample mail ballot packet for Tract 20715
- Attachment 7: Sample mail ballot packet for Tract 21616
- Attachment 8: Sample mail ballot packet for Tract 22277
- Attachment 9: Sample mail ballot packet for Tract 31284

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Sue Anne Maxinoski,
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\jennifert\Ballots for FY 08.09\D\Stfrpt Zone D PH 06.09.09.doc

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 473351001
David Telles
11109 Twilight Way
Moreno Valley, CA 92555

Subject: Mail Ballot Proceeding for Tract 17334 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 17334 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 17334 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a \$277.80 increase per parcel, which is the equivalent of a \$23.15 increase per month. The increase will adjust the annual charge from \$345.00 to \$622.80 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 17334 at the current standard service level. The total approved charge of \$622.80 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of \$345.00 per parcel shall be increased by the annual inflation rate to \$345.30 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 17334 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 1

Tract 17334 Zone D Mail Ballot Proceeding
April 17, 2009
Page 2 of 2

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\Tract 17334\letter to property owner Tract 17334.doc

**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 17334**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 17334, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

**TUESDAY, May 26, 2009
6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

**TUESDAY, June 9, 2009
6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 17334:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 17334 is \$622.80 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is \$1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$345.00 to \$622.80 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

If there is a tie or if a majority of the ballots returned oppose the increase in the annual charge, the current parcel charge of \$345.00 shall be increased by the annual inflation rate to \$345.30 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 17334 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



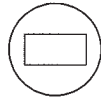
A dot or oval mark substantially inside a box;



A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT
ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
TRACT 17334**

FROM 1989 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1989-1990	\$50.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$252.00
2002-2003	\$257.00
2003-2004	\$267.00
2004-2005	\$272.00
2005-2006	\$284.00
2006-2007	\$284.00
2007-2008	\$331.00
2008-2009	\$345.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACT 17334

Budgeted Revenues*:

Single Family Parcels (\$345.30*57)	\$ 19,682.10	
Total Revenue Generated Annually		\$ 19,682.10

Budgeted Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 11,205.67
Vandalism	\$ -
Electricity	\$ 304.06
Water	\$ 3,016.11
Other Maintenance/Miscellaneous Direct Expenses	\$ 2,146.40
Landscaping Personnel	\$ 13,929.67
Total Direct Costs	\$ 30,601.91

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 195.66
Special Districts	\$ 1,936.09
City Administration	\$ 2,766.07
Total Indirect Costs	\$ 4,897.82

Total Budgeted Expenditures **\$ (35,499.73)**

Operating Budget Shortfall

(Total Revenue less Total Budgeted Expenditures) **\$ (15,817.63)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.







Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

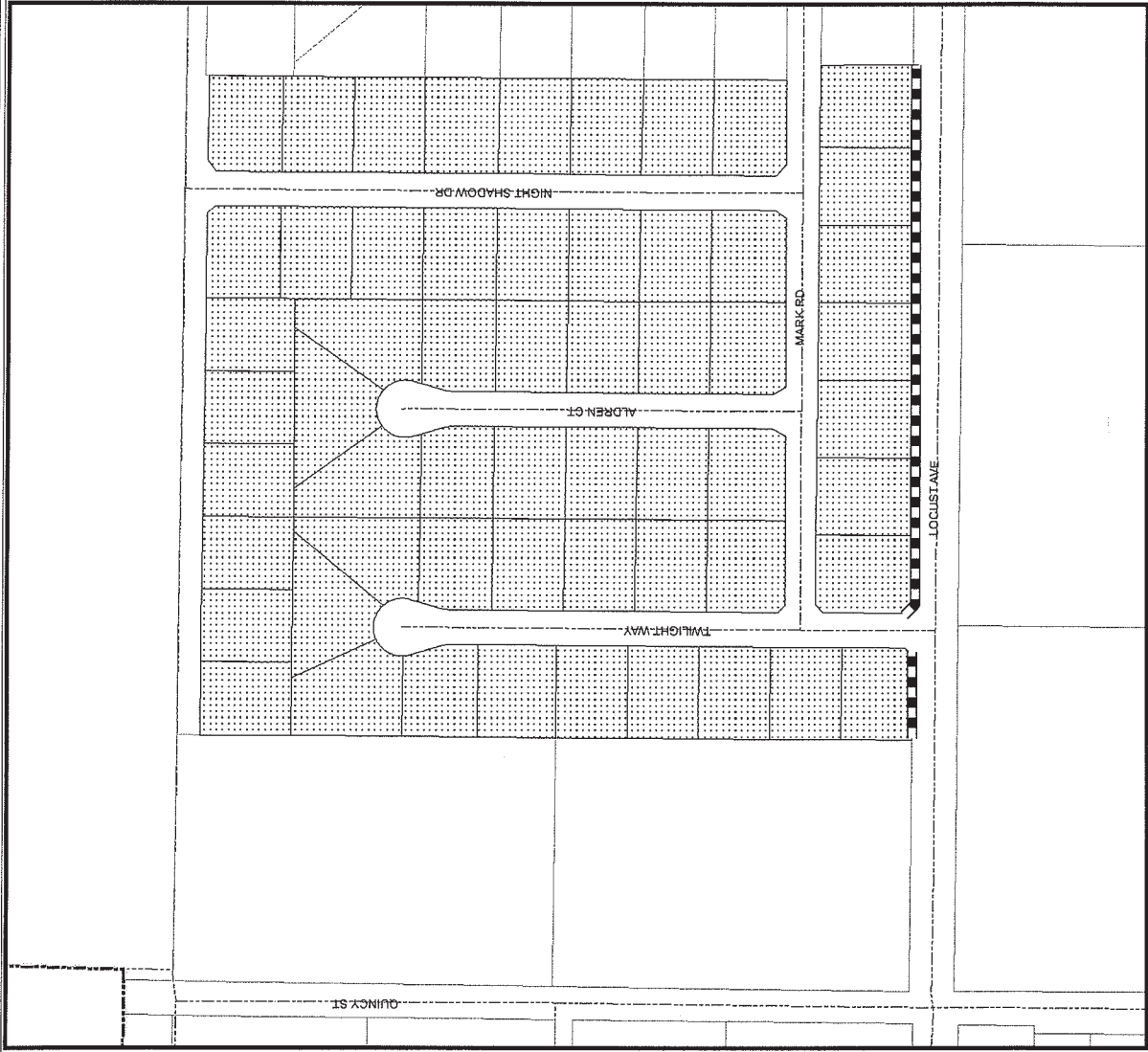
Tract 17334

-  Median
-  Landscaped Areas
-  Roads
-  Parcels
-  City Boundary
-  TR17334

Map reflects all changes indicated on Riverside County Assessor Maps as of March 16, 2009.



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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The display is for informational purposes only and should not be used for display purposes without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or resold.



**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

**OFFICIAL BALLOT for Assessor Parcel No. 473351001
ZONE D (PARKWAY LANDSCAPE MAINTENANCE)-TRACT NO. 17334**



If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy \$622.80 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone D services of \$277.80 per parcel, which is the equivalent of a \$23.15 increase per month. The increase will adjust the annual charge from \$345.00 to \$622.80 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.



No, I do not approve the increase in the annual charge for Zone D services of \$277.80 per parcel. I understand the current Zone D charge of \$345.00 per parcel shall be increased by the annual inflation rate to \$345.30 and shall be levied on the 2009/10 Riverside County property tax bill. Landscaping services for Tract 17334 shall be reduced to a level consistent with available funding.



PROPERTY OWNER SIGNATURE _____

DATE _____

Llame al 951.413.3480 para obtener información verbal en Español.

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TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 264071001
Marcelyn Kera Brooks
23630 Parkland Ave
Moreno Valley, CA 92557

Subject: Mail Ballot Proceeding for Tracts 18512 and 21322 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tracts 18512 and 21322 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tracts 18512 and 21322 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a \$30.00 increase per parcel, which is the equivalent of a \$2.50 increase per month. The increase will adjust the annual charge from \$82.00 to \$112.00 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tracts 18512 and 21322 at the current standard service level. The total approved charge of \$112.00 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of \$82.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. The CSD shall reduce services for Tracts 18512 and 21322 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 2

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

c: ~~Sue Maxinoski, Special Districts Division Manager~~
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\D\Tract 18512_21322\letter to property owner Tract 18512_21322.doc

**NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES
DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL
CHARGE FOR TRACTS 18512 AND 21322**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tracts 18512 and 21322, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, May 26, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, June 9, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tracts 18512 and 21322:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tracts 18512 and 21322 is \$112.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is \$1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. Duration of the Proposed Charges:

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. Reason for the Charge Increase:

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. Calculation of the Charge:

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$82.00 to \$112.00 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

If there is a tie or if a majority of the ballots returned oppose the increase in the annual parcel charge, the current parcel charge of \$82.00 shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Tracts 18512 and 21322 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



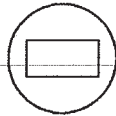
A dot or oval mark substantially inside a box;



A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACTS 18512 and 21322**

FROM 1988 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$55.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$70.00
2002-2003	\$70.00
2003-2004	\$70.00
2004-2005	\$70.00
2005-2006	\$73.00
2006-2007	\$76.00
2007-2008	\$79.00
2008-2009	\$82.00

CITY OF MORENO VALLEY
 COMMUNITY SERVICES DISTRICT (CSD) ZONE D
 FISCAL YEAR 2009/10 BUDGET FOR TRACTS 18512 and 21322

Budgeted Revenues*:

Single Family Parcels (519*\$82)	\$	42,558.00	
Total Revenue Generated Annually			\$ 42,558.00

Budgeted Expenditures:

Direct Costs:

Base Maintenance Contract	\$	12,328.44	
Vandalism	\$	38.41	
Electricity	\$	603.86	
Water	\$	9,034.69	
Other Maintenance/Miscellaneous Direct Expenses	\$	5,323.66	
Landscaping Personnel	\$	22,833.46	
Total Direct Costs	\$	50,162.52	

Indirect Costs:

Miscellaneous Indirect Expenses	\$	256.34	
Special Districts	\$	3,173.64	
City Administration	\$	4,534.13	
Total Indirect Costs	\$	7,964.11	

Total Budgeted Expenditures **\$ (58,126.63)**

Operating Budget Shortfall

(Total Revenue less Total Budgeted Expenditures) **\$ (15,568.63)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Tracts 18512 and 21322

- Median
- Landscaped Areas
- ~ Roads
- Parcels
- ▬ City Boundary
- ▨ TR_18512_and_21322

Map reflects all changes indicated on Riverside County Assessor Maps as of March 16, 2009.

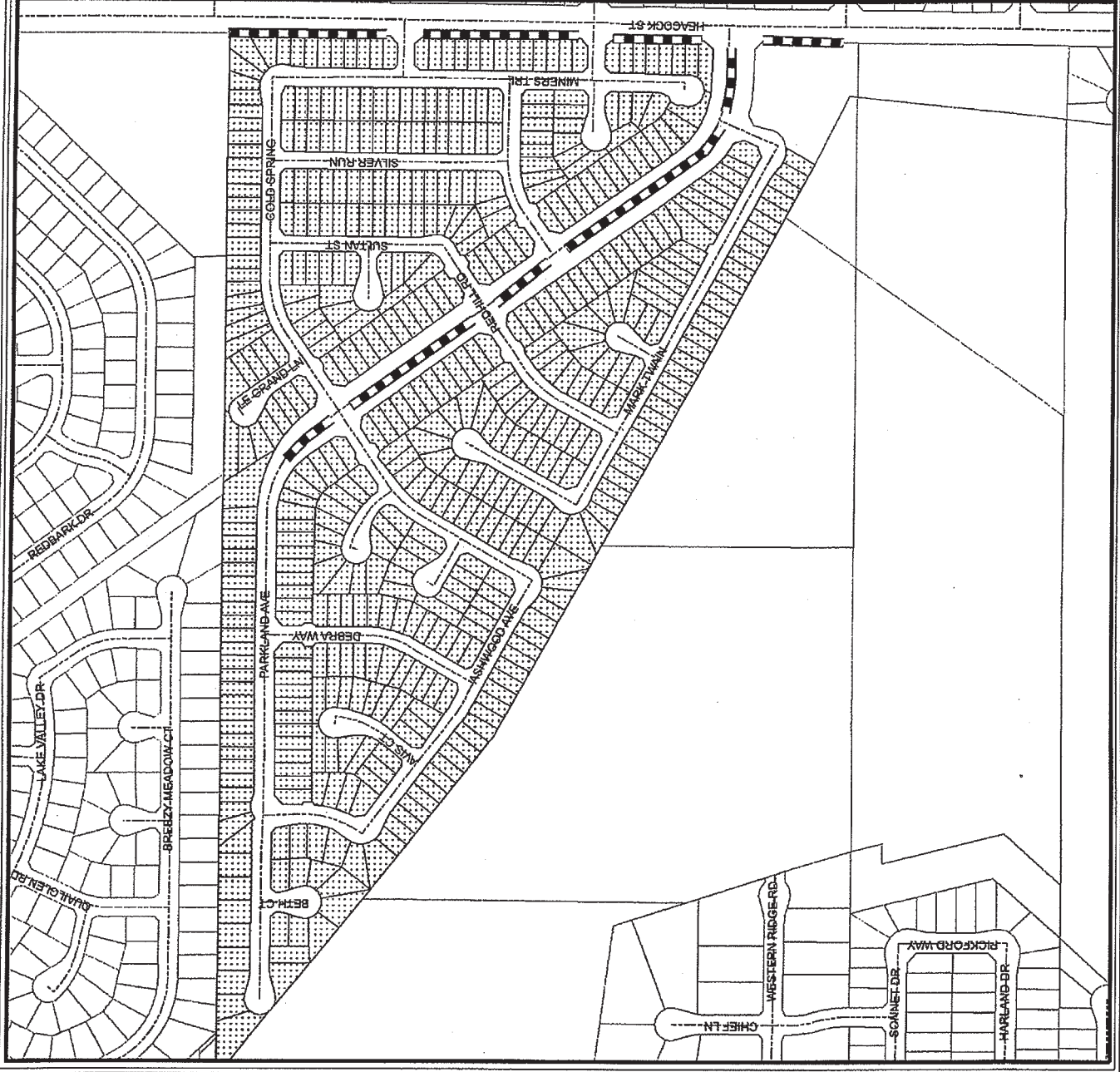


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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.



MORENO VALLEY
WHERE DREAMS SOAR



**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

**OFFICIAL BALLOT for Assessor Parcel No. 264071001
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 18512/21322**



If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy \$112.00 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone D services of \$30.00 per parcel, which is the equivalent of a \$2.50 increase per month. The increase will adjust the annual charge from \$82.00 to \$112.00 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.

No, I do not approve the increase in the annual charge for Zone D services of \$30.00 per parcel. I understand the current Zone D charge of \$82.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. Landscaping services for Tracts 18512/21322 shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE

DATE

Llame al 951.413.3480 para obtener información verbal en Español.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 479501013
Roderick A Shelby
25370 Hawkwood Tr
Moreno Valley, CA 92557

Subject: Mail Ballot Proceeding for Tracts 18784 and 20906 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tracts 18784 and 20906 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tracts 18784 and 20906 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing an \$81.30 increase per parcel, which is the equivalent of a \$6.78 increase per month. The increase will adjust the annual charge from \$177.00 to \$258.30 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tracts 18784 and 20906 at the current standard service level. The total approved charge of \$258.30 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of \$177.00 per parcel shall be increased by the annual inflation rate to \$177.10 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tracts 18784 and 20906 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 3

Tracts 18784 and 20906 Zone D Mail Ballot Proceeding
April 17, 2009
Page 2 of 2

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACTS 18784 AND 20906**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tracts 18784 and 20906, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

**TUESDAY, May 26, 2009
6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

**TUESDAY, June 9, 2009
6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Tracts 18784 and 20906:**
CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level
2. **CSD Zone D Annual Parcel Charge for Tracts 18784 and 20906 is \$258.30 per parcel.** The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is \$1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. **QUESTIONS REGARDING THESE PROCEEDINGS**

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. **SUMMARY OF BALLOT PROCEEDINGS**

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$177.00 to \$258.30 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

If there is a tie or if a majority of the ballots returned oppose the increase in the annual charge, the current parcel charge of \$177.00 shall be increased by the annual inflation rate to \$177.10 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tracts 18784 and 20906 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



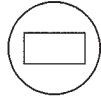
A dot or oval mark substantially inside a box;



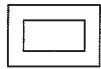
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACTS 18784 and 20906
FROM 1988 TO 2009**

TAX YEAR	ANNUAL PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$55.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$121.00
2002-2003	\$124.00
2003-2004	\$129.00
2004-2005	\$131.00
2005-2006	\$137.00
2006-2007	\$165.00
2007-2008	\$170.00
2008-2009	\$177.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACTS 18784 and 20906

Budgeted Revenues*:

Single Family Parcels (\$177.10*137)	\$ 24,262.70	
Total Revenue Generated Annually		\$ 24,262.70

Budgeted Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 9,050.25
Vandalism	\$ 26.49
Electricity	\$ 602.44
Water	\$ 4,212.39
Other Maintenance/Miscellaneous Direct Expenses	\$ 2,719.92
Landscaping Personnel	\$ 13,878.92
Total Direct Costs	\$ 30,490.41

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 210.41
Special Districts	\$ 1,929.04
City Administration	\$ 2,755.99
Total Indirect Costs	\$ 4,895.44

Total Budgeted Expenditures **\$ (35,385.85)**

Operating Budget Shortfall

(Total Revenue less Total Budgeted Expenditures) **\$ (11,123.15)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

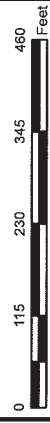
City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Tract 18784 and 20906

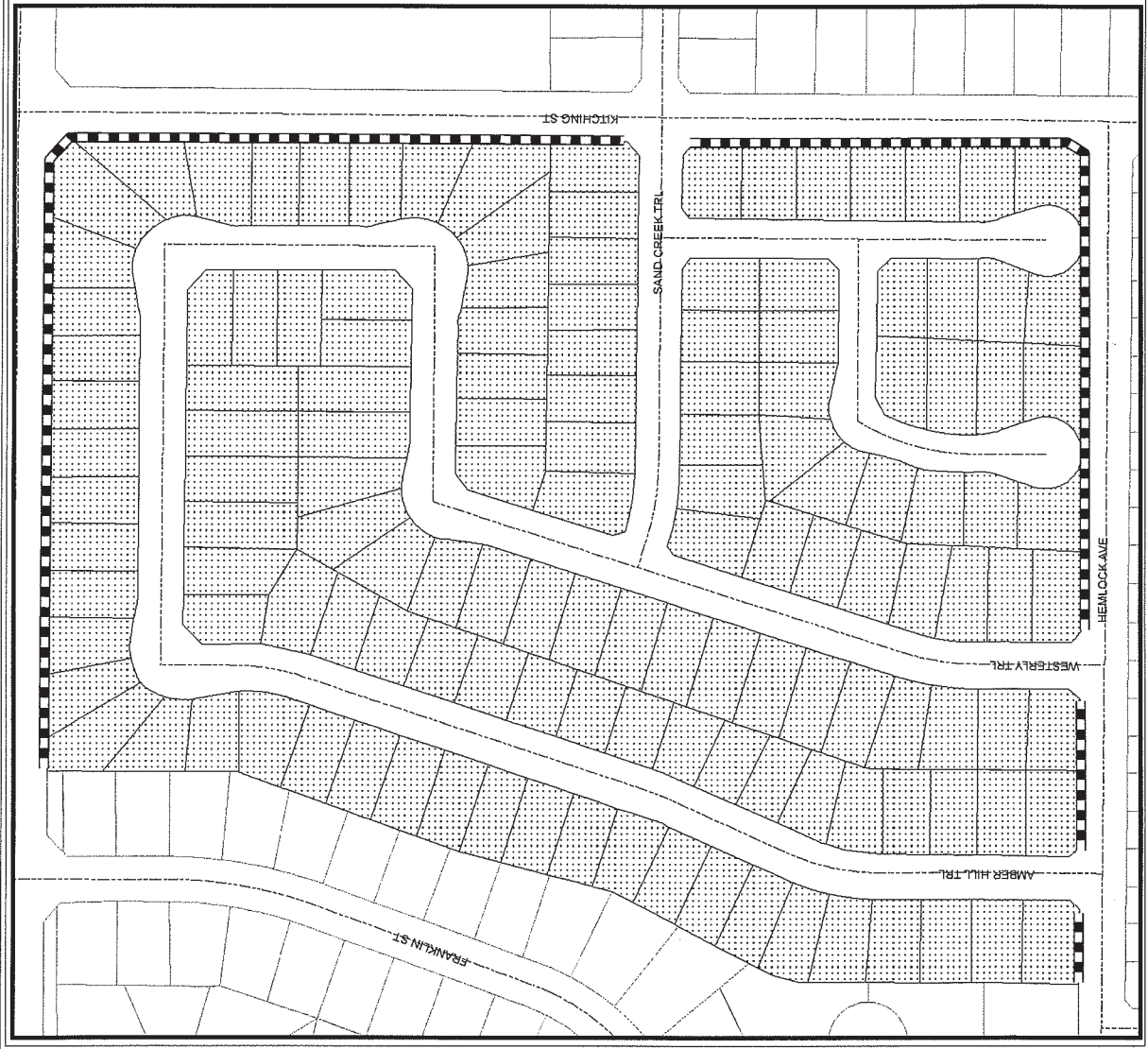
- Median
- Landscaped Areas
- Roads
- Parcels
- City Boundary
- TR18784_and_20906

Map reflects all changes indicated on Riverside County Assessor Maps as of March 16, 2009.



G:\VPI\SDA\TR18784 and 20906.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or resold.



**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

**OFFICIAL BALLOT for Assessor Parcel No. 479501013
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 18784/20906**



If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy \$258.30 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone D services of \$81.30 per parcel, which is the equivalent of a \$6.78 increase per month. The increase will adjust the annual charge from \$177.00 to \$258.30 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.



No, I do not approve the increase in the annual charge for Zone D services of \$81.30 per parcel. I understand the current Zone D charge of \$177.00 per parcel shall be increased by the annual inflation rate to \$177.10 and shall be levied on the 2009/10 Riverside County property tax bill. Landscaping services for Tracts 18784/20906 shall be reduced to a level consistent with available funding.



PROPERTY OWNER SIGNATURE

DATE

Llame al 951.413.3480 para obtener información verbal en Español.

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TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 291371001
Thomas L Olson
13240 Oak Dell St
Moreno Valley, CA 92553

Subject: Mail Ballot Proceeding for Tract 18930 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 18930 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 18930 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a \$27.00 increase per parcel, which is the equivalent of a \$2.25 increase per month. The increase will adjust the annual charge from \$77.00 to \$104.00 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 18930 at the current standard service level. The total approved charge of \$104.00 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of \$77.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. The CSD shall reduce services for Tract 18930 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 4

-439-

Item No. E.1

Tract 18930 Zone D Mail Ballot Proceeding
April 17, 2009
Page 2 of 2

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

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**NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES
DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL
CHARGE FOR TRACT 18930**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 18930, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, May 26, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, June 9, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

- 1. Name of the Charge for Tract 18930:**
CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level
- 2. CSD Zone D Annual Parcel Charge for Tract 18930 is \$104.00 per parcel.** The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is \$1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*

Llame al 951.413.3480 para obtener información verbal en Español

2 of 4

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$77.00 to \$104.00 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

If there is a tie or if a majority of the ballots returned oppose the increase in the annual parcel charge, the current parcel charge of \$77.00 shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Tract 18930 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



A dot or oval mark substantially inside a box;



A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 18930**

FROM 1988 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$55.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$57.00
2002-2003	\$65.00
2003-2004	\$65.00
2004-2005	\$66.00
2005-2006	\$69.00
2006-2007	\$72.00
2007-2008	\$74.00
2008-2009	\$77.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACT 18930

Budgeted Revenues*:

Single Family Parcels (\$77*295)	\$ 22,715.00	
Total Revenue Generated Annually		\$ 22,715.00

Budgeted Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 7,253.56
Vandalism	\$ 30.23
Electricity	\$ 608.02
Water	\$ 4,397.52
Other Maintenance/Miscellaneous Direct Expenses	\$ 2,127.24
Landscaping Personnel	\$ 12,045.06
Total Direct Costs	\$ 26,461.63

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 152.59
Special Districts	\$ 1,674.15
City Administration	\$ 2,391.83
Total Indirect Costs	\$ 4,218.57

Total Budgeted Expenditures **\$ (30,680.20)**

Operating Budget Shortfall

(Total Revenue less Total Budgeted Expenditures) **\$ (7,965.20)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.







Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Tract 18930

-  Median
-  Landscaped Areas
-  Roads
-  Parcels
-  City Boundary
-  Tract_18930

Map reflects all changes indicated on Riverside County Assessor Maps as of March 30, 2009.

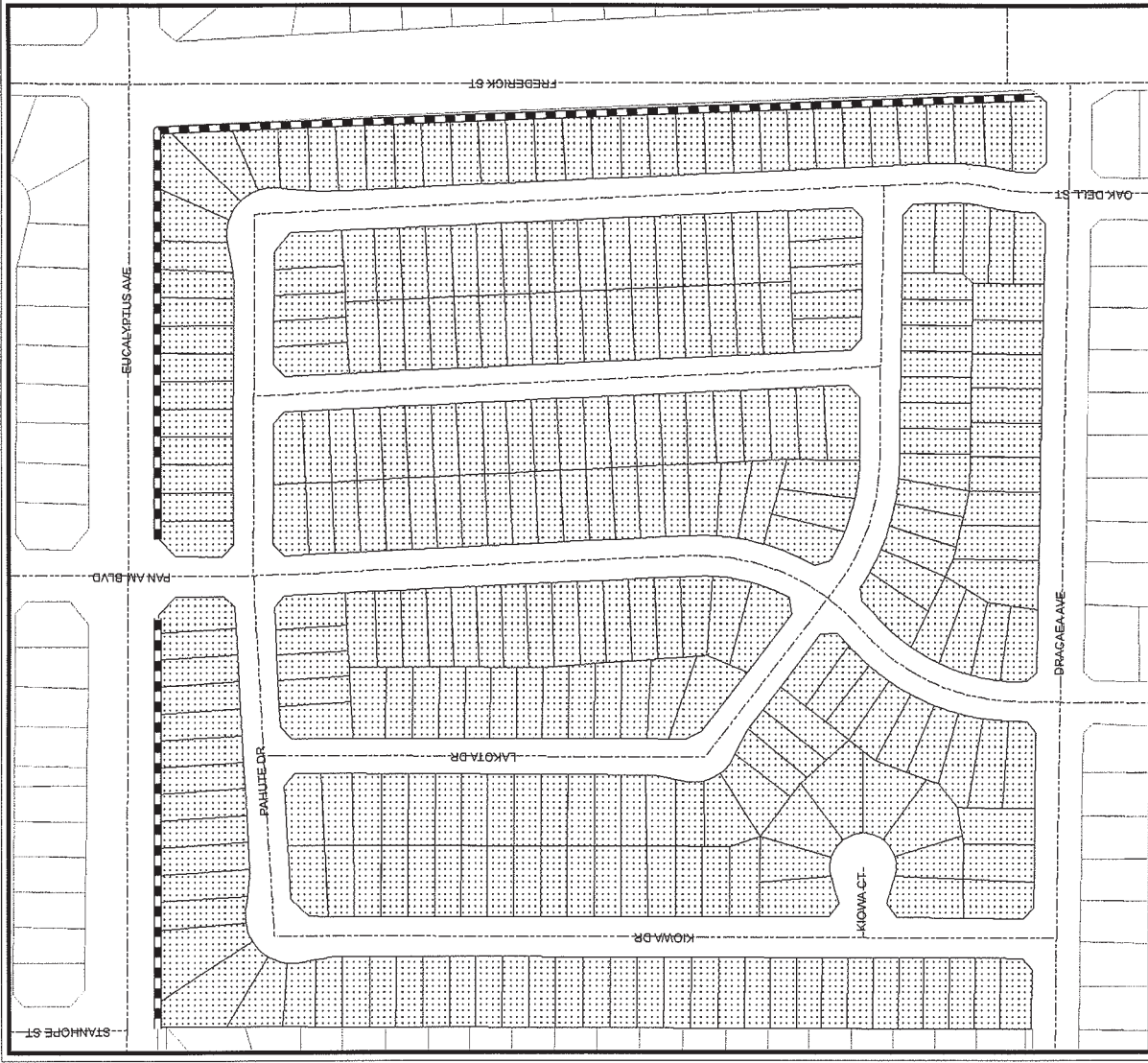


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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or resold.



MORENO VALLEY
WHERE DREAMS SOAR



**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

**OFFICIAL BALLOT for Assessor Parcel No. 291371001
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 18930**



If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy \$104.00 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone D services of \$27.00 per parcel, which is the equivalent of a \$2.25 increase per month. The increase will adjust the annual charge from \$77.00 to \$104.00 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.



No, I do not approve the increase in the annual charge for Zone D services of \$27.00 per parcel. I understand the current Zone D charge of \$77.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. Landscaping services for Tract 18930 shall be reduced to a level consistent with available funding.



PROPERTY OWNER SIGNATURE _____

DATE _____

Llame al 951.413.3480 para obtener información verbal en Español.

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TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 487380001
Winston S Warnsby
26478 Dracaea Ave
Moreno Valley, CA 92555

Subject: Mail Ballot Proceeding for Tract 19852 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 19852 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 19852 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a \$40.20 increase per parcel, which is the equivalent of a \$3.35 increase per month. The increase will adjust the annual charge from \$69.00 to \$109.20 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 19852 at the current standard service level. The total approved charge of \$109.20 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of \$69.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. The CSD shall reduce services for Tract 19852 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 5

-451-

Item No. E.1

Tract 19852 Zone D Mail Ballot Proceeding
April 17, 2009
Page 2 of 2

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\D\Tract 19852\letter to property owner Tract 19852.doc

**NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES
DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL
CHARGE FOR TRACT 19852**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 19852, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

**TUESDAY, May 26, 2009
6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

**TUESDAY, June 9, 2009
6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 19852:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 19852 is \$109.20 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is \$1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*

Llame al 951.413.3480 para obtener información verbal en Español

2 of 4

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$69.00 to \$109.20 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

If there is a tie or if a majority of the ballots returned oppose the increase in the annual parcel charge, the current parcel charge of \$69.00 shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Tract 19852 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



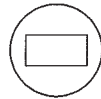
A dot or oval mark substantially inside a box;



A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 19852**

FROM 1988 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$55.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
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1995-1996	\$57.00
1996-1997	\$57.00
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1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$57.00
2002-2003	\$57.00
2003-2004	\$57.00
2004-2005	\$57.00
2005-2006	\$57.00
2006-2007	\$63.00
2007-2008	\$66.00
2008-2009	\$69.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACT 19852

Budgeted Revenues*:

Single Family Parcels (\$69*292)	\$ 20,148.00	
Total Revenue Generated Annually		\$ 20,148.00

Budgeted Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 8,571.26	
Vandalism	\$ -	
Electricity	\$ 295.59	
Water	\$ 3,066.56	
Other Maintenance/Miscellaneous Direct Expenses	\$ 3,058.30	
Landscaping Personnel	\$ 12,525.59	
Total Direct Costs	\$ 27,517.30	

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 153.51	
Special Districts	\$ 1,740.94	
City Administration	\$ 2,487.26	
Total Indirect Costs	\$ 4,381.71	

Total Budgeted Expenditures **\$ (31,899.01)**

Operating Budget Shortfall

(Total Revenue less Total Budgeted Expenditures) **\$ (11,751.01)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.







Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Tract 19852

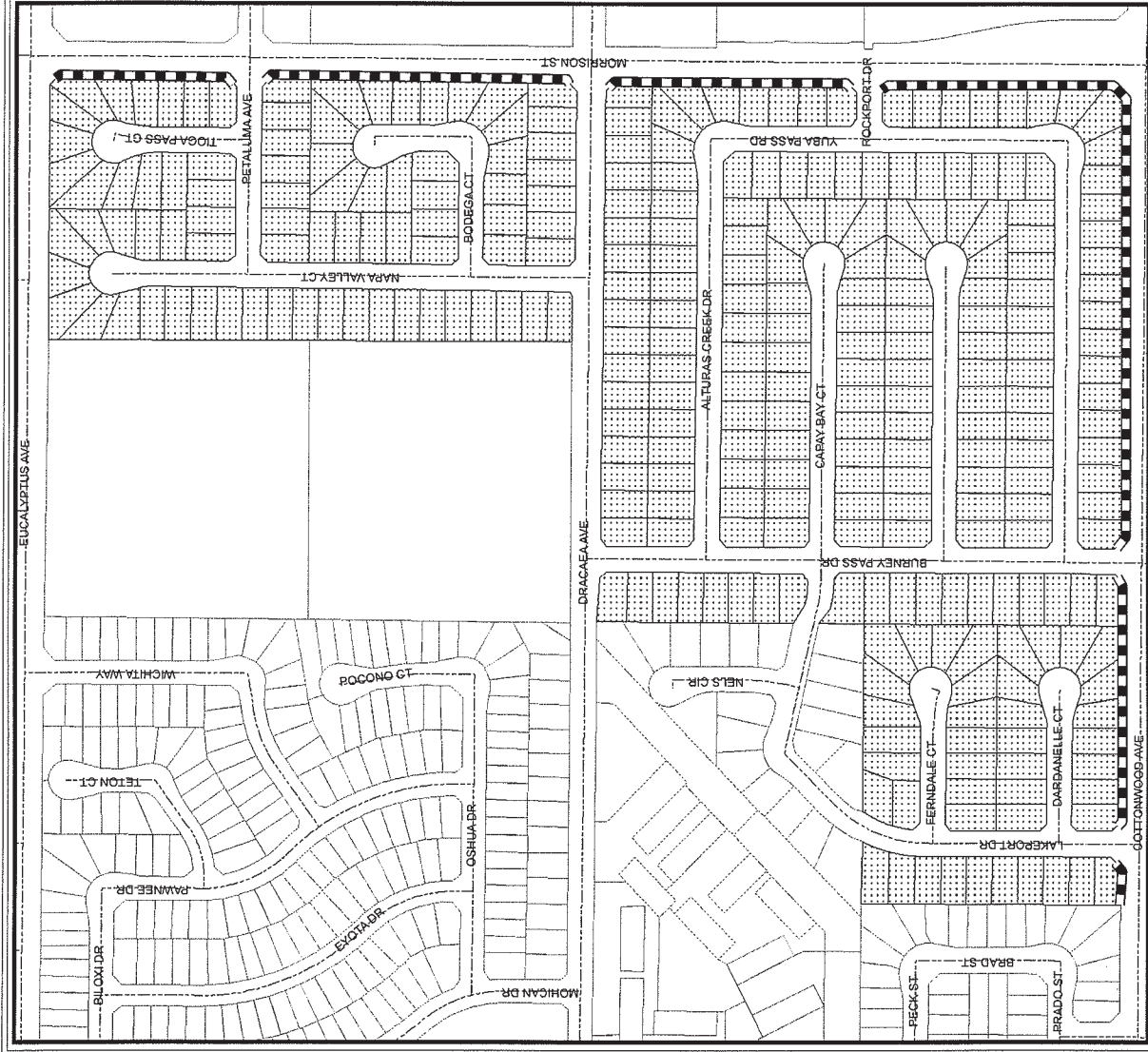
-  Median
-  Landscaped Areas
-  Roads
-  Parcels
-  City Boundary
-  TR_19852

Map reflects all changes indicated on Riverside County Assessor Maps as of March 16, 2009.



G:\AVP\SDA\TR 19852.mxd

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**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

**OFFICIAL BALLOT for Assessor Parcel No. 487380001
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 19852**



If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy \$109.20 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone D services of \$40.20 per parcel, which is the equivalent of a \$3.35 increase per month. The increase will adjust the annual charge from \$69.00 to \$109.20 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.



No, I do not approve the increase in the annual charge for Zone D services of \$40.20 per parcel. I understand the current Zone D charge of \$69.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. Landscaping services for Tract 19852 shall be reduced to a level consistent with available funding.



PROPERTY OWNER SIGNATURE _____

DATE _____

Llame al 951.413.3480 para obtener información verbal en Español.

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TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 312081001
Leonardo Bautista
25055 Red Maple Ln
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Tract 20715 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 20715 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 20715 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a \$32.30 increase per parcel, which is the equivalent of a \$2.69 increase per month. The increase will adjust the annual charge from \$94.00 to \$126.30 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 20715 at the current standard service level. The total approved charge of \$126.30 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of \$94.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. The CSD shall reduce services for Tract 20715 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 6

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Item No. E.1

Tract 20715 Zone D Mail Ballot Proceeding
April 17, 2009
Page 2 of 2

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

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**NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES
DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL
CHARGE FOR TRACT 20715**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 20715, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, May 26, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, June 9, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

- 1. Name of the Charge for Tract 20715:**
CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level
- 2. CSD Zone D Annual Parcel Charge for Tract 20715 is \$126.30 per parcel.** The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is \$1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$94.00 to \$126.30 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

If there is a tie or if a majority of the ballots returned oppose the increase in the annual parcel charge, the current parcel charge of \$94.00 shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Tract 20715 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



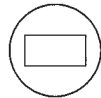
A dot or oval mark substantially inside a box;



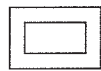
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 20715**

FROM 1988 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$55.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$57.00
2002-2003	\$73.00
2003-2004	\$73.00
2004-2005	\$74.00
2005-2006	\$77.00
2006-2007	\$87.00
2007-2008	\$90.00
2008-2009	\$94.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACT 20715

Budgeted Revenues*:

Single Family Parcels (\$94*342)	\$ 32,148.00	
Total Revenue Generated Annually		\$ 32,148.00

Budgeted Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 9,823.61
Vandalism	\$ 21.29
Electricity	\$ 611.51
Water	\$ 7,400.75
Other Maintenance/Miscellaneous Direct Expenses	\$ 2,451.03
Landscaping Personnel	\$ 16,967.51
Total Direct Costs	\$ 37,275.70

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 204.19
Special Districts	\$ 2,358.33
City Administration	\$ 3,369.31
Total Indirect Costs	\$ 5,931.83

Total Budgeted Expenditures **\$ (43,207.53)**

Operating Budget Shortfall

(Total Revenue less Total Budgeted Expenditures) **\$ (11,059.53)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.







Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Tract 20715

-  Median
-  Landscaped Areas
-  Roads
-  Parcels
-  City Boundary
-  TR_20715

Map reflects all changes indicated on Riverside County Assessor Maps as of March 16, 2009.

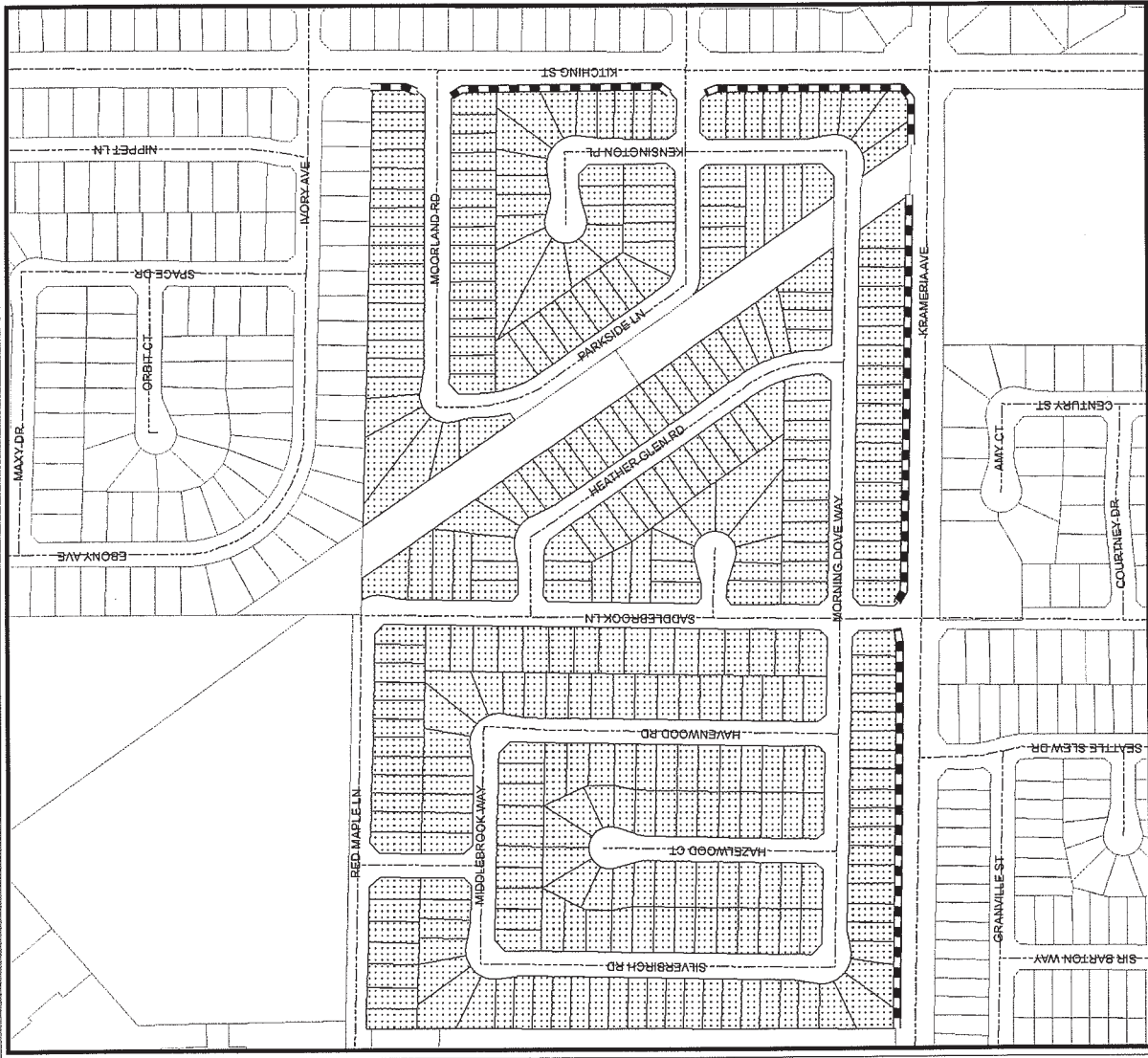


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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or resold.



MORENO VALLEY
WHERE DREAMS SOAR




**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**


DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

**OFFICIAL BALLOT for Assessor Parcel No. 312081001
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 20715**



If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy \$126.30 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone D services of \$32.30 per parcel, which is the equivalent of a \$2.69 increase per month. The increase will adjust the annual charge from \$94.00 to \$126.30 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment. 

No, I do not approve the increase in the annual charge for Zone D services of \$32.30 per parcel. I understand the current Zone D charge of \$94.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. Landscaping services for Tract 20715 shall be reduced to a level consistent with available funding. 

PROPERTY OWNER SIGNATURE

DATE

Llame al 951.413.3480 para obtener información verbal en Español.

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TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 484151014
Rick S Gill
14455 Janie Ct
Moreno Valley, CA 92553

Subject: Mail Ballot Proceeding for Tract 21616 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 21616 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 21616 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a \$337.70 increase per parcel, which is the equivalent of a \$28.14 increase per month. The increase will adjust the annual charge from \$371.00 to \$708.70 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 21616 at the current standard service level. The total approved charge of \$708.70 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of \$371.00 per parcel shall be increased by the annual inflation rate to \$371.30 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 21616 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 7

-475-

Item No. E.1

Tract 21616 Zone D Mail Ballot Proceeding
April 17, 2009
Page 2 of 2

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 21616**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 21616, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

***TUESDAY, May 26, 2009
6:30 P.M. (or as soon thereafter
as the matter may be called)***

PUBLIC HEARING

***TUESDAY, June 9, 2009
6:30 P.M. (or as soon thereafter
as the matter may be called)***

LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 21616:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 21616 is \$708.70 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is \$1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*

llame al 951.413.3480 para obtener información verbal en Español

2 of 4

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$371.00 to \$708.70 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

If there is a tie or if a majority of the ballots returned oppose the increase in the annual charge, the current parcel charge of \$371.00 shall be increased by the annual inflation rate to \$371.30 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 21616 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



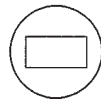
A dot or oval mark substantially inside a box;



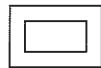
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 21616**

FROM 1988 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$55.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$275.00
2002-2003	\$280.00
2003-2004	\$290.00
2004-2005	\$295.00
2005-2006	\$308.00
2006-2007	\$345.00
2007-2008	\$356.00
2008-2009	\$371.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACT 21616

Budgeted Revenues*:

Single Family Parcels (\$371.30*37)	\$ 13,738.10	
Total Revenue Generated Annually		\$ 13,738.10

Budgeted Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 6,995.66
Vandalism	\$ -
Electricity	\$ 305.45
Water	\$ 2,311.46
Other Maintenance/Miscellaneous Direct Expenses	\$ 2,706.75
Landscaping Personnel	\$ 10,292.81
Total Direct Costs	\$ 22,612.13

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 136.02
Special Districts	\$ 1,430.60
City Administration	\$ 2,043.88
Total Indirect Costs	\$ 3,610.50

Total Budgeted Expenditures **\$ (26,222.63)**

Operating Budget Shortfall

(Total Revenue less Total Budgeted Expenditures) **\$ (12,484.53)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.







Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Tract 21616

-  Median
-  Landscaped Areas
-  Roads
-  Parcels
-  City Boundary
-  tr21616

Map reflects all changes indicated on Riverside County Assessor Maps as of March 16, 2009.

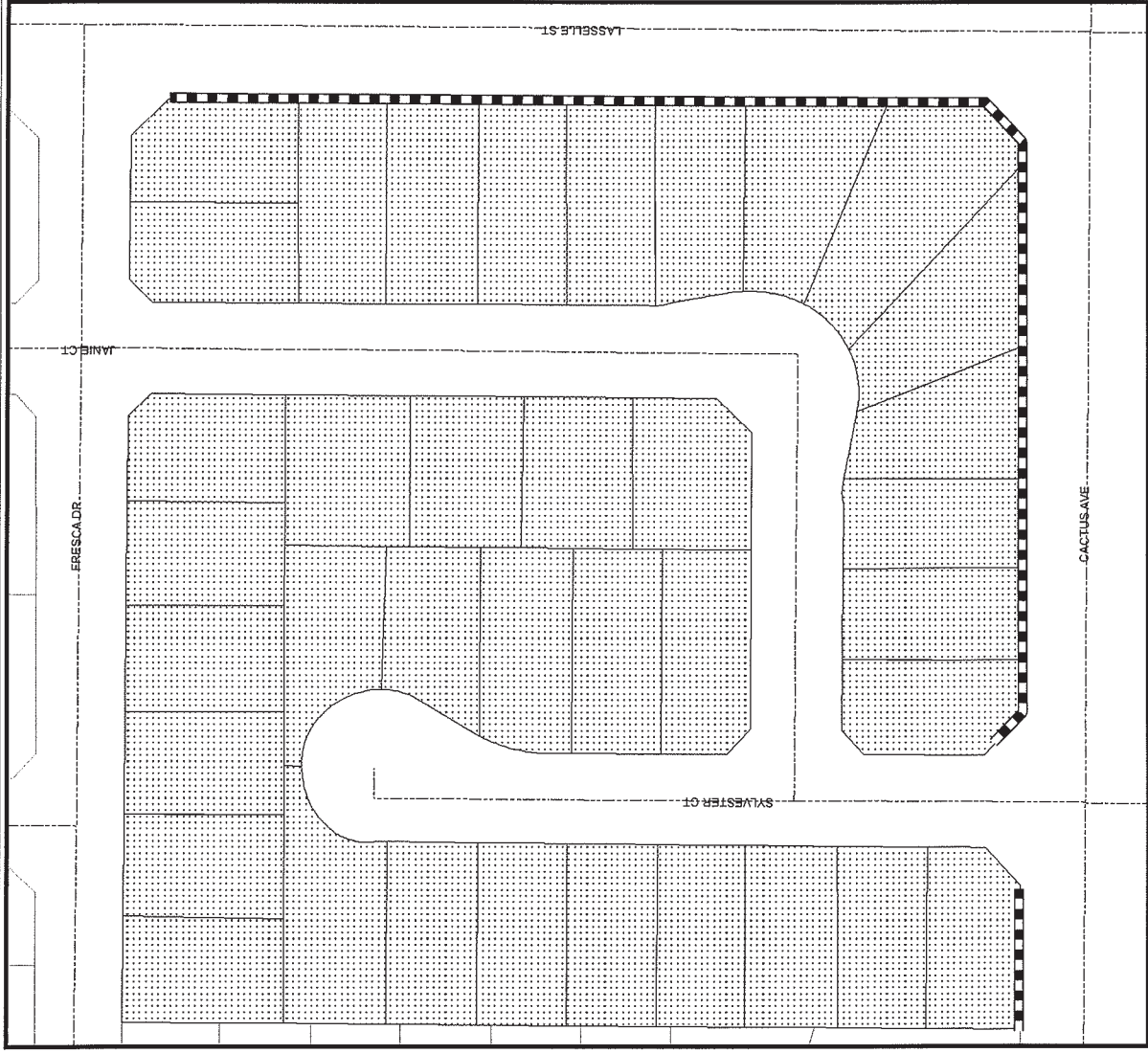


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MORENO VALLEY
WHERE DREAMS SOAR



**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

**OFFICIAL BALLOT for Assessor Parcel No. 484151014
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 21616**



If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy \$708.70 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone D services of \$337.70 per parcel, which is the equivalent of a \$28.14 increase per month. The increase will adjust the annual charge from \$371.00 to \$708.70 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.



No, I do not approve the increase in the annual charge for Zone D services of \$337.70 per parcel. I understand the current Zone D charge of \$371.00 per parcel shall be increased by the annual inflation rate to \$371.30 and shall be levied on the 2009/10 Riverside County property tax bill. Landscaping services for Tract 21616 shall be reduced to a level consistent with available funding.



PROPERTY OWNER SIGNATURE

DATE

Llame al 951.413.3480 para obtener información verbal en Español.

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TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 487300001
Leo M Rodriguez
26440 Mapleridge Way
Moreno Valley, CA 92555

Subject: Mail Ballot Proceeding for Tract 22277 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 22277 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 22277 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a \$310.10 increase per parcel, which is the equivalent of a \$25.84 increase per month. The increase will adjust the annual charge from \$264.00 to \$574.10 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 22277 at the current standard service level. The total approved charge of \$574.10 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of \$264.00 per parcel shall be increased by the annual inflation rate to \$264.20 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 22277 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 8

-487-

Item No. E.1

Tract 22277 Zone D Mail Ballot Proceeding
April 17, 2009
Page 2 of 2

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\D\Tract 22277\letter to property owner Tract 22277.doc

**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 22277**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 22277, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, May 26, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, June 9, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 22277:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 22277 is \$574.10 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is \$1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$264.00 to \$574.10 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

If there is a tie or if a majority of the ballots returned oppose the increase in the annual charge, the current parcel charge of \$264.00 shall be increased by the annual inflation rate to \$264.20 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 22277 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



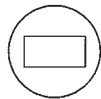
A dot or oval mark substantially inside a box;



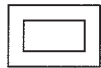
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 22277**

FROM 1988 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1988-1989	\$50.00
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1993-1994	\$57.00
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1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$185.00
2002-2003	\$189.00
2003-2004	\$196.00
2004-2005	\$200.00
2005-2006	\$209.00
2006-2007	\$245.00
2007-2008	\$253.00
2008-2009	\$264.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACT 22277

Budgeted Revenues*:

Single Family Parcels (\$264.20*38)	\$ 10,039.60	
Total Revenue Generated Annually		\$ 10,039.60

Budgeted Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 6,088.12
Vandalism	\$ -
Electricity	\$ 302.64
Water	\$ 2,370.05
Other Maintenance/Miscellaneous Direct Expenses	\$ 1,488.54
Landscaping Personnel	\$ 8,563.34
Total Direct Costs	\$ 18,812.69

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 111.29
Special Districts	\$ 1,190.23
City Administration	\$ 1,700.46
Total Indirect Costs	\$ 3,001.98

Total Budgeted Expenditures **\$ (21,814.67)**

Operating Budget Shortfall

(Total Revenue less Total Budgeted Expenditures) **\$ (11,775.07)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.







Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

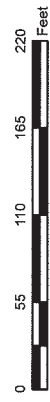
City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Tract 22277

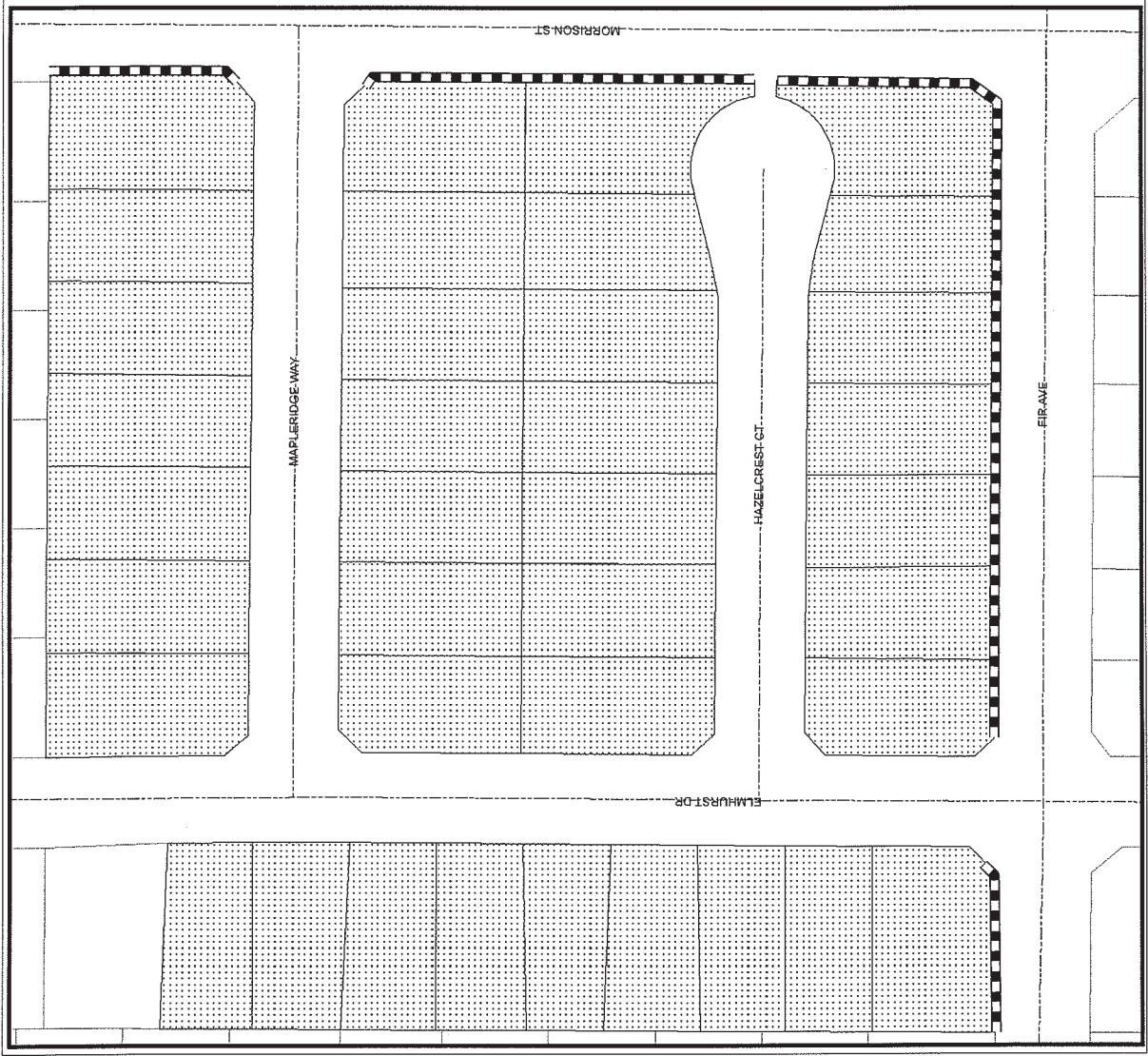
-  Median
-  Landscaped Areas
-  Roads
-  Parcels
-  City Boundary
-  TR_22277

Map reflects all changes indicated on Riverside County Assessor Maps as of March 16, 2009.



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**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**


DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

**OFFICIAL BALLOT for Assessor Parcel No. 487300001
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 22277**



If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy \$574.10 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone D services of \$310.10 per parcel, which is the equivalent of a \$25.84 increase per month. The increase will adjust the annual charge from \$264.00 to \$574.10 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment. 

No, I do not approve the increase in the annual charge for Zone D services of \$310.10 per parcel. I understand the current Zone D charge of \$264.00 per parcel shall be increased by the annual inflation rate to \$264.20 and shall be levied on the 2009/10 Riverside County property tax bill. Landscaping services for Tract 22277 shall be reduced to a level consistent with available funding. 

PROPERTY OWNER SIGNATURE

DATE

Llame al 951.413.3480 para obtener información verbal en Español.

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TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 478340001
Ramiro R Vasquez
13760 Roderick Dr
Moreno Valley, CA 92555

Subject: Mail Ballot Proceeding for Tract 31284 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 31284 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 31284 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a \$59.50 increase per parcel, which is the equivalent of a \$4.96 increase per month. The increase will adjust the annual charge from \$127.00 to \$186.50 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 31284 at the current standard service level. The total approved charge of \$186.50 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of \$127.00 per parcel shall be increased by the annual inflation rate to \$127.10 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 31284 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 9

-499-

Item No. E.1

Tract 31284 Zone D Mail Ballot Proceeding
April 17, 2009
Page 2 of 2

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\ID\Tract 31284\letter to property owner Tract 31284.doc

**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 31284**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 31284, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

**TUESDAY, May 26, 2009
6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

**TUESDAY, June 9, 2009
6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 31284:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 31284 is \$186.50 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is \$1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$127.00 to \$186.50 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

If there is a tie or if a majority of the ballots returned oppose the increase in the annual charge, the current parcel charge of \$127.00 shall be increased by the annual inflation rate to \$127.10 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 31284 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



A dot or oval mark substantially inside a box;



A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 31284**

FROM 2005 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
2005-2006	\$127.00
2006-2007	\$32.00
2007-2008	\$127.00
2008-2009	\$127.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACT 31284

Budgeted Revenues*:

Single Family Parcels (\$127.10*144)	\$ 18,302.40	
Total Revenue Generated Annually		\$ 18,302.40

Budgeted Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 8,420.01
Vandalism	\$ -
Electricity	\$ 856.88
Water	\$ 3,124.81
Other Maintenance/Miscellaneous Direct Expenses	\$ 228.44
Landscaping Personnel	<u>\$ 10,552.49</u>
Total Direct Costs	\$ 23,182.63

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 112.76
Special Districts	\$ 1,466.70
City Administration	<u>\$ 2,095.45</u>
Total Indirect Costs	\$ 3,674.91

Total Budgeted Expenditures **\$ (26,857.54)**

Operating Budget Shortfall

(Total Revenue less Total Budgeted Expenditures) **\$ (8,555.14)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.







Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

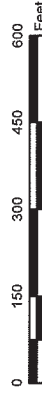
City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Tract 31284

-  Median
-  Landscaped Areas
-  Roads
-  Parcels
-  City Boundary
-  TR31284

Map reflects all changes indicated on Riverside County Assessor Maps as of April 1, 2009.

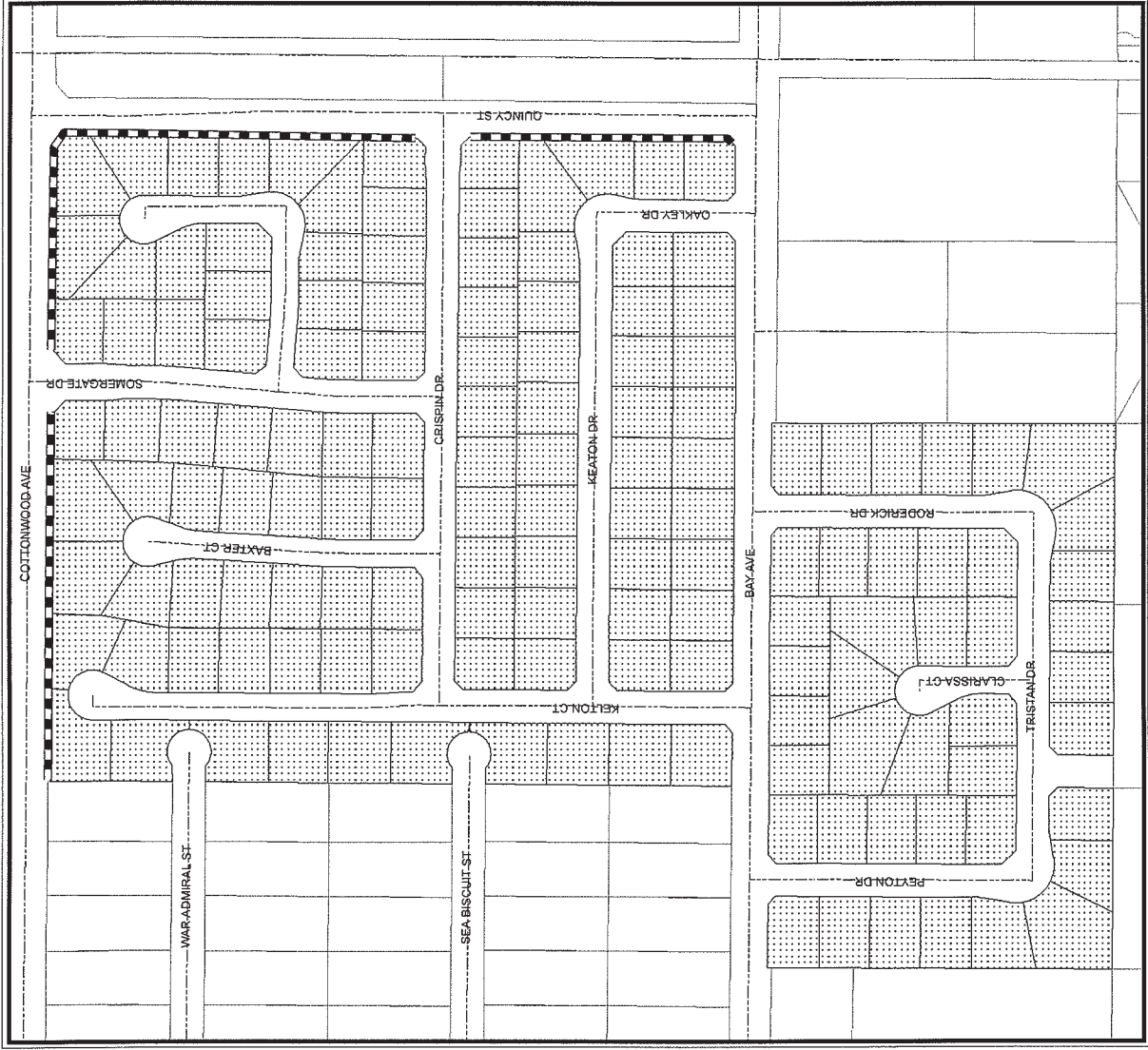


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The information shown on this map was compiled from the Riverside County Assessor's GIS. The City of Moreno Valley, GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or resold.



MORENO VALLEY
WHERE DREAMS SOAR.




**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**


DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

**OFFICIAL BALLOT for Assessor Parcel No. 478340001
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 31284**



If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy \$186.50 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone D services of \$59.50 per parcel, which is the equivalent of a \$4.96 increase per month. The increase will adjust the annual charge from \$127.00 to \$186.50 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment. 

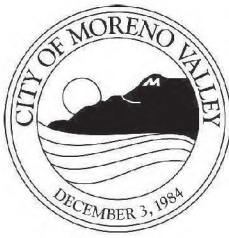
No, I do not approve the increase in the annual charge for Zone D services of \$59.50 per parcel. I understand the current Zone D charge of \$127.00 per parcel shall be increased by the annual inflation rate to \$127.10 and shall be levied on the 2009/10 Riverside County property tax bill. Landscaping services for Tract 31284 shall be reduced to a level consistent with available funding. 

PROPERTY OWNER SIGNATURE

DATE

Llame al 951.413.3480 para obtener información verbal en Español.

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RJA</i>
CITY MANAGER	<i>PH</i>

Report to City Council

TO: Mayor and City Council Acting in their Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDING FOR A PROPOSED INCREASE IN THE CSD ZONE E (HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR ZONE E-3 (MORENO VALLEY RANCH-WEST)

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing:

- 1) Direct the City Clerk ("CSD Board Secretary") to tabulate the CSD Zone E ballots received and report the results at the conclusion of the tallying, or at the next regular meeting of the CSD Board in accordance with adopted policies and procedures for mail ballot proceedings; and,
- 2) After receiving the report of the CSD Board Secretary:
 - a. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;
 - b. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
 - c. If approved, authorize and impose the CSD Zone E charge for Zone E-3 (Moreno Valley Ranch-West).

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the cost of special services to those parcels receiving the benefit. Since 1988, the CSD has provided Zone E services to sub-zone areas throughout the City. Zone E-3 (Moreno Valley Ranch–West) is a sub-zone of CSD Zone E and defines the location of the service area.

The Zone E-3 annual charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems and existing arterial wall façade and monument structures, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped areas. Special Districts' staff manages private landscape maintenance firms to ensure parkway landscape preservation activities are completed on a regular schedule.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted Zone E-3 overall program costs.

DISCUSSION

Each year, annual revenues are compared to current annual costs in each service area. In an effort to more effectively manage the increase in expenditures in past years, the CSD utilized the available fund balance for Zone E-3 to offset the higher costs and thereby postponed increases in the annual charge. The Zone E-3 fund balance has been depleted thereby warranting the proposed increase in the annual charge to continue maintenance services at the same level.

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, a mail ballot proceeding is being conducted to allow property owners within Zone E-3 the opportunity to approve or oppose the proposed increase in the CSD Zone E annual charge. The current and proposed charges for Zone E-3 are listed on the following page.

	CSD Zone E-3 Current Annual Charge*	CSD Zone E-3 Proposed Annual Charge*
Single Family Residential Parcel	\$ 124.00	\$ 155.00
Nonresidential/Undeveloped Parcel Per Acre	\$ 496.00	\$ 620.00
Condo Unit		
Tract 32142	\$ 55.00	\$ 68.70
Tract 32143 and 32144	\$ 53.00	\$ 66.20
Tract 32145	\$ 31.00	\$ 38.70
Tract 32146	\$ 30.00	\$ 37.50

The annual charge is calculated based on an equivalent benefit unit (EBU).

Residential parcels = 1EBU

Undeveloped/nonresidential parcels = 4EBU per acre

Condo unit = 4EBU per acre/No. of units in complex

*The annual CSD Zone E charge may be subject to an annual inflation adjustment in subsequent years based on the annual percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on May 26, 2009 and the Public Hearing on June 9, 2009.

If the property owners approve the proposed increase by a simple majority (50%+1) of returned valid ballots, the proposed Zone E-3 annual charge will be levied on the fiscal year 2009/10 Riverside County property tax bill. If the property owners oppose the proposed increase by a simple majority of returned valid ballots, the existing Zone E-3 charge shall continue to be levied on the property tax bill, which may include an annual inflation adjustment. The ballot measure shall also be considered not approved if there is a tie in the number of valid yes and no ballots returned. The CSD will evaluate the level of landscape service to be provided based on the City Council/CSD Board approved CSD Zone E Policy (High-Service-Level Parkway Landscape Maintenance Service Plan), General Management Policy #2.41.

ALTERNATIVES

- 1. Conduct the Public Hearing**, tabulate the ballots, verify and accept the results of the mail ballot proceeding for Zone E-3 (Moreno Valley Ranch–West) as identified on the Official Tally Sheet and attached APN listing, receive and file with the City Clerk's office the accepted Official Tally Sheet and attached APN listing, and if approved, authorize and impose the proposed annual charges. *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218.*

2. **Do not conduct the Public Hearing**, do not tabulate the ballots, verify or accept the results of the mail ballot proceeding for Zone E-3 (Moreno Valley Ranch–West). *This alternative would be contrary to state statutes.*

FISCAL IMPACT

The CSD provides services through various zones, such as Zone E, which are full-cost recovery programs. There is no impact on the General Fund for the operation of the CSD Zone E program.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness

Continuation of the Zone E services in the landscaped parkways and medians within Moreno Valley Ranch-West shall allow the CSD to maintain the current appearance of the area.

Revenue Diversification and Preservation

The proposed increase in the Zone E-3 annual charge is based upon actual costs, which include maintenance and administration.

SUMMARY

The CSD is balloting Zone E-3 to seek approval for an increase in the CSD Zone E annual charge. The action before the CSD Board is to accept public comments regarding the mail ballot proceeding for the proposed increase in the Zone E-3 annual charge and tabulate the returned ballots for Zone E-3.

NOTIFICATION

On April 17, 2009, a ballot packet was mailed to each property owner within Zone E-3 (Moreno Valley Ranch–West). The packet included a cover letter, notice to property owner, 2009/10 budget, history of charges, map, CSD Zone E service levels, official mail ballot, and a postage-paid envelope for returning the ballot. A sample mail ballot packet for each charge type is included as Attachments 1 through 6.

Newspaper advertising for the May 26, 2009, Public Meeting and June 9, 2009, Public Hearing was published in The Press-Enterprise on May 8, 2009. Additionally, the Public Hearing notification was published on May 22, 2009 and on May 29, 2009.

ATTACHMENTS

- Attachment 1: Sample mail ballot packet for single family residential parcels
- Attachment 2: Sample mail ballot packet for nonresidential/undeveloped parcels
- Attachment 3: Sample mail ballot packet for Tract 32142 (condo complex)
- Attachment 4: Sample mail ballot packet for Tract 32143/32144 (condo complex)
- Attachment 5: Sample mail ballot packet for Tract 32145 (condo complex)

Attachment 6: Sample mail ballot packet for Tract 32146 (condo complex)

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Sue Anne Maxinoski,
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\jennifert\Ballots for FY 08.09\E\Zone E-3\Stfrpt Zone E3 PH 06.09.09.doc

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TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 308251001
Kelley Phan Lindberg
16202 Limerick St
Riverside, CA 92503

Subject: Mail Ballot Proceeding for Zone E-3 (Moreno Valley Ranch-West) Regarding a Proposed Increase in the Moreno Valley Community Services District High-Service-Level Parkway Landscape Maintenance Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Zone E-3 (Moreno Valley Ranch-West). The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to a proposed increase in the annual charge for high-service-level landscape maintenance.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

It is necessary to increase the Zone E-3 annual charge in order to maintain landscape maintenance services at the current level. The CSD is proposing a \$31.00 increase in the annual charge for Zone E-3, which shall adjust the charge from \$124.00 to \$155.00 per parcel, subject to an annual inflation adjustment. The increase is the equivalent of \$2.58 per month. Inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for Tuesday, June 9, 2009.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the landscaped parkways and medians within Moreno Valley Ranch-West at the current level of service. The total approved charge of \$155.00 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of \$124.00 per parcel shall be increased by the annual inflation rate to \$124.10 and shall

ATTACHMENT 1

-517-

Item No. E .2

be levied on the 2009-10 Riverside County property tax bill. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

Background Information

Since 1988, the CSD has provided continuous Zone E (high-service-level parkway landscape maintenance) services to the landscaped parkways and medians throughout Moreno Valley Ranch-West. In addition to the landscaped parkways and medians, the CSD also maintains the existing stucco arterial wall façade and monument structures within Moreno Valley Ranch-West.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

- c: Sue Maxinoski, Special Districts Division Manager
- Marshall Eyerman, Special Districts Program Manager
- Stuart Sheldon, Landscape Districts Program Manager

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING
MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
(MORENO VALLEY RANCH-WEST) FOR HIGH-SERVICE-LEVEL
LANDSCAPE MAINTENANCE**

I. NOTICE

This notice informs you, as a record owner of property within the boundary of Moreno Valley Ranch-West, of a proposed increase in the Zone E-3 annual charge for high-service-level parkway landscape maintenance services. In compliance with Proposition 218, the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone E-3 annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, May 26, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, June 9, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone E-3 was designated as a benefit zone that receives a specific service: high-service-level parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Moreno Valley Ranch-West:**
CSD Zone E-3 (Moreno Valley Ranch-West) Annual Charge

2. **CSD Zone E-3 Annual Charge per parcel is \$155.00.** The total parcel charges levied for the CSD Zone E-3 program for FY 2008/09 is \$541,243.36.

The charge may be subject to an annual adjustment, based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-

Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. Duration of the Proposed Charge:

The adjusted Zone E-3 charge shall be levied annually on the Riverside County property tax bill beginning 2009/10 and shall be levied each following year at the proposed rate, which includes an annual inflation adjustment.

4. Reason for the Charge Increase for Zone E-3 (Moreno Valley Ranch-West):

Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the annual charge to the property owners in order to continue maintenance at the current level of service.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

5. Calculation of the Charge:

The CSD provides services through full cost recovery programs. The annual Zone E-3 charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems and existing arterial wall façade and monument structures, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the Zone E-3 annual charge or about this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone E-3 annual charge. Please follow the instructions on the following pages to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone E-3 annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballots must be received by the City Clerk prior to the close of the Public Hearing for Zone E-3 on **Tuesday, June 9, 2009,** at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Any ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

The proposed increase in the Zone E-3 annual charge shall be confirmed if a simple majority (50%+1) of the returned valid ballots indicate support of the increase. The approved charge shall be reflected on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of \$124.00 per parcel shall be increased by the annual inflation rate to \$124.10 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued.

In the event discontinuation of services is necessary, the CSD may terminate landscape easements and/or quit claim lettered lot property and convey all rights, title, interest, and responsibility for perpetual parkway, open space, wall façade, and/or slope maintenance to underlying property owners and/or to an active, empowered, dues-paying homeowners association.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



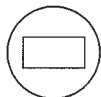
A dot or oval mark substantially inside a box;



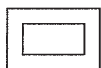
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**HISTORY OF CHARGES FOR
 MORENO VALLEY COMMUNITY SERVICES DISTRICT
 ZONE E-3 (MORENO VALLEY RANCH-WEST)
 FOR HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE**

	1988/89 through 1991/92	1992/93 through 1993/94	1994/95*	1995/96*	1996/97 through 2005/06*	2006/07	2007/08	2008/09	Proposed 2009/10
Single Family Residential Parcel	\$ 78.00	\$ 80.00	\$ 70.00	\$ 55.00	\$ 35.00	\$ 115.00	\$ 119.00	\$ 124.00	\$ 155.00
Nonresidential/Undeveloped Parcel Per Acre	\$ 312.00	\$ 315.00	\$ 280.00	\$ 220.00	\$ 140.00	\$ 460.00	\$ 476.00	\$ 496.00	\$ 620.00
Condo Unit									
Tract 32142	N/A	N/A	N/A	N/A	N/A	N/A	\$ 53.00	\$ 55.00	\$ 68.70
Tract 32143 and 32144	N/A	N/A	N/A	N/A	N/A	N/A	\$ 51.00	\$ 53.00	\$ 66.20
Tract 32145	N/A	N/A	N/A	N/A	N/A	\$ 9.00	\$ 30.00	\$ 31.00	\$ 38.70
Tract 32146	N/A	N/A	N/A	N/A	N/A	\$ 9.00	\$ 29.00	\$ 30.00	\$ 37.50

* Annual charge is calculated based on an equivalent benefit unit (EBU).

Residential parcels = 1EBU

Undeveloped/nonresidential parcels = 4EBU per acre

Condo unit = 4EBU per acre/No. of units in complex

* Since fiscal year 1994/95, the Zone E-3 fund balance has been used to pay for costs not recovered through the annual charges.

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
Fiscal Year 2009/10 Budget**

***Budgeted Revenues:**

Single Family Parcels (\$124.10*4,044)	\$ 501,860.40	
Nonresidential/undeveloped parcels (\$496.40*64.04)	\$ 31,788.30	
Condo Units		
Tract 32142 (\$55*50)	\$ 2,750.00	
Tract 32143 and 32144 (\$53*103)	\$ 5,459.00	
Tract 32145 (\$31*165)	\$ 5,115.00	
Tract 32146 (\$30*126)	\$ 3,780.00	
Total Revenue Generated Annually		\$ 550,752.70

Budgeted Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 302,855.00
Vandalism	\$ 2,495.00
Electricity	\$ 16,685.00
Water	\$ 54,140.00
Other (mulching, plant material replacement, etc.)	\$ 77,735.00
Miscellaneous Direct Expenses	\$ 27,858.00
Landscaping Personnel	\$ 142,049.00
Total Direct Costs	\$ 623,817.00

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 8,676.00
Special Districts	\$ 15,136.00
City Administration	\$ 36,232.00
Total Indirect Costs	\$ 60,044.00

Total Budgeted Expenditures **\$ (683,861.00)**

Operating Budget Shortfall
(Total Revenue less Total Budgeted Expenditures) **\$ (133,108.30)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

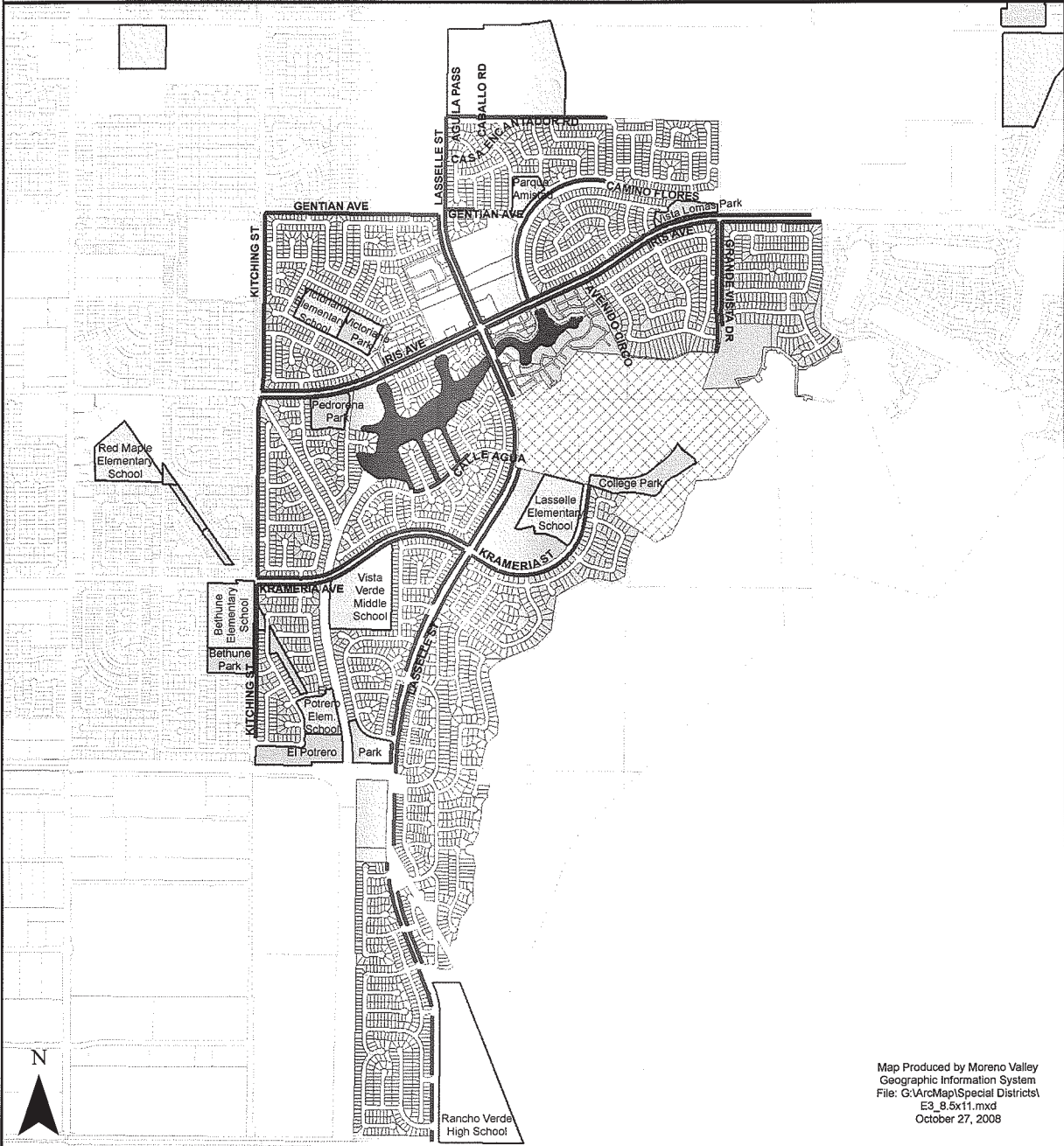
Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Misc Direct/Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Moreno Valley Community Services District Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West



Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts\
E3_8.5x11.mxd
October 27, 2008

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Date and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or resold.

- Landscaped Parkway
- Zone E-3 Parcels
- 525 of Zone E-3



Item No. E .2

COMMUNITY SERVICES DISTRICTS (CSD) ZONE E (High-Service-Level Parkway Landscape Maintenance) SERVICE LEVELS			
DESCRIPTION OF SERVICE LEVELS	CSD Zone E (High-Service-Level Parkway Landscape Maintenance) Service	CSD Zone E Reduced (High-Service-Level Parkway Landscape Maintenance) Service	CSD Zone E Street Tree Service – in the Right-of-way area only
Mowing, edging & trimming (of turf areas only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground cover trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub fertilizer	2 applications per year	1 application per year	N/A
Tree fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pre-emergent for Shrubs/Ground covers	2 times per year	As needed (budget permitting)	N/A
Insect/disease control for Shrubs/Ground covers	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Shrubs/Ground covers	Monthly (minimum)	As needed (budget permitting)	N/A
Weed control, insect, and disease control for Turf	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Turf	Monthly (minimum)	As needed (budget permitting)	N/A

Weighted Ballot Count = 1

OFFICIAL BALLOT for Assessor Parcel No. 308251001
ZONE E-3 (High-Service-Level Parkway Landscape Maintenance)



If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone E-3 annual charge, the CSD shall levy \$155.00 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone E services of \$31.00 per parcel, which is the equivalent of a \$2.58 increase per month. The increase will adjust the annual charge from \$124.00 to \$155.00 per parcel for fiscal year 2009/10. The charge is subject to an annual inflation adjustment.



No, I do not approve the increase in the annual charge for Zone E services of \$31.00 per parcel. I understand the current annual charge of \$124.00 per parcel shall be increased by the annual inflation rate to \$124.10 per parcel and shall be levied on the 2009/10 Riverside County property tax bill. Landscape maintenance services shall be reduced to a level consistent with available funding.



PROPERTY OWNER SIGNATURE

DATE

Llame al 951.413.3480 para obtener información verbal en Español.

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TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 308040050
Empire Land Llc
C/O Chief Legal Officer
3536 Concours St Ste 300
Ontario, CA 91764

Subject: Mail Ballot Proceeding for Zone E-3 (Moreno Valley Ranch-West) Regarding a Proposed Increase in the Moreno Valley Community Services District High-Service-Level Parkway Landscape Maintenance Annual Charge

Dear Property Owner:

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In order to maintain services at the current level it is necessary to increase the Zone E-3 annual charge. The CSD is proposing a \$124.00 increase per acre in the annual charge for Zone E-3, which shall adjust the charge from \$496.00 to \$620.00 per acre, subject to an annual inflation adjustment. Inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for Tuesday, June 9, 2009.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the landscaped parkways and medians within Moreno Valley Ranch-West at the current level of service. The total approved charge of \$620.00 per acre shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of \$496.00 per acre shall be increased by the annual inflation rate to \$496.40 and

ATTACHMENT 2

shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

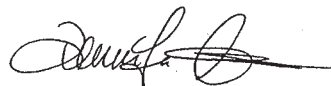
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Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
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Stuart Sheldon, Landscape Districts Program Manager

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING
MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
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**6:30 P.M. (or as soon thereafter
as the matter may be called)**

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**6:30 P.M. (or as soon thereafter
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LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

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The CSD provides services through full cost recovery programs. The annual Zone E-3 charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems and existing arterial wall façade and monument structures, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the Zone E-3 annual charge or about this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone E-3 annual charge. Please follow the instructions on the following pages to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

Lláme al 951.413.3480 para obtener información verbal en Español.

2 of 4

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone E-3 annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballots must be received by the City Clerk prior to the close of the Public Hearing for Zone E-3 on **Tuesday, June 9, 2009,** at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Any ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

The proposed increase in the Zone E-3 annual charge shall be confirmed if a simple majority (50%+1) of the returned valid ballots indicate support of the increase. The approved charge shall be reflected on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of \$496.00 per acre shall be increased by the annual inflation rate to \$496.40 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued.

In the event discontinuation of services is necessary, the CSD may terminate landscape easements and/or quit claim lettered lot property and convey all rights, title, interest, and responsibility for perpetual parkway, open space, wall façade, and/or slope maintenance to underlying property owners and/or to an active, empowered, dues-paying homeowners association.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



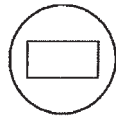
A dot or oval mark substantially inside a box;



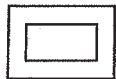
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the **following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

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**HISTORY OF CHARGES FOR
 MORENO VALLEY COMMUNITY SERVICES DISTRICT
 ZONE E-3 (MORENO VALLEY RANCH-WEST)
 FOR HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE**

	1988/89 through 1991/92	1992/93 through 1993/94	1994/95*	1995/96*	1996/97 through 2005/06*	2006/07	2007/08	2008/09	Proposed 2009/10
Single Family Residential Parcel	\$ 78.00	\$ 80.00	\$ 70.00	\$ 55.00	\$ 35.00	\$ 115.00	\$ 119.00	\$ 124.00	\$ 155.00
Nonresidential/Undeveloped Parcel Per Acre	\$ 312.00	\$ 315.00	\$ 280.00	\$ 220.00	\$ 140.00	\$ 460.00	\$ 476.00	\$ 496.00	\$ 620.00
Condo Unit	N/A	N/A	N/A	N/A	N/A	N/A	\$ 53.00	\$ 55.00	\$ 68.70
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Tract 32145	N/A	N/A	N/A	N/A	N/A	\$ 9.00	\$ 29.00	\$ 30.00	\$ 37.50
Tract 32146	N/A	N/A	N/A	N/A	N/A	\$ 9.00	\$ 29.00	\$ 30.00	\$ 37.50

Annual charge is calculated based on an equivalent benefit unit (EBU).

Residential parcels = 1EBU

Undeveloped/nonresidential parcels = 4EBU per acre

Condo unit = 4EBU per acre/No. of units in complex

* Since fiscal year 1994/95, the Zone E-3 fund balance has been used to pay for costs not recovered through the annual charges.

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
Fiscal Year 2009/10 Budget**

***Budgeted Revenues:**

Single Family Parcels (\$124.10*4,044)	\$ 501,860.40	
Nonresidential/undeveloped parcels (\$496.40*64.04)	\$ 31,788.30	
Condo Units		
Tract 32142 (\$55*50)	\$ 2,750.00	
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Tract 32146 (\$30*126)	\$ 3,780.00	
Total Revenue Generated Annually		\$ 550,752.70

Budgeted Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 302,855.00
Vandalism	\$ 2,495.00
Electricity	\$ 16,685.00
Water	\$ 54,140.00
Other (mulching, plant material replacement, etc.)	\$ 77,735.00
Miscellaneous Direct Expenses	\$ 27,858.00
Landscaping Personnel	\$ 142,049.00
Total Direct Costs	\$ 623,817.00

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 8,676.00
Special Districts	\$ 15,136.00
City Administration	\$ 36,232.00
Total Indirect Costs	\$ 60,044.00

Total Budgeted Expenditures **\$ (683,861.00)**

Operating Budget Shortfall

(Total Revenue less Total Budgeted Expenditures) **\$ (133,108.30)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

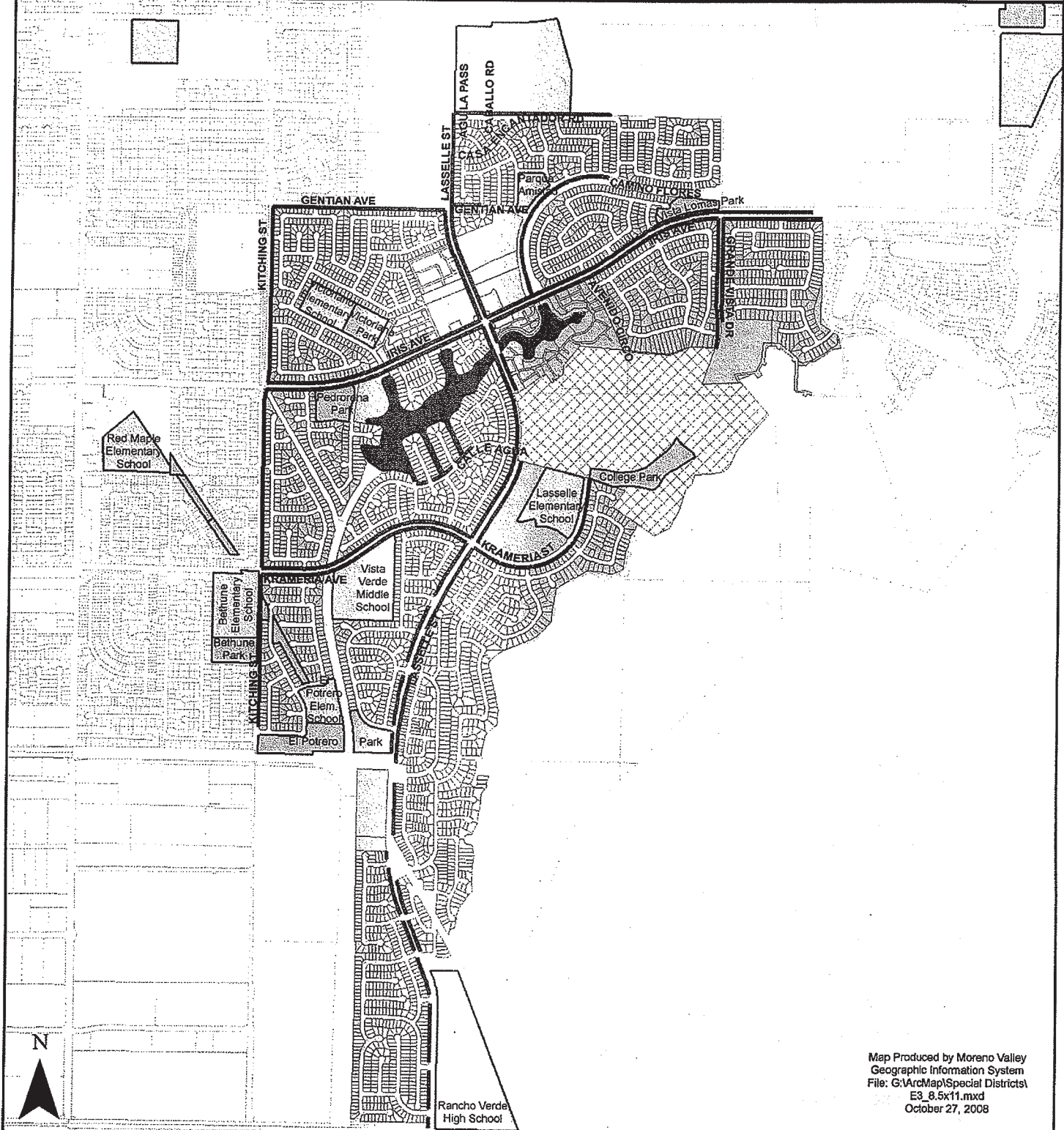
Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Misc Direct/Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.




Moreno Valley Community Services District Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West



Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts\
E3_8.5x11.mxd
October 27, 2008

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Date and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or resold.

-  Landscaped Parkway
-  Zone E-3 Parcels
-  Not Part of Zone E-3



**COMMUNITY SERVICES DISTRICTS (CSD)
ZONE E (High-Service-Level Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	CSD Zone E (High-Service-Level Parkway Landscape Maintenance) Service	CSD Zone E Reduced (High-Service-Level Parkway Landscape Maintenance) Service	CSD Zone E Street Tree Service – in the Right-of-way area only
Mowing, edging & trimming (of turf areas only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground cover trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub fertilizer	2 applications per year	1 application per year	N/A
Tree fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pre-emergent for Shrubs/Ground covers	2 times per year	As needed (budget permitting)	N/A
Insect/disease control for Shrubs/Ground covers	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Shrubs/Ground covers	Monthly (minimum)	As needed (budget permitting)	N/A
Weed control, insect, and disease control for Turf	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Turf	Monthly (minimum)	As needed (budget permitting)	N/A

ZONE E-3 (High-Service-Level Parkway Landscape Maintenance)



If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone E-3 annual charge, the CSD shall levy \$620.00 per acre. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone E services of \$124.00 per acre. The increase will adjust the annual charge from \$496.00 to \$620.00 per acre for fiscal year 2009/10. The charge is subject to an annual inflation adjustment.



No, I do not approve the increase in the annual charge for Zone E services of \$124.00 per acre. I understand the current annual charge of \$496.00 per acre shall be increased by the annual inflation rate to \$496.40 per acre and shall be levied on the 2009/10 Riverside County property tax bill. Landscape maintenance services shall be reduced to a level consistent with available funding.



PROPERTY OWNER SIGNATURE

DATE

Llame al 951.413.3480 para obtener información verbal en Español.

April 17, 2009

APN 308613001
Valeree Adames
15856 Lasselle St No D
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Zone E-3 (Moreno Valley Ranch-West) Regarding a Proposed Increase in the Moreno Valley Community Services District High-Service-Level Parkway Landscape Maintenance Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Zone E-3 (Moreno Valley Ranch-West). The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to a proposed increase in the annual charge for high-service-level landscape maintenance.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

It is necessary to increase the Zone E-3 annual charge in order to maintain landscape maintenance services at the current level. The CSD is proposing a \$13.70 increase in the annual charge for Zone E-3, which shall adjust the charge from \$55.00 to \$68.70 per condo unit, subject to an annual inflation adjustment. The increase is the equivalent of \$1.14 per month. Inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for Tuesday, June 9, 2009.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the landscaped parkways and medians within Moreno Valley Ranch-West at the current level of service. The total approved charge of \$68.70 per condo unit shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of \$55.00 per condo unit shall continue to be levied on the property tax bill, which may

ATTACHMENT 3

include future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

Background Information

Since 1988, the CSD has provided continuous Zone E (high-service-level parkway landscape maintenance) services to the landscaped parkways and medians throughout Moreno Valley Ranch-West. In addition to the landscaped parkways and medians, the CSD also maintains the existing stucco arterial wall façade and monument structures within Moreno Valley Ranch-West.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\E\Zone E-3\Tract 32142 documents\Zone E-3 Letter to Condo Owner Tract 32142.doc

**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING
MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
(MORENO VALLEY RANCH-WEST) FOR HIGH-SERVICE-LEVEL
LANDSCAPE MAINTENANCE**

I. NOTICE

This notice informs you, as a record owner of property within the boundary of Moreno Valley Ranch-West, of a proposed increase in the Zone E-3 annual charge for high-service-level parkway landscape maintenance services. In compliance with Proposition 218, the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone E-3 annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, May 26, 2009

**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, June 9, 2009

**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone E-3 was designated as a benefit zone that receives a specific service: high-service-level parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Moreno Valley Ranch-West:

CSD Zone E-3 (Moreno Valley Ranch-West) Annual Charge

2. CSD Zone E-3 Annual Charge per condo unit is \$68.70. The total parcel charges levied for the CSD Zone E-3 program for FY 2008/09 is \$541,243.36.

The charge may be subject to an annual adjustment, based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-

Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. Duration of the Proposed Charge:

The adjusted Zone E-3 charge shall be levied annually on the Riverside County property tax bill beginning 2009/10 and shall be levied each following year at the proposed rate, which includes an annual inflation adjustment.

4. Reason for the Charge Increase for Zone E-3 (Moreno Valley Ranch-West):

Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the annual charge to the property owners in order to continue maintenance at the current level of service.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

5. Calculation of the Charge:

The CSD provides services through full cost recovery programs. The annual Zone E-3 charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems and existing arterial wall façade and monument structures, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the Zone E-3 annual charge or about this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone E-3 annual charge. Please follow the instructions on the following pages to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone E-3 annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballots must be received by the City Clerk prior to the close of the Public Hearing for Zone E-3 on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Any ballots received after the close of the Public Hearing cannot be legally counted.
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If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of \$55.00 per condo unit shall be levied on the 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued.

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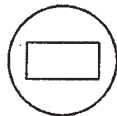
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COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
Fiscal Year 2009/10 Budget**

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Total Budgeted Expenditures **\$ (683,861.00)**

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(Total Revenue less Total Budgeted Expenditures) **\$ (133,108.30)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

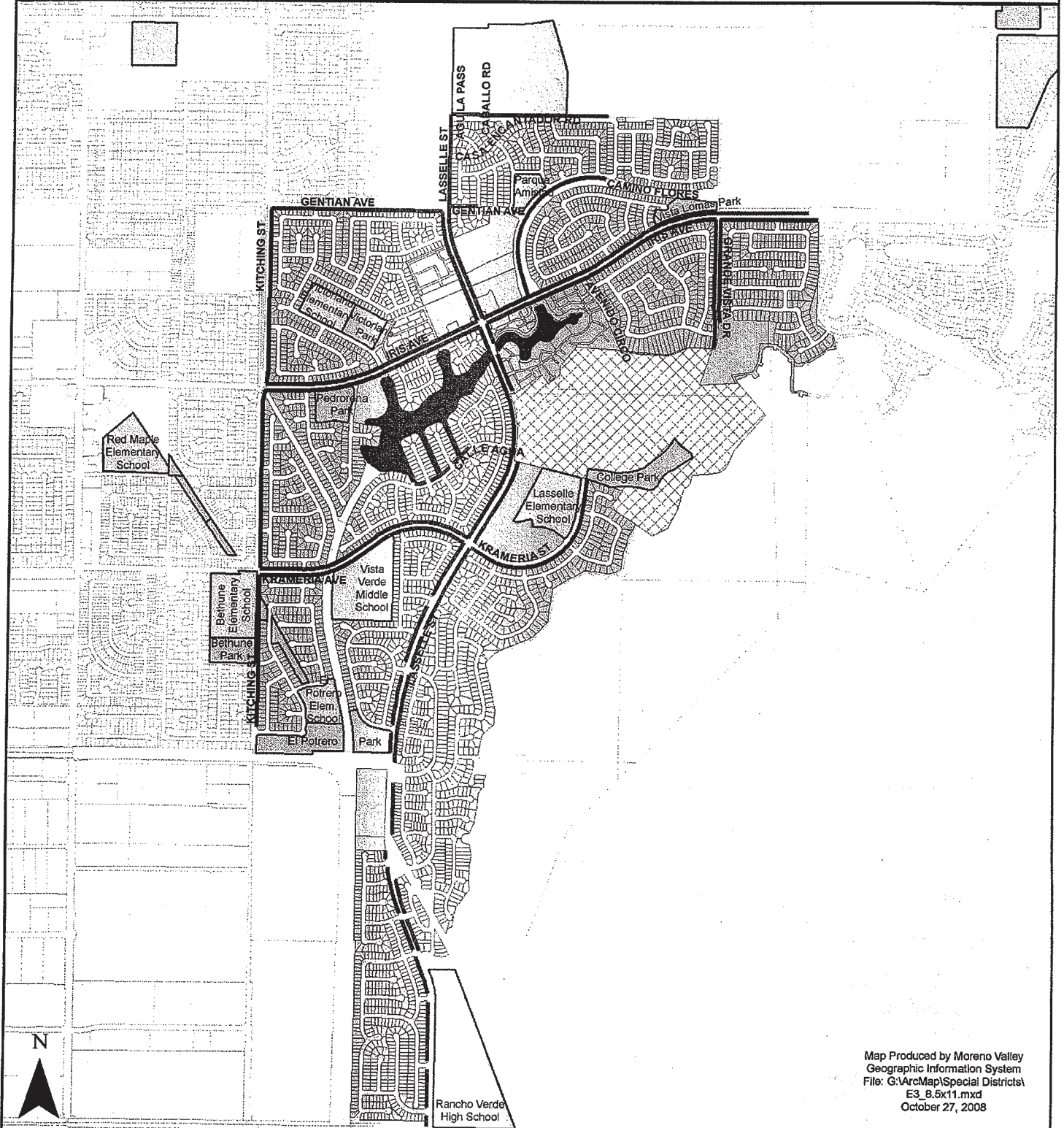
Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Misc Direct/Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.




Moreno Valley Community Services District Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West



Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts\
E3_8.5x11.mxd
October 27, 2008

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or resold.

-  Landscaped Parkway
-  Zone E-3 Parcels
-  Not Part of Zone E-3



**COMMUNITY SERVICES DISTRICTS (CSD)
ZONE E (High-Service-Level Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	CSD Zone E (High-Service-Level Parkway Landscape Maintenance) Service	CSD Zone E Reduced (High-Service-Level Parkway Landscape Maintenance) Service	CSD Zone E Street Tree Service – in the Right-of-way area only
Mowing, edging & trimming (of turf areas only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground cover trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub fertilizer	2 applications per year	1 application per year	N/A
Tree fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pre-emergent for Shrubs/Ground covers	2 times per year	As needed (budget permitting)	N/A
Insect/disease control for Shrubs/Ground covers	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Shrubs/Ground covers	Monthly (minimum)	As needed (budget permitting)	N/A
Weed control, insect, and disease control for Turf	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Turf	Monthly (minimum)	As needed (budget permitting)	N/A

Weighted Ballot Count = 0.44 **OFFICIAL BALLOT for Assessor Parcel No. 308613001**
ZONE E-3 (High-Service-Level Parkway Landscape Maintenance)

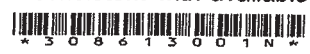


If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone E-3 annual charge, the CSD shall levy \$68.70 per condo unit. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone E services of \$13.70 per condo unit, which is the equivalent of a \$1.14 increase per month. The increase will adjust the annual charge from \$55.00 to \$68.70 per condo unit for fiscal year 2009/10. The charge is subject to an annual inflation adjustment.



No, I do not approve the increase in the annual charge for Zone E services of \$13.70 per condo unit. I understand the current annual charge of \$55.00 per condo unit shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. Landscape maintenance services shall be reduced to a level consistent with available funding.



PROPERTY OWNER SIGNATURE

DATE

Llame al 951.413.3480 para obtener información verbal en Español.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 308611001
Brian M Jones
26041 Iris Ave No A
Moreno Valley, CA 92555

Subject: Mail Ballot Proceeding for Zone E-3 (Moreno Valley Ranch-West) Regarding a Proposed Increase in the Moreno Valley Community Services District High-Service-Level Parkway Landscape Maintenance Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Zone E-3 (Moreno Valley Ranch-West). The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to a proposed increase in the annual charge for high-service-level landscape maintenance.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

It is necessary to increase the Zone E-3 annual charge in order to maintain landscape maintenance services at the current level. The CSD is proposing a \$13.20 increase in the annual charge for Zone E-3, which shall adjust the charge from \$53.00 to \$66.20 per condo unit, subject to an annual inflation adjustment. The increase is the equivalent of \$1.10 per month. Inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for Tuesday, June 9, 2009.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the landscaped parkways and medians within Moreno Valley Ranch-West at the current level of service. The total approved charge of \$66.20 per condo unit shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of \$53.00 per condo unit shall continue to be levied on the property tax bill, which may

ATTACHMENT 4

include future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

Background Information

Since 1988, the CSD has provided continuous Zone E (high-service-level parkway landscape maintenance) services to the landscaped parkways and medians throughout Moreno Valley Ranch-West. In addition to the landscaped parkways and medians, the CSD also maintains the existing stucco arterial wall façade and monument structures within Moreno Valley Ranch-West.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\E\Zone E-3\Tract 32143_32144 documents\Zone E-3 Letter to Condo Owner Tract 32143_32144.doc

**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING
MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
(MORENO VALLEY RANCH-WEST) FOR HIGH-SERVICE-LEVEL
LANDSCAPE MAINTENANCE**

I. NOTICE

This notice informs you, as a record owner of property within the boundary of Moreno Valley Ranch-West, of a proposed increase in the Zone E-3 annual charge for high-service-level parkway landscape maintenance services. In compliance with Proposition 218, the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone E-3 annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, May 26, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, June 9, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone E-3 was designated as a benefit zone that receives a specific service: high-service-level parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Moreno Valley Ranch-West:

CSD Zone E-3 (Moreno Valley Ranch-West) Annual Charge

2. CSD Zone E-3 Annual Charge per condo unit is \$66.20. The total parcel charges levied for the CSD Zone E-3 program for FY 2008/09 is \$541,243.36.

The charge may be subject to an annual adjustment, based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-

Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. Duration of the Proposed Charge:

The adjusted Zone E-3 charge shall be levied annually on the Riverside County property tax bill beginning 2009/10 and shall be levied each following year at the proposed rate, which includes an annual inflation adjustment.

4. Reason for the Charge Increase for Zone E-3 (Moreno Valley Ranch-West):

Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the annual charge to the property owners in order to continue maintenance at the current level of service.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

5. Calculation of the Charge:

The CSD provides services through full cost recovery programs. The annual Zone E-3 charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems and existing arterial wall façade and monument structures, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the Zone E-3 annual charge or about this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone E-3 annual charge. Please follow the instructions on the following pages to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone E-3 annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballots must be received by the City Clerk prior to the close of the Public Hearing for Zone E-3 on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Any ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

The proposed increase in the Zone E-3 annual charge shall be confirmed if a simple majority (50%+1) of the returned valid ballots indicate support of the increase. The approved charge shall be reflected on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of \$53.00 per condo unit shall be levied on the 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued.

In the event discontinuation of services is necessary, the CSD may terminate landscape easements and/or quit claim lettered lot property and convey all rights, title, interest, and responsibility for perpetual parkway, open space, wall façade, and/or slope maintenance to underlying property owners and/or to an active, empowered, dues-paying homeowners association.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



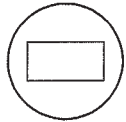
A dot or oval mark substantially inside a box;



A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**HISTORY OF CHARGES FOR
 MORENO VALLEY COMMUNITY SERVICES DISTRICT
 ZONE E-3 (MORENO VALLEY RANCH-WEST)
 FOR HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE**

	1988/89 through 1991/92	1992/93 through 1993/94	1994/95*	1995/96*	1996/97 through 2005/06*	2006/07	2007/08	2008/09	Proposed 2009/10
Single Family Residential Parcel	\$ 78.00	\$ 80.00	\$ 70.00	\$ 55.00	\$ 35.00	\$ 115.00	\$ 119.00	\$ 124.00	\$ 155.00
Nonresidential/Undeveloped Parcel Per Acre	\$ 312.00	\$ 315.00	\$ 280.00	\$ 220.00	\$ 140.00	\$ 460.00	\$ 476.00	\$ 496.00	\$ 620.00
Condo Unit									
Tract 32142	N/A	N/A	N/A	N/A	N/A	N/A	\$ 53.00	\$ 55.00	\$ 68.70
Tract 32143 and 32144	N/A	N/A	N/A	N/A	N/A	N/A	\$ 51.00	\$ 53.00	\$ 66.20
Tract 32145	N/A	N/A	N/A	N/A	N/A	\$ 9.00	\$ 30.00	\$ 31.00	\$ 38.70
Tract 32146	N/A	N/A	N/A	N/A	N/A	\$ 9.00	\$ 29.00	\$ 30.00	\$ 37.50

Annual charge is calculated based on an equivalent benefit unit (EBU).

Residential parcels = 1EBU

Undeveloped/nonresidential parcels = 4EBU per acre

Condo unit = 4EBU per acre/No. of units in complex

* Since fiscal year 1994/95, the Zone E-3 fund balance has been used to pay for costs not recovered through the annual charges.

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
Fiscal Year 2009/10 Budget**

***Budgeted Revenues:**

Single Family Parcels (\$124.10*4,044)	\$ 501,860.40	
Nonresidential/undeveloped parcels (\$496.40*64.04)	\$ 31,788.30	
Condo Units		
Tract 32142 (\$55*50)	\$ 2,750.00	
Tract 32143 and 32144 (\$53*103)	\$ 5,459.00	
Tract 32145 (\$31*165)	\$ 5,115.00	
Tract 32146 (\$30*126)	\$ 3,780.00	
Total Revenue Generated Annually		\$ 550,752.70

Budgeted Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 302,855.00
Vandalism	\$ 2,495.00
Electricity	\$ 16,685.00
Water	\$ 54,140.00
Other (mulching, plant material replacement, etc.)	\$ 77,735.00
Miscellaneous Direct Expenses	\$ 27,858.00
Landscaping Personnel	\$ 142,049.00
Total Direct Costs	\$ 623,817.00

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 8,676.00
Special Districts	\$ 15,136.00
City Administration	\$ 36,232.00
Total Indirect Costs	\$ 60,044.00

Total Budgeted Expenditures **\$ (683,861.00)**

Operating Budget Shortfall

(Total Revenue less Total Budgeted Expenditures) **\$ (133,108.30)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

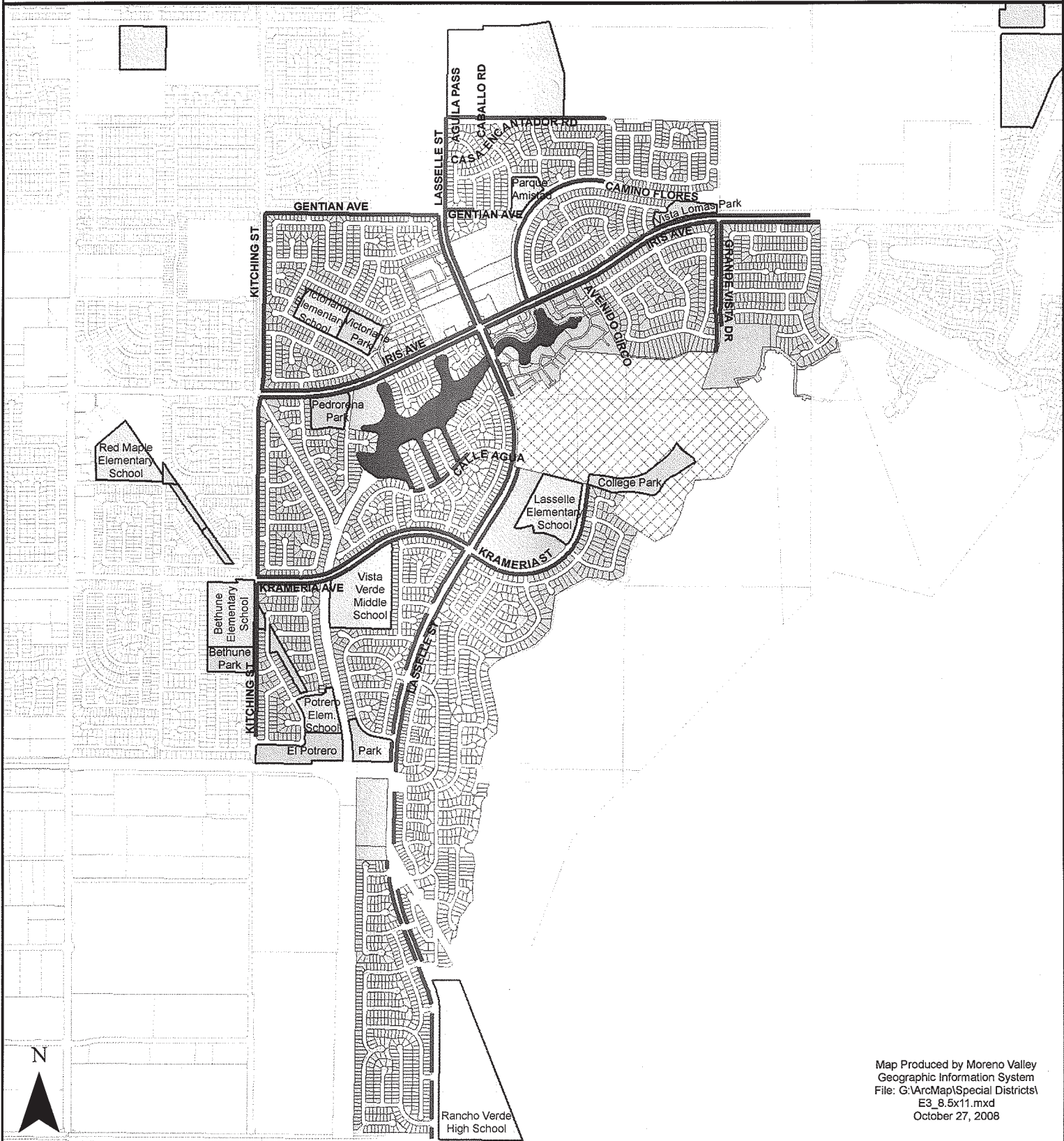
Special Districts: includes professional services and other municipal agency services.

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Misc Direct/Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.




Moreno Valley Community Services District Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West



Map Produced by Moreno Valley
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October 27, 2008

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-  Landscaped Parkway
 -  Zone E-3 Parcels
 -  North Port of Zone E-3
- 561-



**COMMUNITY SERVICES DISTRICTS (CSD)
ZONE E (High-Service-Level Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	CSD Zone E (High-Service-Level Parkway Landscape Maintenance) Service	CSD Zone E Reduced (High-Service-Level Parkway Landscape Maintenance) Service	CSD Zone E Street Tree Service – in the Right-of-way area only
Mowing, edging & trimming (of turf areas only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground cover trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub fertilizer	2 applications per year	1 application per year	N/A
Tree fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pre-emergent for Shrubs/Ground covers	2 times per year	As needed (budget permitting)	N/A
Insect/disease control for Shrubs/Ground covers	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Shrubs/Ground covers	Monthly (minimum)	As needed (budget permitting)	N/A
Weed control, insect, and disease control for Turf	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Turf	Monthly (minimum)	As needed (budget permitting)	N/A



If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone E-3 annual charge, the CSD shall levy \$66.20 per condo unit. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone E services of \$13.20 per condo unit, which is the equivalent of a \$1.10 increase per month. The increase will adjust the annual charge from \$53.00 to \$66.20 per condo unit for fiscal year 2009/10. The charge is subject to an annual inflation adjustment.



No, I do not approve the increase in the annual charge for Zone E services of \$13.20 per condo unit. I understand the current annual charge of \$53.00 per condo unit shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. Landscape maintenance services shall be reduced to a level consistent with available funding.



PROPERTY OWNER SIGNATURE

DATE

Llame al 951.413.3480 para obtener información verbal en Español.

This page intentionally left blank.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 486531001
Estrelita L Baxa
25796 Iris Ave No A
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Zone E-3 (Moreno Valley Ranch-West) Regarding a Proposed Increase in the Moreno Valley Community Services District High-Service-Level Parkway Landscape Maintenance Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Zone E-3 (Moreno Valley Ranch-West). The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to a proposed increase in the annual charge for high-service-level landscape maintenance.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

In order to maintain services at the current level it is necessary to increase the Zone E-3 annual charge. The CSD is proposing a \$7.70 increase in the annual charge for Zone E-3, which shall adjust the charge from \$31.00 to \$38.70 per condo unit, subject to an annual inflation adjustment. The increase is the equivalent of \$0.64 per month. Inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for Tuesday, June 9, 2009.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the landscaped parkways and medians within Moreno Valley Ranch-West at the current level of service. The total approved charge of \$38.70 per condo unit shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of \$31.00 per condo unit shall continue to be levied on the property tax bill, which may

ATTACHMENT 5

include future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

Background Information

Since 1988, the CSD has provided continuous Zone E (high-service-level parkway landscape maintenance) services to the landscaped parkways and medians throughout Moreno Valley Ranch-West. In addition to the landscaped parkways and medians, the CSD also maintains the existing stucco arterial wall façade and monument structures within Moreno Valley Ranch-West.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING
MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
(MORENO VALLEY RANCH-WEST) FOR HIGH-SERVICE-LEVEL
LANDSCAPE MAINTENANCE**

I. NOTICE

This notice informs you, as a record owner of property within the boundary of Moreno Valley Ranch-West, of a proposed increase in the Zone E-3 annual charge for high-service-level parkway landscape maintenance services. In compliance with Proposition 218, the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone E-3 annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, May 26, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, June 9, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone E-3 was designated as a benefit zone that receives a specific service: high-service-level parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Moreno Valley Ranch-West:

CSD Zone E-3 (Moreno Valley Ranch-West) Annual Charge

2. CSD Zone E-3 Annual Charge per condo unit is \$38.70. The total parcel charges levied for the CSD Zone E-3 program for FY 2008/09 is \$541,243.36.

The charge may be subject to an annual adjustment, based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-

Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. Duration of the Proposed Charge:

The adjusted Zone E-3 charge shall be levied annually on the Riverside County property tax bill beginning 2009/10 and shall be levied each following year at the proposed rate, which includes an annual inflation adjustment.

4. Reason for the Charge Increase for Zone E-3 (Moreno Valley Ranch-West):

Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the annual charge to the property owners in order to continue maintenance at the current level of service.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

5. Calculation of the Charge:

The CSD provides services through full cost recovery programs. The annual Zone E-3 charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems and existing arterial wall façade and monument structures, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the Zone E-3 annual charge or about this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone E-3 annual charge. Please follow the instructions on the following pages to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone E-3 annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballots must be received by the City Clerk prior to the close of the Public Hearing for Zone E-3 on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Any ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

The proposed increase in the Zone E-3 annual charge shall be confirmed if a simple majority (50%+1) of the returned valid ballots indicate support of the increase. The approved charge shall be reflected on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of \$31.00 per condo unit shall be levied on the 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued.

In the event discontinuation of services is necessary, the CSD may terminate landscape easements and/or quit claim lettered lot property and convey all rights, title, interest, and responsibility for perpetual parkway, open space, wall façade, and/or slope maintenance to underlying property owners and/or to an active, empowered, dues-paying homeowners association.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



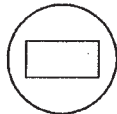
A dot or oval mark substantially inside a box;



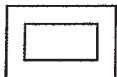
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**HISTORY OF CHARGES FOR
 MORENO VALLEY COMMUNITY SERVICES DISTRICT
 ZONE E-3 (MORENO VALLEY RANCH-WEST)
 FOR HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE**

	1988/89 through 1991/92	1992/93 through 1993/94	1994/95*	1995/96*	1996/97 through 2005/06*	2006/07	2007/08	2008/09	Proposed 2009/10
Single Family Residential Parcel	\$ 78.00	\$ 80.00	\$ 70.00	\$ 55.00	\$ 35.00	\$ 115.00	\$ 119.00	\$ 124.00	\$ 155.00
Nonresidential/Undeveloped Parcel Per Acre	\$ 312.00	\$ 315.00	\$ 280.00	\$ 220.00	\$ 140.00	\$ 460.00	\$ 476.00	\$ 496.00	\$ 620.00
Condo Unit									
Tract 32142	N/A	N/A	N/A	N/A	N/A	N/A	\$ 53.00	\$ 55.00	\$ 68.70
Tract 32143 and 32144	N/A	N/A	N/A	N/A	N/A	N/A	\$ 51.00	\$ 53.00	\$ 66.20
Tract 32145	N/A	N/A	N/A	N/A	N/A	\$ 9.00	\$ 30.00	\$ 31.00	\$ 38.70
Tract 32146	N/A	N/A	N/A	N/A	N/A	\$ 9.00	\$ 29.00	\$ 30.00	\$ 37.50

Annual charge is calculated based on an equivalent benefit unit (EBU).

Residential parcels = 1EBU

Undeveloped/nonresidential parcels = 4EBU per acre

Condo unit = 4EBU per acre/No. of units in complex

* Since fiscal year 1994/95, the Zone E-3 fund balance has been used to pay for costs not recovered through the annual charges.

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
Fiscal Year 2009/10 Budget**

***Budgeted Revenues:**

Single Family Parcels (\$124.10*4,044)	\$ 501,860.40	
Nonresidential/undeveloped parcels (\$496.40*64.04)	\$ 31,788.30	
Condo Units		
Tract 32142 (\$55*50)	\$ 2,750.00	
Tract 32143 and 32144 (\$53*103)	\$ 5,459.00	
Tract 32145 (\$31*165)	\$ 5,115.00	
Tract 32146 (\$30*126)	\$ 3,780.00	
Total Revenue Generated Annually		\$ 550,752.70

Budgeted Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 302,855.00
Vandalism	\$ 2,495.00
Electricity	\$ 16,685.00
Water	\$ 54,140.00
Other (mulching, plant material replacement, etc.)	\$ 77,735.00
Miscellaneous Direct Expenses	\$ 27,858.00
Landscaping Personnel	\$ 142,049.00
Total Direct Costs	\$ 623,817.00

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 8,676.00
Special Districts	\$ 15,136.00
City Administration	\$ 36,232.00
Total Indirect Costs	\$ 60,044.00

Total Budgeted Expenditures **\$ (683,861.00)**

Operating Budget Shortfall

(Total Revenue less Total Budgeted Expenditures) **\$ (133,108.30)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

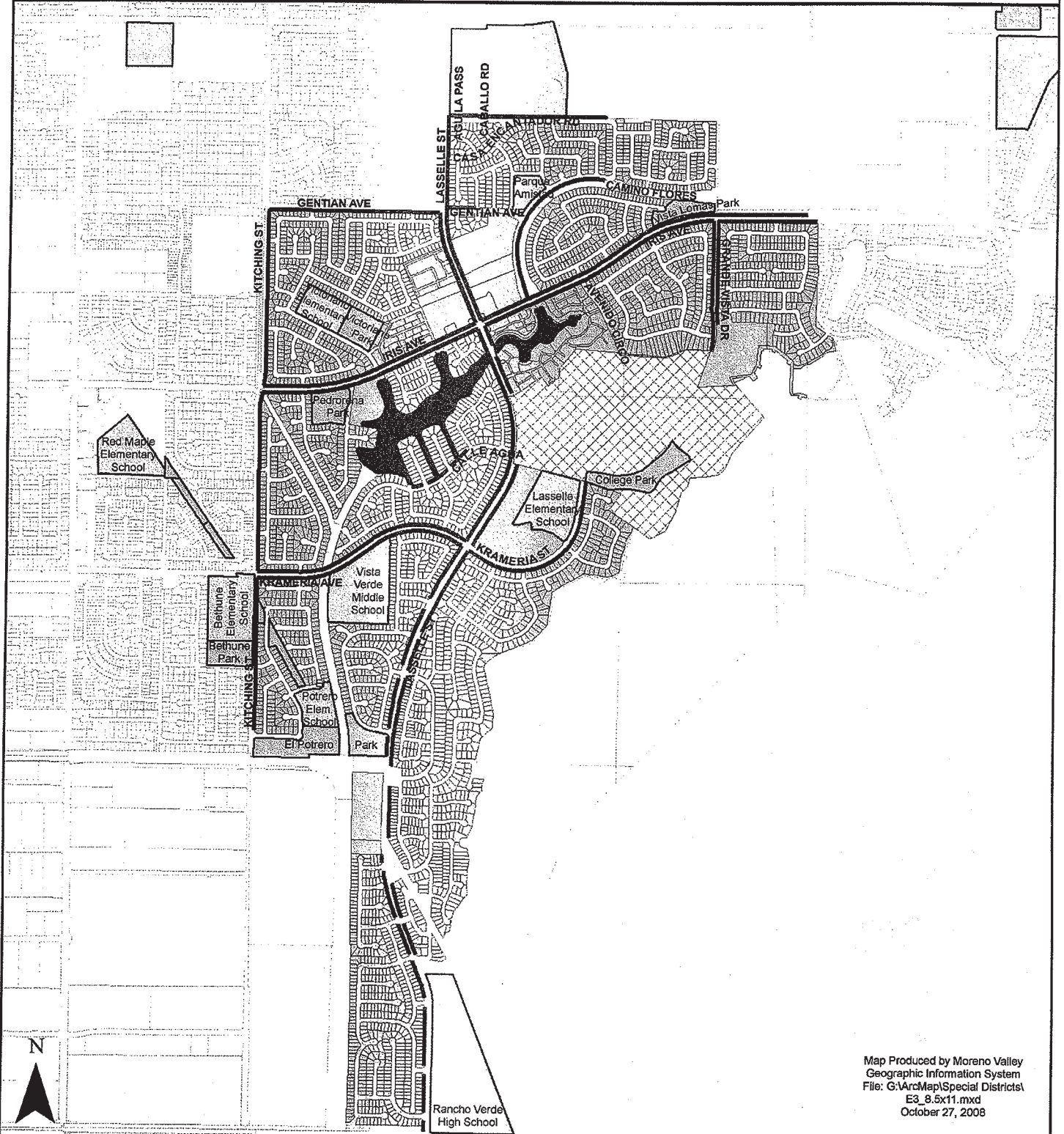
Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Misc Direct/Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.




Moreno Valley Community Services District Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West



Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts
E3_8.5x11.mxd
October 27, 2008

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or resold.

-  Landscaped Parkway
-  Zone E-3 Parcels
-  Not Part of Zone E-3



**COMMUNITY SERVICES DISTRICTS (CSD)
ZONE E (High-Service-Level Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	CSD Zone E (High-Service-Level Parkway Landscape Maintenance) Service	CSD Zone E Reduced (High-Service-Level Parkway Landscape Maintenance) Service	CSD Zone E Street Tree Service – in the Right-of-way area only
Mowing, edging & trimming (of turf areas only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground cover trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub fertilizer	2 applications per year	1 application per year	N/A
Tree fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pre-emergent for Shrubs/Ground covers	2 times per year	As needed (budget permitting)	N/A
Insect/disease control for Shrubs/Ground covers	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Shrubs/Ground covers	Monthly (minimum)	As needed (budget permitting)	N/A
Weed control, insect, and disease control for Turf	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Turf	Monthly (minimum)	As needed (budget permitting)	N/A

Weighted Ballot Count = 0.25 **OFFICIAL BALLOT for Assessor Parcel No. 486531001**
ZONE E-3 (High-Service-Level Parkway Landscape Maintenance)



If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone E-3 annual charge, the CSD shall levy \$38.70 per condo unit. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone E services of \$7.70 per condo unit, which is the equivalent of a \$0.64 increase per month. The increase will adjust the annual charge from \$31.00 to \$38.70 per condo unit for fiscal year 2009/10. The charge is subject to an annual inflation adjustment.



No, I do not approve the increase in the annual charge for Zone E services of \$7.70 per condo unit. I understand the current annual charge of \$31.00 per condo unit shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. Landscape maintenance services shall be reduced to a level consistent with available funding.



PROPERTY OWNER SIGNATURE

DATE

Llame al 951.413.3480 para obtener información verbal en Español.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 486561001
Victor Ocasio
15633 Lasselle St No 1
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Zone E-3 (Moreno Valley Ranch-West) Regarding a Proposed Increase in the Moreno Valley Community Services District High-Service-Level Parkway Landscape Maintenance Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Zone E-3 (Moreno Valley Ranch-West). The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to a proposed increase in the annual charge for high-service-level landscape maintenance.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

In order to maintain services at the current level it is necessary to increase the Zone E-3 annual charge. The CSD is proposing a \$7.50 increase in the annual charge for Zone E-3, which shall adjust the charge from \$30.00 to \$37.50 per condo unit, subject to an annual inflation adjustment. The increase is the equivalent of \$0.63 per month. Inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for Tuesday, June 9, 2009.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the landscaped parkways and medians within Moreno Valley Ranch-West at the current level of service. The total approved charge of \$37.50 per condo unit shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of \$30.00 per condo unit shall continue to be levied on the property tax bill, which may

ATTACHMENT 6

include future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

Background Information

Since 1988, the CSD has provided continuous Zone E (high-service-level parkway landscape maintenance) services to the landscaped parkways and medians throughout Moreno Valley Ranch-West. In addition to the landscaped parkways and medians, the CSD also maintains the existing stucco arterial wall façade and monument structures within Moreno Valley Ranch-West.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING
MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
(MORENO VALLEY RANCH-WEST) FOR HIGH-SERVICE-LEVEL
LANDSCAPE MAINTENANCE**

I. NOTICE

This notice informs you, as a record owner of property within the boundary of Moreno Valley Ranch-West, of a proposed increase in the Zone E-3 annual charge for high-service-level parkway landscape maintenance services. In compliance with Proposition 218, the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone E-3 annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

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**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, June 9, 2009
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LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone E-3 was designated as a benefit zone that receives a specific service: high-service-level parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Moreno Valley Ranch-West:

CSD Zone E-3 (Moreno Valley Ranch-West) Annual Charge

2. CSD Zone E-3 Annual Charge per condo unit is \$37.50. The total parcel charges levied for the CSD Zone E-3 program for FY 2008/09 is \$541,243.36.

The charge may be subject to an annual adjustment, based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-

Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. Duration of the Proposed Charge:

The adjusted Zone E-3 charge shall be levied annually on the Riverside County property tax bill beginning 2009/10 and shall be levied each following year at the proposed rate, which includes an annual inflation adjustment.

4. Reason for the Charge Increase for Zone E-3 (Moreno Valley Ranch-West):

Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the annual charge to the property owners in order to continue maintenance at the current level of service.

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IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the Zone E-3 annual charge or about this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone E-3 annual charge. Please follow the instructions on the following pages to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone E-3 annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballots must be received by the City Clerk prior to the close of the Public Hearing for Zone E-3 on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Any ballots received after the close of the Public Hearing cannot be legally counted.
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The proposed increase in the Zone E-3 annual charge shall be confirmed if a simple majority (50%+1) of the returned valid ballots indicate support of the increase. The approved charge shall be reflected on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of \$30.00 per condo unit shall be levied on the 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued.

In the event discontinuation of services is necessary, the CSD may terminate landscape easements and/or quit claim lettered lot property and convey all rights, title, interest, and responsibility for perpetual parkway, open space, wall façade, and/or slope maintenance to underlying property owners and/or to an active, empowered, dues-paying homeowners association.

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A check mark substantially inside a box;



An X mark substantially inside a box;



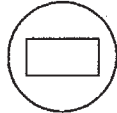
A dot or oval mark substantially inside a box;



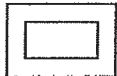
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the **following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**HISTORY OF CHARGES FOR
 MORENO VALLEY COMMUNITY SERVICES DISTRICT
 ZONE E-3 (MORENO VALLEY RANCH-WEST)
 FOR HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE**

	1988/89 through 1991/92	1992/93 through 1993/94	1994/95*	1995/96*	1996/97 through 2005/06*	2006/07	2007/08	2008/09	Proposed 2009/10
Single Family Residential Parcel	\$ 78.00	\$ 80.00	\$ 70.00	\$ 55.00	\$ 35.00	\$ 115.00	\$ 119.00	\$ 124.00	\$ 155.00
Nonresidential/Undeveloped Parcel Per Acre	\$ 312.00	\$ 315.00	\$ 280.00	\$ 220.00	\$ 140.00	\$ 460.00	\$ 476.00	\$ 496.00	\$ 620.00
Condo Unit									
Tract 32142	N/A	N/A	N/A	N/A	N/A	N/A	\$ 53.00	\$ 55.00	\$ 68.70
Tract 32143 and 32144	N/A	N/A	N/A	N/A	N/A	N/A	\$ 51.00	\$ 53.00	\$ 66.20
Tract 32145	N/A	N/A	N/A	N/A	N/A	\$ 9.00	\$ 30.00	\$ 31.00	\$ 38.70
Tract 32146	N/A	N/A	N/A	N/A	N/A	\$ 9.00	\$ 29.00	\$ 30.00	\$ 37.50

Annual charge is calculated based on an equivalent benefit unit (EBU).

Residential parcels = 1EBU

Undeveloped/nonresidential parcels = 4EBU per acre

Condo unit = 4EBU per acre/No. of units in complex

* Since fiscal year 1994/95, the Zone E-3 fund balance has been used to pay for costs not recovered through the annual charges.

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
Fiscal Year 2009/10 Budget**

***Budgeted Revenues:**

Single Family Parcels (\$124.10*4,044)	\$ 501,860.40	
Nonresidential/undeveloped parcels (\$496.40*64.04)	\$ 31,788.30	
Condo Units		
Tract 32142 (\$55*50)	\$ 2,750.00	
Tract 32143 and 32144 (\$53*103)	\$ 5,459.00	
Tract 32145 (\$31*165)	\$ 5,115.00	
Tract 32146 (\$30*126)	\$ 3,780.00	
Total Revenue Generated Annually		\$ 550,752.70

Budgeted Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 302,855.00
Vandalism	\$ 2,495.00
Electricity	\$ 16,685.00
Water	\$ 54,140.00
Other (mulching, plant material replacement, etc.)	\$ 77,735.00
Miscellaneous Direct Expenses	\$ 27,858.00
Landscaping Personnel	\$ 142,049.00
Total Direct Costs	\$ 623,817.00

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 8,676.00
Special Districts	\$ 15,136.00
City Administration	\$ 36,232.00
Total Indirect Costs	\$ 60,044.00

Total Budgeted Expenditures **\$ (683,861.00)**

Operating Budget Shortfall

(Total Revenue less Total Budgeted Expenditures) **\$ (133,108.30)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

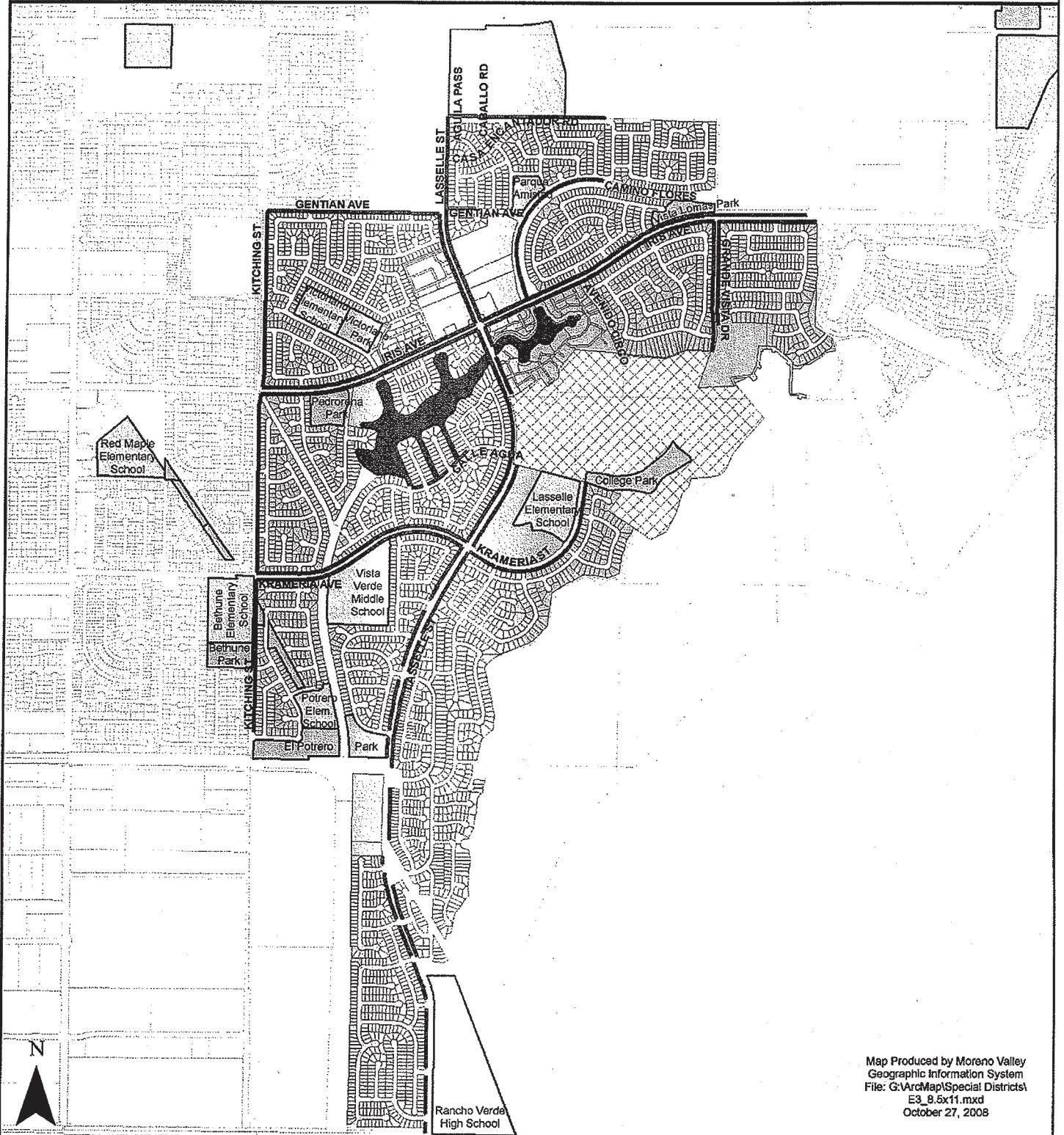
Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Misc Direct/Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.




Moreno Valley Community Services District Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West



Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts\
E3_8.5x11.mxd
October 27, 2008

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or resold.

-  Landscaped Parkway
-  Zone E-3 Parcels
-  Not Part of Zone E-3



**COMMUNITY SERVICES DISTRICTS (CSD)
ZONE E (High-Service-Level Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	CSD Zone E (High-Service-Level Parkway Landscape Maintenance) Service	CSD Zone E Reduced (High-Service-Level Parkway Landscape Maintenance) Service	CSD Zone E Street Tree Service – in the Right-of-way area only
Mowing, edging & trimming (of turf areas only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground cover trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub fertilizer	2 applications per year	1 application per year	N/A
Tree fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pre-emergent for Shrubs/Ground covers	2 times per year	As needed (budget permitting)	N/A
Insect/disease control for Shrubs/Ground covers	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Shrubs/Ground covers	Monthly (minimum)	As needed (budget permitting)	N/A
Weed control, insect, and disease control for Turf	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Turf	Monthly (minimum)	As needed (budget permitting)	N/A

Weighted Ballot Count = 0.24 **OFFICIAL BALLOT for Assessor Parcel No. 486561001**
ZONE E-3 (High-Service-Level Parkway Landscape Maintenance)



If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone E-3 annual charge, the CSD shall levy \$37.50 per condo unit. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the increase in the annual charge for Zone E services of \$7.50 per condo unit, which is the equivalent of a \$0.63 increase per month. The increase will adjust the annual charge from \$30.00 to \$37.50 per condo unit for fiscal year 2009/10. The charge is subject to an annual inflation adjustment.



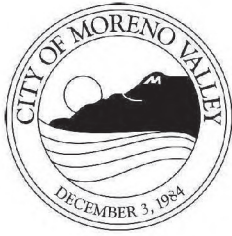
No, I do not approve the increase in the annual charge for Zone E services of \$7.50 per condo unit. I understand the current annual charge of \$30.00 per condo unit shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. Landscape maintenance services shall be reduced to a level consistent with available funding.



PROPERTY OWNER SIGNATURE

DATE

Llame al 951.413.3480 para obtener información verbal en Español.



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RDA</i>
CITY MANAGER	<i>RA</i>

Report to City Council

TO: Mayor and City Council, Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: PUBLIC HEARING REGARDING A MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), after conducting the public hearing to accept public comment:

- 1) Direct the City Clerk (the "CSD Board Secretary") to tabulate the CSD Zone B (Residential Street Lighting) ballots received and report the results at the conclusion of the tallying, or at the next regular meeting of the CSD Board in accordance with adopted policies and procedures for mail ballot proceedings; and,
- 2) After receiving the report of the CSD Board Secretary:
 - a. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet, and APN listing;
 - b. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
 - c. If approved, authorize and impose the CSD Zone B charge.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The City of Moreno Valley formed the CSD to provide benefit service programs to properties within the boundaries of the CSD. Among the programs administrated through the CSD is the Zone B (Residential Street Lighting) program. Streetlights along publicly maintained residential roadways throughout the boundaries of the CSD are funded through an annual charge collected on the Riverside County property tax bills from properties that receive residential street lighting services. Over the past two years, the electrical cost for streetlights has significantly increased and the annual charge is insufficient to fund the increased electrical cost. To continue providing uninterrupted residential street lighting services, the CSD is in the process of conducting a mail ballot proceeding to allow property owners an opportunity to ballot on a proposed increase to their CSD Zone B charge.

In 1996, California voters passed Proposition 218, the Right to Vote on Taxes Act, which created state-mandated legislation requiring local government to provide record owners of property sufficient notice and an opportunity to approve or oppose any new, extended or increased tax, assessment, fee or charge. In accordance with Proposition 218, record owners of properties subject to new, extended or increased property charges, such as those associated with CSD programs, are provided an opportunity to submit a ballot on the proposed service and charge in a mail ballot proceeding.

DISCUSSION

There are more than 8,500 streetlights throughout residential areas of the City, which cost on average \$101,369 per month to operate. Since fiscal year (FY) 1996/97 the annual CSD Zone B charge has remained consistent at \$23 per parcel per year with exception to those properties that balloted since 1999 and approved an annual inflation adjustment as part of their annual charge. In FY 2008/09, their annual charge was adjusted from \$23 to \$24 per parcel per year. The CSD Zone B fund balance has been used to offset prior year increases in electrical costs; however, this fund balance is now depleted and can no longer make up for the significantly higher electrical costs.

Between January 1, 2006 and December 31, 2008, the California Public Utilities Commission (CPUC) approved multiple rate increases that utility providers may charge for the electrical utility costs for street lighting services. These prior year rate increases have increased the cost of street lighting by more than 31%. For 2009, SCE received approval from the CPUC for a 7% increase, which took effect on April 4, 2009. SCE was also granted the ability to authorize up to an additional 5% increase per year for facility related costs. These current rate increases, along with estimated quarterly adjustments for kilowatt hours (kWh) based on historical data, result in a cumulative increase of 14% in residential street lighting costs for FY 2009/10.

In compliance with Proposition 218, ballot materials were mailed on April 17, 2009, to property owners within the boundaries of the CSD Zone B to provide an opportunity to approve or oppose the proposed increase. If approved by a simple majority (50%+1) of the returned valid ballots, properties currently charged \$23 or \$24 per parcel would be increased to \$39 per parcel (equivalent to a \$16 or \$15 increase) in 2009/10. The annual charge shall be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics, or 5 percent. If a majority of property owners oppose the proposed increase or there is a tie in the results, the existing CSD Zone B charge, which may include an annual inflation adjustment, shall continue to be levied on the property tax bills. Street lighting services may be reduced to a level consistent with available funding in accordance with CSD Board approved General Management Policy #2.34, Community Services District Zone B (Residential Street Lighting) Policy and Zone C (Arterial Street Lighting) Policy.

The property owners subject to CSD Zone B are given two opportunities to address the CSD Board. These two opportunities are the May 26, 2009 Public Meeting and the June 9, 2009 Public Hearing. Following the close of the Public Hearing, ballots will be tallied and verified, and results will be announced by the City Clerk/CSD Board Secretary.

ALTERNATIVES

1. Conduct the Public Hearing to accept public comments, tabulate the ballots received prior to the close of the Public Hearing and report the results at the conclusion of the tallying, or at the next regular meeting of the CSD Board in accordance with adopted policies and procedures for mail ballot proceedings, verify and accept the results of the of the mail ballot proceeding as identified on the APN List and Official Tally Sheet, receive and file with the CSD Board Secretary the accepted APN List and Official Tally Sheet, and if approved, authorize and impose the proposed increase in the annual CSD Zone B parcel charge. *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218.*
2. Do not conduct the Public Hearing to accept public comments, tabulate the ballots, verify or accept the ballot results for the proposed increase in the CSD Zone B charge. *This alternative is contrary to state mandated legislation.*

FISCAL IMPACT

Between 2006 and 2008, electrical utility costs to operate streetlights increased by more than 31% and are anticipated to incur an additional 14% increase in 2009. Presently, the 8,500 streetlights throughout residential areas of the City cost on average \$101,369 per month to operate. This cost exceeds the revenue to fund streetlight operations and

the fund balance that has been used to offset the costs has been considerably depleted. The electrical utility costs for FY 2009/10 represent 86% of the total operating budget for residential streetlights, with the remaining 14% for administration and maintenance coordination. These costs are primarily paid through the CSD Zone B program, which is funded through an annual charge, levied and collected on the Riverside County property tax bills. Properties subject to CSD Zone B are being balloted for an increase from \$23 or \$24 per parcel, to \$39 per parcel (equivalent to a \$16 or \$15 per parcel increase) for 2009/10 and, if approved, would allow for future annual inflation adjustments, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistic, or 5 percent. There is no fiscal impact on the General Fund for the operation of the CSD Zone B program.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

The CSD Zone B program is a full cost recovery program that funds residential streetlight services. Streetlights aid in the illumination of roadway and streetlight areas.

SUMMARY

The action before the CSD Board is to accept public comments, tabulate the ballots received prior to the close of the Public Hearing and report the results at the conclusion of the tallying, or at the next regular meeting of the CSD Board in accordance with adopted policies and procedures for mail ballot proceedings, verify and accept the results of the mail ballot proceeding for the proposed increase in the CSD Zone B charge, which may be subject to an annual inflation adjustment.

NOTIFICATION

Mail ballot packets were mailed on April 17, 2009 to the owners of properties subject to the CSD Zone B charge. The mail ballot packet (Attachments 1 and 2) included a cover letter, notice to the property owner, historical operating data, ballot with instructions for marking the ballot, and a Business Reply postage-paid envelope for returning the ballot to the City Clerk/CSD Board Secretary.

Legal notification was published for the May 26, 2009, Public Meeting and June 9, 2009, Public Hearing in The Press-Enterprise on May 8, 2009. Additionally, the Public Hearing notification was published on May 22, 2009 and again on May 29, 2009.

ATTACHMENTS

Attachment 1 – CSD Zone B sample mail ballot packet for properties currently paying \$23 per parcel per year.

Attachment 2 - CSD Zone B sample mail ballot packet for properties currently paying \$24 per parcel per year.

Attachment 3 - CSD Zone B boundary map

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Sue Anne Maxinoski
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 16, 2009

Name
C/O
Address
City, State Zip Barcode APN

Subject: Community Services District Zone B (Residential Street Lighting) Ballot

Dear Property Owner:

The Moreno Valley Community Services District (CSD) Zone B (Residential Street Lighting) program funds electrical energy, maintenance, and administrative costs to provide residential street lighting to aid in the illumination of roadway and sidewalk areas. To fund the residential streetlights, the CSD Zone B program currently receives an annual charge collected on the County of Riverside property tax bills, from residential properties that have streetlights along their roadways and are subject to an annual parcel charge. In recent years, the California Public Utilities Commission has approved significant increases in the cost of electrical energy to be collected by the City's utility providers, Southern California Edison and Moreno Valley Utility. As a result of these increases, the CSD is conducting a mail ballot proceeding to increase the current charge to offset the increased costs to operate the streetlights.

Over the past thirteen years, the CSD Zone B charge has remained consistent at \$23 per parcel per year with exception to those properties, which balloted after 1999 and approved an annual inflation adjustment, that are currently charged \$24 per parcel per year. Since January 1, 2006, the electrical utility rates for street lighting services have increased approximately 31 percent through 2008, with an additional increase of 14 percent proposed for 2009. For FY 2009/10 the electrical utility costs represent 86% of the total CSD Zone B budget. The current CSD Zone B charge will not support the proposed electric utility costs to provide street lighting services and the current CSD Zone B fund balance, which has been used to offset prior year increases in electrical costs, is depleted and can no longer subsidize the electrical costs.

In order to continue providing uninterrupted residential street lighting service without the necessity of reducing or eliminating current street lighting service levels, the CSD submits to you the enclosed ballot and notification documents. The ballot shall provide property owners an opportunity to approve or oppose the proposed increase in the CSD Zone B charge for fiscal year (FY) 2009/10 of \$16 per parcel per year (equivalent to \$1.33 per month). The proposed increase will adjust the current parcel charge of \$23 to \$39 per parcel for 2009/10. The CSD Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County

PUBLIC WORKS DEPARTMENT

At -595-nt 1

Item No. E .3

CSD Zone B Letter
April 16, 2009

Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics or 5 percent.

Ballot Process

In accordance with the legislative requirements of Proposition 218, "The Right to Vote on Taxes Act," the Special Districts Division of the Public Works Department has enclosed the Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), historical operating data, and ballot for your review. The formal Notice provides Informational Meetings, Public Meeting and Public Hearing dates, times and location, instructions for marking the enclosed ballot, and information on the CSD Zone B program and the proposed increase in the charge.

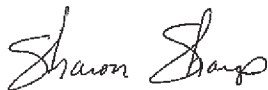
Please complete and return the ballot in the enclosed postage-paid (Business Reply Mail) envelope. The City Clerk's office must receive your ballot prior to the close of the Public Hearing scheduled for Tuesday, June 9, 2009.

Ballot Process

If you have any questions about the CSD Zone B program, proposed increase in the charge, or this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 8:00 a.m. to 5:00 p.m. at (951) 413-3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Sharon Sharp
Senior Management Analyst

Enclosures

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager

**NOTICE TO PROPERTY OWNER
REGARDING MAIL BALLOT PROCEEDING FOR
Community Services District (CSD) Zone B (Residential Street Lighting)**

I. BACKGROUND

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a charge requires approval of the charge by the affected property owners of record. In compliance with Proposition 218 legislation, the Special Districts Division is conducting a mail ballot proceeding to provide the property owners currently receiving the CSD Zone B (Residential Street Lighting) program service the opportunity to ballot in support or opposition to a proposed increase in the CSD Zone B annual parcel charge. The CSD Zone B program provides residential street lighting services to designated parcels or tracts that have street lighting along residential roadways and are subject to an annual parcel charge.

The CSD was formed simultaneously with City incorporation and established Zones, such as CSD Zone B, to allocate the cost of program services to those parcels and developments which receive special benefit from the program.

II. NOTICE – INFORMATIONAL MEETINGS, PUBLIC MEETING AND PUBLIC HEARING

To provide information concerning the CSD Zone B program and to provide for public comments on the current mail ballot proceeding for the proposed increase in the annual parcel charge for CSD Zone B, the City Council/CSD Board of Directors has scheduled three (3) Informational Meetings as listed in the table below, along with one (1) Public Meeting and one (1) Public Hearing, at their regular meetings, which will be held at the Moreno Valley City Hall Council Chamber as follows:

<u>INFORMATIONAL MEETINGS</u>	<u>PUBLIC MEETING</u>	<u>PUBLIC HEARING</u>
Wednesday, April 29, 2009, 9:00 A.M.	Tuesday, May 26, 2009	Tuesday, June 9, 2009
Thursday, April 30, 2009, 7:00 P.M.	6:30 P.M. (Or As Soon Thereafter	6:30 P.M. (Or As Soon Thereafter
Tuesday, May 5, 2009, 3:30 P.M.	As The Matter May Be Called)	As The Matter May Be Called)

LOCATION for ALL MEETINGS and the PUBLIC HEARING

Moreno Valley City Hall
Council Chamber
14177 Frederick Street
Moreno Valley, CA 92553

III. CHARGE INFORMATION

- Name of the Annual Charge:** CSD Zone B (Residential Street Lighting)
- Annual Parcel Charge:** For FY 2009/10 the proposed increase in the CSD Zone B charge is \$16, which will adjust the charge to \$39. The total amount of charges levied for CSD Zone B in FY 2008/09 was \$929,756.

The CSD Zone B charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%.

- Duration of the Proposed Charge:** The increased CSD Zone B parcel charge shall be annually levied on the Riverside County property tax bill beginning in FY 2009/10. Beginning in FY 2010/11 the charge is subject to an annual inflation adjustment.

4. **Reason for the Charge:** The CSD Zone B program provides ongoing residential street lighting services to designated parcels or tracts that have streetlights installed and are included in the CSD. The CSD Zone B annual service charge funds electrical energy, maintenance, and administration costs to provide residential street lighting services.
5. **Calculation of the Charge:** The CSD provides services through various programs. The program charges are weighted according to the proportional financial obligation of the properties receiving the service.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the CSD Zone B program, the proposed increase in the annual CSD Zone B parcel charge, or about the mail ballot process, please contact the Special Districts Division, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please follow the instructions listed below and on the following page to complete and return your ballot. Procedures for completion, return, and tabulation of the ballots are on file in the City Clerk's office of the City of Moreno Valley.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the annual parcel charge **by placing an appropriate valid mark in the corresponding box. A list of valid ballot markings is attached for reference.**
2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid Business Reply envelope has been included for returning the ballot.
4. Ballots must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constraints, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots are marked as approved, the annual CSD Zone B parcel charge will adjust from \$23 to \$39 for FY 2009/10. The parcel charge shall be subject to an annual inflation adjustment.

If a majority of the returned ballots oppose the increase in the annual parcel charge, or if the number of ballots returned that approve the proposed increase equal the number of ballots returned that oppose the proposed increase in the annual parcel charge, a parcel charge of \$23 shall be levied on the 2009/10 Riverside County property tax bill. This amount may include a previously approved annual inflation adjustment. Zone B residential street lighting services shall be reduced to a level consistent with available funding.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



A dot or oval mark substantially inside a box;



A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL BALLOT for Assessor Parcel No. «APN» - Zone B (Residential Street Lighting)



If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Community Services District (CSD) Zone B program charge, the CSD shall levy a charge of \$39 per parcel per year. The charge will be placed on your Riverside County property tax bill beginning fiscal year (FY) 2009/10 and is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%. **This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley CSD prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the \$16 increase (equivalent to \$1.33 per month) in the annual parcel charge for CSD Zone B services, which will adjust the parcel charge from \$23 to \$39 for FY 2009/10. The parcel charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index or 5%.



No, I do not approve the \$16 increase in the annual parcel charge for CSD Zone B services. I understand the current parcel charge of \$23 shall be increased by the inflation rate, if previously approved, and shall be levied on the 2009/10 Riverside County property tax bill. Residential street lighting services shall be reduced to a level consistent with available funding.



Llame al 951.413.3480 para obtener información verbal en Español

PROPERTY OWNER SIGNATURE

DATE

MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD)
 ZONE B (RESIDENTIAL STREET LIGHTING)
 HISTORICAL OPERATING DATA

The CSD was formed simultaneously with City incorporation in 1984. Upon the formation of the CSD, the streetlight services which were previously handled by the County of Riverside were transferred to the CSD. Zone B was designated within the CSD to allocate the cost of residential street lighting services to those designated parcels or tracts that have street lighting along residential roadways and are subject to an annual parcel charge.

The following table sets forth the history of the annual CSD Zone B charge.

Table 1: Per Parcel Charge History

Fiscal Year (FY)	Annual Per Parcel Charge
1985-86	\$22.00
1986-87	\$18.00
1987-88	\$21.00
1988-89	\$21.00
1990-91	\$20.00
1991-92	\$20.00
1992-93	\$21.50
1993-94	\$23.00
1994-95	\$24.00
1995-96	\$24.00
1996-97	\$23.00
1997-98	\$23.00
1998-99	\$23.00
1999-00	\$23.00
2000-01	\$23.00
2001-02	\$23.00
2002-03	\$23.00
2003-04	\$23.00
2004-05	\$23.00
2005-06	\$23.00
2006-07	\$23.00
2007-08	\$23.00
2008-09*	\$23.00 / \$24.00

* Beginning in FY 2008/09 the parcel charge for tracts that had previously approved an annual CPI adjustment for CSD Zone B services, was increased to \$24 per parcel, per year. All other tracts pay \$23 per parcel, per year.

MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD)
 ZONE B (RESIDENTIAL STREET LIGHTING)
 HISTORICAL OPERATING DATA

Chart 1, as shown below, provides the total percentage increase in the electric utility costs and the revenues for CSD Zone B since fiscal year 2002/03.

Chart 1: Cumulative Percent Change

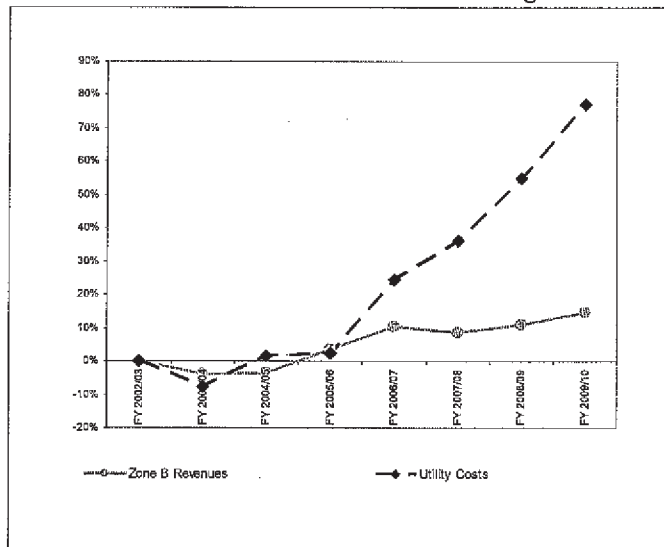
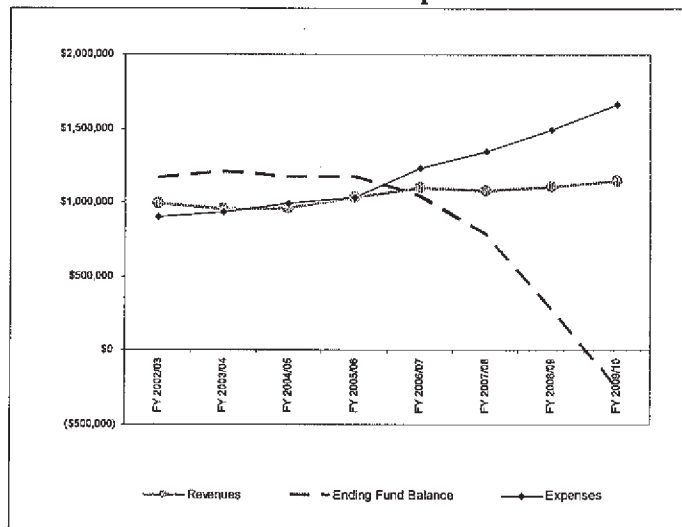


Chart 2, as shown below, provides a comparison between the annual CSD Zone B revenues collected and the expenses paid. The decrease in the ending fund balance is a result of paying CSD Zone B expenses that are in excess of the revenues collected.

Chart 2: Historical Operations



TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 16, 2009

Name
C/O
Address
City, State Zip Barcode APN

Subject: Community Services District Zone B (Residential Street Lighting) Ballot

Dear Property Owner:

The Moreno Valley Community Services District (CSD) Zone B (Residential Street Lighting) program funds electrical energy, maintenance, and administrative costs to provide residential street lighting to aid in the illumination of roadway and sidewalk areas. To fund the residential streetlights, the CSD Zone B program currently receives an annual charge collected on the County of Riverside property tax bills, from residential properties that have streetlights along their roadways and are subject to an annual parcel charge. In recent years, the California Public Utilities Commission has approved significant increases in the cost of electrical energy to be collected by the City's utility providers, Southern California Edison and Moreno Valley Utility. As a result of these increases, the CSD is conducting a mail ballot proceeding to increase the current charge to offset the increased costs to operate the streetlights.

Over the past thirteen years, the CSD Zone B charge has remained consistent at \$23 per parcel per year with exception to those properties, which balloted after 1999 and approved an annual inflation adjustment, that are currently charged \$24 per parcel per year. Since January 1, 2006, the electrical utility rates for street lighting services have increased approximately 31 percent through 2008, with an additional increase of 14 percent proposed for 2009. For FY 2009/10 the electrical utility costs represent 86% of the total CSD Zone B budget. The current CSD Zone B charge will not support the proposed electric utility costs to provide street lighting services and the current CSD Zone B fund balance, which has been used to offset prior year increases in electrical costs, is depleted and can no longer subsidize the electrical costs.

In order to continue providing uninterrupted residential street lighting service without the necessity of reducing or eliminating current street lighting service levels, the CSD submits to you the enclosed ballot and notification documents. The ballot shall provide property owners an opportunity to approve or oppose the proposed increase in the CSD Zone B charge for fiscal year (FY) 2009/10 of \$15 per parcel per year (equivalent to \$1.25 per month). The proposed increase will adjust the current parcel charge of \$24 to \$39 per parcel for 2009/10. The CSD Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County

PUBLIC WORKS DEPARTMENT

At -603-nt 2

Item No. E .3

CSD Zone B Letter
April 16, 2009

Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics or 5 percent.

Ballot Process

In accordance with the legislative requirements of Proposition 218, "The Right to Vote on Taxes Act," the Special Districts Division of the Public Works Department has enclosed the Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), historical operating data, and ballot for your review. The formal Notice provides Informational Meetings, Public Meeting and Public Hearing dates, times and location, instructions for marking the enclosed ballot, and information on the CSD Zone B program and the proposed increase in the charge.

Please complete and return the ballot in the enclosed postage-paid (Business Reply Mail) envelope. The City Clerk's office must receive your ballot prior to the close of the Public Hearing scheduled for Tuesday, June 9, 2009.

Ballot Process

If you have any questions about the CSD Zone B program, proposed increase in the charge, or this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 8:00 a.m. to 5:00 p.m. at (951) 413-3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Sharon Sharp
Senior Management Analyst

Enclosures

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager

CSD Zone B Letter
April 16, 2009

Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics or 5 percent.

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Please complete and return the ballot in the enclosed postage-paid (Business Reply Mail) envelope. The City Clerk's office must receive your ballot prior to the close of the Public Hearing scheduled for Tuesday, June 9, 2009.

Ballot Process

If you have any questions about the CSD Zone B program, proposed increase in the charge, or this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 8:00 a.m. to 5:00 p.m. at (951) 413-3480.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer



Sharon Sharp
Senior Management Analyst

Enclosures

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager

**NOTICE TO PROPERTY OWNER
REGARDING MAIL BALLOT PROCEEDING FOR
Community Services District (CSD) Zone B (Residential Street Lighting)**

I. BACKGROUND

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a charge requires approval of the charge by the affected property owners of record. In compliance with Proposition 218 legislation, the Special Districts Division is conducting a mail ballot proceeding to provide the property owners currently receiving the CSD Zone B (Residential Street Lighting) program service the opportunity to ballot in support or opposition to a proposed increase in the CSD Zone B annual parcel charge. The CSD Zone B program provides residential street lighting services to designated parcels or tracts that have street lighting along residential roadways and are subject to an annual parcel charge.

The CSD was formed simultaneously with City incorporation and established Zones, such as CSD Zone B, to allocate the cost of program services to those parcels and developments which receive special benefit from the program.

II. NOTICE – INFORMATIONAL MEETINGS, PUBLIC MEETING AND PUBLIC HEARING

To provide information concerning the CSD Zone B program and to provide for public comments on the current mail ballot proceeding for the proposed increase in the annual parcel charge for CSD Zone B, the City Council/CSD Board of Directors has scheduled three (3) Informational Meetings as listed in the table below, along with one (1) Public Meeting and one (1) Public Hearing, at their regular meetings, which will be held at the Moreno Valley City Hall Council Chamber as follows:

<u>INFORMATIONAL MEETINGS</u>	<u>PUBLIC MEETING</u>	<u>PUBLIC HEARING</u>
Wednesday, April 29, 2009, 9:00 A.M.	Tuesday, May 26, 2009	Tuesday, June 9, 2009
Thursday, April 30, 2009, 7:00 P.M.	6:30 P.M. (Or As Soon Thereafter	6:30 P.M. (Or As Soon Thereafter
Tuesday, May 5, 2009, 3:30 P.M.	As The Matter May Be Called)	As The Matter May Be Called)

LOCATION for ALL MEETINGS and the PUBLIC HEARING

Moreno Valley City Hall
Council Chamber
14177 Frederick Street
Moreno Valley, CA 92553

III. CHARGE INFORMATION

- Name of the Annual Charge:** CSD Zone B (Residential Street Lighting)
- Annual Parcel Charge:** For FY 2009/10 the proposed increase in the CSD Zone B charge is **\$15, which will adjust the charge to \$39**. The total amount of charges levied for CSD Zone B in FY 2008/09 was \$929,756.

The CSD Zone B charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%.

- Duration of the Proposed Charge:** The increased CSD Zone B parcel charge shall be annually levied on the Riverside County property tax bill beginning in FY 2009/10. Beginning in FY 2010/11 the charge is subject to an annual inflation adjustment.

4. **Reason for the Charge:** The CSD Zone B program provides ongoing residential street lighting services to designated parcels or tracts that have streetlights installed and are included in the CSD. The CSD Zone B annual service charge funds electrical energy, maintenance, and administration costs to provide residential street lighting services.
5. **Calculation of the Charge:** The CSD provides services through various programs. The program charges are weighted according to the proportional financial obligation of the properties receiving the service.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the CSD Zone B program, the proposed increase in the annual CSD Zone B parcel charge, or about the mail ballot process, please contact the Special Districts Division, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please follow the instructions listed below and on the following page to complete and return your ballot. Procedures for completion, return, and tabulation of the ballots are on file in the City Clerk's office of the City of Moreno Valley.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the annual parcel charge **by placing an appropriate valid mark in the corresponding box. A list of valid ballot markings is attached for reference.**
2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid Business Reply envelope has been included for returning the ballot.
4. Ballots must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots are marked as approved, the annual CSD Zone B parcel charge will adjust from \$24 to \$39 for tax year 2009/10. The parcel charge shall be subject to an annual inflation adjustment.

If a majority of the returned ballots oppose the increase in the annual parcel charge, or if the number of ballots returned that approve the proposed increase equal the number of ballots returned that oppose the proposed increase in the annual parcel charge, a parcel charge of \$24 shall be levied on the 2009/10 Riverside County property tax bill. This amount may include a previously approved annual inflation adjustment. Zone B residential street lighting services shall be reduced to a level consistent with available funding.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



A dot or oval mark substantially inside a box;



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A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



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OFFICIAL BALLOT for Assessor Parcel No. ~~APN~~ - Zone B (Residential Street Lighting)



If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Community Services District (CSD) Zone B program charge, the CSD shall levy a charge of \$39 per parcel per year. The charge will be placed on your Riverside County property tax bill beginning fiscal year (FY) 2009/10 and is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%. **This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley CSD prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

Yes, I approve the \$15 increase (equivalent to \$1.25 per month) in the annual parcel charge for CSD Zone B services, which will adjust the parcel charge from \$24 to \$39 for FY 2009/10. The parcel charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index or 5%.



No, I do not approve the \$15 increase in the annual parcel charge for CSD Zone B services. I understand the current parcel charge of \$24 shall be increased by the inflation rate, if previously approved, and shall be levied on the 2009/10 Riverside County property tax bill. Residential street lighting services shall be reduced to a level consistent with available funding.



Llame al 951.413.3480 para obtener información verbal en Español

PROPERTY OWNER SIGNATURE

DATE

MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD)
 ZONE B (RESIDENTIAL STREET LIGHTING)
 HISTORICAL OPERATING DATA

The CSD was formed simultaneously with City incorporation in 1984. Upon the formation of the CSD, the streetlight services which were previously handled by the County of Riverside were transferred to the CSD. Zone B was designated within the CSD to allocate the cost of residential street lighting services to those designated parcels or tracts that have street lighting along residential roadways and are subject to an annual parcel charge.

The following table sets forth the history of the annual CSD Zone B charge.

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1996-97	\$23.00
1997-98	\$23.00
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1999-00	\$23.00
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2001-02	\$23.00
2002-03	\$23.00
2003-04	\$23.00
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2005-06	\$23.00
2006-07	\$23.00
2007-08	\$23.00
2008-09*	\$23.00 / \$24.00

* Beginning in FY 2008/09 the parcel charge for tracts that had previously approved an annual CPI adjustment for CSD Zone B services, was increased to \$24 per parcel, per year. All other tracts pay \$23 per parcel, per year.

MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD)
 ZONE B (RESIDENTIAL STREET LIGHTING)
 HISTORICAL OPERATING DATA

Chart 1, as shown below, provides the total percentage increase in the electric utility costs and the revenues for CSD Zone B since fiscal year 2002/03.

Chart 1: Cumulative Percent Change

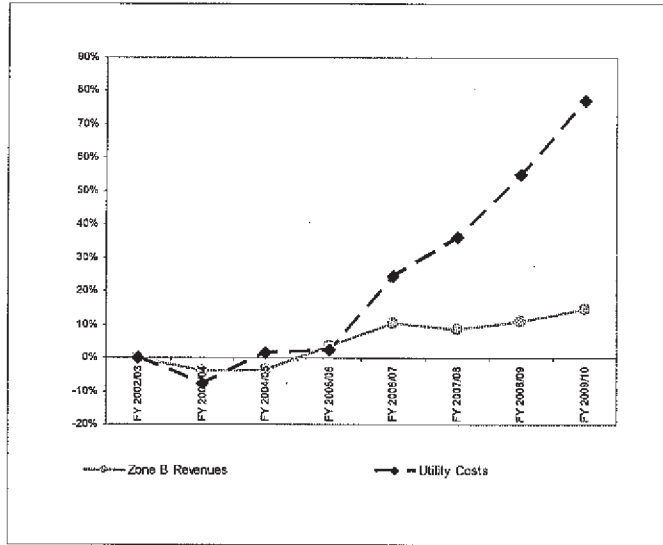
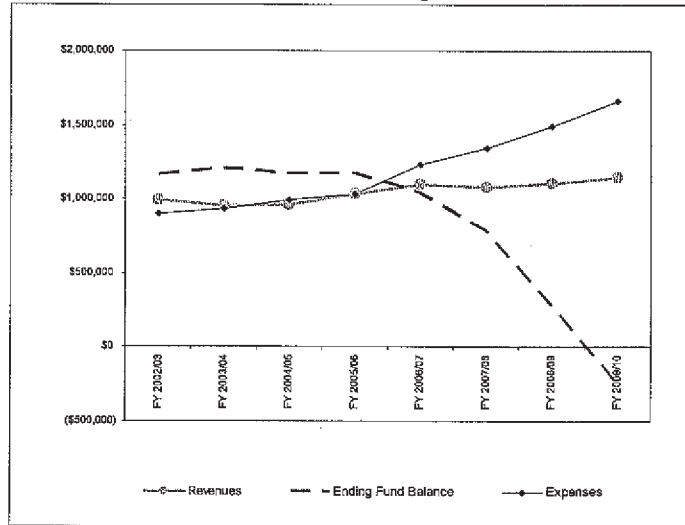


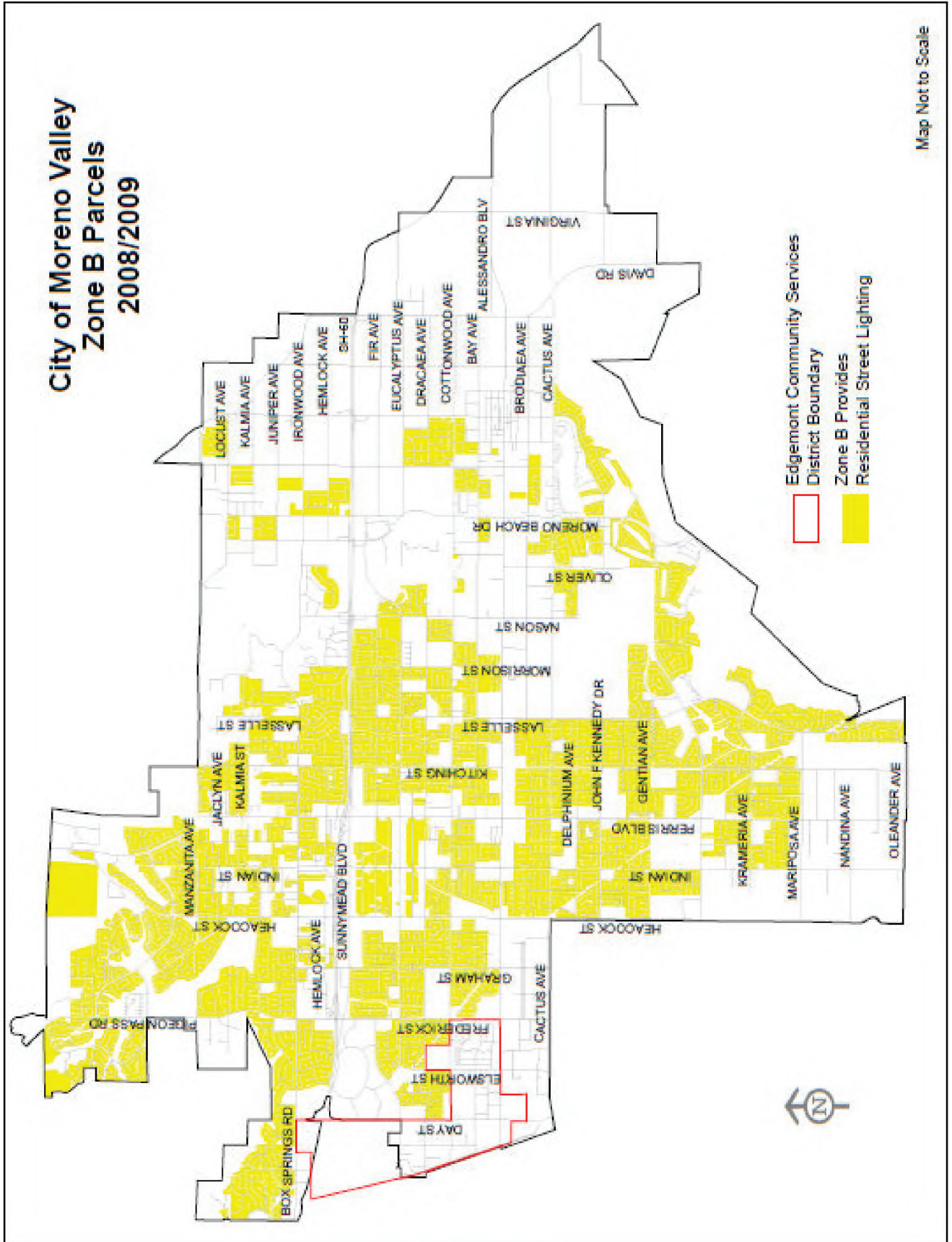
Chart 2, as shown below, provides a comparison between the annual CSD Zone B revenues collected and the expenses paid. The decrease in the ending fund balance is a result of paying CSD Zone B expenses that are in excess of the revenues collected.

Chart 2: Historical Operations



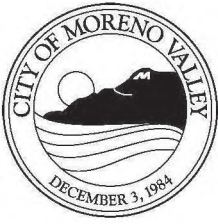
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**City of Moreno Valley
Zone B Parcels
2008/2009**



ATTACHMENT 3

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APPROVALS	
BUDGET OFFICER	<i>CAF</i>
CITY ATTORNEY	<i>DA</i>
CITY MANAGER	<i>RM</i>

Report to City Council

TO: Mayor and City Council Acting in their Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: PUBLIC HEARING TO CONSIDER APPROVING THE CONTINUANCE OF CURRENT MORENO VALLEY COMMUNITY SERVICES DISTRICT ANNUAL PARCEL CHARGES PROPOSED FOR FISCAL YEAR 2009/10

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board") conduct a Public Hearing to approve and adopt the proposed resolutions:

- Resolution No. CSD 2009-05 (Zone A)
- Resolution No. CSD 2009-06 (Zone B)
- Resolution No. CSD 2009-07 (Zone C)
- Resolution No. CSD 2009-08 (Zone D)
- Resolution No. CSD 2009-09 (Zone E)
- Resolution No. CSD 2009-10 (Zone E-1A)
- Resolution No. CSD 2009-11 (Zone E-3A)
- Resolution No. CSD 2009-12 (Zone E-4A)
- Resolution No. CSD 2009-13 (Zone M)
- Resolution No. CSD 2009-14 (Zone S)

Approval of the proposed resolutions will continue the currently approved annual parcel charges and the proposed amount for each charge in fiscal year (FY) 2009/10 to provide services for parks, recreation, residential street lighting, arterial street lighting, parkway landscaping, extensive parkway landscaping, internal parkway landscaping/walls, medians, and maintenance for the improvements along Sunnymead Boulevard from Frederick Street to Perris Boulevard, as submitted in the Preliminary Annual Levy Report on file in the office of the City Clerk.

ADVISORY COMMITTEE RECOMMENDATION

The Parks and Recreation Advisory Committee (PRAC) does not complete a detailed review of the budget for Zone A (Parks and Recreation) before the CSD Board's approval. They make recommendations directly to the CSD Board on major budget issues. There are no formal committee meetings on landscaping and street lighting issues; however, the Hidden Springs Residents' Committee may review charges applicable to their area.

BACKGROUND

The CSD was formed simultaneously with City incorporation to provide a variety of services. Zones within the CSD were established to allocate costs to those parcels that receive selective services. Each of the zones represents either a different service or degree of service to particular properties within each zone.

The CSD Board conducted the Public Meeting on May 26, 2009, to provide the first opportunity for the public to address the CSD Board on the annual CSD charges.

Proposition 218

Proposition 218, approved in the November 1996 election as a constitutional amendment, specifically addresses the ability of public agencies to collect taxes, fees, charges, and/or assessments. The City of Moreno Valley has reviewed Proposition 218 with respect to the CSD charge collection process. Based upon this review, it has been determined that the CSD charges as currently collected are in compliance with Proposition 218. Any future charge increases, other than an inflation adjustment that has been approved during a previous mail ballot proceeding, shall require a ballot, which will be conducted as outlined in Proposition 218 and in compliance with the Policy for Conducting Mail Ballot Proceedings adopted by the City Council and the CSD Board on January 22, 2002, as amended on January 24, 2006 and March 24, 2009.

DISCUSSION

The following section outlines the services provided by the CSD to each zone, the proposed annual charge and the current year charge. No charge increases for the following zones are proposed for FY 2009/10, unless adjusted through the mail ballot proceeding process or a previously authorized inflation adjustment implemented to achieve full-cost recovery. The adjustment for FY 2009/10 is 0.1% and is based on the percentage change calculated for the prior calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index (CPI), as published by the Department of Labor's Bureau of Labor Statistics.

Zone A is authorized to provide park maintenance and recreation services citywide. All properties within the City boundaries are levied this charge to aid with current programs. The proposed FY 2009/10 charge is \$87.50 per dwelling unit, per each nonresidential parcel, or per each vacant parcel. (Current FY 2008/009 charge is \$87.50.) The proposed FY 2009/10 levy for Zone A is approximately \$4,983,650.

Zone B is authorized to provide residential street lighting services to specific residential subdivisions within the zone. The funds collected pay for the monthly energy and maintenance charges. The charge is \$23 per parcel or \$24 per parcel for projects that approved an inflation adjustment via mail ballot proceedings after 1999 (7,318 parcels). The inflation adjustment (applied in FY 2008/09) was necessary to provide full-cost recovery, and it was the first Zone B adjustment since 1996. There are also 65 parcels located south of Ironwood, just east of Nason with reduced streetlight services paying \$6 per parcel.

At the present time, the CSD is conducting a ballot proceeding for parcels within Zone B, proposing a parcel charge increase from either \$23 or \$24 to \$39 to pay the annual costs to provide residential street lighting service. The proposed FY 2009/10 levy for Zone B is approximately \$929,824, which does not include the proposed increase. If the parcel charge is approved, the FY 2009/10 levy is estimated to be \$1,563,930.

Zone C is authorized to provide arterial street lighting and intersection lighting on major roadways throughout the City. For FY 2009/10, the proposed charge for each parcel in the CSD is \$9. (Current FY 2008/09 charge was \$9.) The proposed FY 2009/10 levy for Zone C is approximately \$426,510.

Zone D is authorized to provide parkway landscape maintenance services to the perimeters and/or entry statements of designated residential tract developments. *Attachment 1*, included with this staff report, provides a listing of the current FY 2008/09 charges per parcel for each tract and the proposed charges for FY 2009/10. A majority of affected property owners, of certain tracts, approved an inflation adjustment in previous Proposition 218 mail ballot proceedings. An increase shall only be implemented to provide for full-cost recovery. For FY 2009/10, the CPI adjustment shall be applied to 25 tracts.

At the present time, the CSD is conducting a mail ballot proceeding for an increase to the current charges to recover costs for the following tracts: 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277 and 31284. Tracts not approving the proposed increase shall receive a reduced service level of landscape maintenance in accordance with the Zone D Policy guidelines. The proposed FY 2009/10 levy for Zone D is approximately \$1,203,929.60, which does not include the Zone D increases. If the Zone D increases are approved, the estimated parcel charges for Zone D is approximately \$1,301,515.40.

Zone E is authorized to provide high-service-level parkway landscape maintenance for extensive parkway landscaping installed adjacent to ten (10) specific major residential/commercial developments. For FY 2009/10, the CPI charge adjustment shall be applied to Zones E-1, E-2, E-3 and E-7. At the present time, the CSD is conducting a mail ballot proceeding in Zone E-3 to recover costs and is proposing a higher charge for the current residential parcels, acreage parcel charges and the five (5) condominium charges. The proposed annual charges for the subzones of Zone E are shown on *Attachment 2* included with this staff report. The proposed FY 2009/10 levy for Zone E is \$2,319,046.84, which does not include the Zone E-3 increase. If the Zone E-3 increase is approved, the estimated parcel charges for Zone E-3 is approximately \$2,456,183.04

Zone E-1A is authorized to provide internal parkway landscape/wall maintenance to the Renaissance Park development. The proposed Zone E-1A charge for FY 2009/10 is \$76 per parcel. (Current FY 2008/09 charge is \$76.) Total FY 2009/10 levy for Zone E-1A is approximately \$42,332.

Zone E-3A is authorized to provide internal parkway landscape/wall maintenance to those tracts associated with the Lasselle Powerline Parkway area. The proposed Zone E-3A charge for FY 2009/10 is \$66 per parcel. (Current FY 2008/09 charge is \$66.) Total FY 2009/10 levy for Zone E-3A is approximately \$31,020.

Zone E-4A is authorized to provide internal parkway landscape maintenance to the Daybreak development. The proposed Zone E-4A charge for FY 2009/10 is \$109. (Current FY 2008/09 charge is \$109.) Total FY 2009/10 levy for Zone E-4A is approximately \$10,791.

Zone M is authorized to provide maintenance for improved medians constructed as a condition of approval for commercial/industrial/multifamily developments. Charges for this zone are calculated by determining the proportional obligation for the total median maintenance and administrative costs attributable to the improved median area associated with the affected commercial/industrial/multifamily properties. The FY 2009/10 charge is based on median square footage at an estimated cost of no more than 9.5 cents per square foot per year, which includes an inflation factor for future years. The current year charges and proposed annual charges for Zone M are shown on *Attachment 3* included with this staff report. Total FY 2009/10 levy for Zone M is approximately \$125,066.

Zone S is authorized to provide maintenance services to the improvements along Sunnymead Boulevard between Frederick Street and Perris Boulevard. Charges for this zone are calculated by determining the proportional financial obligation, based on front linear footage, of the properties adjacent to the total area receiving the improvements. Landscape maintenance of the improvements commenced in the third quarter of FY 2008/2009 and additional maintenance shall occur during FY 2009/10. Because the CSD started maintenance in the second half of FY 2008/09, current FY Zone S charges were levied at 50% of the balloted amount. In FY 2009/10, the Zone S charges shall be levied at 100% of the balloted amount calculated at \$2.75 per front linear footage. Total FY 2009/10 levy for Zone S is approximately \$52,341.

ALTERNATIVES

1. **Conduct a Public Hearing** to approve and adopt the proposed resolutions. *Although not required under Proposition 218, conducting the Public Hearing on June 9, 2009, allow property owners an opportunity to address the CSD Board regarding the continuation of the CSD annual charges. Approving CSD Zones B, C, D, E, E-1A, E-3A, E-4A, M and S charges as proposed by staff shall authorize the CSD to continue providing the applicable maintenance service levels. Approving the proposed charge*

for CSD Zone A will partially fund parks, recreation services, and some proposed capital improvements. The County of Riverside requires annual resolutions be approved to establish the authority to collect the annual CSD parcel charges on the property tax bill. Approval of these resolutions will satisfy the County requirement.

2. **Do not conduct the Public Hearing** and do not approve and adopt the resolutions. *Even though a Public Hearing is not required under Proposition 218 for the continuation of the CSD annual charges, City policy has been to continue holding a Public Hearing to allow the public to address the CSD Board. By not adopting the resolutions, the County may challenge our ability to place the CSD charges on the County property tax bill.*

FISCAL IMPACT

Property owners pay the CSD annual charges as a part of their property tax bill. Charges including CPI adjustments have been approved by the affected property owners through prior proceedings or are part of a current mail ballot proceeding. The annual inflation factor is based on the percentage change in the CPI for the prior calendar year. For FY 2009/10, the CPI adjustment is 0.1%.

CSD Zones A, B, C, D, E, E-1A, E-3A, E-4A and S annual charges are based on full-cost recovery and program operations have no effect on the General Fund. Zones A and M charges reduce the General Fund support to provide services for these programs.

Approving charges less than those proposed by staff may require a decrease in service level and quality from that provided during FY 2008/09. The service levels may be adjusted according to the approved funding level.

CITY COUNCIL GOALS

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS

CSD landscape maintenance services help enhance community image, neighborhood pride and cleanliness. Residential properties, which have perimeter landscapes maintained by the CSD, present a pleasant neighborhood environment and the proper placement of plant material prevents graffiti.

REVENUE DIVERSIFICATION AND PRESERVATION

The CSD annual charges comply with the City's goal of revenue diversification and preservation and are based upon actual costs, which include maintenance and administration. The CSD annual charges support the preservation of the current services provided by the CSD.

PUBLIC FACILITIES

Providing services for parks, streetlights, landscaping, and medians allows for construction and maintenance of public facilities. The CSD maintenance of these important public facilities ensures proper development and preservation of capital resources.

SUMMARY

The actions before the CSD Board are to conduct the Public Hearing, and to approve and adopt the resolutions for the continuation of the currently approved CSD parcel charges and the proposed amount of the charge on certain properties within each of the existing zones as submitted in the Preliminary Annual Levy Report. While state law, after adoption of Proposition 218, does not mandate public hearings to consider charges or fees already in place, such hearings were required under state statutes before adoption of Proposition 218. City policy has been to continue the past practice as a courtesy to the public.

The County requires annual resolutions be approved to establish the authority to collect the annual CSD parcel charges on the property tax bill. Approval of the resolutions will satisfy the County requirement. The resolutions also include information on compliance with Proposition 218.

NOTIFICATION

On April 20, 2009, the CSD mailed individual notices to property owners of 47,942 parcels.

Newspaper advertising was published on May 8, 2009, with information about the May 26, 2009 Public Meeting and the June 10, 2009 Public Hearing. Additionally, the June 9, 2009 Public Hearing notification was published on May 18, 2009 and is scheduled to be published on May 26, 2009.

ATTACHMENTS

Attachment 1	Zone D FY 2008/09 Proposed Charges
Attachment 2	Zone E FY 2008/09 Proposed Charges
Attachment 3	Zone M FY 2008/09 Proposed Charges
Attachment 4	Proposed Resolution for Zone A
Attachment 5	Proposed Resolution for Zone B
Attachment 6	Proposed Resolution for Zone C
Attachment 7	Proposed Resolution for Zone D
Attachment 8	Proposed Resolution for Zone E
Attachment 9	Proposed Resolution for Zone E-1A
Attachment 10	Proposed Resolution for Zone E-3A
Attachment 11	Proposed Resolution for Zone E-4A
Attachment 12	Proposed Resolution for Zone M
Attachment 13	Proposed Resolution for Zone S

Prepared by:
Ana Cannon
Senior Financial Analyst

Department Head approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred by:
Sue Anne Maxinoski
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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**ZONE D (Parkway Landscape Maintenance)
FY 2009/10 Proposed Charges**

Tract Number	FY 2008/09 Parcel Charge	FY 2009/10 0.1% CPI Adjustment	FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
10191/18468 ⁽³⁾	\$69.00		\$69.00	
11848 ⁽¹⁾	\$84.00		\$84.00	
12305	\$57.00		\$57.00	
12608 ⁽⁴⁾	\$98.00		N/A	
12773	\$80.00		\$80.00	
12902	\$72.00		\$72.00	
13576/19080/19081 ⁽³⁾	\$32.00		\$32.00	
13585 ⁽¹⁾	\$57.00		\$57.00	
14387/12268	\$57.00		\$57.00	
15387 ⁽¹⁾	\$57.00		\$57.00	
15433 ⁽¹⁾	\$90.00		\$90.00	
16768 ⁽¹⁾	\$64.00		\$64.00	
16769	\$61.00		\$61.00	
16770 ⁽¹⁾	\$57.00		\$57.00	
17033 ⁽¹⁾	\$173.00	\$0.10	\$173.10	
17176 ⁽¹⁾	\$57.00		\$57.00	
17334	\$345.00	\$0.30	\$345.30	\$622.80
17387 ⁽¹⁾	\$57.00		\$57.00	
17457 ⁽¹⁾	\$79.00		\$79.00	
17867 ⁽¹⁾	\$57.00		\$57.00	
18283	\$57.00		\$57.00	
18512/21322	\$82.00		\$82.00	\$112.00
18784/20906	\$177.00	\$0.10	\$177.10	\$258.30

ATTACHMENT I

1

**ZONE D (Parkway Landscape Maintenance)
FY 2009/10 Proposed Charges**

Tract Number	FY 2008/09 Parcel Charge	FY 2009/10 0.1% CPI Adjustment	FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
18930	\$77.00		\$77.00	\$104.00
19032 ⁽²⁾	\$130.00		\$130.00	
19080/19081 ⁽³⁾	\$32.00		\$32.00	
19141	\$75.00		\$75.00	
19142	\$57.00		\$57.00	
19143 ⁽¹⁾	\$57.00		\$57.00	
19208 ⁽¹⁾	\$74.00		\$74.00	
19210	\$68.00		\$68.00	
19233	\$57.00		\$57.00	
19363 ⁽¹⁾	\$57.00		\$57.00	
19434 ⁽¹⁾	\$57.00		\$57.00	
19474	\$57.00		\$57.00	
19496	\$64.00		\$64.00	
19500 ⁽¹⁾	\$73.00		\$73.00	
19509 ⁽¹⁾	\$57.00		\$57.00	
19518/18372 ⁽¹⁾	\$57.00		\$57.00	
19529	\$70.00		\$70.00	
19533	\$57.00		\$57.00	
19541	\$93.00		\$93.00	
19551 ⁽¹⁾	\$96.00		\$96.00	
19675	\$80.00		\$80.00	
19685 ⁽¹⁾	\$70.00		\$70.00	
19799 ⁽²⁾	\$272.00	\$0.20	\$272.20	

**ZONE D (Parkway Landscape Maintenance)
FY 2009/10 Proposed Charges**

Tract Number	FY 2008/09 Parcel Charge	FY 2009/10 0.1% CPI Adjustment	FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
19852	\$69.00		\$69.00	\$109.20
19862	\$148.00	\$0.10	\$148.10	
19912	\$83.00		\$83.00	
19937	\$107.00	\$0.10	\$107.10	
19957 ⁽²⁾	\$69.00		\$69.00	
20030 ⁽¹⁾	\$100.00	\$0.10	\$100.10	
20032 ⁽¹⁾	\$57.00		\$57.00	
20072 ⁽¹⁾	\$89.00		\$89.00	
20120	\$94.00		\$94.00	
20197	\$57.00		\$57.00	
20272 ⁽¹⁾	\$120.00	\$0.10	\$120.10	
20301 ⁽¹⁾	\$57.00		\$57.00	
20404	\$97.00		\$97.00	
20525 ⁽¹⁾	\$57.00		\$57.00	
20552 ⁽¹⁾	\$57.00		\$57.00	
20579	\$57.00/\$101.00/\$158.00	0.10 (except \$57 charge)	\$57.00/\$101.10/\$158.10	
20660 ⁽¹⁾	\$105.00		\$105.00	
20715	\$94.00		\$94.00	\$126.30
20718	\$139.00	\$0.10	\$139.10	
20859 ⁽¹⁾	\$66.00		\$66.00	
20869 ⁽¹⁾	\$57.00		\$57.00	

**ZONE D (Parkway Landscape Maintenance)
FY 2009/10 Proposed Charges**

Tract Number	FY 2008/09 Parcel Charge	FY 2009/10 0.1% CPI Adjustment	FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
20941	\$103.00	\$0.10	\$103.10	
21113	\$57.00		\$57.00	
21332 ⁽¹⁾	\$96.00		\$96.00	
21333	\$208.00	\$0.20	\$208.20	
21345	\$114.00	\$0.10	\$114.10	
21597	\$295.00	\$0.20	\$295.20	
21616	\$371.00	\$0.30	\$371.30	\$708.70
21737	\$210.00	\$0.20	\$210.20	
21806	\$69.00		\$69.00	
22093 ⁽¹⁾	\$138.00		\$138.00	
22180	\$123.00		N/A ⁽⁴⁾	
22276 ⁽¹⁾	\$193.10	\$0.10	\$193.10	
22277	\$264.00	\$0.20	\$264.20	\$574.10
22371	\$286.00	\$0.20	\$286.20	
22889	\$186.00		\$186.00	
22999	\$67.00		\$67.00	
23046 ⁽¹⁾	\$183.00		\$183.00	
24721 ⁽¹⁾	\$57.00		\$57.00	
27251	N/A ⁽⁴⁾		\$465.00	
27526 ⁽¹⁾	\$160.00	\$0.10	\$160.10	
28882	\$103.00	\$0.10	\$103.10	
29038 ⁽¹⁾	\$60.00		\$60.00	
30027 ⁽¹⁾	\$201.00		\$201.00	

**ZONE D (Parkway Landscape Maintenance)
FY 2009/10 Proposed Charges**

Tract Number	FY 2008/09 Parcel Charge	FY 2009/10 0.1% CPI Adjustment	FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
30967	\$459.00		\$459.00	
31129	\$81.00		\$81.00	
31257	\$1,050.00		\$1,050.00	
31268	\$181.00	\$0.10	\$181.10	
31269	\$215.00		\$215.00	
31269-1	\$295.00	\$0.20	\$295.20	
31284	\$127.00	\$0.10	\$127.10	\$186.50
31305	\$248.00		\$248.00	
31424	\$215.00		\$215.00	
31591	\$454.00	\$0.40	\$454.40	
31618	\$182.00		\$364.00	
32005	N/A ⁽⁴⁾		N/A ⁽⁴⁾	
32018	\$68.00		\$68.00	
32625	\$1,000.00		\$1,000.00	
32715	\$913.00		\$913.00	
33436	N/A ⁽⁴⁾		N/A ⁽⁴⁾	
33637	N/A ⁽⁴⁾		N/A ⁽⁴⁾	
33962	N/A ⁽⁴⁾		N/A ⁽⁴⁾	
4-Custom Home	N/A ⁽⁴⁾		N/A ⁽⁴⁾	

Total No. of Tracts = 117

⁽¹⁾ Tracts receiving Reduced service as provided for in the Zone D (Parkway Landscape Maintenance) Service Plan Policy (the "Policy") adopted on January 9, 2001 and amended January 22, 2002, and January 24, 2006.

⁽²⁾ Tracts receiving Street Tree maintenance only as provided for in the Zone D Policy.

⁽³⁾ Tracts receiving the Street Tree Program.

⁽⁴⁾ CSD landscape maintenance on hold for fiscal year.

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**Zone E (High-service-level landscape maintenance)
Proposed Charges for FY 2009/10**

Zone E	Specific Plan or Major Development	Charge Category	FY 2008/09 Current Charge	FY 2009/10 0.1% CPI Adjustment	FY 2009/10 Proposed Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
E-1	TownGate	Per parcel	\$124.00	\$0.10	\$124.10	
		Per acre for non residential/undeveloped parcels	\$496.00	\$0.40	\$496.40	
		Per condo unit Tract 34299	\$56.00		\$56.00	
E-2	Hidden Springs	Per parcel or equivalent dwelling unit	\$391.00	\$0.30	\$391.30	
E-3	Moreno Valley Ranch - West	Per parcel	\$124.00	\$0.10	\$124.10	\$155.00
		Per acre for non residential/undeveloped parcels	\$496.00	\$0.40	\$496.40	\$620.00
		Per condo unit Tract 32142	\$55.00		\$55.00	\$68.70
		Tract 32143	\$53.00		\$53.00	\$66.20
		Tract 32144	\$53.00		\$53.00	\$66.20
		Tract 32145 Tract 32146	\$31.00 \$30.00		\$31.00 \$30.00	\$38.70 \$37.50
E-4	Moreno Valley Ranch - East	Per parcel	\$110.00		\$110.00	
		Per acre for non residential/undeveloped parcels	\$440.00		\$440.00	
E-7	Centerpointe	Per acre	\$667.00	\$0.60	\$667.60	
E-8	Promontory Park	Per condo unit	\$188.00		\$188.00	
		Per parcel	\$531.00		\$531.00	
E-12	Stoneridge Ranch	Per parcel	\$397.00		\$397.00	
E-14	Mahogany Fields	Per parcel	\$273.00		\$273.00	
E-15	Celebration	Per parcel	\$333.00		\$333.00	
E-16	Shadow Mountain	Per parcel	\$288.00		\$288.00	

ATTACHMENT 2

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ZONE M
(Commercial/Industrial/Multifamily Median Maintenance)
FY 2009/10 Proposed Charges

Commercial, Industrial, and Multifamily Development	Parcel Map/ Project No.	Assessor Parcel Number (APN)	FY 2008/09 Current Charge	FY 2009/10 Proposed Charge
March Commerce Center ⁽⁵⁾	27732	297-130-046	\$2,009.00	\$2,011.00
Cactus Commerce Center ⁽⁵⁾	24364	297-130-039	\$798.00	\$798.00
		297-130-041	\$1,957.00	\$1,957.00
		297-130-042	\$1,610.00	\$1,610.00
Home Depot	21504	485-220-030	\$1,980.00	\$1,981.98
Havadjia Holdings Inc. ⁽¹⁾ -Farmer's Boy	21504	485-220-031	\$297.00	\$297.28
Perris Blvd. Storage	PA02-0117	312-020-017	\$1,270.00	\$1,563.56
		312-020-018	\$1,240.00	\$1,490.48
		312-020-020	\$478.00	\$581.58
Ross Distribution Center/Industrial Develop. Int'l. ⁽¹⁾	24128	312-250-046	\$3,620.00	\$3,623.62
Mira Mesa Shopping Center	31034	312-270-036	\$1,848.00 ⁽⁴⁾	\$2,594.58
CVS Pharmacy	25995-1	485-081-035	\$310.00	\$310.30
Alessandro/Kitching Apts.	PA03-0020	484-020-023	\$5,846.00	\$5,851.84
		484-020-024	\$7,145.00	\$7,152.14
Moreno Valley Health, LLC	33930	297-140-049	\$1,130.00	\$1,131.12
		297-140-050	\$1,162.00	\$1,163.16
		297-140-051	\$1,293.00	\$1,294.28
		297-140-052	\$1,022.00	\$1,023.02
OPT Moreno Valley, LLC	27008	482-700-001	\$381.00	\$381.38
		482-700-005	\$381.00	\$381.38
CCI Sunnymead MV	P04-168	482-540-030	\$396.00	\$396.38
Auto Detail Shop		291-191-024	\$336.00	\$336.32
Ridge Property Trust	PA04-0065	297-170-067	\$12,299.76	\$14,366.34 ⁽⁶⁾
		297-170-069	\$6,149.88 ⁽⁶⁾	\$10,657.64 ⁽⁶⁾
		297-170-071 ⁽³⁾	\$4,819.00 ⁽⁶⁾	\$4,823.80 ⁽⁶⁾
Panorama Development	PA05-0085	312-360-001	\$1,151.16 ⁽⁴⁾	\$1,394.44
		312-360-002	\$278.38 ⁽⁴⁾	\$656.26
		312-360-003	\$190.59 ⁽⁴⁾	\$449.30
		312-360-004	\$668.01 ⁽⁴⁾	\$1,574.84
		312-360-005	\$518.73 ⁽⁴⁾	\$1,222.90
		312-360-006	\$839.83 ⁽⁴⁾	\$1,979.88
		312-360-007	\$328.14 ⁽⁴⁾	\$773.58
		312-360-008	\$309.36 ⁽⁴⁾	\$729.30
		312-360-009	\$343.63 ⁽⁴⁾	\$810.10
		312-360-010	\$347.39 ⁽⁴⁾	\$818.94
		312-360-011	\$278.85 ⁽⁴⁾	\$657.38

ATTACHMENT 3

1

ZONE M
(Commercial/Industrial/Multifamily Median Maintenance)
FY 2009/10 Proposed Charges

Commercial, Industrial, and Multifamily Development	Parcel Map/ Project No.	Assessor Parcel Number (APN)	FY 2008/09 Current Charge	FY 2009/10 Proposed Charge
Commercial Project	TPM 32961	316-210-074	\$1,849.00	\$1,850.84
Bravo Burgers ⁽²⁾	PA05-0027	263-111-039 263-111-040	No charge in 2008/09	No charge in 2009/10
Oakwood Apts	PA04-0010	486-070-004 486-070-011	\$1,425.00 ⁽⁴⁾ \$1,425.00 ⁽⁴⁾	\$2,927.92 \$2,927.92
Moreno Beach Market Place	PA05-0169	486-250-021 486-250-023	\$7,995.00 \$7,995.00	\$8,002.98 \$8,002.98
Stoneridge Commercial Centre ⁽²⁾	TPM 34411	488-090-031 to -033 488-090-037 to -040 488-090-043 488-090-047 to -057 488-090-064 488-090-071 488-090-073 to -074 488-090-076 488-090-082 to -085	No charge in 2008/09	No charge in 2009/10
Condominium Complex	TR 32756	484-030-020 484-030-022	\$304.00 ⁽⁴⁾ \$304.00 ⁽⁴⁾	\$304.30 ⁽⁴⁾ \$304.30 ⁽⁴⁾
OMP Development		297-150-055	\$2,947.50 ⁽⁴⁾	\$2,950.44 ⁽⁴⁾
Perris Senior Apartments	P07-001	479-070-049	\$1,584.00	\$1,585.58
Retail Center Self-Serve Carwash	PA05-0163	297-130-064	\$828.00	\$828.82
March Graham Partners	TR 34044	297-170-004	\$1,785.00 ⁽⁴⁾	\$3,573.56
Palm Desert Dev. Apts	PA08-0013	486-070-007	\$254.00 ⁽⁴⁾	\$508.50
Shepard of the Valley Church ⁽²⁾	PA08-030	474-120-037	No charge in 2008/09	No charge in 2009/10
MV Properties	TR 33152	297-120-002 297-120-003 297-120-016	No charge in 2008/09	\$963.96 \$697.68 \$5,102.08
D. Ashton Guinn	Tract 33152	297-100-007 297-120-011 297-120-012	No charge in 2008/09	\$1,129.12 \$1,455.44 \$1,455.44
Rite Aid Pharmacy	PA06-0162	478-070-025	No charge in 2008/09	\$3,709.20 ⁽⁴⁾
Two-Bldg Commercial Center	PA07-0139	484-020-007	No charge in 2008/09	\$2,763.76
RainCross Industrial	PA04-0084	297-130-061	No charge in 2008/09	No charge in 2009/10
Delphinium Apartments	PA04-0028	484-242-016	No charge in 2008/09	No charge in 2009/10

⁽¹⁾ Expenses recalculated based on adjacent parcels approving the Zone M charge in FY 2008/09.

⁽²⁾ Median maintenance on hold. Charge will be reviewed in June 2010.

⁽³⁾ Hand billed (US Post Office).

⁽⁴⁾ Annual charge applied at a temporarily reduced amount pending final acceptance of the median maintenance.

⁽⁵⁾ Cactus Commerce Center and March Commerce Center (formerly Zone E-5) were assimilated into Zone M (no change in charge amounts).

⁽⁶⁾ Adjusted acreage parcel charge.

RESOLUTION NO. CSD 2009-05

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE A (PARKS AND COMMUNITY SERVICES) SERVICES DURING FISCAL YEAR 2009/2010

WHEREAS, the Moreno Valley Community Services District ("CSD") provides improvements and maintenance for parks and recreation services within the CSD and provides funding for such services, in part, through CSD Zone A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone A (Parks and Community Services) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation and application of charge as previously approved by the property owners for each assessable parcel or unit of real property within CSD Zone A is a necessary and equitable charge to fund, in part, the furnishing of parks and recreation services by the CSD for Fiscal Year 2009/2010; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of eighty-seven dollars and fifty cents (\$87.50) to defray in part the costs of furnishing parks and recreation services within the CSD is hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. That the CSD Board adopted CSD Resolution 97-01, finding that the existing Zone A parcel charges are exempt from the provision of Proposition 218 as long as they are not increased and are therefore not subject to voter ratification at this time.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this _____ day of June 2009.

Mayor of the City of Moreno Valley,
acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

RESOLUTION NO. CSD 2009-06

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE B (RESIDENTIAL STREET LIGHTING) SERVICES DURING FISCAL YEAR 2009/2010

WHEREAS, the Moreno Valley Community Services District ("CSD") provides improvements and maintenance for residential street lighting services within the CSD and provides funding for such services, in part, through CSD Zone B; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. and following of the provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone B (Residential Street Lighting) services be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation, including a Consumer Price Index ("CPI") adjustment, and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone B is a necessary and equitable charge to fund, in part, the residential street lighting services by the CSD for Fiscal Year 2009/2010; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The charge is hereby approved to be levied at the maximum rate of thirty-nine dollars (\$39.00), if and only if said maximum rate is approved by the majority of the property owners in the mail ballot proceeding under Proposition 218 currently scheduled to be concluded at a public hearing scheduled for June 9, 2009. In the event that said maximum rate is not approved by a majority of the property owners in said ballot proceeding, the charge is hereby approved to be levied at the existing and previously approved respective rates of twenty-three dollars (\$23.00) and twenty-four dollars (\$24.00) as applicable.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone B, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that Zone B is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this _____ day of June 2009.

Mayor of the City of Moreno Valley,
acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

RESOLUTION NO. CSD 2009-07

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE C (ARTERIAL STREET LIGHTING AND INTERSECTION LIGHTING) SERVICES DURING FISCAL YEAR 2009/2010

WHEREAS, the Moreno Valley Community Services District ("CSD") provides improvements and maintenance for intersection and arterial street lighting services within the CSD and provides funding for such services, in part, through CSD Zone C; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone C (Arterial Street Lighting and Intersection Lighting) services be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone C is a necessary and equitable charge to fund, in part, the arterial and intersection street lighting services by the CSD for Fiscal Year 2009/2010; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

1

ATTACHMENT 6

Resolution No. CSD 2009-
Date Adopted: June 9, 2009

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of nine dollars (\$9.00) to defray in part the costs of furnishing arterial and intersection street lighting services within the CSD is hereby approved and adopted.

2. The herein approved service charge is hereby confirmed for each parcel of real property within CSD Zone C, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. That the CSD Board adopted CSD Resolution 97-01, finding that the existing Zone C parcel charges are exempt from the provision of Proposition 218 as long as they are not increased and therefore are not subject to voter ratification at this time.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this _____ day of June 2009.

Mayor of the City of Moreno Valley,
acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

RESOLUTION NO. CSD 2009-08

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE D (PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2009/2010

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide parkway landscape improvement and maintenance services within the CSD and provides funding for such services, in part, through CSD Zone D; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone D (Parkway Landscape Maintenance) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation, including a Consumer Price Adjustment ("CPI") adjustment (if applicable), and application of charge as previously approved by the property owners for each assessable parcel or unit of real property within CSD Zone D is a necessary and equitable charge to fund, in part, the parkway landscape services by the CSD for Fiscal Year 2009/2010; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the maximum calculated rates set forth below, which includes previously approved CPI adjustments, to defray in part the costs of furnishing parkway landscape services to the following tracts within the CSD is hereby approved and adopted as follows:

**ZONE D (Parkway Landscape Maintenance)
FY 2009/10 Proposed Charges**

Tract Number	FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
10191/18468	\$69.00	
11848	\$84.00	
12305	\$57.00	
12608	\$0.00	
12773	\$80.00	
12902	\$72.00	
13576/19080/19081	\$32.00	
13585	\$57.00	
14387/12268	\$57.00	
15387	\$57.00	
15433	\$90.00	
16768	\$64.00	
16769	\$61.00	
16770	\$57.00	
17033	\$173.10	
17176	\$57.00	
17334	\$345.30	\$622.80
17387	\$57.00	
17457	\$79.00	
17867	\$57.00	
18283	\$57.00	
18512/21322	\$82.00	\$112.00
18784/20906	\$177.10	\$258.30
18930	\$77.00	\$104.00
19032	\$130.00	
19080/19081	\$32.00	
19141	\$75.00	

**ZONE D (Parkway Landscape Maintenance)
FY 2009/10 Proposed Charges**

Tract Number	FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
19142	\$57.00	
19143	\$57.00	
19208	\$74.00	
19210	\$68.00	
19233	\$57.00	
19363	\$57.00	
19434	\$57.00	
19474	\$57.00	
19496	\$64.00	
19500	\$73.00	
19509	\$57.00	
19518/18372	\$57.00	
19529	\$70.00	
19533	\$57.00	
19541	\$93.00	
19551	\$96.00	
19675	\$80.00	
19685	\$70.00	
19799	\$272.20	
19852	\$69.00	\$109.20
19862	\$148.10	
19912	\$83.00	
19937	\$107.10	
19957	\$69.00	
20030	\$100.10	
20032	\$57.00	
20072	\$89.00	
20120	\$94.00	
20197	\$57.00	
20272	\$120.10	
20301	\$57.00	
20404	\$97.00	
20525	\$57.00	
20552	\$57.00	
20579	\$57.00/\$101.10/\$158.10	
20660	\$105.00	
20715	\$94.00	\$126.30
20718	\$139.10	

**ZONE D (Parkway Landscape Maintenance)
FY 2009/10 Proposed Charges**

Tract Number	FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
20859	\$66.00	
20869	\$57.00	
20941	\$103.10	
21113	\$57.00	
21332	\$96.00	
21333	\$208.20	
21345	\$114.10	
21597	\$295.20	
21616	\$371.30	\$708.70
21737	\$210.20	
21806	\$69.00	
22093	\$138.00	
22180	\$0.00	
22276	\$193.10	
22277	\$264.20	\$574.10
22371	\$286.20	
22889	\$186.00	
22999	\$67.00	
23046	\$183.00	
24721	\$57.00	
27251	\$465.00	
27526	\$160.10	
28882	\$103.10	
29038	\$60.00	
30027	\$201.00	
30967	\$459.00	
31129	\$81.00	
31257	\$1,050.00	
31268	\$181.10	
31269	\$215.00	
31269-1	\$295.20	
31284	\$127.10	\$186.50
31305	\$248.00	
31424	\$215.00	
31591	\$454.40	
31618	\$364.00	
32005	\$0.00	
32018	\$68.00	

**ZONE D (Parkway Landscape Maintenance)
FY 2009/10 Proposed Charges**

Tract Number	FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
32625	\$1,000.00	
32715	\$913.00	
33436	\$0.00	
33637	\$0.00	
33962	\$0.00	
4-Custom Home	\$0.00	

In the event that Tracts 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277 or 31284 do not individually approve the maximum balloted charge by the majority of the property owners in the separate mail ballot proceedings under Proposition 218 currently scheduled to be concluded at the public hearing of June 9, 2009, the charges hereby approved will be the FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings, as identified above.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone D, as set forth in the report on said charge filed with the Secretary of the District, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any service charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone D is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this _____ day of June 2009.

Mayor of the City of Moreno Valley,
acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

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RESOLUTION NO. CSD 2009-09

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E (HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE IMPROVEMENT AND MAINTENANCE) SERVICES DURING FISCAL YEAR 2009/2010

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide high-service-level parkway landscape improvement and maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E and the various subzones thereof; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E (High-service-level Parkway Landscape Maintenance) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index ("CPI") adjustments, and application of charge as previously approved by the property owners for each assessable parcel of real property within the various subzones of Zone E of the CSD is a necessary and equitable charge to fund, in part, the high-service-level parkway landscape improvement and maintenance services by the CSD for Fiscal Year 2009/2010; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the maximum calculated rates set forth below, which includes previously approved CPI adjustments, to defray in part the costs of furnishing high-service-level parkway landscape improvement and maintenance services within the CSD is hereby approved and adopted as follows on page 3

**Zone E (High-service-level landscape maintenance)
Proposed Charges for FY 2009/10**

Zone E	Specific Plan or Major Development	Charge Category	FY 2009/10 Proposed Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
E-1	TownGate	Per parcel	\$124.10	
		Per acre for non residential/undeveloped parcels	\$496.40	
		Per condo unit Tract 34299	\$56.00	
E-2	Hidden Springs	Per parcel or equivalent dwelling unit	\$391.30	
E-3	Moreno Valley Ranch West	Per parcel	\$124.10	\$155.00
		Per acre for non residential/undeveloped parcels	\$496.40	\$620.00
		Per condo unit Tract 32142	\$55.00	\$68.70
		Tract 32143	\$53.00	\$66.20
		Tract 32144	\$53.00	\$66.20
		Tract 32145 Tract 32146	\$31.00 \$30.00	\$38.70 \$37.50
E-4	Moreno Valley Ranch East	Per parcel	\$110.00	
		Per acre for non residential/undeveloped parcels	\$440.00	
E-7	Centerpointe	Per acre	\$667.60	
E-8	Promontory Park	Per condo unit	\$188.00	
		Per parcel	\$531.00	
E-12	Stoneridge Ranch	Per parcel	\$397.00	
E-14	Mahogany Fields	Per parcel	\$273.00	
E-15	Celebration	Per parcel	\$333.00	
E-16	Shadow Mountain	Per parcel	\$288.00	

In the event that the proposed CSD Zone E-3 charge is not approved by the majority of the property owners in the mail ballot proceeding under Proposition 218 currently scheduled to be concluded at the public hearing of June 9, 2009, the charge hereby approved to be levied is \$124.10 per parcel, \$496.40 per nonresidential/undeveloped parcels, and the per condo unit charge shall remain the same as the charges levied in FY 2008/09.

2. The herein approved charges are hereby confirmed for each parcel of real property within the various subzones of CSD Zone E, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the service charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone E is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this _____ day of June 2009.

Mayor of the City of Moreno Valley,
acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

RESOLUTION NO. CSD 2009-10

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E-1A (RENAISSANCE PARK – WALLS/INTERNAL PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2009/2010

WHEREAS, the Moreno Valley Community Services District (“CSD”) provides or will provide Renaissance Park walls/internal parkway landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E-1A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 and following of the provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD (“CSD Board”), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E-1A (Renaissance Park Walls/internal Parkway Landscape Maintenance) so collected on the tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation, including a Consumer Price Index (“CPI”) adjustment, and application of charge as previously approved by the property owner for each assessable parcel of real property, within CSD Zone E-1A is a necessary and equitable charge to fund, in part, the walls/internal parkway landscape maintenance services for Renaissance Park by the CSD for Fiscal Year 2009/2010; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of seventy-six dollars (\$76.00), which includes previously approved CPI adjustments, to defray in part the costs of furnishing Renaissance Park walls/internal parkway landscape improvement and maintenance services within the CSD, is hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone E-1A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone E-1A is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this _____ day of June 2009.

Mayor of the City of Moreno Valley,
acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

RESOLUTION NO. CSD 2009-11

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E-3A (LASSELLE POWERLINE PARKWAY – WALLS/INTERNAL PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2009/2010

WHEREAS, the Moreno Valley Community Services District (“CSD”) provides or will provide Lasselle Powerline Parkway walls/internal parkway landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E-3A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD (“CSD Board”), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E-3A (Lasselle Powerline Parkway – Walls/Internal Parkway Landscape Maintenance) be so collected on the tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including a Consumer Price Index (“CPI”) adjustment, and application of charge as previously approved by the property owner for each assessable parcel of real property within CSD Zone E-3A is a necessary and equitable charge to fund, in part, walls/internal parkway landscape maintenance services for the Lasselle Powerline Parkway by the CSD for Fiscal Year 2009/2010; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property that is subject to the charge and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of the public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of sixty-six (\$66.00) dollars, which includes previously approved CPI adjustments for CSD Zone E-3A (Lasselle Powerline Parkway) to defray in part the costs of furnishing walls/internal parkway landscape maintenance services within the CSD is hereby approved and adopted.
2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone E-3A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.
3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.
4. The CSD Board made a finding that Zone E-3A is in compliance with Proposition 218.
5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.
6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this _____ day of June 2009.

Mayor of the City of Moreno Valley,
acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

RESOLUTION NO. CSD 2009-12

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E-4A (DAYBREAK DEVELOPMENT – INTERNAL PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2009/2010

WHEREAS, the Moreno Valley Community Services District (“CSD”) provides or will provide internal parkway landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E-4A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD (“CSD Board”), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E-4A (Daybreak Development - Internal Parkway Landscape Maintenance) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index (“CPI”) adjustments, and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone E-4A is a necessary and equitable charge to fund, in part, internal parkway landscape maintenance services for the Daybreak Development by the CSD for Fiscal Year 2009/2010; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of one hundred nine dollars (\$109.00), which includes previously approved CPI adjustments for Zone E-4A (Daybreak Development) to defray in part the costs of internal parkway landscape maintenance services within the CSD hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone E-4A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any service charge that cannot be collected on the County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone E-4A is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this _____ day of June 2009.

Mayor of the City of Moreno Valley,
acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

RESOLUTION NO. CSD 2009-13

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE M (COMMERCIAL/ INDUSTRIAL/MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) SERVICES DURING FISCAL YEAR 2009/2010

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide commercial/industrial/multifamily improved median maintenance services within the CSD and provides funding for such services, in part, through CSD Zone M; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for CSD Zone M (Commercial/industrial/multifamily improved median maintenance) be so collected on the tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index ("CPI") adjustments, and application of charge as previously approved by the property owners for each assessable commercial/industrial/multifamily property within CSD Zone M is a necessary and equitable charge to fund, in part, the improved median maintenance services by the CSD for Fiscal Year 2009/2010; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of not more than 9.5 cents per square foot per year, which includes previously approved CPI adjustments, to defray in part the costs of furnishing commercial/industrial/multifamily improved median maintenance services within the CSD, is hereby approved and adopted.

2. The herein approved charge calculation is hereby confirmed for each parcel of real property within CSD Zone M, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone M is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this _____ day of June 2009.

Mayor of the City of Moreno Valley,
acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

RESOLUTION NO. CSD 2009-14

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE S (SUNNYMEAD BOULEVARD MAINTENANCE) SERVICES DURING FISCAL YEAR 2009/2010

WHEREAS, the Moreno Valley Community Services District ("CSD") shall provide maintenance for improvements under construction along Sunnymead Boulevard from Frederick Street to Perris Boulevard; and,

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and,

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone S (Sunnymead Boulevard Maintenance) along from Frederick Street to Perris Boulevard be so collected on the tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index ("CPI"), and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone S is a necessary and equitable charge to fund, in part, the furnishing of ongoing maintenance for improvements along Sunnymead Boulevard from Frederick Street to Perris Boulevard for Fiscal Year 2009/2010; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held a said hearing, at which time all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and,

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of two dollars and seventy five cents (\$2.75), per linear square footage, which may include previously approved CPI, to defray in part the costs of ongoing maintenance for improvements along Sunnymead Boulevard from Frederick Street to Perris Boulevard within the CSD is hereby approved and adopted.

2. The herein approved parcel charges calculated is hereby confirmed for each said parcel of real property within CSD Zone S, as set forth in the report on said charge filed with the CSD Secretary, as such may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that Zone S is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passages of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charge calculation to the Auditor of the County of Riverside and to the Tax Collector of said County, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this _____ day of June 2009.

Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

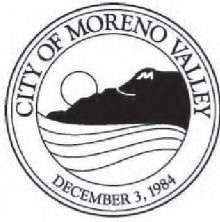
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RDH</i>
CITY MANAGER	<i>RM</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: PUBLIC HEARING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT PROPOSED FISCAL YEAR (FY) 2009/2010 ANNUAL RATES

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice;
2. Adopt "Resolution No. 2009-51, A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll."

ADVISORY COMMITTEE RECOMMENDATION

Not Applicable

BACKGROUND

The 1972 Federal Clean Water Act requires public agencies to obtain permits to discharge urban storm water runoff from municipally owned drainage facilities, including streets, highways, storm drains and flood control channels. This Act also requires local

agencies to clean urban runoff to the maximum extent practicable (MEP), which has not been defined by the federal or state government.

On October 25, 2002, the Santa Ana Regional Water Quality Control Board adopted new requirements the City must implement to remain in compliance. The requirements include a higher-level effort to divert pollutants from entering the drainage system. The service levels require site inspection, discharge monitoring, remedial cleanup efforts, and a higher level of maintenance of the streets and storm drain system before discharging water into the larger storm water collection system.

On June 10, 2003, the City Council approved the "NPDES Regulatory Rate Schedule for New Residential Development." The "NPDES Regulatory Rate Schedule for New Residential Development" was designed to fund NPDES administration and maintenance of water quality ponds and bioswales associated with new single-family residential subdivisions. On January 27, 2004, the City Council authorized the collection of the NPDES regulatory rates for new residential development consisting of single-family dwellings.

On January 10, 2006, the City Council approved the "NPDES Regulatory Rate Schedule for New Common Interest, Commercial, Industrial and Quasi-Public Use Development." The "NPDES Regulatory Rate Schedule for New Common Interest, Commercial, Industrial and Quasi-Public Use Development" was designed to fund NPDES public education, administration and monitoring of site design, source control and treatment control best management practices (BMPs) associated with new common interest, commercial, industrial and quasi-public use development.

The City Council conducted the Public Meeting on May 26, 2009, to provide an opportunity for the public to address the City Council on the proposed FY 2009/2010 annual NPDES regulatory rates.

Proposition 218

Proposition 218, approved in the November 1996 election as a constitutional amendment, specifically addresses the ability of public agencies to collect taxes, fees, charges, and/or assessments as an incidence of property ownership. The City of Moreno Valley has reviewed Proposition 218 with respect to the NPDES regulatory rate collection process. Based upon this review, it has been determined that the NPDES regulatory rate as currently collected, is in compliance with Proposition 218. Conducting the Public Hearing allows property owners an opportunity to address the City Council regarding the continuation of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development."

DISCUSSION

The NPDES regulatory rates are necessary to fund the costs of the storm water management services for the discharge of storm water runoff into municipally owned drainage facilities for pollution control from benefiting parcels.

Proposed Regulatory Rates

The proposed rates shall be levied against each assessable benefiting parcel of real property that is required to comply with the City's NPDES Storm Water Management Program. For FY 2009/2010, the current annual rates and the proposed annual rates remain the same due to virtually no increase in the 2008 calendar year Los Angeles-Riverside-Orange County Regional Consumer Price Index (CPI).

The following tables outline the services provided by each level of service, the current annual rates and the proposed annual rates.

Table 1 reflects the annual rates for New Residential Development.

TABLE 1

NPDES Regulatory Rate for New Residential Development			
Service Level		Current Maximum Annual Rate FY 2008/2009	Proposed Maximum Annual Rate FY 2009/2010
LEVEL I	NPDES Administration and overhead.	\$35.00/Parcel	\$35.00/Parcel
LEVEL II	Water Quality Pond/Basin Maintenance.	\$69.00/Parcel	\$69.00/Parcel
LEVEL II-A	Sand Filter Maintenance.	\$31.00/Parcel	\$31.00/Parcel
LEVEL III	Water Quality Pond/Basin Remediation/Reconstruction.	\$60.00/Parcel	\$60.00/Parcel
LEVEL IV	Water Quality System Retrofit.	\$138.00/Parcel	\$138.00/Parcel

Table 2 reflects the annual rates for New Common Interest, Commercial, Industrial and Quasi-Public Use Development.

TABLE 2

NPDES Regulatory Rate for New Common Interest, Commercial, Industrial and Quasi-Public Use Development			
Service Level		Current Maximum Annual Rate FY 2008/2009	Proposed Maximum Annual Rate FY 2009/2010
LEVEL I	NPDES Administration and overhead.	\$35.00/Parcel	\$35.00/Parcel
LEVEL II	Storm water and non-storm water runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site storm water compliance site activities; review site-specific technical reports and treatment control BMP maintenance records.	\$170.00/Parcel	\$170.00/Parcel

ALTERNATIVES

1. Approve that the City Council conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice and adopt the proposed Resolution, A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll."
2. Do not approve that the City Council conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice and adopt the proposed Resolution , A Resolution of

the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll." *By not conducting the Public Hearing and adopting the resolution, the County of Riverside ("County") may challenge our ability to place the NPDES rates on the County property tax bill.*

FISCAL IMPACT

Regulatory rate increases (including increases due to inflation) have been approved by the benefiting property owners through the mail ballot proceeding. The inflation factor is based on the percentage change in the Los Angeles-Riverside-Orange County CPI for the prior calendar year. For FY 2009/2010, the percentage change calculated is effectively 0.0%.

For FY 2009/2010 the maximum annual regulatory rate per parcel for single-family residential development is \$273 (includes Levels I, II, II-A and IV combined from Table 1). The Level III rate is levied when a water quality pond/basin is taken out of service for remediation/reconstruction thus replaces the Level II rate. Since the Level III rate is less than the Level II rate the maximum rate for residential development cannot be greater than the summation of Levels I, II, II-A and IV. The maximum annual regulatory rate for new common interest, commercial, industrial and quasi-public use development is \$205 (includes Levels I and II combined from Table 2).

Approving annual rates less than that proposed by staff may require a decrease in both the level and quality of service from that provided and approved by benefiting property owners in the previous year. The service level provided would be adjusted according to the approved funding level.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

The proposed "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" provides a revenue source to fund the federally mandated requirements of the NPDES Storm Water Management Program for these types of development.

Public Facilities and Capital Projects

The revenue collected from the proposed "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use

Development” will ensure that all site designs, source controls and treatment controls are properly implemented and maintained.

SUMMARY

The action before City Council is to conduct the Public Hearing, and to adopt the resolution authorizing and approving the levy of the annual NPDES regulatory rates, on certain benefiting properties within the City as submitted in the NPDES Special Levy Report. While state law, after adoption of Proposition 218, does not mandate public hearings to consider charges, rates or fees already in place, such hearings were required under state statutes before adoption of Proposition 218. City policy has been to continue the past practice as a courtesy to the public.

The County collects the rates each year on the property tax bill. The County requires an annual resolution be approved to establish the authority to collect the annual NPDES rate on the tax bill. Approval of the resolution will satisfy the County requirement. The resolution also includes information on compliance with Proposition 218.

NOTIFICATION

- Publication of Agenda
- Newspaper advertising was published on May 8, 2009, with information about the May 26, 2009, Public Meeting and the June 9, 2009, Public Hearing. Additionally, the June 9, 2009, Public Hearing notification was published on May 19, 2009, and again on May 26, 2009.

ATTACHMENTS/EXHIBITS

Attachment “1” – Proposed Resolution

Prepared By
Phuong Hunter
Associate Environmental Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Kent Wegelin
Storm Water Program Manager

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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RESOLUTION NO. 2009-51

A RESOLUTION OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING AND APPROVING THE LEVY OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT ON THE COUNTY OF RIVERSIDE PROPERTY TAX ROLL

WHEREAS, as part of the 1972 Federal Clean Water Act, the federal government mandated that public agencies comply with the NPDES program to obtain Permits to discharge storm water runoff into municipally owned drainage facilities; and,

WHEREAS, on October 25, 2002, the Santa Ana Regional Water Quality Control Board issued new requirements that cities must address, regarding the water pollution contained in storm water runoff to remain in compliance with federal mandates; and,

WHEREAS, the City Council introduced Ordinance No. 708, on January 10, 2006, to repeal and reenact Chapter 3.50 of Title 3 of the City of Moreno Valley Municipal Code by relating to the establishment and collection of the NPDES regulatory rate for new residential and common interest, commercial, industrial, and quasi-public use development based on the approved NPDES regulatory rate and authorization of subsequent rate adjustments by resolution; and,

WHEREAS, Sections 5473 through 5473.8 of the California Health and Safety Code provides that such services may be funded, in whole or in part, by rates which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the City; and,

WHEREAS, the City Council, has determined, and hereby does determine, that it is

in the interest of the City to have the NPDES regulatory rate on new residential, common interest, commercial, industrial, and quasi-public use development be so collected on the County of Riverside property tax roll; and,

WHEREAS, the City Council has determined that levying a regulatory rate against each assessable parcel of real property that is required to comply with the NPDES Permit program, as hereinafter established, is necessary to fund the costs of the storm water management services for the discharge of storm water runoff into municipally owned drainage facilities for pollution control from these land uses; and,

WHEREAS, the City Council heretofore caused a report to be prepared that identified each parcel of real property, which is subject to the regulatory rate, and has caused notice of said report and of the public hearing thereon to be duly given; and,

WHEREAS, the City Council held a Public Hearing on June 9, 2009, at which time all persons wishing to be heard were heard, and at which hearing the City Council heard and considered all objections and protests, if any; and,

WHEREAS, on June 9, 2009, the City Council reviewed and considered the NPDES regulatory rate for new residential and common interest, commercial, industrial, and quasi-public use development to fund the federally mandated NPDES program; and,

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

1. The City Council shall authorize collection of the NPDES regulatory rate on the County of Riverside tax bill for federally mandated NPDES requirements to address the discharge of storm water runoff into municipally owned drainage facilities.

2. The maximum rate to be collected for fiscal year (FY) 2009/2010 shall be \$273.00 per parcel for new residential development, which may be subject to an annual adjustment, if necessary, based on the percentage change calculated for the prior calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index, as published by the Department of Labor's Bureau of Labor Statistics.

3. The maximum rate to be collected for FY 2009/2010 shall be \$205.00 per parcel for new common interest, commercial, industrial, and quasi-public-use development, which may be subject to an annual adjustment, if necessary, based on the percentage change calculated for the prior calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index, as published by the Department of Labor's Bureau of Labor Statistics.

4. The NPDES regulatory rate, as herein confirmed, shall be collected on the tax roll at the same time and by the same persons, and in the same manner as, together with and not separately from, general taxes, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties, as provided for in Sections 5473 through 5473.8 of the California Health and Safety Code.

5. The City Council made a finding that collection of the NPDES regulatory rate is in compliance with Proposition 218.

6. The effective date of this Resolution shall be June 9, 2009.

APPROVED AND ADOPTED this 9th day of June, 2009.

Mayor of the City of Moreno Valley

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

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CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES
June 9, 2009

- a) Report by Council Member Robin N. Hastings
on Western Riverside Council of Governments
(WRCOG) and Riverside County Habitat
Conservation Agency (RCHCA)**

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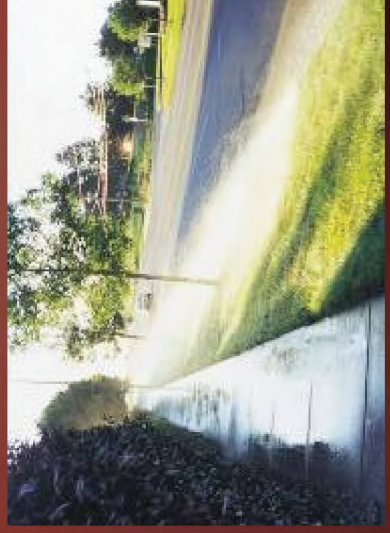
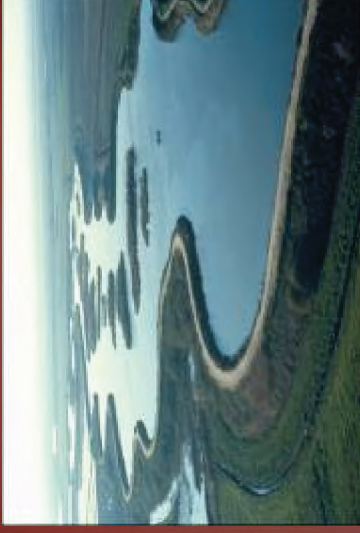
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Water Budget-Based Tiered Rates and Water-Saving Tips



California's Water Supply Status

- **Droughts**
 - Weather drought
 - Regulatory drought
- **Water waste**
- **Drought Emergency**
 - Mandatory reduction in water from Metropolitan Water District (MWD)
- **Cost Increases**
 - MWD costs increased 14.5 percent in January 2009
 - MWD costs to increase 19.7 percent in September 2009



What is EMWD Doing?

- **Local projects offset need for MWD water and help absorb cost increases**
 - **Demonstration Garden**
 - **Recycled Water**
 - **Desalters**
 - **Groundwater**
 - **Conservation Programs**
- **Local projects produced nearly 54,000 acre feet in 2008**



What is EMWD Doing?

- **Other EMWD efforts to absorb cost increases**
 - **Budget cuts, deferred projects, grants & low-interest loans**
 - **Water Use Efficiency Ordinance**
 - **Water Budgets & Tiered Rates**



Water Budgets

- Budgets provide water needed based on:
 - Number of people in the household
 - Estimated irrigated area and daily weather information
- Variance process customizes water budgets for individual household size, property size, and special circumstances

Indoor Water Budgets

- **Indoor Water Budget**
 - **60 gallons per day per person**
 - Default value for single family residential set at 3 people
 - Default value for multifamily residential set at 2 people
 - **Indoor water budgets will be automatically adjusted according to the number of days in the billing period**

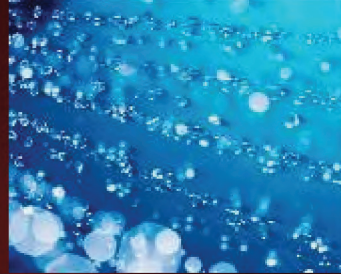
EXAMPLE: 3 person household

- **30 day billing period = 7 billing units (5,236 gallons)**
- **35 day billing period = 8 billing units (5,984 gallons)**
- **45 day billing period = 11 billing units (8,228 gallons)**

1 billing unit = 748 gallons

What's 60 gallons a day equal?

- **Toilets – 4 flushes per person, per day**
 - Put food coloring in the tank and wait a few minutes. If color shows up in the bowl, it's leaking.
- **Showers – 8 minutes per person, per day**
 - Install low-flow showerheads.
- **Kitchen and bath faucets – 8 minutes per person, per day**
 - Turn it off when you brush your teeth or shave.
- **Dishwasher – 1 load per person, per week**
 - Run when dishwasher is full.
- **Clothes Washer – 2 loads per person, per week**
 - Adjust water levels or run only with full loads.



Outdoor Water Budgets

- **Outdoor Water Budget**
 - **Estimated irrigated area**
 - Default value for single family residential is 3,000 sq. ft.
 - Default value for large property is 6,000 sq. ft.
 - **Daily Weather Information**
 - Evapotranspiration (ET) data based on turf grass for 50 zones
- **Monthly budgets will vary**
 - **Number of days in billing period**
 - **Actual weather conditions**
 - Customers will receive more water in the summer for outdoor water budgets than in the winter



Variances

- **Indoor Variances**
 - Additional household members
 - In-home daycare facility
 - Medical Needs
- **Outdoor Variances**
 - Additional irrigated area
 - Refilling of swimming pools/spas or ponds
 - Large animals (weighing over 100 lbs. each)
- **Variance Forms available at www.emwd.org**



Tiered Rates

- Designed to reward water use efficiency and discourage water waste

Indoor Use	\$1.301/billing unit
Outdoor Use	\$2.381/billing unit
Excessive	\$4.267/billing unit
Wasteful	\$7.805/billing unit

1 billing unit = 748 gallons

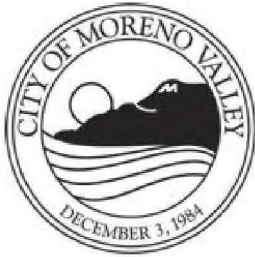


www.usewaterwisely.org

Tips to Stay in Budget

- Water during the early morning hours
- Divide your watering cycle into shorter periods to reduce runoff
- Only water lawn if you leave footprints in grass
- Use a layer of mulch around plants to reduce evaporation
- Reduce turf grass area
- Choose low water use plants
- Install an ET controller

Questions?



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RDA</i>
CITY MANAGER	<i>PH</i>

Report to City Council

TO: Mayor and City Council and the City Council Acting in their Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 9, 2009

TITLE: PUBLIC MEETING REGARDING A MAIL BALLOT PROCEEDING FOR TENTATIVE TRACT MAP 32711 BALLOTING FOR NPDES AND CSD ZONE B

RECOMMENDED ACTION

1. Staff recommends that the Mayor and City Council, accept public comments regarding the mail ballot proceeding for Tentative Tract Map (TTM) 32711 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum residential regulatory rate.
2. Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceeding for TTM 32711 for inclusion into and approval of the annual parcel charge for CSD Zone B (Residential Street Lighting)

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Public Works Department, requires that new development projects participate in the appropriate NPDES regulatory rate to fund federally mandated programs. The City Council adopted the residential regulatory rate on June 10, 2003, which was revised on

June 10, 2008. The City Council adopted the commercial/industrial regulatory rate on January 10, 2006.

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the cost of special services to those parcels receiving the benefit. Each zone provides specific services to designated areas. The CSD provides street lighting maintenance to new and existing neighborhoods, landscape maintenance to various tracts within the City, and improved median landscape maintenance.

DISCUSSION

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, Special Districts (SD), a division of the Public Works Department, is conducting a mail ballot proceeding to allow the property owner of TTM 32711 the decision to approve or oppose the NPDES maximum residential regulatory rate and for the inclusion into and approval of the annual charge for the CSD Zone B program. Property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on June 9, 2009 and the Public Hearing on June 23, 2009, when the results of the ballot proceeding will be announced.

New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. Public agencies are to obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels.

If approved by the property owner, the City will provide stormwater services required for the continuous operation, enhancement, and maintenance of the affected areas and be authorized to levy a regulatory rate to each associated parcel (and any division thereof) on the Riverside County property tax bill or as a monthly charge on a utility bill. The annual NPDES maximum residential regulatory rate for fiscal year (FY) 2009/10 is \$273 per parcel.

The CSD will accept for maintenance the residential streetlights adjacent to parcels associated with TTM 32711 (and any division thereof) and be authorized to levy the FY 2009/10 CSD Zone B annual charge of \$39 per parcel on the Riverside County property tax bill.

Streetlights in residential neighborhoods are energized and maintained by an agreement the CSD holds with Moreno Valley Utility (MVU) or Southern California Edison (SCE). Developer-paid advanced energy charges support electrical energy costs until the CSD collects the annual charge through the property tax bill process.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceeding for TTM 32711 for approval of the NPDES maximum residential regulatory rate and for inclusion into and approval of the annual charge for CSD Zone B (Residential Street Lighting). *By accepting public comment, the City complies with Proposition 218 state statutes for providing public comment.*
2. **Do not accept public comments** regarding the mail ballot proceeding for TTM 32711 for approval of the NPDES maximum residential regulatory rate and for inclusion into and approval of the annual charge for CSD Zone B (Residential Street Lighting). *This alternative would be contrary to state statutes.*

FISCAL IMPACT

The NPDES maximum residential regulatory rate for TTM 32711 for FY 2009/10 is \$273 per parcel (and any division thereof). The NPDES maximum regulatory rate may be subject to an annual inflation adjustment in subsequent years based on the annual percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The NPDES rate collected from property owners supports the current Permit programs, which reduces the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State.

For FY 2009/10, the annual charge for CSD Zone B for TTM 32711 is \$39 per parcel. The CSD Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics, or 5 percent. There is no impact on the General Fund for the operation of the CSD Zone B program.

CITY COUNCIL GOALS

Advocacy

Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Public Facilities and Capital Projects

The CSD Zone B program ensures that identified areas are adequately illuminated and maintained.

Revenue Diversification and Preservation

The NPDES maximum residential regulatory rate and CSD Zone B charge provides funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public comments regarding the mail ballot proceeding for TTM 32711.

NOTIFICATION

On April 17, 2009, a ballot packet was mailed to the property owner of TTM 32711. The packet included a cover letter, map of the project area, the NPDES residential rate schedule, notice to the property owner, instructions, a ballot, and a postage-paid envelope for returning the ballot to the City Clerk. (See Attachment 1.)

Newspaper advertising for the June 9, 2009, Public Meeting and June 23, 2009, Public Hearing was published in The Press-Enterprise on May 22, 2009. Additionally, the Public Hearing notification was published on June 5, 2009 and will be published again on June 12, 2009.

ATTACHMENTS

Attachment 1: TTM 32711 mail ballot packet

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Sue Anne Maxinoski,
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\jennifert\Ballots for FY 08.09\B NPDES\TTM 32711\Strprt PM 06.09.09.doc

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

Isaac Genah
c/o CSA Trust
1430 Tangelo Ln
La Habra Heights, CA 90631

Subject: Mail Ballot Proceeding for Tentative Tract 32711, located near the northwest corner of Indian St. and Delphinium Ave., for approval of the National Pollutant Discharge Elimination System (NPDES) Maximum Residential Regulatory Rate and inclusion into Community Services District (CSD) Zone B (Residential Street Lighting) annual charge

Dear Mr. Genah:

The Special Districts Division is conducting a mail ballot proceeding to fulfill two Conditions of Approval for Tentative Tract 32711, which require this project to provide a funding source to help support the NPDES and CSD Zone B programs. Approving the NPDES maximum residential regulatory rate and annual Zone B charge through a mail ballot proceeding will satisfy these requirements.

Please return the completed ballots in the enclosed postage-paid envelopes. The City Clerk's office must receive the ballots prior to the close of the Public Hearing on June 23, 2009.

NPDES Residential Regulatory Rate

Newly developed and/or modified properties within the City of Moreno Valley are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. The City will provide stormwater services required for the continuous operation, enhancement, and maintenance of the affected areas and be authorized to levy a regulatory rate to each associated parcel (and any division thereof) on the Riverside County property tax bill or as a monthly charge on a utility bill. The annual NPDES maximum residential regulatory rate for fiscal year (FY) 2009/10 is \$273 per parcel. (Please refer to the enclosed schedule.)

The NPDES maximum residential regulatory rate may be subject to an annual inflation adjustment, based on the percentage change calculated for the prior calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

CSD Zone B (Residential Street Lighting)

Streetlights in residential neighborhoods are energized and maintained through a service agreement the CSD holds with Moreno Valley Utilities (MVU) or Southern California Edison

ATTACHMENT 1

-711-

Item No. G .3

Letter to I. Genah
April 17, 2009

(SCE). Developer-paid advanced energy charges support electrical energy costs until the CSD collects Zone B charges on the property tax bill. The CSD Zone B annual charge for FY 2009/10 is \$39 per parcel.

The CSD Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics, or 5 percent.

Ballot Process

In accordance with the legislative requirements of Proposition 218, "The Right to Vote on Taxes Act," the Special Districts Division submits the enclosed Notice to the Property Owner-Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charges.

If you have any questions about the proposed programs, charges, or this process, please contact Jennifer Terry, Management Analyst, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 8:00 a.m. to 5:00 p.m. at 951.413.3505.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer

Jennifer Terry
Management Analyst

Enclosures

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING
National Pollutant Discharge Elimination System (NPDES)
Maximum Residential Regulatory Rate
Community Services District (CSD) Zone B (Residential Street Lighting)
Tentative Tract 32711 (and all affected phases)**

I. BACKGROUND

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the affected property owners of record. In compliance with Proposition 218 legislation, the Special Districts Division is conducting a mail ballot proceeding to provide the property owner of Tentative Tract 32711 (and all affected phases) the opportunity to express support or opposition to the approval of the NPDES maximum residential regulatory rate and inclusion into and approval of the annual CSD Zone B charge.

To comply with Federal Clean Water Act mandates, the City shall provide the necessary services for the continuous operation, enhancement, and maintenance of the stormwater discharge system. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from residential/commercial developments.

The CSD was formed simultaneously with City incorporation and established zones, such as Zone B, to allocate the cost of services to those parcels designated to receive special benefit from the program. CSD Zone B provides residential street lighting services to designated parcels or tracts that have streetlights constructed within their residential developments. Parcels that derive a proportional benefit from the services are subject to the annual CSD Zone B charge.

II. NOTICE - PUBLIC MEETING AND PUBLIC HEARING

To provide for public comments on the current mail ballot proceeding for Tentative Tract 32711 (and all affected phases) regarding the approval of the NPDES maximum residential regulatory rate and inclusion and approval of the annual CSD Zone B charge, the City Council/CSD Board of Directors has scheduled one (1) Public Meeting and one (1) Public Hearing, at their regular meetings, which will be held at the Moreno Valley City Hall Council Chamber as follows:

PUBLIC MEETING

TUESDAY, June 9, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, June 23, 2009
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

III. CHARGE INFORMATION

1. Name of the charges for Tentative Tract 32711 (and all affected phases):

NPDES Maximum Residential Regulatory Rate
CSD Zone B (Residential Street Lighting)

2. **Maximum Annual Levy Amounts for Tentative Tract 32711 (and all affected phases):**

For FY 2009/10, the NPDES maximum residential regulatory rate is **\$273** per parcel (or any division thereof). The total parcel charges levied for NPDES for FY 2008/09 was \$389,445.

Beginning in FY 2010/11 the NPDES maximum residential regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

For FY 2009/10 the annual CSD Zone B charge is **\$39** per parcel. The total CSD Zone B charges levied for FY 2008/09 was \$929,756.

Beginning in FY 2010/11 the CSD Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics, or 5 percent.

3. **Duration of the Proposed Charges:** The NPDES maximum residential regulatory rate shall be annually levied beginning in FY 2009/10 on the Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone B charge shall be annually levied on the Riverside County property tax bill beginning in FY 2009/10. The charges will be levied each following year at the proposed rate and may include an annual inflation adjustment.

4. **Reason for the Charges:**

NPDES Maximum Residential Regulatory Rate

In compliance with the Federal Clean Water Act, new residential/commercial projects are to follow restrictive stormwater discharge guidelines. The City of Moreno Valley shall provide stormwater maintenance to residential neighborhoods for the continuous operation, systems evaluation/enhancement of the affected areas and the implementation of federally mandated NPDES requirements. Additionally, the rate schedule provides funds for monitoring, maintaining, and if necessary, improving the water quality basins.

CSD Zone B

CSD Zone B provides ongoing residential street lighting services to designated parcels or tracts that have streetlights constructed and accepted by the CSD. Developer-paid advanced energy charges support electrical energy costs until the CSD collects Zone B charges on the property tax bill. The Zone B annual parcel charge funds energy charges, maintenance costs; administration, and other items necessary for the satisfactory maintenance of the residential streetlights.

5. **Calculation of the Charges:** Each fiscal year, the City of Moreno Valley determines the type of services necessary to comply with NPDES Permit requirements and levies the rate applicable for that service. The annual rate is weighted according to the proportional benefit received. The Moreno Valley CSD provides services through various programs that are weighted according to the proportional financial obligation of the properties receiving the benefit.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have questions about the proposed programs, rate/charge, or this process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3505.

V. SUMMARY OF BALLOT PROCEEDINGS

Please follow the instructions listed below to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are on file in the City Clerk's office of the City of Moreno Valley.

1. Mark the enclosed ballots in support or opposition to the NPDES maximum residential regulatory rate and to the inclusion into and approval of the annual CSD Zone B charge **by placing an appropriate valid mark in the corresponding box. A listing containing appropriate valid markings is attached for reference.**
2. **Sign your name** on the ballots. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.
4. Ballots must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, June 23, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Approval of the NPDES maximum residential regulatory rate and inclusion into and approval of the annual charge for the CSD Zone B program will be confirmed if a majority of the APNs are marked in favor of the rate/charge.

Not approving the NPDES maximum residential regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval.

If a majority of APNs oppose the inclusion into CSD Zone B, then the annual parcel charge will not be levied on the property tax bill and the CSD shall not accept responsibility for maintenance of the residential streetlights.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



A dot or oval mark substantially inside a box;



A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

RESIDENTIAL NPDES RATE SCHEDULE
 Adopted by the City Council on June 10, 2003 (Level I, II, III, IV)
 Adopted by the City Council on June 10, 2008 (Level II-A)

LEVEL I	LEVEL II	LEVEL II-A	LEVEL III	LEVEL IV
NPDES Administration (Not covered by CSA 152) Costs associated with personnel administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.	Water Quality Pond/Basin Maintenance Costs associated with the maintenance and monitoring of the water quality pond/basin. This includes, but is not limited to maintenance on a quarterly basis of vegetative material, civil work and utility and personnel costs. Level II, in addition to Level I is levied on all properties within tracts that have a water quality pond/basin or on properties that benefit from a neighboring water quality pond/basin.	Sand Filter Maintenance Costs associated with the maintenance and monitoring of the sand filter within a water quality pond/basin. This includes, but is not limited to maintenance of a sand bed, bleeder lines and costs for personnel. Level II-A, in addition to Level II and Level I is levied on all properties within residential developments that have a water quality pond/basin with a sand filter or on properties that benefit from a neighboring water quality pond/basin with a sand filter.	Water Quality Pond/Basin Remediation/Reconstruction Costs associated with the remediation and reconstruction of water quality pond/basin. Remediation and reconstruction may include the following: replacement of soil, irrigation, removal and hauling of wastes, catch basin insert filters, vortex devices, installation of in-line filter systems, and nutrient baskets, etc.	Water Quality System Retrofit Costs associated with the retrofitting, replacement, monitoring and maintenance of water quality pond/basin systems and appliances. This may include retrofitting of catch basin insert filters, vortex devices, installation of in-line filter systems, and nutrient baskets, etc.
Per/Mon. Per/Yr. \$2.50 \$30.00	Per/Mon. Per/Yr. \$4.75 \$57.00	Per/Mon. Per/Yr. \$2.50 \$30.00	Per/Mon. Per/Yr. \$4.24 \$50.88	Per/Mon. Per/Yr. \$9.64 \$115.68
Proposed Parcel Rate \$30.00	Proposed Parcel Rate \$57.00	Proposed Parcel Rate \$30.00	Proposed Parcel Rate \$50.88	Proposed Parcel Rate \$115.68




Each Service Level may be imposed on an as-needed basis and cumulative (if required)







Fiscal Year (FY) 2003/2004 - Base Year Calculation, subject to inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index

Inflation Factor Adjustments:

- 2004/2005 - 1.8% = (\$31.00, \$58.00, \$2.00 & 118.00)
- 2005/2006 - 4.4% = (\$32.00, \$61.00, \$4.00 & 123.00)
- 2006/2007 - 4.5% = (\$33.00, \$64.00, \$5.00 & 128.00)
- 2007/2008 - 3.1% = (\$34.00, \$66.00, \$6.00 & 132.00)
- 2008/2009 - 4.2% = (\$35.00, \$69.00, \$7.00, \$138.00)
- 2009/2010 - no change = (\$35.00, \$69.00, \$7.00, \$138.00)

Tentative Tract 32711

-  Roads
-  Parcels
-  City Boundary

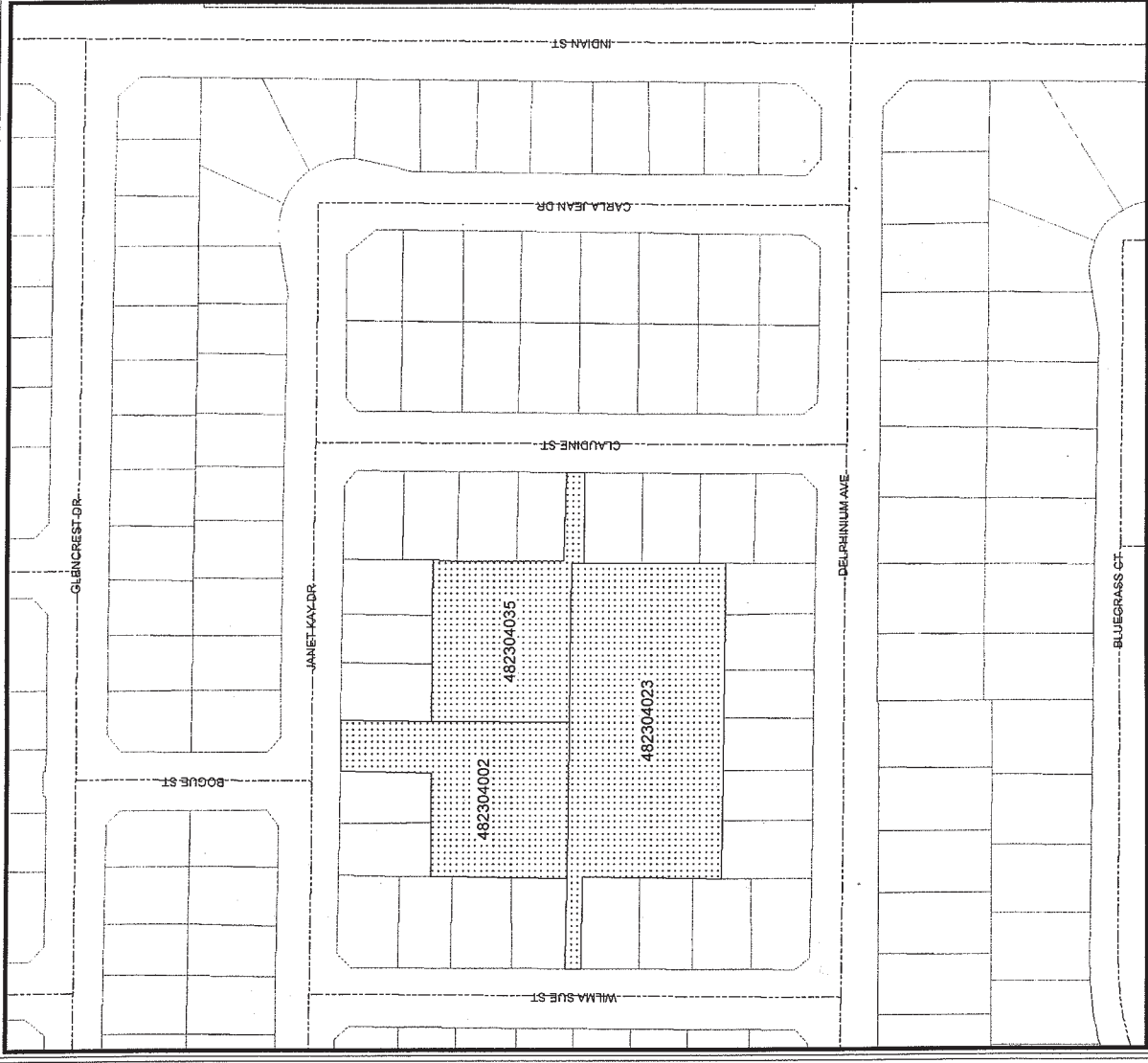
APN	APN	APN
	482304002	
	482304023	
	482304035	

Map reflects all changes indicated on Riverside County Assessor Maps as of April 6, 2009.



G:\AVP\SDA\TTM 32711.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon for independent verification as to its accuracy. Data and information on this map are subject to change and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.



OFFICIAL MAIL BALLOT

**Community Services District Zone B (Residential Street Lighting)
Tentative Tract 32711 (and all affected phases)**

YES* – As property owner, **I approve** the Community Services District (CSD) Zone B (Residential Street Lighting) service and associated charge. The CSD will accept for maintenance the residential streetlights adjacent to the Assessor Parcel Numbers (APNs) listed below and be authorized to levy an annual parcel charge on the Riverside County property tax bill for each APN (and any division thereof) after the streetlights have been installed and energized. The CSD Zone B annual parcel charge for fiscal year (FY) 2009/10 is \$39 and will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics, or 5 percent.

NO** – As property owner, **I do not approve** the CSD Zone B service and associated charge. The CSD will not accept the ongoing energization and maintenance of the residential streetlights adjacent to the APNs listed below and the charge for Zone B services will not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone B Annual Charge
482-304-002 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$39
482-304-023 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$39
482-304-035 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$39

This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley Community Services District prior to the close of the Public Hearing to be held on June 23, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

PROPERTY OWNER SIGNATURE

DATE

Please remember to mark the appropriate box, sign and date the ballot
and return to the City Clerk's Office in the enclosed envelope

Llame al (951) 413-3480 para obtener información verbal en Español.

OFFICIAL MAIL BALLOT

**National Pollutant Discharge Elimination System (NPDES)
Residential Regulatory Rate
Tentative Tract 32711**

YES* – As property owner, **I approve** the NPDES maximum residential regulatory rate and services. The City of Moreno Valley will provide stormwater services for the continuous operation, enhancement, and maintenance of the affected areas within Tentative Tract 32711. For fiscal year (FY) 2009/10, the NPDES maximum residential regulatory rate is \$273 per parcel. Beginning in FY 2010/11, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. Upon approval of the maximum regulatory rate, the annual levy amount will be assessed to each associated parcel (and any division thereof) and will be placed on the 2009/10 Riverside County property tax bill or as a monthly charge on a utility bill.

NO** – As property owner, **I do not approve** the NPDES maximum residential regulatory rate and services for Tentative Tract 32711. I understand that not approving the NPDES maximum residential regulatory rate to fund federally mandated NPDES requirements shall result in noncompliance with the project's Conditions of Approval.

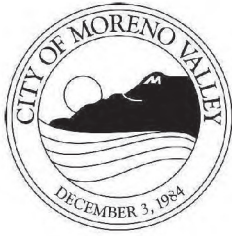
Assessor Parcel Number	YES*	NO**	NPDES Maximum Annual Residential Regulatory Rate
482-304-002 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$273
482-304-023 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$273
482-304-035 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$273

This ballot must be received by the City Clerk of the City of the Moreno Valley prior to the close of the Public Hearing to be held on June 23, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's Office in the enclosed envelope

Llame al (951) 413-3480 para obtener información verbal en Español.



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RJA</i>
CITY MANAGER	<i>RM</i>

Report to City Council

TO: Mayor and City Council

FROM: Steve Elam, Financial & Administrative Services Director

AGENDA DATE: June 9, 2009

TITLE: PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2009-10

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Proposed Operating Budget for Fiscal Year 2009-10.

BACKGROUND

The Proposed Operating Budget is the City Manager's recommended budget and consists of projected operating revenues and expenditures for the fiscal year beginning July 1, 2009 and ending June 30, 2010. As such, it represents the proposed financial plan for the upcoming fiscal year and is presented for the City Council's consideration and deliberation prior to adoption.

The Proposed Operating Budget does not include capital improvements. Instead, these are compiled in a separately issued Proposed Capital Improvement Plan (CIP), which is a multi-year plan that identifies and prioritizes funding for future capital improvements such as land acquisitions, buildings, and infrastructure.

The City previously implemented a best practice of utilizing a Two-Year Budget, with the second year of the budget representing a greatly streamlined process of applying an inflationary factor to most ongoing expenditure categories. However, in the current economic environment such an approach is not practical, since all budgeted expenditures must be carefully evaluated and adjusted to remain within the City's revenue constraints. Therefore, the Fiscal Year (FY) 2009-10 Proposed Operating Budget represents a one-year financial plan developed to provide the highest possible service levels to the Community over the upcoming fiscal year, given the reduced revenues that are projected to be available.

DISCUSSION

The City's Proposed Operating Budget for FY 2009-10 is \$187,021,200; representing all funds and special districts. The General Fund portion of the budget is \$86,875,900. Since the General Fund is the most impacted by economic conditions, the primary focus in adopting the proposed budget is how to balance the General Fund's expenditures with its diminishing revenues resulting from the current economic recession.

The Proposed Operating Budget is presented with a deficit of \$6,286,400 as shown below:

- | | |
|---|---------------------|
| • Projected General Fund Operating Revenues & Other Sources | \$80,589,600 |
| • Proposed General Fund Operating Expenditures (rounded) | <u>86,876,000</u> |
| • Projected General Fund Operating Deficit | <u>\$ 6,286,400</u> |

Proposed solutions for addressing the projected deficit are also presented for the City Council's consideration. If implemented, these solutions will allow a balanced General Fund budget to be adopted.

The schedule leading up to adoption of the FY 2009-10 Operating Budget is shown below:

- | | |
|-----------------|---|
| • June 9, 2009 | Presentation of budget overview (no action requested). |
| • June 16, 2009 | Study Session to deliberate on proposed solutions for balancing the budget; provide direction to staff and address other questions or issues. |
| • June 23, 2009 | Final deliberations and adoption of budget. |
| • June 30, 2009 | Back-up City Council meeting to adopt budget (only if needed). |

ALTERNATIVES

The following alternatives are available to the City Council:

1. Receive and file the Proposed Operating Budget for Fiscal Year 2009-10.
2. Follow the proposed schedule to deliberate on the budget balancing options, leading to adoption of the budget on June 23, 2009.
3. Provide staff with further direction.

Staff recommends Alternative Nos. 1 and 2.

FISCAL IMPACT

The fiscal impacts of the Proposed Operating Budget for FY 2009-10 are contained within the budget document; the most significant being the proposed solutions for balancing the General Fund budget deficit of nearly \$6.3 million.

CITY COUNCIL GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

SUMMARY

The Proposed Operating Budget for FY 2009-10 is hereby submitted for the City Council to receive and file. Following the overview presentation of the budget on June 9, 2009, Council will have the opportunity to deliberate on the budget and provide direction to staff regarding proposed solutions for balancing the budget during a Study Session on June 16, 2009. Final budget deliberations and budget adoption are scheduled for June 23, 2009; with June 30, 2009 available as a back-up City Council meeting for budget adoption if needed.

NOTIFICATION

Publication of the agenda

ATTACHMENTS/EXHIBITS

Proposed Operating Budget for Fiscal Year 2009-10 (*Document provided under separate cover.*)

Prepared by:
Steve Elam
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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City of Moreno Valley

Overview of Proposed Operating Budget

Fiscal Year 2009-10

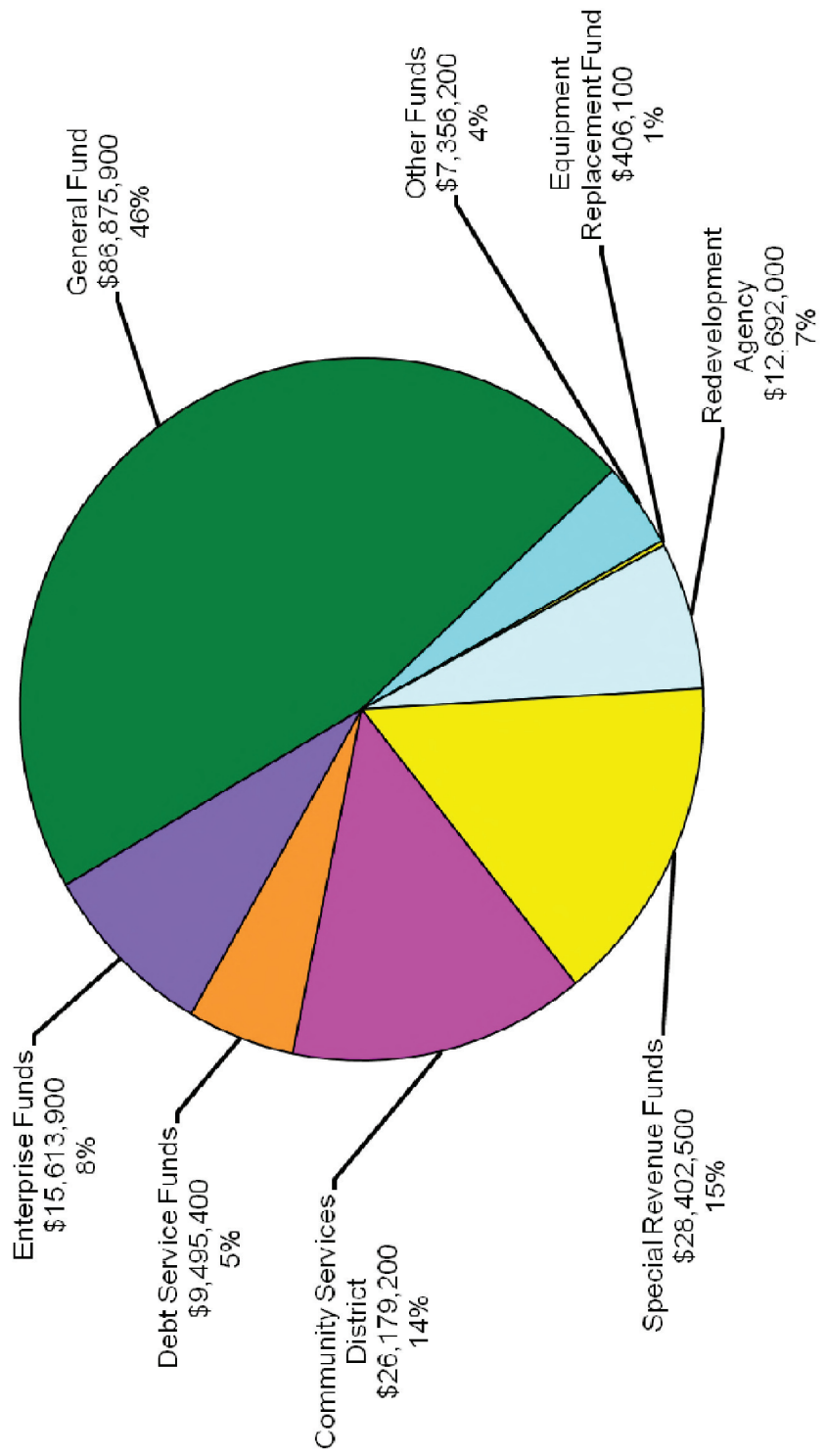
June 9, 2009

Budget Parameters

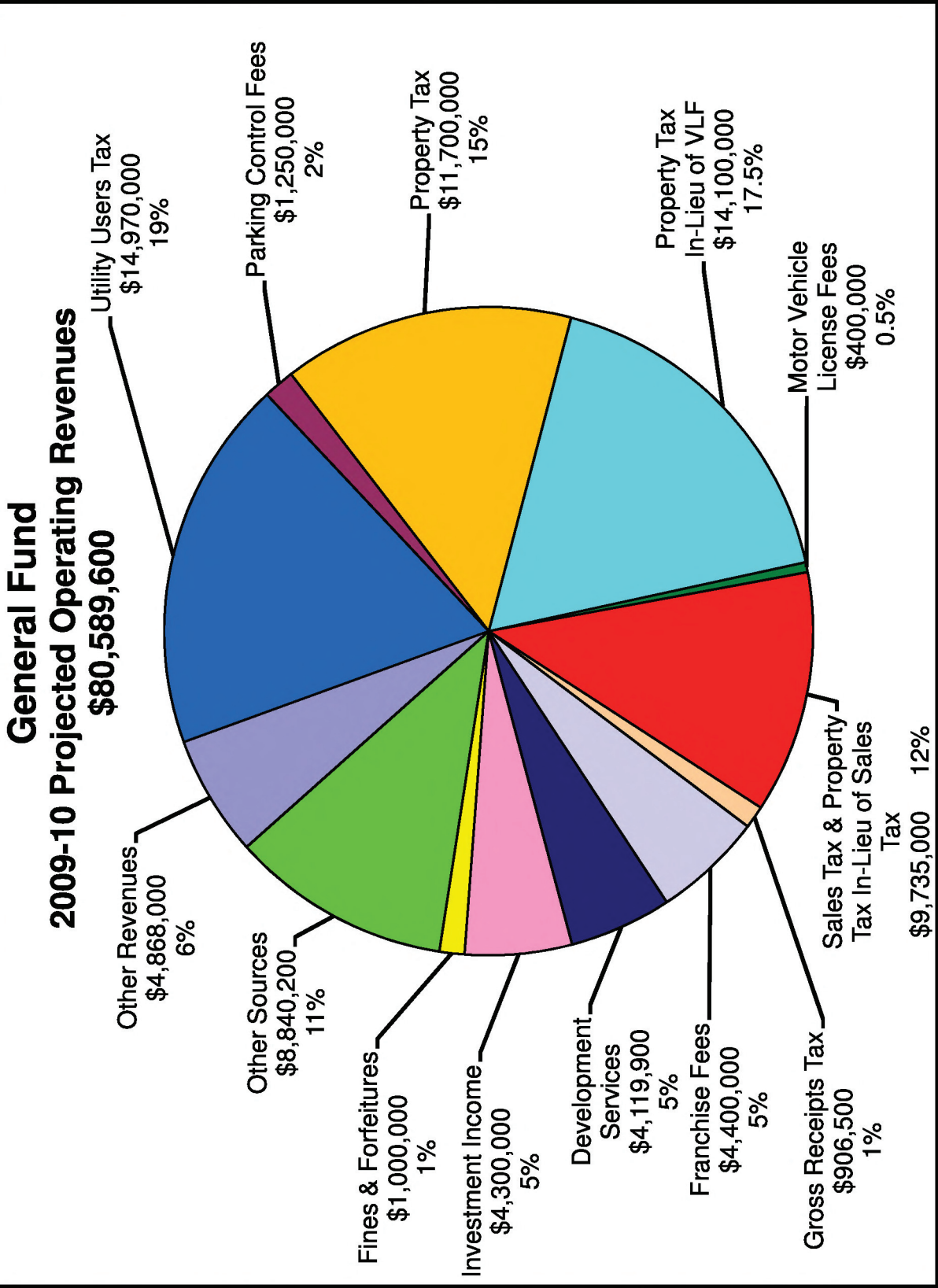
- City Manager's recommended budget.
- Proposed Financial Plan for FY 2009-10.
- Does not include Capital Improvement Projects; presented in separate Proposed Capital Improvement Plan (CIP) document.
- Two-Year Budget practice not practical during challenging economic times.
- Council to be kept apprised during fiscal year via First Quarter and Mid-Year Budget Reviews.

Total City Operating Budget

Total City Budget
2009-10 Proposed Operating Expenditures
\$187,021,200

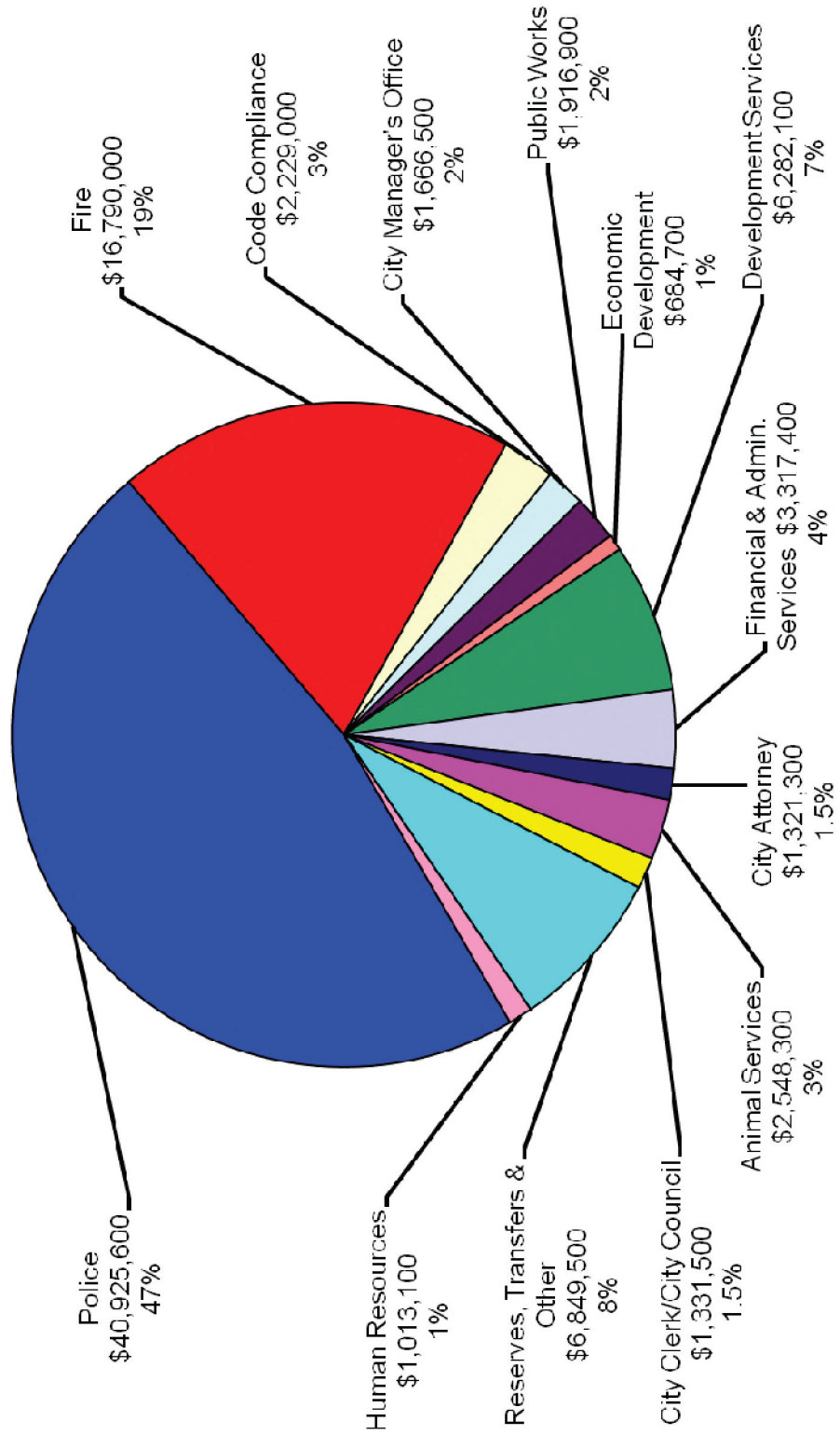


General Fund Operating Revenues



General Fund Operating Expenditures

**General Fund
2009-10 Proposed Operating Expenditures
\$86,875,900**

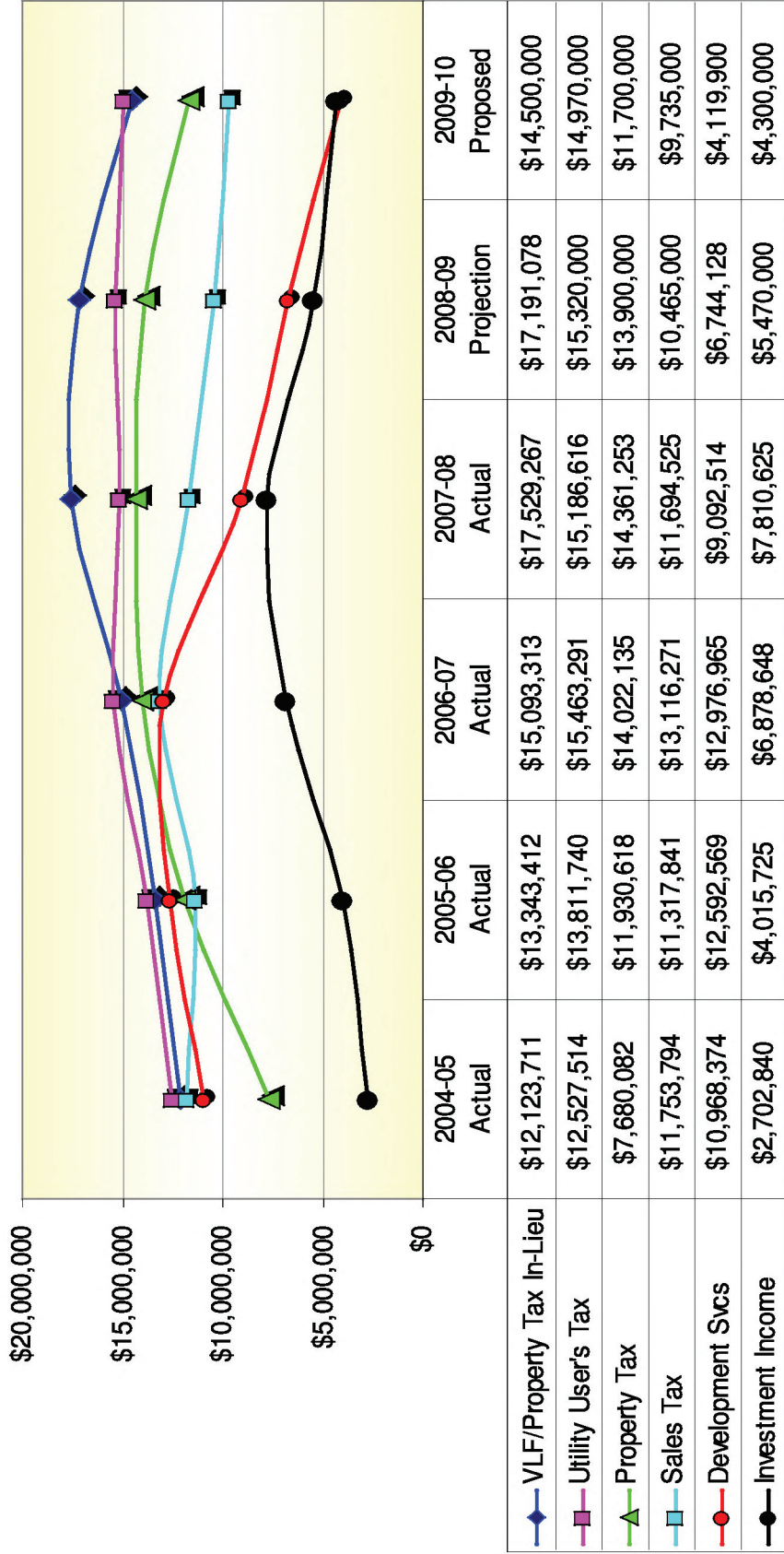


General Fund Revenue Detail

Revenue Source	FY 06-07 <u>Actual</u>	FY 07-08 <u>Actual</u>	FY 08-09 <u>Budget</u>	FY 08-09 <u>Projected</u>	FY 09-10 <u>Projected</u>
Property Tax In-Lieu of VLF	\$14,150,000	\$16,728,600	\$17,400,000	\$16,791,078	\$14,100,000
Utility Users Tax	15,463,291	15,186,616	16,500,000	15,320,000	14,970,000
Property Tax	14,022,135	14,361,253	14,300,000	13,900,000	11,700,000
Sales Tax	13,116,271	11,694,525	13,000,000	10,465,000	9,735,000
Development Svcs.	12,976,965	9,092,514	8,142,531	6,744,128	4,119,900
Investment Income	6,878,648	7,810,625	5,381,377	5,470,000	4,300,000
Other	6,359,448	7,427,734	5,191,501	5,526,556	4,868,000
Franchise Fees	4,428,443	4,478,698	4,800,000	4,520,000	4,400,000
Parking Control Fees	977,532	1,000,405	1,300,000	1,125,000	1,250,000
Fines & Forfeitures	1,002,690	1,003,467	1,000,000	1,000,000	1,000,000
Gross Receipt Tax	1,315,039	1,111,021	1,000,000	1,000,000	906,500
Vehicle License Fees	943,312	800,667	950,000	400,000	400,000
TOTAL	<u>\$91,633,774</u>	<u>\$90,696,125</u>	<u>\$88,965,409</u>	<u>\$82,261,762</u>	<u>\$71,749,400</u>

General Fund Revenue Trend

General Fund Revenue History & Projection



Previous Expenditure Reductions

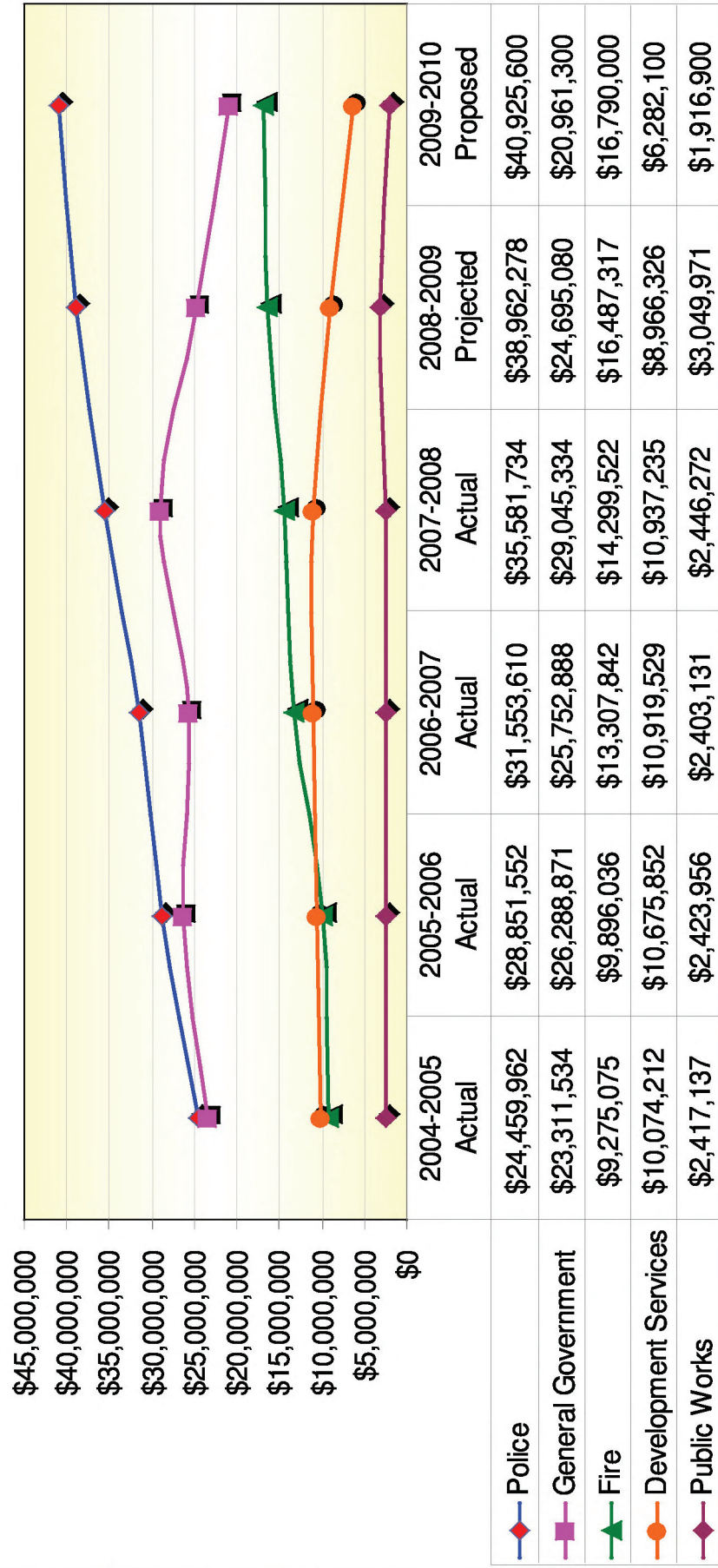
- FY 2007-08 General Fund expenditures reduced by \$11.2 million in response to revenue shortfall of \$8 million (\$3.2 million savings generated).
- FY 2008-09 General Government expenditures reduced by another \$4.3 million in response to continued revenue decline (anticipated budgetary savings of \$2 million).

FY 2009-10 Savings Targets & Results

- Development Services : 25%
- Non-Development Services: 20%
- Police & Fire non-contract budgets: 20%
- Programs previously exempted: 10%
 - Animal Services
 - Code Compliance
 - Graffiti Removal
- Library: achieved 20% target; reduced to 10% due to service level impact.
- Savings from above targets: \$5.5 million.

General Fund Expenditure Trend

General Fund Expenditure History & Projection



Workforce Reduction

- 66 positions previously defunded.
- 49 additional positions defunded to meet savings targets (17 vacant; 32 filled).
- 13 of the filled positions represent voluntary retirements through the early retirement incentive program (34 total retirements announced; 13 of these in the General Fund).
- 115 total positions defunded over 2-year period; 26% vacancy rate in career workforce.

Service Level Impacts

- Reductions in public counter staffing;
- Slower response times on requests for plan checks and inspections;
- Slower processing of animal intake and adoptions;
- Deferral of maintenance on public facilities and infrastructure;
- Slower response to public and City Council inquiries;
- Potential impact on internal controls, with greater decentralization of certain functions.

General Fund Summary

Budget Category	Proposed FY 2009-10 Budget
Operating Revenues	
Utility Users Tax	\$14,970,000
Property Tax	11,700,000
Property Tax In-Lieu of VLF	14,100,000
Sales Tax	9,735,000
Development Services	4,119,900
Investment Income	4,300,000
Franchise Fees	4,400,000
Parking Control Fees	1,250,000
Fines & Forfeitures	1,000,000
Gross Receipt Tax	906,500
Vehicle License Fees	400,000
Other	4,868,000
Total Operating Revenues	\$71,749,400
Other Revenue Sources	
Balance of Development Services Reserve	\$2,300,000
Anticipated Prior Year (2008-09) Savings	2,000,000
Cost Allocation Plan	817,900
EOC Project Savings	600,000
Retiree Medical Contributions	1,671,000
15% Reserve Req. of \$86.9 = \$13m (Current Reserve of \$14,482,700 less 2009-10 Reserve of \$13,031,400)	1,451,300
Total Other Revenue Sources	\$8,840,200
TOTAL REVENUES & OTHER SOURCES	\$80,589,600
Expenditures	
Non-Development Services (includes 20% savings target except City Attorney)	\$17,800,900
Development Services (includes 25% savings target)	6,282,100
Public Safety (includes 20% savings target on non-contract expenditures)	
Police	40,925,600
Fire Services	16,790,000
Non-Departmental	5,077,400
TOTAL EXPENDITURES	\$86,876,000
NET SURPLUS (DEFICIT)	(\$6,286,400)

General Fund Budget Balancing Solutions

Description	\$ Impact
2009-10 Projected Revenue Shortfall	(\$6,286,400)
Proposed Solutions to Overcome Deficit	
Reduce emergency/Copmtingency Reserve Requirement	
(amounts shown in 1% increments)	
14% Reserve = \$12.2m	\$868,800
13% Reserve = \$11.3m	868,800
12% Reserve = \$10.4m	868,800
	2,606,400
Public Safety: (additional proposed savings)	
Police Contract Contingency (0.5%)	182,000
Police Overtime Reduction	742,900
Fire Contract Savings	961,800
	1,886,700
Negotiated Labor Savings:	
10% Pay Reduction (4/9 36-hour work schedule)	1,361,800
Suspension of Merit Increases	160,300
	1,522,100
City Attorney's Office Savings Needed to Meet Target	134,000
Loan from Equipment Replacement Reserve	137,200
NET	<u>\$0</u>

State Budget Crisis

- \$24.3 billion deficit projected for FY 2009-10.
- Expected to implement emergency borrowing provision of Proposition 1A (2004); diverting nearly \$2 billion in property tax from local governments to State.
- City's share of property tax shift is \$2.7 million.
- Other local government takeaways expected: Gas Tax; Proposition 42 transportation funds; others.
- Potential delay in payments due to cash flow problems.
- Further impacts on local government services with expected cuts in social services and Department of Corrections.

Proposed Solutions for Expected State Takeaways

- Internal borrowing from Equipment Replacement Reserve (\$7 million balance) to offset property tax loss.
- Potential defeasance of 2007 Series B RDA bonds to offset further revenue loss.
- Proceed cautiously with State-funded projects and operating programs, due to potential diversion of funds or delay in receipt of funds.

Summary

- FY 2009-10 Operating Budget one of the most challenging in many years.
- Following two years of significant budget cuts, further and substantial reductions identified in proposed budget.
- With workforce reduction of 115 positions (26% vacancy factor), service level impacts are unavoidable.
- Budget balancing solutions presented; if some not implemented, other cost saving measures will be needed, including possible further workforce reduction.

Budget Adoption Schedule

- June 9: Receive & file budget.
- June 16: Study Session
 - Deliberation
 - Consideration of budget balancing solutions
 - Direction to staff
- June 23: Final deliberation & adoption
- June 30: Back-up Council meeting for adoption (if needed)

**DISCUSSION REGARDING BROADCASTING
OF JUNE 16, 2009 REGULAR STUDY
SESSION (Oral Discussion)**

CITY COUNCIL AGENDA ITEM NO. G5.

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CITY MANAGER'S REPORT

**(Informational Oral Presentation only –
not for Council action)**

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